

To
Members of the Scientific Jury, established
under Order No. MA-09-514 of 26.10.2020 of
the Director of the Institute of Philosophy and
Sociology-Bulgarian Academy of Sciences
(IPS-BAS) on the defense of a dissertation work
of Ass. Prof. PhD Stoyan Andreas Stavru from
Section “Ethical Research” to the IPS–BAS

REVIEW

of Prof. DSc. Georgi Petrov Penchev
Faculty of Law at the Plovdiv University “Paisiy Hilendarski”

concerning: presented for defense of a dissertation work of Ass. Prof. PhD Stoyan Andreas Stavru for obtaining of a scientific degree “Doctor of Sciences” (e.g. “Doctor of Philosophical Sciences”) on topic “Moral Dimensions of a Property (towards justification of one “proprietary” ecology)” in area of higher education 2. “Humanitarian Sciences”, professional field 2.3. “Philosophy”, scientific specialty “Ethics” in IPS-BAS

Dear Members of the Scientific Jury,

As a member of a scientific jury, established for assessment of a dissertation work, entitled “Moral Dimensions of a Property (towards justification of one “proprietary” ecology)” by Prof. PhD Stoyan Andreas Stavru from Section “Ethical Research” to IPS-BAS under Order RD-09-514 of 26.10.2020 of the Director of the IPS-BAS, I present you my review, prepared on the ground of Art. 13, par. 2 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 41, par. 1 of the Regulation for Implementation of the DARSBA, adopted by Decree of the Council of Ministers No. 202 of September 10, 2010 (RIDARSBA – SG, No. 75 of 2010, as amended) and Art. 16, par. 7 of Regulation of the Institute for Research of Societies and Knowledge (IRSK, now Institute of Philosophy and Sociology-N.B.,G.P.) for Conditions and Order of Obtaining of Scientific Degrees and of Holding of Academic Positions (RIRSKCOOSDHAP – In: *Институт по философия и социология* [online]. [viewed 19.09.2020]. Available from: <https://ips-bas.org/%D0%BD%D0%BE%D1%80%D0%BC%D0%B0%D1%82%D0%B8%D0%B2%D0%BD%D0%B8-%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8/> Also Available in pdf from: <http://ips-bas.org/wp-content/uploads/2019/07/ППНСЗАДИИОЗБАН-окончателен1.pdf>).

1. Brief biographical data about the author of the dissertation

The author of the dissertation Stoyan Stavru has completed his higher legal education at the Faculty of Law of the Sofia University “St. Kliment Ohridski” (SU) in 2003. In 2010 he has completed a master’s degree in social and legal psychology at the Faculty of Philosophy of SU. After successfully defending of dissertations in the field of law in 2009, and of philosophy in 2015 ha obtained 2 educational and scientific degrees “Doctor” in Civil and Family Law, from one hand, and in Contemporary Philosophy, from other hand. He has taught various legal disciplines in SU and New Bulgarian University, participated in number of scientific conferences and specializations. Since 2014 and currently he works at the Institute of Philosophy and Sociology (for the period 2014-2018 – IRSK) of the Bulgarian Academy of Sciences, where successfully holds the scientific positions “assistant”, “main assistant” and “associate professor” (the last in 2018). He is an author of more than 200 scientific publications.

2. Actuality and significance of considered scientific issues in the dissertation work. Structure of the dissertation work. Opinion on the Overview

2.1. Actuality and significance of considered scientific issues in the dissertation work

The dissertation work of Ass. Prof. PhD Stoyan Stavru is dedicated to one important and insufficiently researched issue - moral dimensions of an exercise of property right in ecological context. It is well known that the problems related to property have various aspects, e.g. legal, economic, philosophical, sociological etc., but the author has focused his attention mainly to their philosophical and legal aspects. The actuality and significance of the researched scientific issues, in my opinion, is related to the big influence of moral dimensions of the exercise of various kinds of property rights on the legality and public order of each country. Besides, in our both philosophical and legal literature, there is currently a lack of interdisciplinary monographic or dissertation research, i.e. of the philosophical and legal aspects on the issues in consideration.

Ass. Prof. PhD Stoyan Stavru has demonstrated a very good knowledge of the state of the issues he is considering. He has used literary and normative sources in various languages, and this is an indicator of his very good literary awareness. In his dissertation work the comparative law and historical law methods of scientific research are used. The chosen research methodology allows the achievement of the set goals and tasks of the dissertation.

2.2. Structure of the dissertation work

The dissertation work is 318 pages long and in structural meaning consists in: lists of used abbreviations, tables and figures (pp. 7-10); “Research Framework” (pp. 11-34); Introduction (pp. 35-56); six chapters, dedicated respectively to inanimate nature as a union between the remarkable and the ethics of the home (Chapter I, pp. 58-76), microscopic life in view of pathogens, “wild” viruses and mankind without end (Chapter II, pp. 77-117), wild plants in

the context of the ethics to the “free” forests (Chapter III, pp. 118-159), genes in the context of the biological species identity and modification (Chapter IV, pp. 160-194), The Earth in terms of the ethics to future generations (Chapter V, pp. 195-235), extraterrestrial life in the context of the ethics in outer space (Chapter VI, pp. 236-249); conclusion (pp. 250-298); list of used literature, i.e. bibliography (pp. 299-318); as well as 12 tables and 3 figures as elements of separate parts of a content. The exposition in the dissertation is purposeful and meaningful. It is accompanied by separate comparisons and distinctions, justification of conclusions and proposals de lege ferenda.

2.3. Opinion on the Overview

The Overview of 72 pages long in Bulgarian and 62 pages long in English gives a very good imagination about the general characteristics and content of this scientific research, its contributions and publications (9 issues) related to the topic of a dissertation work.

3. Fulfillment of the minimal requirements (national and of BAS) for obtaining of a scientific degree from the author of the dissertation

In connection with the fulfillment of the minimum national requirements under Art. 2b, par. 2 and 3 of the DASRBA and Art. 1a, par. 1 of RIDASRBA, as well as of additional requirements of BAS, my assessment of the number of points achieved by the author of the dissertation, as defined in the appendix to Art. 1a, par. 1 of the RIDASRBA in area of higher education 2. “Humanitarian Sciences”, professional field 2.3. “Philosophy”, scientific specialty “Ethics” is as follows: by set of indicators A - at minimum 50, execution 50; by set of indicators B - no mandatory minimum, execution 100; by set of indicators C – no mandatory minimum, execution 100; by set of indicators D - at minimum 100+10 (BAS), execution 235; by set of indicators E - at minimum 100+10 (BAS), execution 110; by group of indicators E - there is no mandatory minimum, no performance, but it is not mandatory.

From the above it can be stated that Ass. Prof. PhD S. Stavru meets the minimum national requirements, as well as requirements of BAS for his admission to defense of dissertation work.

4. Assessment of the scientific contributions of the dissertation work

The scientific contributions of the study are of the category of “enrichment of the existing knowledge” and are based not only on investigation of the philosophical and legal literature and legislation, but also on the personal views of the author on investigated issues, accompanied by a number of own and original conclusions and considerations.

The following specific scientific, scientific-applied and practical contributions in the dissertation work could be highlighted:

1. original author’s differentiation of the beauty of the nature as an significant goal in environmental protection (pp. 63-68,74-76);
2. successful substantiation of the thesis about biological diversity as a national wealth (pp. 84-86);

3. successful analysis of the right of ownership on the genetic resources in Bulgaria (pp. 86-89);
4. original opinion about viruses as a kind of microorganisms (pathogenic) in the context of their benefits and harms (pp. 89-93);
5. very well-founded opinion on the introduction of restrictions on ownership in order to protect of plants (pp. 129-130);
6. very successful analysis of the moral and legal aspects of biotechnology, i.e. genetic engineering (pp. 162-165);
7. original proposal for “crimes against future generations” as a kind of crime under international law (pp. 205-208);
8. original author’s concepts about legal personality in the benefit of future generations of natural resources, of mankind as a whole, of the planet Earth (“Mother Earth”) (pp. 211-219);
9. original proposal de lege ferenda for a new kind of concession, namely “concessions for natural processes” in order to maintain the natural resource (pp. 223-224);
10. original concept about ethics in extraterrestrial space (pp. 236-249);
11. in the conclusion a valuable and useful conclusions from investigated legal regulation and analyzed literature are made (pp. 250-298);
12. the author has compiled 12 tables and 3 figures at a very high level to illustrate the relevant problems, which have important theoretical and practical significance.

5. Assessment of the publications to the topic of dissertation work

The author of the dissertation has presented 9 publications related to the subject matter of his dissertation work, among them 1 monograph and 8 articles. The monograph is “Things in natural state. Property and liability for damages in the context of Art. 50 of OCA”. Sofia, Ciela, 2020, 318 pp. The articles are: “Right to property and nature use right – distinction and ratio”. – Contemporary Law. Sofia, 1997, № 2, pp. 43-59; “The rights of Nature – in the midst of ecological eschatology and legal theory?” – Sociological problems. Sofia, 2016, № 1-2, pp. 146-166; “Solidarity and the limits of rights – are the rights of nature possible?” – In: Morality and ethics of solidarity of modern society. Sofia, Solidarity Society Foundation, 2016, pp. 341-354; “Sandra, Animals and the future of rights”. – Ethical research. Sofia, 2017, Vol. 2, № 5, pp. 8-53; “Towards an impossible microphysics of law (of property)”. – In: Nedev, D. Legal effect of primary ways of acquiring real rights. Sofia, Ciela, 2017, pp. 17-48; “On viruses – with love (?) – biodiversity as a challenge to bioethics (the Bulgarian context)”. - Ethical research. Sofia, 2020, Vol. 5, № 1, pp. 3-26; “Protection of inanimate nature: the union between beauty and environmental ethics”. - Ethical research. Sofia, 2020, Vol. 5, № 2, pp. 84-112; “The agrarian reflux: socialist property and agricultural land in PRB”. – In: Stories and narrators. Philosophy, law, literature. Special edition for the anniversary of Prof. Stiliyan Yotov. Sofia, PH “Critique and Humanism”, 2020, pp. 191-208.

These 9 publications successfully reflect a number of analyses and opinions of the author, embedded in certain parts of his dissertation work.

6. Reflection of the scientific publications of the author of the dissertation in the Bulgarian and foreign literature

There is a very good level of reflection of the scientific publications of Ass. Prof. PhD S. Stavru in the Bulgarian literature. Seven of his scientific articles have been quoted in legal journals, and his monograph “Things in the Natural State: Property and Liability for Damages in the context of Art. 50 COA”, Sofia, Ciela, 2020, 318 pp. is subject of review in two authoritative scientific journals in the field of the legal and philosophical science, respectively “Legal Thought” (No. 2 of 2020) and “Ethical Research” (No. 5, Iss. II of 2020).

7. Critical remarks and recommendations

Some critical remarks and recommendations can be addressed to the dissertation work.

7.1. Critical remarks

1. The use of the word “regulations” (e.g. on pp. 16, 17 and 40) could have been avoided and instead of it to be used more established legal terms, such as “normative acts”, “legal regulation”, “provisions”.

2. The “Research Framework” identified by the author as an independent Part of the dissertation had to appear in the introduction, and the terminological clarifications regarding to the property in the introduction could appear in the first chapter of the dissertation.

7.2. Recommendations

1. The scope of the introduction (21 p.) as well of the conclusion (48 p.) is too long. It would be better for both parts of the dissertation to be reduced up to 10-15 pp.

2. It was not necessary for the title of each chapter to be on a separate page without text below it.

7.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the dissertation work

The pointed out weaknesses, however, do not diminish the significance and usefulness for the theory and practice of the proposed for defense dissertation work. It is written clearly, understandably, logically and is read with interest. It fills a gap in our philosophical literature in investigated field. These critical notes are intended only to help the author in case he decides to continue his creative efforts on this issue and to publish his dissertation as a book.

8. Personal impressions from the author of the dissertation

My personal impressions from the author of the dissertation are very good. Ass. Prof. PhD Stoyan Stavru has the necessary business (professional and organizational) and moral qualities both to exercise of his scientific research activity in IPS-BAS and for teaching activity in the law faculties in the country. He strives to be polite, attentive and correct to his colleagues scientists and practitioners. At the same time he demonstrates remarkable creative activity with a large number of publications in the field of the law and philosophy, and

also created and maintains his own website “Challenge the Law!” (<https://www.challengingthelaw.com/>) where there are published interesting and useful materials for legal science and practice. In addition, I think that outstanding contributions of the dissertation and the results achieved are a personal merit of Stoyan Stavru. He correctly quoted the relevant sources below the line – a circumstance that excludes the presence of plagiarism.

9. Conclusion

Finally, based on the above:

1. In conclusion I declare that the dissertation work “Moral Dimensions of a Property (towards justification of one “proprietary” ecology)” fully meet the requirements of Art. 12, par. 3 and 4 of DASRBA and Art. 37 of RIDASRBA for obtaining of a scientific degree “Doctor of Sciences” (e.g. “Doctor of Philosophical Sciences”). At the same time, Ass. Prof. Stoyan Andreas Stavru meets the requirements of Art. 12, par. 1 in connection with Art. 2a of DASRBA, Art. 35 of RIDASRBA, and Art. 10, par. 1 and Art. 18, par. 1 of RIRSKCOOSDHAP.

2. I give, on the ground of Art. 13, par. 2 in connection with Art. 10, par. 1 of DASRBA and Art. 41, par. 2 of RIDASRBA, a positive assessment of the above dissertation work.

3. In connection with the pointed out, I suggest, on the ground of Art. 13, par. 4 of DASRBA and Art. 43, par. 1 of RIDASRBA, to the Scientific Jury, established under Order RD-09-514 of 26.10.2020 of the Director of the IPS-BAS, to give to Ass. Prof. PhD Stoyan Andreas Stavru a scientific degree “Doctor of Sciences” (e.g. “Doctor of Philosophical Sciences”) in area of higher education 2. “Humanitarian Sciences”, professional field 2.3. “Philosophy”, scientific specialty “Ethics” at the Institute of Philosophy and Sociology – BAS.

Sofia, 12.11.2020 г.

With respect: (s)

(Prof. DSc. Georgi Penchev)