

REVIEW

From D.sc. Stilian Yotov, Professor at Sofia University

on the dissertation of Assoc. Prof. Stoyan A. Stavrou, PhD

MORAL DIMENSIONS OF OWNERSHIP IN ENVIRONMENTAL TERMS.

(TOWARDS A "PROPRIETARY" ECOLOGY)

for obtaining the scientific degree of Doctor of Sciences – D.Sc.

(professional field 2.3., scientific specialty "Ethics")

Stoyan Stavrou's dissertation has a volume of 318 pages, accompanied by a detailed and adequate to its content abstract. A total of 9 publications have been made on the topic of the dissertation, one of which is a book. Which shows that the scientific community is familiar with the theses and the results of the study. The candidate's own assessment of the contribution moments in it is honest and well founded.

Stoyan Stavrou's research is dedicated to a central problem in ethics – the rethinking *of objects that deserve to be attributed and recognized moral status; of the extension of the moral perspective* in favor of living beings and non-human systems that possess their own, intrinsic value. In this sense, the project is placed in the broader contexts, on the one hand, of modern environmental challenges, on the other hand, of the moral relevance of the properties of the world around us.

The intertwining of these two lines is known to have led to theoretical and even practical proposals for respecting (to some extent) the legal personality of beings other than humans. The original solution proposed by Stavrou is with the help of the legal institute of property – hence the advanced model of "proprietary" ecology. The key point here is the derivation of *moral and environmental obligations, complementing the classic entitlements in the volume of ownership*. This claim, of course, is a revision of the classical conception of property as a threefold attitude of: abrupt *exclusion* of others from the circle of those having access, admissibility of basic *arbitrariness* in the exercise of power over things treated entirely as *external and ontologically different* from humans. And if in the twentieth century – both in theory and in practice – there were tendencies that "softened" the moments of exclusion (of subjects) and arbitrariness in relation to (objects) of property, the external nature of things are either preserved or was elevate in rank, bringing it (too much) closer to that of human.

Stoyan Stavrou's dissertation draws another, intermediate path, in which a decisive role falls on life, inherent in the surrounding world of man, permeating individuals and species, living systems at different levels of self-organization and interaction. At the same time, this bio-and-ecocentrism in the ethics he defends does *not require (inevitably) the attribution of rights, but the recognition of a non-instrumental value*, which corresponds to *obligations* to comply with it, to preserve its bearers and even to respect them. That is why the ambitious program does not look utopian, but rather realistic.

This realistic pathos is very well, in detail and reasonably protected. Given the "genre" of the standpoint, I will pay attention to two points in the chain of evidence in the dissertation. The first concerns the formulation of the question, I would say, the extended and holistic phenomenology of

property. The second is related to the revisionist reading of classical theories of private property from the New Age, largely valid to this day.

1. Towards a holistic attitude towards property.

Chapter one of the dissertation intentionally and on good grounds does not include the topic of living beings in property; it is dedicated to inanimate nature. In the modern life of civilized nations, leading an urbanized way of life, the attitude to these things is broken, mediated by the normative network of laws regulating the limits of permissible behavior through the typology of "territories" and "infrastructures". This context, in which the things are placed and considered, not only draws boundaries in front of arbitrariness, but also requires the treatment of single things in relations with each other. Which makes me define Stavrou's approach as holistic, and this is already a revision of the traditional conception of property, which depends mostly on the possibility of divisibility, of the independent existence of the thing. This approach emphasizes more strongly and differently the purpose that we see and define in things, linking it to their use in the context of systems. Even if this is not a permanent and universal attitude of the legislation, today it is present and shared by (probably) all modern countries. In a national context, it is embodied in the *Spatial Planning Act* (SPA).

Holism allows Stavrou to discover another dimension in the phenomenology of things. It reveals a different, non-instrumental attitude towards them, which the modern legislator has also taken into account, but not in the context of the "territory", but of the "landscape". The same inanimate nature is managed differently in its quality as a territory and as a landscape. This dual existence of the systems in which the individual thing is included, regulates a different way of treating it as property. There is no doubt that the rules of the landscape recognize the existence of a (primitive) non-instrumental attitude to inanimate nature and define (conscious) obligations to preserve it in volume and form, so that it continues to function precisely as a landscape and not as a territory.

Both Stavrou's descriptions and reflections on this subject reveal his erudition in the field of positive law and philosophical ecology. Nevertheless, they confirm his ability to combine these scientific dimensions, to confront them, and to draw fruitful conclusions from it. Nor does this approach preclude a retrospective view of the dawn of law, when it – however emancipated – was, if not connected, then at least accompanied by ritual practices. Moreover, these practices were not just instrumental, pleading with inhuman forces and comforting human helplessness. Through them, a specific mode of human existence has been realized, which has given due to what one cannot and, most of all, should not dispose of. The inherent aestheticism that Kant says is an experience in the subject of contemplation as "purposiveness without any definite purpose" has found its legal equivalent in the modern idea of regulating landscape management.

The whole dialectic, which the first chapter of Stavrou's dissertation reveals, turns out to be a model and the engine for the continuation of the study of property in the sphere of life, but mostly in hidden fields and border areas, in unknown micro- and macro-relationships and in the dependence between species, in the consequences and side effects of the domestication of animals (and plants), on the new and non-existent contacts between populations, species and ecosystems, on the reassessment of the benefits and harms of inhuman to human life. Instead of emphasizing the polarized difference between reason and inanimate nature, which is a prerequisite for the opposition of "persons and things" in law, Stavrou draws attention to the hinge between them, to life, which requires a different approach and gradation of the transition. In this way, the moral relevance of properties in the surrounding world that previously seemed neutral stands out.

2. Towards a revision of the content and functions of the concept of "ownership".

The direct consequences of the new initial attitude towards property proposed by Stavrou are its idea of defensive protection (inviolability) and its integrative regulation in favor of many subjects (public, pluralistic and trans-generational access), as well as the clarifying (re) definition of "management". "As an obligation and a right known from the Bulgarian legislation. (Other consequences, such as cultural property, for example, or "universal and national wealth", are not so new, but in the dissertation, they receive a new interpretation.)

It is remarkable that in their support Stoyan Stavrou offers a new reading of classical theories of property. *First*, both in his dissertation and in many of his other publications, Stavrou argued that property should be seen as a *resource* rather than a bodily object. (After all, we live in an information age.) A direct consequence of this is the addition of the moment of exclusion in the right of ownership with opportunities for inclusion, with a stronger emphasis on the use as a property right. *Second*, the dissertation contributes to the awareness of *responsibility* as an inherent moment of property rights. Unfortunately, this emphasis is not present as a principle in Bulgarian civil law, although it is present elsewhere. A direct consequence of this reading is the critique of the common understanding of property as arbitrary or as a free agreement for the treatment of things. Along with strengthening the objective criteria for permissible use, Stavrou opens the horizons for, I would say, a *communicative interpretation of property*. (At one point, J. Bantham says that property is the basis for certain expectations.) *Third*, this in turn culminates in the unmasking of the ideology that turns property into an element of a process of *commodification* of the world. (Let us not forget that Stoyan Stavrou is a leading scientist in the field of bio-law.)

Against this background, *fourthly*, the dissertation defends the thesis that the institute of property *intertwines three types of interests* – legal, economic, but also philosophical, including moral. In addition, these interests are dynamic. (Such as the so-called sustainable development.) In other words, a proprietary ecology is not only a possible but also a (timely) *response to a conscious interest* at the beginning of the new millennium, in the face of both new pandemics and the chance to access new space resources.

Naturally, Stavrou's project stands against heaps of traditional points of view, of which ownership is a matter of initial conquest, labor, merit, or an emanation of naked economic interest. Nevertheless, it does not share positions such as that (in the style) of Hegel, according to whom it was through the domination of things that the subjective superiority of human stood out. Between these Scylla and Charybdis, he still relies on the connection between property and freedom, but he sees freedom itself as the recognition of other people's freedoms and respect for intrinsic values. I will not miss and I will especially note that for all their risk, even the tables in the conclusion (from the 10th to the 12th) illustrate a well-thought-out typology of the possible explanatory models of the classical approaches. Moreover, of course, they are accompanied by an appropriate comment. Due to this, it is necessary to conclude that – at a basic level – property is *both an external protection* from foreign interference and an *internal condition for arbitrariness* against the owned property. At the second level – with the help of (subjective) *rights* – it receives *additional (judicial) protection*, but also *management*, I would say, in an *interactive mode* – e.g. the so-called "limited property rights. At both levels, however, property retains its meaning of instrumental activity, the limitations of which are: the available resistance of the property and its usefulness. Thanks to Hume's original reading, Stoyan Stavrou relies on the path, existence and "sense" of this thing to be interpreted in the contexts of: own and foreign, current and future interests, conditions for reproducibility and

destruction, degrees of danger and safety, types of purpose - in the range between pragmatic and ethical (including aesthetic) use. Ultimately, in the project, anthropocentrism does not disappear, but is complemented by a sense of perceiving non-instrumental (as if objective) values in things that are not a projection of our (mostly subjective) evaluations. In a sense, the accepted ecology seals the hypothesis expressed in the fiction with the expectation "if they could speak".

Given the listed merits of Stoyan Stavrou's dissertation, the depth of knowledge in the field of his research and his ability to analyze them philosophically and interdisciplinary, as well as the originality and realism of their conclusions, I give my positive opinion and unequivocally believe that the Jury should to award him the scientific degree of "Doctor of Sciences".

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(Prof. Stilian Yotov)