

Scientific Opinion

by Prof. Dr. Yanaki Boyanov Stoilov, Sofia University "St. Kliment Ohridski University, Faculty of Law
on the competition for professor in professional field 3.6. Law (Constitutional Law) at Sofia University
"St. Kliment Ohridski, announced in State Gazette No. 65 of 28.07.2023.

Grounds for submitting the opinion: Art. 29a of the Development of Academic Staff in the Republic of Bulgaria Act - participation in a scientific jury as an internal member of a competition for a professor of Constitutional Law at the Sofia University "St. Kliment Ohridski", by virtue of Order No. RD-38-487/08.08.2023 of the Rector of University of Sofia.

The only candidate in the competition is Assoc. Prof. Dr. Martin Kirilov Belov. He has submitted one monograph, eighteen studies and five articles. Besides the noted scientific works M. Belov has enclosed a reference for the citations of his works and reference for his participation in scientific projects and conferences. The submitted documents prove that the candidate significantly exceeds the statutory minimum national requirements expressed in the relevant scientific metrics.

General characteristics of the presented scientific publications:

The thematic diversity and the large volume of scientific publications are impressive. In the monograph devoted to constitutional semiotics, in a number of studies and articles published in edited volumes, series and journals, the author explores numerous problems. Among them are: models of arrangement of the constitutional order; the rule of law and democracy in times of transitional constitutionalism, constitutional polycrisis and emergency constitutionalism; the structural adaptations of the Bulgarian constitutional order to the constitutional order of the European Union; the Bulgarian constitutional order, supranational constitutionalism and European governance; territoriality and territorial policy as public law concepts; the constitutional court as a human rights court; constitutional courts as key players in multi-level games of constitutional power: the Bulgarian case; humanism and rationalism as foundational normative ideologies of constitutionalism; constitutional memories: how constitutions remake and institutionalize the constitutional past. Most of the studies and articles have been published in foreign publications, some of which are highly reputable or indexed in Scopus.

It is not possible to fully analyze such a voluminous and thematically diverse research work in one opinion. Therefore, I pay attention primarily to the monographic work "Constitutional Semiotics (Conceptual Foundations of a Theory and Metatheory)", especially since it integrates and develops ideas, some of which were previously the subject of other publications of the author.

Commentary on the monograph:

The monograph "Constitutional Semiotics" is almost 400 pages long and contains an introduction, five chapters and references to the used literature. It is dedicated to a new problem for Bulgarian constitutional theory, and to a large extent for Bulgarian legal theory in general. The research is multi-faceted and multi-layered. The author has stated and generally defended his ambition to substantiate a theory of constitutional semiotics that also serves as a meta-theory of constitutionalism.

In an unconventional way, I bring to the fore in my opinion the concluding part 8 of the last chapter V - "Westphalian, post-Westphalian and neo-Westphalian constitutional geometry". I am doing this first because this topic is closer to me and second, because the author has reached important generalizations in it. In my opinion, this part alone is sufficient as scientific novelty, topicality of the problem and depth of its understanding to protect the applicant's claim to be recognized as a professor of constitutional law. In this fragment of the monograph, the approach somewhat differs from its predecessors in that it not only declaratively, but actually steps on a socio-legal analysis, on the basis of which the contours of semiotic signs are outlined.

The term "Westphalian" is preferred to the term modern constitutionalism. It is located within the limits of the second, more comprehensive concept with its characteristic features – state sovereignty and hierarchy of constitutional sources. In just one paragraph (on p. 370) several themes are posed: "The clear lines of authority based on the normative ideologies of popular sovereignty, parliamentarism (the central role of parliaments in national constitutional systems) and legicentrism (the centrality of laws in the system of national sources of law) which are implicitly based on hierarchy and on linear forms of legitimacy arising from the axis of subordination people-parliament-government-administration are gradually being eroded by the growth of technocracy, judicial policy-making and networked and circular forms of management". I expect M. Belov, bearing in mind his creative productivity, to develop at least some of them in the coming years.

In continuation of M. Castells' theory of the network society, I would add that modern constitutional constellations include structures through which various constitutional flows pass. Another of the important and interesting problems posed by M. Belov is that of the varieties of sovereignty - financial, humanitarian, military, etc. The question is to whom belongs the sovereignty in the various spheres, such as the financial one, since it limits the field in which the state has acted sovereignly. I agree with the author's conclusion on p. 374 that "Neo-Westphalian constitutionalism stimulates the creation of a legal infrastructure capable of supporting a polycentric global legal order." "It is therefore necessarily based on the concept of global constitutional pluralism."

Martin Belov expresses his preference for liberal-democratic constitutionalism, which is a matter of constitutional ideology. However, this does not prevent him from making an accurate "diagnosis" of neo-Westphalianism as a model of coexistence (*modus vivendi*) of different, often radically different and even mutually hostile constitutional orders. At the end of the analysis of post-Westphalian and neo-Westphalian constitutionalism, the need for a critical rethinking of the tools for creating and signifying meaning is established. This implies revealing the trends in constitutional development and the essence of the processes that affect it. However, in my opinion, this is a task that goes beyond the possibilities of constitutional semiotics, and it requires us to return first of all to constitutional philosophy, theory and semantics for its solution.

Evaluation of scientific results and scientific contributions:

Martin Belov is constantly expanding the field of his scientific interests, focusing in recent years on new approaches and areas, such as the ways and means of signifying constitutional meaning and constitutional content. I share this part of his methodology, which deploys the semiotic analysis of law, perceived as a socio-legal normative-institutional phenomenon. At the same time, "the constitution, in order to be prescriptive and not fully descriptive, is always partly detached from the sociopolitical and sociolegal context" - otherwise it could not serve to bring society and the state from one state to another. "The potential that is embedded in valid constitutional law can only be fully realized if it is emotionally impactful to people, evoking their collective understandings and beliefs about constitutional phenomena."

In his scientific research, M. Belov tries to transfer and use in the knowledge of constitutional law and constitutionalism what he has achieved in other fields of science. He has been fully integrated in the European scientific space with his participation in lectures, conferences and publications. The candidate

correctly uses scientific achievements in the areas of his research interests, citing numerous sources, mostly in English, but in his publications, as far as I am aware, I have not detected plagiarism.

The scientific contributions are numerous, so I note those I consider more significant:

- the first independent theory of constitutional semiotics was created in Bulgarian, and to a significant extent in constitutional theory as a whole;
- the point of view that not only rationalism, but also emotions can have normative significance for law, and in particular for constitutional law, is justified;
- the presence of symbolic-imaginary and visual constitutionalism among other known and studied manifestations of constitutionalism has been defended;
- supplemented by the theory of constitutional algebra and geometry are the parallels between mathematics and law that have spread over time and in some legal schools;
- attention is paid to the fact that for constitutionalism, not only the law as it is or should be, but also how it is imagined, presented, felt and experienced is important;
- an attempt was made to combine several discourses - the law in books (the due right), the law in action and the law as imagination;
- many new concepts were used and introduced, which Western constitutional theory constructed in the last one or two decades;
- a series of publications developed a theory of Westphalian, post-Westphalian and neo-Westphalian constitutionalism, which is used to explain the crisis of the rule of law in the context of constitutional transitions.

Critical notes and recommendations:

- The definition of the subject of the research would be better delimited if, already in the introduction, a parallel was drawn between the tasks of constitutional semiotics and those of constitutional epistemology and anthropology. Studies of constitutional semiotics, like those of legal hermeneutics, would enrich legal science more if they were perceived as an aspect of knowledge that complements and deepens classical constitutionalism, built on normative-institutional foundations.

- Semiotics, which deals with the various signs and sign systems for signifying meaning, would benefit if it is developed not only as theory and meta-theory, but also as an applied knowledge. From this point of view, it would be not only curious but also useful to schematically and figuratively depict certain constitutional constructions and relationships. This effort to visualize some of the constitutional matter would help in the teaching of constitutional law.

- The introduction of many concepts leads to terminological overload and raises the question of their clear definition, especially when they are in terms of similarity - for example, the relationship between constitutional architecture and constitutional design; constitutional codes and metaphors; cloud and digital constitutionalism.

- I realize that the object of research to an extent predetermines the use of specific terminology and specialized language, but this should not be at the expense of achieving conceptual clarity. Moreover, at least some of the foreign terms can easily be replaced with Bulgarian equivalents, as is the case with the notorious constitutional "narrators".

- Among other varieties of constitutionalism, the author claims that performative constitutionalism exists, which, according to him, allows the creation of a new division of constitutional science dedicated to the study of performative semiotics (p. 99), but the structure of the study lacks such a subdivision.

- I have no answer why, after the author singles out constitutional algebra and geometry, he did not reach constitutional stereometry, which places the constitutional figures in more than one plane. He himself repeatedly gives as an example the pyramid, which successfully describes the hierarchy of constitutional acts in modern legal systems.

- In places, for example, where it is unreservedly claimed that there is no objective truth (not to be confused with absolute), the research is about to leave the boundaries of the knowable.

- The achievements of science are not national, but still public knowledge more or less has a national specificity. From this point of view, it makes a bad impression that, with few exceptions, the references are only to foreign authors. The topic of the monograph is new for Bulgarian legal literature, but this does not mean that individual issues such as those about knowledge and law, about the institutionalization of law, about its determination, etc. have not been more or less considered by Bulgarian legal scholars.

The inclusion of appropriate examples in the Bulgarian edition of the book would not only bring the reader closer to the high abstraction of the exposition, but would also embed it in our constitutional reality.

Conclusion:

The monograph "Constitutional semiotics. Conceptual foundations of a theory and metatheory" Sofia, "St. Kliment Ohridski" University Press, 2022 and the other publications presented by Martin Belov for participation in the competition contain scientific contributions to constitutional theory. The critical remarks and recommendations made do not detract from the achieved scientific results, but are caused both by the novelty and complexity of the researched problems, and by the high ambitions and educational level of the candidate. Hence, the candidate meets the requirements of Art. 29, para. 1 of Development of Academic Staff in the Republic of Bulgaria Act for occupying the academic position "professor".

In accordance with the positive assessment I give to the works presented, I propose to the scientific jury that Martin Kirilov Belov should be elected to the academic position of "professor" in the field of higher education 3. "Social, economic and legal sciences", professional direction 3.6. "Law", scientific filed "Constitutional Law" at the Faculty of Law of the Sofia University "St. Kliment Ohridski".

Prof. Dr. Yanaki Stoilov