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**Report of a Member of the Thesis Council on the Thesis
by ARKHIPOV Vladislav Vladimirovich on the theme
“Semantic Limits of Law in the Conditions of Medial Turn:
Theoretical Legal Interpretation”**

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degree of Doctor in Legal Sciences, Specialty 12.00.01: Theory and
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I have read Vladislav V. Arkhipov's thesis, "Semantic Limits of Law in the Conditions of Medial Turn: Theoretical Legal Interpretation" (in English translation), and I am now ready to offer a series of observations and draw conclusions regarding the academic quality of same work.

The thesis consists of a Foreword, an Introduction, three Chapters (each chapter being further divided into sections and sub-sections), a Conclusion, a list of sources, and three annexes (appendices).

Chapter 1 offers an innovative introduction to the problem by considering past problems raised by the actual or potential application of legal rules to "media space" in general, and multiple-person online games in particular. As the Chapter notes, such applications have led courts and commentators to invoke the principle that legal rules will not be applied according to their literal meaning if the application would seem "absurd."

In Chapter 2, the thesis focuses on the absurdity exception, noting that "absurdity" is generally not clearly defined. Sometimes what is meant is an outcome that appears immoral. More apt for the application of legal rules to multiplayer online games, as the Chapter notes, is the standard of "common sense," and that this (initially amorphous) standard is what distinguishes appropriate from inappropriate applications of the criminal and civil laws to what occurs in the course games. The Chapter explores these ideas through the filter of the famous debate between Lon Fuller and H. L. A. Hart (including Fuller's "internal morality of law" and Hart's distinction between "core" and "penumbra" applications of terms) and the helpful concept of "the semantic limits of law." Chapter 2 also analyzes two concepts central to the work's analysis: the magic circle and generalized symbolic media.

In Chapter 3 directs the inquiry of the application of legal rules to online games towards the level of seriousness of the potential subject of legal relations. This, in turn, is explored in terms of socio-currency value. Objects which have socio-currency value are “serious”; those with no social currency value are of a fantasy nature. The Chapter concludes by suggesting a ninth “principle of legality” to add to Fuller’s famous listing of eight: in parallel to Robert Alexy’s well-known conclusion that law necessarily “claims correctness,” the thesis argues persuasively that law also claims “seriousness.”

The work is thoroughly grounded in scholarship and contains a comprehensive bibliography. There are also three helpful annexes: one offering a structural flowchart of the semantic limits of law, the second a functional flowchart of the interpretation of legal rules in borderline applications, and the third a table of correspondence between legal dogma and elements of the semantic limits of law.

The thesis does an excellent job of exploring the boundaries between the “serious” and the “non-serious,” between “common sense” and the “absurd,” in applying legal norms to multiplayer on-line (and other) games. As discussed, partly this is a function of consent (both the stated and the unstated, but generally understood, “rules of the game”). The thesis is valuable in bringing in the ideas of Talcott Parsons and related social theorists – *e.g.*, concepts of generalized social media and external referent of value – to explain (and prescribe) possible boundary lines.

The author nicely explores where the idea of “magic circle” is useful in the present analysis, and what its limits might be. At one extreme, it is clear that no one should be charged with murder for a killing of a character as part of an online fantasy game, and the same would generally be true about applying laws about theft to taking

fantasy “treasure” in an online game. However, if the “treasure” was initially created because of the payment of real-world money, and it was taken by another player (or made to disappear by an organizer) contrary to the rules of the online game, as discussed in the work, it becomes at least debatable whether conventional legal rules about theft might apply.

The thesis properly points out that the question of the application of legal rules to multiplayer online games is not different in nature from questions about the application of legal (or moral) norms to other (and older) imagined worlds, including those of novels, plays, and cartoons (*e.g.*, how to apply rules against blasphemy, pornography, or sedition when the acts or statements in question occur in fictional works). The “media turn” does raise some truly novel specific issues, but, as the author shows, many of the basic questions have been discussed by scholars in the past.

One minor concern: the work might have questioned more closely the connection between purpose and text in interpretation and the absurdity standard. The examples the author cites from Lon Fuller, *The Anatomy of Law* (arguments that a murderer should not be punished because the victim believed he was going to Heaven, or that an embezzler should not be punished because his redistribution of wealth would increase overall happiness), are instances where ultimate purpose (happiness, welfare) is proposed to take precedence over textual meaning. That is clearly unacceptable. It is worth asking: Is there a formula for understanding how “high” or “general” a purpose can be and still be considered in potentially overriding the application of textual meaning?

In sum, the dissertation by Vladislav V. Arkhipov is a completed and independently executed scientific research. It presents new ideas and will be of interest to scholars and policy makers.

As the dissertation meets the basic requirements established by Order No. 6821/1 of 1 September 2016, "On the Procedure for Awarding Academic Degrees at Saint Petersburg State University," candidate Vladislav V. Arkhipov deserves the award of the scientific degree, Candidate of Doctor of Legal Science in the Specialty 12.00.01 -- Theory and History of Law and State; History of History of Teachings on Law and State. Clause 11 of the aforementioned Order was not broken by the author of the thesis.



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