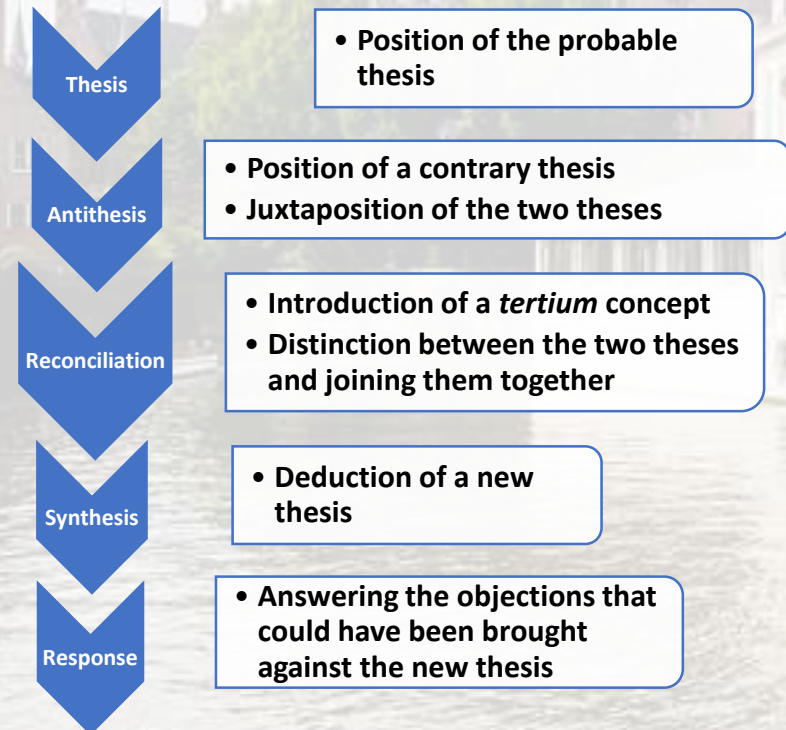# *Regulae Iuris* On-Line: Digital Implementation of the Medieval Dialectical Method
© *Dr Ilya A. Kotlyar, University of Ghent*

Ancient and medieval dialectical method

Deals with a) metaphysical knowledge (Platonic dialectics) or b) with probable knowledge (Aristotelian dialectics)

Probable knowledge flows from propositions shared by **everyone, or the majority, or the wisest of the people**

Thesis
- **Position of the probable thesis**

Antithesis
- **Position of a contrary thesis**
- **Juxtaposition of the two theses**

Reconciliation
- **Introduction of a *tertium* concept**
- **Distinction between the two theses and joining them together**

Synthesis
- **Deduction of a new thesis**

Response
- **Answering the objections that could have been brought against the new thesis**

The system of *regulae* and *brocarda iuris*

Accessorium sequitur naturam sui principalis

Seen as generalizations of the authoritative texts of law

Actore non probante reus absolvitur

Pactum nudum non producit actionem

Benefacientibus nobis benefacere debemus

Quod maior pars facit, omnes facere videntur

Early debates whether exceptions derogate from the *regulae iuris* (between Placentinus and Bassianus)

Actor sequitur forum rei

Prior tempore potior iure

Masculinum concipit femininum

The applicability of the dialectical method to law in the center!

A dignioribus est inchoandum

Cessante causa cessat effectus

Ignorantia in facto proprio non praesumitur nec excusat

Eventually, new *regulae (brocarda)* started being synthesized according to the dialectical method

Allegans turpitudinem suam non est audiendus

Res inter alios facta tertio non praeiudicat

Project to digitize the system of *regulae*

Concepts
Citations
Analogies
Ampliations
Contradictions
Regula
Exceptions
Works
Years
Authors

**The scientific community will be invited to participate in the filling in and checking the database.
This will reproduce the "everyone, majority or the wisest" element in the method.**