CONTRIBUTIONS REFERENCE

for contributions in scientific publications
of Assoc. Ph.D. Stoyan Stavru

theme of the competition: *Ethics and regulations*

Monographs

The monograph "***Compensation for non-material (moral) damages in Bulgaria in the context of the mandatory "civil liability" insurance of motorists***" was issued in 2020 and is related to the application of the main philosophical category "justice" in the practice of the Supreme Court of Cassation when determining the amount of compensation for non-material damages. According to the provision of Art. 52 OCA (Obligations and Contracts Act) compensation for non-material damage is determined by the court in equity. This short legal text creates several difficulties in law enforcement, as it tries to work with a primarily philosophical and its own ethical concept, such as justice, turned into a very pragmatic tool for weighing specific monetary amounts in view of the suffering suffered by the injured non-material, in this number and moral damages. An expression of these difficulties are the multitude of interpretive decisions and rulings issued not only by the Supreme Court of Cassation (the general meeting of all collegiums), but also by the Supreme Court of the People's Republic of Bulgaria that existed before it. Among the interpretive acts in this direction can be mentioned: Resolution No. 4/25.05.1961 of the Plenum of the Supreme Court, Resolution No. 5/24.11.1969 of the Plenum of the Supreme Court, Resolution No. 2/30.11.1984 of the Plenum of the Supreme Court, Resolution No. 4/23.12.1968 of the Plenum of the Supreme Court, Interpretative Decision No. 88/12.09.1962 of the General Committee of the Supreme Court, Resolution No. 17/18.11.1963 of the Plenum of the Supreme Court, Resolution No. 17/ 18.11.1963 of the Plenum of the Supreme Court, Resolution No. 17/18.11.1963 of the Plenum of the Supreme Court, Interpretive Decision No. 4/29.01.2013 according to interpretation No. 4/2012 of the Supreme Court of Cassation, Interpretative decision No. 1/21.06.2018 according to interpret. No. 1/2016 of the Supreme Court of Cassation. Even the mere listing of interpretative acts dealing with non-material (moral) damages and the problem of how to compensate them through the concept of justice (just compensation) testifies to the serious challenges that the expression "determination by justice" used by the law has posed and continues to pose before the Bulgarian judges.

In the theory, various studies have been made on the content and features of the concepts of "justice" and "moral damages" in the context of regulations related to tort, and they were most often related to specific problems, examined predominantly through a legal perspective. In the monograph "Compensation for non-material (moral) damages in Bulgaria in the context of the mandatory "civil liability" insurance for motorists" a systematic view is offered on the mentioned two concepts, which have a markedly ethical character and have been used by the Bulgarian legislator for more than 70 years as main regulatory tool in compensating some of the most specific damages, such as moral damages. In this analysis, the specific regulatory context in which these concepts are used is fully accounted for and considered. One of the assumptions of the monograph

is that precisely because of the "exdisciplinarity" (externality) of the concepts, their use to achieve quite pragmatic regulatory effects is often met with suspicion (concerns about blankness of the concepts, allowing judicial arbitrariness) and strong underestimation (attempts to reduce of concepts and turning fairness into a price list formatted as a table). The attempt of the monograph is to rehabilitate the ethical content of the concept of moral damages by examining its metamorphoses not only in the existing regulations in Bulgaria, but also in the various strategies for its enforcement in the practice of the Supreme Court of Cassation. The "grounding" of the research to the specific problems arising in the process of implementing the regulations is ensured by focusing the theoretical analysis on the practice of the Supreme Court of Cassation for the period 2013-2019.

The relevance of the study is related to the obligation of the Bulgarian state to create a methodology containing criteria and instructions regarding the method of determining the amount of compensation for non-material (moral) damages. This obligation was explicitly introduced into the Bulgarian legislation with the adoption of the provision of Art. 493a of the IA (Insurance Act 2015), promulgated in SG No. 101 of 2018 and entered into force on 07.12.2018. In fulfilment of the legal delegation thus assigned, a large-scale interdisciplinary study was organized to prepare and present a draft methodology. The author of the monograph was a leading expert in this national study in the part concerning the legal and philosophical nature of the terms used in Art. 52 OCA concepts of "justice" and "non-material damages", as such the process of demoralization of "non-material damages", which were once explicitly indicated as "moral damages", but in the Obligations and Contracts Act adopted in 1951, is particularly interesting were "hidden" behind the broader and ethically neutral concept of "non-material damages". Despite this terminological "hiding", the ethical content of "moral damages" continues to be visible in the practice of the Supreme Court of Cassation, challenging the philosophical knowledge of the current Bulgarian judges.

Stoyan Stavru is a leading expert in the project "*Preparation of a draft Methodology for determining the amount of compensation for pecuniary and non-pecuniary damages as a result of bodily injury to an injured person and for determining the amount of compensation for pecuniary and non-pecuniary damage to an injured person as a result of the death of an injured person*" (2019 – 2020), organized by the Guarantee Fund (GF) and specifically concerning the creation of a methodology for determining the amount of non-pecuniary (moral) damages by pragmatizing the concept of "justice".

Contributions:

- the monograph represents the first comprehensive in-depth study of moral (non-material) damages in Bulgaria, considered both as an object of legal regulations and as a sustainable challenge in the process of law enforcement;

- the monograph combines in an original way the specialized technical-legal approach to the issues of moral damages with the theoretical-philosophical dimensions concerning the concept of justice;

- the monograph analyses in detail and summarizes, structured according to a common standard, 181 acts of the Supreme Court of Cassation, issued in the period 2013-2019, which are classified into two main groups: moral damages that occurred as a result of bodily harm, and moral damages that occurred upon the death of a relative (child, parent, spouse and other relative);

- the monograph carries out a historical analysis of the evolution of the existing regulations in Bulgaria regarding the compensation of moral (non-material damages), tracing the interdisciplinary interaction "ethics-law" through the pragmatization and transformation of the concept of justice into a tool for calculating monetary compensation;

- the monograph introduces and problematizes the issue of the so-called "moral patrimony", in its two parts: social and affective, revealing the connections not only between ethics and law, but also between ethics and psychology (in so-called "mixed moral damages"), outlining the importance of these interactions for existing legal regulations;

- the monograph explains and describes that minimum threshold of intensity, after exceeding which moral suffering from a purely subjective phenomenon acquires the legal meaning of non-material damages and causes the application of legal regulations leading to the emergence of legal claims for their compensation (a kind of legal "escalation" of the ethical relevance);

- the monograph presents the nature of that kinship, emotional and mental relationship that must exist between two persons in order to assume that causing the death of one of them (as a result of wrongful injury) leads to the occurrence of those non-material in nature damages that require legal compensation;

- the monograph examines and defines the legally relevant relationships in determining the subjective scope of the claim for non-material damages upon the death of a loved one, explaining various ethical considerations which, on the one hand, should take into account the moral significance of closeness between people, regardless of the lack of kinship or marital relationship between them (allowing the possibility of a wider circle of close persons to legally claim the moral damages suffered by them), and, on the other hand, they should take into account the moral inadmissibility of unjust enrichment (preventing the death of one person from becoming source of income for another person).

Studies and articles

In view of the topic to which they are dedicated and the tasks they pursue, the scientific articles and studies with which applications are made in this competition can be divided into three groups: a) scientific publications that examine the issues of legal personality: how and what basis of what criteria the moral and legal status of a subject of rights and obligations is recognized in an era surprising with its scientific and technological achievements; b) scientific publications that investigate and problematize the issues of legal capacity: how and based on what criteria the legal relevance of a person's will as an expression of his freedom is recognized; and c) scholarly publications that focus on ethical issues related to climate change, biodiversity loss, and the need to create new frameworks in which notions of community, property, and freedom are redefined in a broader ecological context. It is this thematic (and not formally chronological) criterion that is used below in the presentation of the contributing moments in the specific studies and articles.

Rights holders: the ethics and regulations of legal personality (2 studies and 3 articles)

The topic of the moment of acquisition of the quality of a "legal entity" is a major issue discussed in "***The Beginning of the Human Body and Pregnancy***". The exposition focuses on the question of the legal significance of the living human body beyond the question of legal personality. As a rule, the quality of "legal subject": bearer of legal rights and obligations, is granted to every living human being, as such is considered every born living human body ("everyone" from the moment of his birth in the sense of Article 1 of the Law for individuals and family). After all, the definition of a legal entity goes through the concept of a born living human body. However, it turns out that there are cases in which the human body is alive but is not recognized as a legal entity. Two such cases can be pointed out: the living human body before birth and the living human body after brain death has been established. To analyse the mentioned cases, a number of biological and legal concepts defining the discussion have been defined. It is indicated that in the period of pregnancy - between conception and birth, two parallel interactions can be outlined: an interaction between two bodies, one of which (the conceived) is constituted precisely as a result of this interaction (this interaction takes place as a biological fact) , and an interaction between two human beings, one of which (the conceived) is denied precisely because of the inconvenience of this interaction (this interaction is deleted as a result of legal annulment). Technology is changing these interactions, now providing control over both fertilization and conception. They allow the selection of the specific gametes to be fertilized, as well as the selection of the specific embryos to be transferred into the woman's body for implantation. Tomorrow's technologies also promise the possibility of not only conception, but also the wear and tear of the foetus in an artificial womb. All these current and upcoming possibilities raise several ethical questions about the process of "giving" or "absorbing" legal personality, including in the specific case of the brain death of a pregnant woman.

The article "***Our memory is our fortress: biological and digital memory in a battle for the subject!***" examines the importance of memory for the existence and recognition of subjectivity as an agent (subject) of socially meaningful interactions. The focus is on tracing the difference between the biological and digital "format" of memory, as well as the implications of people's increasing reliance on digital over biological memory. Biological memory turns the personal past into a fundamentally intimate experience, while digital memory treats it as an "objectively" existing record subject to copying and analysis. digital memory Digital memory turns out to be one of the most important digital assets of any subject: an asset that preserves the identity of that subject and can perform substitute and representational functions in cases where current subjectivity fails to produce a sufficiently stable subject. Thus, in addition to being a kind of backup of the subject, the digital archive of his past also offers a shortcut to the present of this subject. It can be used to delineate and assemble the subject as a will "on the spot": within the framework of the situation that has arisen, despite certain impossibilities and deficiencies in its existence. What the human psyche cannot provide "from the inside (out)", digital memory offers to be realized "from the outside (in)". These processes of digitization of the "Self" constitute a serious reduction of the moral concept of personhood and pose several ethical questions regarding the delineation of the new boundaries of subjects and the means of protection related to their inviolability.

The study "***The robot - the new "Other" in the interstices of law***" is dedicated to the big new "Other" of our time: the robot and artificial intelligence. With the development of

technologies and the creation of "smart" things that follow a set algorithm but achieve a previously unknown result (through the so-called "deep learning process"), the question of technological otherness occupies more and more central to ethical and legal discussions. The article presents some of the questions surrounding the legal status of robots, requiring a moral understanding of their specific otherness in the context and of the more general issue of intelligent things. Robots stand in the intermediate zone between the human and the non-human, which technologies fill with "subject-object" hybrids, provoking established legal canons and existing in the various excesses of the moral concept of otherness.

Special emphasis is placed on the "embedding" of law in smart things, stating that the introduction of a new, "normative" dimension in the things themselves is favoured by the process of the so-called "homogenization" of things, characteristic of the era of mass production in which we live. The creation of a specialized technological infrastructure for law requires rethinking the concept of "sources of law". The new sources of regulations are no longer documents accepted by certain state bodies, but (de)materialized artifacts standing in the middle of reality (the so-called "tacit law" or "environmental law"). The technological infrastructure of law built into things "in real time" analyses all relevant information (i.e., it will ascertain and collect all legal facts provided for today in the hypotheses of the applicable legal norms) and based on the analysis carried out in this way executes the most correct decision (i.e., will directly realize the legal consequences required as due conduct by the disposition of the applicable legal norms).

The reason for the studies "***Electronic persons - new "uses" of legal personality***" is the Resolution of the European Parliament of February 16, 2017, containing recommendations to the Commission regarding civil law norms for robotics (2015/2103(INL)). In its item 59, the European Parliament (EP) calls on the European Commission to assess the impact of its future legislative instrument on the regulation of liability for damage caused by robots, by studying, analysing and evaluating the effect of all possible legal solutions, including (b .“e”): the possibility of creating a special legal status for robots in the long term, so that at least the most advanced autonomous robots can acquire “the status of electronic persons responsible for compensation for any harm they may cause”. and the possibility of implementing "electronic subjectivity for cases where robots make autonomous decisions or otherwise interact independently with third parties". The study focuses on the question of the ethical and legal principles that the European Parliament uses to draw the line between subjects and objects of law according to the civil law norms of robotics.

A recent study attempts to offer a seemingly surprising but proven in its effectiveness source of resources that can be used in the regulation of legal personality. The text of "***The Last Judgment over the text in law (two "literary" vectors to the good judge and the successful prosecutor)***" aims to sketch and experiment with two different approaches to the profession of judges and the profession of prosecutors, considering some successively denied in law their particularities. Unlike the dogmatics of legal doctrine, the audacity of literary plots allows us to say more and what is said has greater depth, i.e., to contain more contradictions. It is in this context, and in the second part of the exhibition: and with the help of a specific literary work ("Accident. A Still Possible Story" by the Swiss dramatist, novelist, poet, essayist, and artist Friedrich Durrenmatt), two new gaps are revealed, through which we can look beyond the togas of the good judge and the good prosecutor.

Regardless of the existence of different interpretations, and perhaps because of this, the good judge and the good prosecutor can hardly be described without the construction of a narrative - not just an autobiographical account of them as "good" professionals and people, but also a meta-narrative about the narrative they tell of the law they apply and continually renew. If the judge's account is primarily concerned with law (whose meaning can shift over time), the prosecutor's account is more concerned with facts (whose meaning is determined by the accused's confession as an act of reverence). In both cases, however, storytelling skills are key to practicing the respective profession. The study's conclusion is that literature can be a specific source of resources through which regulations can address both existing and new technologically generated challenges to legal personality issues. Literature for lawyers can be not just a side activity for free time, but a main content in the activity of interpreting legal texts. And the harder it is for jurists to admit this, paradoxical or not, the stronger the literature will be in their texts.

Contributions:

- this group of scientific studies and articles meet the challenges that the development of technology poses to ethics as a regulator of relations between people in recognizing the moral significance of certain agents and behaviours;

- this group of scientific studies and articles expands and enriches the ethical debate on the "otherness" of the robot and artificial intelligence, proposing possible regulations for its inclusion in legally relevant interactions;

- this group of scientific studies and articles indicate the importance and the need to protect the so-called "digital assets", also related to the concept of digital memory and the expansion of the morally significant boundaries of the human person in the digital environment.

Dimensions of freedom: ethics and regulations of capacity (5 studies and 2 articles)

The study "***Is there an alternative to interdiction as a legislative approach to the incapacity of natural persons?***" focuses on the relationship between prohibition and identity, as well as on the possible tools for respecting the authentic will of people with disabilities, including protection measures, support measures, last power of attorney, prevention measures, Odyssey agreements, incapacity negotiation and other forms of privatization of incapacity.

The criteria for personal identity can be divided into two main groups: objective and subjective. Objectives are the biological and interpersonal criteria, which use an external reference to justify the existence of the person and his identity over time: the presence of a continuing and continuous in time corporeality (biological criterion) and the presence of continuing and continuous social interactions (interpersonal criterion). However, both criteria do not rely on the complete preservation of corporeality/sociality, but on their fixation from the gaze of others (community). It is others who "maintain" the identity of the changing body and social interactions by consolidating the changes into a personal identity. Although the process is dynamic, the personality is "stabilized" through its ascribed identity over time. In this sense, the two criteria are distinguished as an application of the attributive approach in determining personality, according

to which personality is a quality that does not actually exist but is attributed. It is established as a fiction and is used as a tool to achieve certain socially significant results, mostly related to ensuring security and predictability of social interactions. It is this process of creating and attributing a 'face' to the otherwise dynamic and ever-changing individual for the purposes of social interactions that is referred to as 'o-face-making'.

Subjective are the psychological and narrative criteria, which use an internal reference to justify the existence of the person and his identity in time: the presence of a connected and continuous consciousness in time (psychological criterion) and the presence of a connected and continuous narrative (narrative criterion). Both criteria, however, do not rely on complete coincidence of consciousness/narrative in time, but on its integration by certain subjective processes of the self. A person "self-preserves" his identity by interpreting and ordering changes in his experiences and in his life in general. Although a dynamic process, the personality is "stabilized" by assimilating what is happening as parts (fragments) of a whole, united by memory or by the narrative constructed by the personality. In this sense, the two criteria are distinguished as an application of the constructivist approach to the definition of the personality, according to which the personality is a creation of itself, a construct of certain psychological or interpretive subjective processes. It arises as an authentic result of the individual's functioning as a set of related psychological and interpretive processes. It is this process of continuous self-constitution, whether through memory, through intervening psychological connections, or through a connected narrative, that is designated as "self-actualization," which is "registered" in law as "personal freedom."

As an alternative to prohibition, a legal regime has been proposed, which provides the opportunity for persons with mental difficulties and mental disorders to preserve their personal identity (continuity, connectedness) even during the periods in which they experience difficulties in formulating and expressing their authentic will. This means respecting and providing legal means for the relief of psychological, narrative, and interpersonal criteria of identity. It is such a rehabilitation of the indicated criteria of continuity invalidated by the ban that a system of diverse and flexible support measures can be offered.

A continuation of the theme of the need for an ethical rethinking of interdiction as a relation to the other who "can't mind his own business" is the studio "***The Promise 2020: Laws for Those Leaving Omelas***". The article summarizes the main issues raised in the new regulations, with which at the end of 2018 and the beginning of 2019, the Bulgarian legislator proposed legal solutions to some of the problems of people with disabilities. Unfortunately, the search for these answers was not a legislative initiative, but a reaction to the "mom protests" that lasted almost all of 2018. As a result of these protests, three laws were adopted: Law on people with disabilities: promulgated in SG, no. 105 of 18.12.2018, in force from 1.01.2019; Law on personal assistance: promulgated in SG No. 105 of 18.12.2018, in force from 1.01.2019; and Social Services Act: promulgated in SG No. 24 of 22.03.2019, effective from 1.01.2020. The postponement of the effect of practically the most significant of the three laws: the Law on Social Services, for the beginning of 2020 is the reason for the proposed legislative decisions to be referred to as "The Promise 2020 ". An analysis is made of the new subjects around which social services are organized and the state's efforts to ensure the protection of the rights of people with disabilities, emphasizing the regulatory lines that pass through the everyday lives of people with disabilities. It is concluded

that the regulatory foundations of the reform in the treatment of people with disabilities have been laid. However, whether these foundations will be used effectively to achieve a new visibility and a new everyday life for people who experience difficulties in overcoming social barriers in their attempts to participate fully in community life: this is a question that the application of the new laws will still give (most likely different) answers.

The article "***The New Staff of Management: Care and Its Routine***" explores one of the ethically preferred alternatives to incarceration when it comes to disabled and elderly people who experience difficulties in coping with their daily lives. The progress of modern medicine and the achievements of modern technology have led to a rapid increase in the length of human life and to the gradual chronification of diseases. From a special charisma available to the few elders who have achieved the miracle of longevity, old age has become a typical gerontological problem that requires advance planning and expert management. From a supreme test of "life and death" that can explode "from the inside" the biography of each of us, the disease is reduced to regular visits to schedule specialists, being an integral part of the calendar of every self-care you are human. The displacement of the death line opens up many new spaces for care, which becomes professionalized and bureaucratized. The routinization of the process of providing support led to the birth of social services as an important part of the tools to achieve the ideal of the welfare state, but also raised several new philosophical and ethical questions, problematized in the exposition of the article.

In the article "***Administrative law, the problem of "will" and do we get the rights wrong***" published in English, the two main regulatory approaches are distinguished: a) the general permissive principle: everything that is not expressly allowed is prohibited (public law) , and b) the general prohibition principle: everything that is not expressly prohibited is permitted (private law). In the first approach, imperative legal norms are decisive: prohibitions and orders that unequivocally impose certain behavior on their addressees. It is in this approach that one can find the closest approximation to John Austin's definition of law as a command of the sovereign addressed to his subjects. In the second approach, dispositive legal norms are leading: proposals for possible legal regulation, which leave free spaces for negotiation. It is in this approach that law is a negotiated transition between legal subjects from a natural state - be it a state of continuous "war of each against each" (Thomas Hobbes, Paul Holbach) or a state of uncertainty in property and freedom (John Locke, Denis Diderot, Jean-Jacques Rousseau, Immanuel Kant), to a state-organized society. The inflexibility of legal norms in public law contrasts with the flexibility of legal transactions in private law. In this context, the opposition between "will" and "interest" is examined, stating the following: if the will of the person should be decisive in civil law (for example, in the legal system of (in)capacity, where instead of erasing the legal significance of the personal will (prohibition) the legislator should offer a system of various measures to support the natural person in the formation and expression of his authentic personal will), then the key regulatory component in administrative law should remain the public interest (for example, in the choice between tacit refusal and tacit consent , where damage to the public interest should not be allowed by postulating a will to consent due to the inaction ("indolence") of a specific administrative body). These conclusions are important precisely in the context of exercising the will (freedom) of human beings, as well as in the regulation of capacity issues - part of civil law, but in the application of numerous imperative administrative rules.

The limits of respect for the will to change gender are the subject of analysis in the study ***"Gender Variations in Bulgarian Jurisprudence***". The problem of personal identity is circumvented in law by replacing it with a system of individualizing markers that locate human beings as natural persons. In this way, identity is reduced to an organizational issue: a matter of valid organization of personal data. To catch the subjects, it is important that their details are properly recorded. This is also the reason why the law that regulates the issues of legal individualization of natural persons bears the title "Civil Registration Law". Identity from a legal point of view is a matter of registration. From this point of view, the legal regulations also consider the request for gender reassignment. In recent years, this issue has become an important and topical part of the agenda of Bulgarian society (two decisions of the Constitutional Court are dedicated to it), and now there is a pending and interpretative case before the Supreme Court of Cassation regarding the admissibility of a change of the civil (legal) gender of Bulgarian citizens. The studio presents the practice of the Bulgarian courts on this particular issue, covering 17 years: the first commented decision is from 14.12.2000 (the decision is of the Sofia District Court), and the last one is from 05.12.2017 (the decision is of the Sofia City Court). This practice was united around the following prerequisites, in the presence of which sex change was allowed: a) 2 positive prerequisites: the existence of a permanent contradiction between the civil and mental gender of the person; and the existence of a serious and unwavering desire of the person to change his civil sex; and b) 2 negative prerequisites: the person does not suffer from a mental illness; the person is not abusing his right to change his gender. Each of these prerequisites is covered in detail in the studio.

The study "***Ethical Wills - New Dimensions of the Will in the Event of Death***" focuses on another possible extension of capacity (the meaning of the will of natural persons) which has a clear ethical dimension. The article aims to examine a practically unknown in Bulgaria statement with a view to death - the so-called "ethical will" (perhaps the more correct term would be "ethical will", but the one more common in practice is used). Bulgarian inheritance legislation defines a will as an act by which a person who has reached the age of 18 disposes of his property after his death. An ethical will is a statement by which a person sends a certain ethically significant message to his loved ones, relatives, and descendants, and in some cases (without this being mandatory) connects with this message the execution of certain property dispositions, usually with items, which have personal and emotional value to him. The ethical will is a concept that develops the potential of non-property stipulations viewed as additional within a testamentary disposition, insisting on their emancipation into an independent document with its own legal and ethical significance. The study also examines the various interrelationships between legal and ethical wills, as well as the possible legal consequences of making an ethical will. It is explicitly stated that the legal dimensions of the ethical will are not determinative of the value of the latter, which focuses on the transmission of certain moral values.

The study "***Formation of will and declaration of will by legal entities***" discusses the process of formation and expression of will by legal entities. Rather, this process is closely related to the human psyche and to the subjective factors that in one way or another affect its functioning. According to psychology, the will represents "a conscious goal-directedness of the thought and actions of the person, aimed at the realization of a previously set goal". It can be defined as "activity or as an activity to achieve a consciously set goal, as a conscious regulation of activity, as the

practical side of consciousness", "a component of consciousness, one of its "leaders" and represents the movement of consciousness between the components and the objects in organizing the current adaptive response". The will is also defined as "the highest, free, conditional-free, legally responsible, moral-dependent, logical-meaningful, and goal-directed brain cognitive-active "yes" or "no" activity, human decision". It can be expressed in a different form be it conclusive, oral, written, notarial, etc. Legal regulations managed to overcome all these obviousness of the will, which exclude its existence as an individual psychological phenomenon in social entities such as commercial companies, ministries, political parties, etc., and propose an organizational theory of will that not only currently works in the decision-making of legal entities, but also suggests additional potential that can be used in the development of the concept of will (and the related with it a concept of freedom) with the development of new technologies and the creation of intelligent ("will-forming"?) things.

Contributions:

- this group of scientific studies and articles point out and address the moral objections to depriving a person of their will by placing them under restraint as a specific form of imprisonment, seeking alternative formats of care for the disabled and the elderly who cannot accommodate the very needs of their daily life;

- this group of scientific studies and articles present for the first time in the Bulgarian context the ethical and legal aspects of the so-called "ethical will", taking into account the existing regulations in Bulgaria and offering different possible approaches to these statements in case of death;

- this group of scientific studies and articles summarizes the existing regulations that make possible the transfer of the concept of will to social entities that do not have their own moral personality (legal entities), demonstrating the potential of these regulations to be applied to future challenges to legal capacity, made during development of modern technologies.

Ethics and climate: accelerations and regulations from the future (3 studies and 4 articles)

The study "***Carbon" ethics: is the dreaded climate judgment coming?***" is dedicated to the ethical category of guilt in the context of climate change and its connection with the increase in the amount of carbon dioxide (representative of the so-called "greenhouse" gases) in the atmosphere. Carbon, that mighty and insidious horseman of the climate apocalypse, is woven into human life to the point of identity. This makes it a perfect ally in the new guilt march, which is no longer metaphysical in its stake, but purely chemical in its explanation, and therefore vastly more comprehensible to its addressees. Guilt can feed on our every breath. Around this almost invisible and therefore innocent individual carbon thread has grown a huge carbon ecosystem of industrial services and social lifestyles and consumption that each year results in the release of billions of tons of carbon dioxide. Carbon dioxide that turns our planet into a greenhouse and ourselves into suffocating vegetables. This recognition is so powerful that it gives birth to a new era in the history of wines - the age of carbonic wine. Guilt is no longer a matter of knowledge (intellectual

component) and desire (volitional component), but a matter of emissions (chemical reactions). It is less and less a qualitative and more and more a quantitative phenomenon. Wines per kilogram (carbon), wine that counts like calories. Behind the metaphors used, amplified almost to the point of parody and negation, the studio examines the various forms of exploitation of the powerful motivational impact and social potential of guilt. The role of ethics to seek balance and measure in adopting the necessary regulations in the field of climate protection is indicated.

The article "***To own an Ent! Time and Property'*** explores a significantly more specific question: the ethical dimensions of the ownership of trees as living organisms. The perspective through which the analysis is made is the ethics of the wild, whose connection with fear has been sought in some artistic images such as the ents of Tolkien's world and the evil fairy Maleficent from the film Maleficent: Mistress of Evil 2. It is focused on an important natural feature of trees - the fact that they live in a time different from the time of people. This determines the difficulties in justifying a certain ethical responsibility along with property. The different approaches to trees in fairy tales and the regulations of different varieties of plants are also examined. The article is a demonstration of the possible relationship between the literary imagination and legal regulations mediated by ethics and moral philosophy.

The article "***The right in rem and the standing tree: eco-resuscitation of "An institute in the field of the right in rem (right to plantations on foreign land)" by Nikola Hristov Popov, a student in 1901***" continues the theme of tree ownership by examining a seemingly anachronistic and exotic legal institution: the possibility of owning an individual tree in a foreign land. Although the text in question can be reduced to a curious fact from the forgotten fringes of (the history of) real property law, it also possesses a specific heuristic, whose apparent "inadequacy" in relation to the basic provisions of modern Bulgarian real property law provides it with the role of a specific resource for "inventing ' of new regulations that could achieve environmental goals. The consolidation of production in the industrial age has led to the erasure of the economic individuality of individual trees and to their socialization in the concept of "wood" (timber), which is much more suitable for the creation of typical legal relations. However, the growth of humanity's concern for the protection of the environment leads to the experimentation of new filters in the property-legal classification of natural realities and can lead to the resurrection of practices and institutions that have long been considered outdated and exotic. The possibility to take out of the "closet" of property law already working tools with which to meet some of the problems of the future is proof that the riches of the law should be guarded and protected, even when it causes the sneer of some of the serious guards, located their offices at the gates of modern law.

The article "***Environmental dimensions of the negative claim under Art. 109 of the Law on Property***" examines the question to what extent certain environmental standards, including those whose achievement is linked with compliance with the provisions of the general and detailed development plans regarding the purpose of the real estate falling within their scope. More specifically, the question can be formulated in the following way: "Whether the deterioration of the factors of the living environment caused as a result of the use of the property not according to the intended purpose for the relevant development zone, is an action that in itself leads to the creation of obstacles for a neighbouring property and conditions the respect of a claim filed by the owners of this property under Article 109 of the Ownership Act (OA), without the need to prove a specific infringement of the right of ownership of this property and the fact of creating obstacles

to its use, which they are larger than ordinary ones (art. 50 OA)". The answer to this question depends on whether the claim under Art. 109 OA can be used as a tool for the achievement of environmental goals: goals that, as a rule, go beyond the real context of the negator claim and favour the plaintiff in the let's tentatively call it the "eco-negator" claim, freeing him from the need to prove in what way the defendant's actions prevent him from exercising his right to property.

After the analysis, the article concludes with the conclusion that the expansion of the scope of the negator claim could turn it into a universal form of protection not only against infringements of the right to property, but also against any other environmental and development violations claimed by the plaintiff, the control over which is carried out by specialized administrative bodies. Similar use of the claim under Art. 109 of the Ownership Act would be a form of excess in the real property protection provided by it and an attempt at a kind of "theft" of a real property institute to achieve an uncharacteristic goal for it. Taking into account the field of application and the essence of the negator's claim as a property-law instrument for protection against a specific unfounded action and the interference caused by this action, this claim should not be burdened with administrative control functions that are not characteristic of it, as in connection with compliance with the provisions of the plan, applicable within a certain territory, as well as with the aim of ensuring a certain quality of the factors of the living environment in a certain development area.

The article "***Training a Cloud or How the "White Cloud" Became Hurricane Katrina***" aims to raise the question of man's relationship to natural elements beyond his control. Water (rivers) and air (winds) are represented as special natural components that possess a specific "freedom" from human influences. James Lovelock's theory of the "good" "Gaia" and Peter Ward's theory of the "bad" "Medea" are compared, and the continuation of this metaphor in the work of Bruno Latour is sought. The practical potential of Latour's idea of the political role of nature, which has emerged from the control of Leviathan, is critically discussed, which is opposed to the possibility of a proprietary approach and the recognition of new forms of (quasi)property. The image of Gaia remains a metaphor through which humanity tries to understand its own relationship to nature. The regulatory potential of such a metaphor should be verified through the system of concrete measures that can be implemented in the real political process. Latour himself admits that he can hardly propose concrete working mechanisms for representing Gaia as a political subject. Much more productive is the approach that insists on rethinking the concept of ownership of natural components, which creates a system of many different regimes of ownership adopted in a variety of economically significant contexts. This is expressed in the so-called a "property approach" ("proprietary ecology") that offers new dimensions to "good" ownership.

The study "***Wild Viruses and Humans Without End***" examines the role of the wild in achieving the balance between the various forms of biological life on planet Earth. The existing legal definitions and regulations of living organisms dangerous to humans are presented and problematized in Bulgarian legislation: pests and pathogens, with particular emphasis placed on microorganisms at the boundaries between life and non-living nature. An attempt was made to single out an autonomous field of bioecology in which to experiment with ideas supplementing the already clearly defined field of biomedicine. In the context of the so-called "slow crises" taking place under conditions of prolonged urgency, the issue of time management is also addressed

through the interaction of three distinct dimensions of time: political, ecological, and geological time.

One of the biggest challenges facing humanity today is the mastery of outer space: a challenge that both the leading economic countries and a number of private initiatives with huge investments behind them set themselves. The study "***Space Values and Law: Moral-Religious Dimensions of the Extra-terrestrial Encounter***" explores the role of religion and the caveats of ethics in providing some of the most important answers in space law: those concerning the legal status of space resources and the alien, including intelligent life. Tim Mulgan's concept of the so-called "an anthropocentric purposivism" (an anthropocentric purposivism), proposed by him as an alternative to both theism and atheism, is examined. In conclusion, some of the possible legal consequences of adopting non-anthropocentric purposivism for the content of the so-called "metalaw". The analysis expands not only the perspective in which ethics can operate, but also the framework of ecological thinking and related regulations, which implies the preservation of systems that greatly exceed those existing on planet Earth.

Contributions:

- this group of scientific studies and articles offers a new reading of the moral category of guilt as a basis for undertaking ecologically responsible behavior, but also as a possible self-destructive motive for initiatives related to regulations directed against human-negative climate changes;

- this group of scientific studies and articles warns that certain real institutions (such as the negative claim, the right of ownership of an individual tree on someone else's property, and in general the regulations allowing people to own plants and trees in particular) must have clear grounds , as part of the tasks of ethics is not only to suggest but also to define the limits within which these tools can be applied;

- this group of scholarly studies and articles, along with a specific "ethics of the wild," offers a theoretical framework in which the question of good and evil is placed beyond the boundaries of the earth and its ecosystem (even when maintaining this claim turns the conversation about her in religion, behind this conversation the significance of moral knowledge continues to shine through).

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