

Review

**by Prof. Dr. Yanaki Boyanov Stoilov, Plovdiv University “Paisii Hilendarski”
for a competition for the academic position of Associate Professor in General
Theory of Law within the field of higher education 3. Social, Economic, and
Legal Sciences, in the professional field 3.6. Law (Theory of Law and State)**

I. By Order No. RD-22-446/18.02.2025 of the Rector of Plovdiv University “Paisii Hilendarski,” I have been appointed as a member of the academic jury for conducting a competition for the academic position of “Associate Professor,” announced in State Gazette, issue 98/19.11.2024.

The sole candidate in the competition is Dimitar Valkov Hanev. He was born on [REDACTED] He graduated in Law from the Faculty of Law at Plovdiv University “Paisii Hilendarski” in 2004. He worked as a legal advisor at the Social Assistance Agency in the [REDACTED]. Since 2005, he has consecutively held the positions of Assistant Professor, Senior Assistant Professor, and Chief Assistant Professor in the Department of Theory and History of Law at the Faculty of Law of Plovdiv University “Paisii Hilendarski.” Since 2015, he has held the educational and scientific degree of Doctor of Law. He has written and spoken command in English and Russian.

II. For participation in the competition, the candidate has submitted a habilitation thesis titled “Legal Reasoning: Concept and Theory.” Plovdiv: PU Publishing House “Paisii Hilendarski,” 2025. ISBN: 978-619-281-017-7. Other academic publications presented after the defense of the dissertation have also been submitted. These include the monograph “Legal Right and Legal Liberty.”

Plovdiv: PU Publishing House “Paisii Hilendarski,” 2021, which is based on the dissertation through which the educational and scientific degree of Doctor of Law was obtained, as well as two articles in non-refereed journals with academic peer review:

- “System of Forms of Legal Right.” In: Property Relations in Law. Development and Perspectives. Plovdiv: PU Publishing House “Paisii Hilendarski,” 2021, pp. 382–417

- “The Idea of Soft Law and the Concept of Validity in Legal Reasoning.” In: Soft Law and Contemporary Law. Sofia: Sibi, 2017, pp. 36–50.

The evaluated works are the result of independent research. In them, the author refers to numerous sources, and the citations are in accordance with the accepted standards. I have not found any instance of plagiarism.

III. The monograph “Legal Reasoning: Concept and Theory” consists of an introduction, two parts containing chapters, an appendix, a conclusion, and a list of cited literature – totaling 178 pages. It is the first monographic study on this subject published in Bulgaria.

Legal Reasoning is an important, topical, and complex issue that lies within the field of legal philosophy and theory, while also being relevant to judicial practice. The research requires significant knowledge not only in general legal theory but also in the theory of knowledge itself. It is thorough and demonstrates the author’s creative capacity and many years of dedicated work.

Reasoning is placed within the discourse of law as an integral social practice, where the judge plays a central role. Particular attention is paid to the judge’s professional and moral qualities. Legal reasoning is linked to the requirement in the Bulgarian Constitution for the justification of judicial acts.

Building on Kant’s ideas about the two aspects of reason – theoretical and practical – D. Hanev maintains that theoretical reasoning in law forms the

foundational concepts of legal reality, while practical one serves the purpose of making and delivering judicial decisions. Theoretical rationality is associated with the formation of beliefs and convictions, whereas practical rationality is related to motives for action. In the latter case, reason governs the will through the sense of duty.

IV. The reviewed monograph contains scholarly contributions that can be grouped into several categories:

- It offers new insights into legal methodology, legal epistemology, and legal hermeneutics.

- The concept of reasoning in law is examined from the perspective of cognitive realism. Its clarification is made through comparison with related concepts such as argumentation, interpretation, and proof. The author does not reduce legal reasoning to normative casuistry but emphasizes the role of legal thinking in the formation of legal institutions and reveals the relationship between reasoning as a cognitive process, on the one hand, and the moral qualities and internal conviction of the reasoning person, on the other.

- The study of the problem of legal reasoning is traced through the development of the main currents in legal theory, along with their leading representatives in the Western world, including the most significant theories of the past century – those of Hans Kelsen, Carl Schmitt, Ronald Dworkin, and Herbert Hart – reaching all the way to postmodern perspectives on the subject. In this way, through the prism of reasoning, the nature of law is revealed not only as a normative construct but also as an immaterial phenomenon, a form of communication, and a social practice. In this respect, the work can be useful not only for researchers of legal reasoning but also for students and doctoral candidates interested in studying the main approaches and theories that explain law and its functioning.

- The proposed understanding of the correctness of judicial decisions goes beyond their normative validity, namely: “a correct court decision is one that meets the legal-technical criteria for validity; is issued by an impartial court that has freely formed its internal conviction; is based on truth; reflects justice; and is convincingly reasoned.”

- Contributive arguments are also found in the explanation of the court’s jurisdictional function. The role of jurisdictions includes adjudication, decision-making, and the authority of *res judicata*. From this standpoint, the author highlights the insufficiency of the theory of legal syllogism and the necessity of viewing adjudication as a complex of cognitive, psychological, and moral characteristics of the individuals who perform it.

V. D. Hanev expresses a preference for judicial discretion, arguing that reliance on legal syllogisms limits the role of the court in the administration of justice. According to him, judicial discretion is the true “Gordian knot” of modern legal theory. The arguments presented are worthy of attention, though in my view, with two reservations: first, a judicial decision must correspond to the facts of the case and should not depend on a “dominance of opinions”; and second, discretion does not exempt the judge from the obligation to consider both the normative grounds of their rulings and the institutional limits of the court’s adjudicative function.

Among the positive scholarly qualities of D. Hanev, I would highlight his analytical and critical approach to the issues studied. He achieves this by engaging with and citing numerous scholarly works—both classical and contemporary, from foreign and Bulgarian authors. Unlike many who write on legal topics, he does not settle for merely describing and commenting on normative regulations and judicial practice. Instead, he seeks to delve into the essence of the problem, taking into account the influence of various factors on legal reasoning and, in particular, on the process and outcomes of legal justification.

The issue of the influence of legal ideology on reasoning is touched upon but is not the subject of an independent study. According to D. Hanev, the beliefs and convictions held by the one offering justification influence their decisions. This gives rise to questions that should not be overlooked:

- Do beliefs (not necessarily religious) have a place in science or in other rational activities such as justice?

- Is it possible to achieve unification and predictability in justice if the beliefs of individual judges are allowed to shape their decisions?

- Do beliefs preclude the possibility of different assessments of the facts, or do they influence only the legal qualification of actions?

The presence of such debatable theses and a certain unevenness in some parts of the exposition do not diminish the quality of the reviewed work or the contributions it contains.

VI. D. Hanev has been conducting seminar sessions and occasional lectures with students in General Theory of Law for many years, thus contributing to the training of future legal professionals in the field of legal theory. He successfully combines teaching and research work. He demonstrates both attentiveness and high standards toward students. He actively participates in all ongoing activities and initiatives of the Department of Theory and History of Law, as well as those of the Faculty. I can confidently state that D. Hanev is part of the generation of legal scholars who are already shaping the identity of the Law Faculty at Plovdiv University “Paisii Hilendarski” and contributing to its growing reputation within the system of Bulgarian legal education.

VII. I recommend that the candidate in the competition continue working on the issue of legal reasoning, directing his attention toward the study of relevant rulings of Bulgarian and foreign jurisdictions, in line with the subject matter. This would allow not only for the illustration of particular theses and theoretical

positions but also for applying the research results to the analysis and evaluation of judicial practice. In this way, the discussion on legal reasoning can be joined not only by legal scholars, but also by magistrates who are not satisfied with the routine execution of the powers assigned to them.

My broader recommendation to D. Hanev is to use his already well-established research experience to demonstrate greater persistence and consistency in developing issues within the scope of general theory and the philosophy of law. Some of the results he has achieved could be published not only through the publishing house of Plovdiv University but also in various legal journals, including periodicals.

This current procedure offers an occasion to emphasize that D. Hanev has already earned a well-deserved place among the experts in general legal theory in Bulgaria—and beyond.

Conclusion:

In view of the above and on the basis of Chapter Three, Sections I and III, and in accordance with Article 24, Paragraph 1 of the Act on the Development of the Academic Staff in the Republic of Bulgaria and its Implementing Regulations, I give a positive assessment of the materials submitted for participation in the competition and of the candidate himself. I propose that the academic committee vote in favor of appointing Dr. Dimitar Valkov Hanev, Chief Assistant Professor at the Faculty of Law of Plovdiv University “Paisii Hilendarski,” to the academic position of Associate Professor at the same university.

01.04.2025

Prof. Dr. Y. Stoilov