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Abstract:	The article presents the preliminary results of the research of Roman and medieval *Regulae iuris* using a novel combination of methods. It demonstrates the productivity of combining network analysis and the methodology of structural linguistics in the analysis of the database of Latin 'rules of law', which were juristic generalizations of the legal matter. This methodology allows measuring the extent to which scholastic dialectics helped medieval learned jurists to achieve a systematization of law, as well as offers a good combination of historical and dogmatic approaches, so important in the research of normative systems, especially in law and legal history.

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Potential Application of Structural Linguistics Methodology in the Network Analysis of Roman and Medieval *Regulae Iuris*

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1. Network analysis and the system of rules

Network analysis is a well-known and well-established research method. It does not require much introduction. It has been on the ascent since the 1930s, first promoted and developed by Jakob Moreno and other social scientists in an attempt to apply natural science models to social subjects. The creation of 'sociometry', which would use quantitative methods to study society, has long been a captivating idea. The method has become particularly popular in the 1960s, when it was put on a more solid theoretical foundation, including graph theory and matrix algebra. To this day, it is being actively used in both social (mostly to research social networks) and natural sciences alike.

One of the fields where the implementation of network analysis seems to have been limited until our time is humanities, and, more specifically, analysis of the systems, formed by legal rules, concepts and institutions.

Indeed, the legal rules can always be looked upon as an interconnected network. The rule 'A possessor is presumed the owner of the thing unless proven otherwise' and the rule 'The owner has a right to use the thing' are obviously connected through a shared concept of 'the owner'. They may be imagined as interconnected 'nodes', with a conceptual connection between them. The connection is not very strong; it suggests a simple logical sequence: e.g., that 'the possessor' has 'a right to use the thing'. We may add another node to this little network: e.g., the rule 'The use of property may not cause harm to the public'. This new node connects to the second node above through the synonym concept of 'thing'/'property'. We have yet another logical sequence here: the 'possessor' must 'use the property' without 'causing harm to the public'.

Let's now take the already mentioned rule 'The owner has the right to use the thing' and the rule 'By tenancy agreement, the tenant receives the right to use the thing'. There is a different type of connection between these two rules. Instead of simple logical coherence, they exist in a certain opposition to each other: the tenant's right to use the thing is a 'corollary' or an 'exception' from the

owner's right, whenever there is a tenancy agreement. This 'connection by opposition' is a more meaningful and tight connection: besides sharing a common concept, the two rules share a certain 'border', which separates their respective scopes of application.

Finally, let's look at another pair: 'Everyone is presumed to act in good faith unless bad faith is proven' and 'Everyone is presumed innocent unless guilt is proven'. This pair also has a deep and meaningful connection, going beyond the concepts they share. 'Good faith' is a concept strongly intersecting with 'innocence'. Moreover, the juxtapositions of 'good faith' to 'bad faith' and of 'innocence' to 'guilt' are fundamentally based on the same criterion. These two rules are thus connected through the deep similarity of their underlying reasons. In their similarity, the two rules perform very similar functions in the network of rules. This is yet another type of connection – 'connection by similarity'.

2. Philosophy of structuralism and its application to networks

The application of network analysis to the systems of rules and other constructs of the human mind may be greatly facilitated by a very influential philosophical approach – structuralism. Here we have in mind 'structuralism' in the wider meaning – as a combination of approaches, inspired by the works of Swiss linguist Ferdinand de Saussure (1857-1913), in particular by his posthumous *Cours de linguistique générale* (1916). It is not important here that many of Saussure's ideas were oversimplified or taken to the extreme by the editors of his book.[1] What matters is that the book's publication has indeed given rise to several schools of structuralist linguistics: Prague school, Moscow circle, Copenhagen circle, - and went well beyond linguistics, with scholars since the 1960s trying to see the whole human culture through the lens of structure. The basic principles, commonly associated with Saussure and his successors, include the distinction between actual human speech (*parole*) and language proper as an abstract entity (*langue*), the juxtaposition between the signifier and the signified, the arbitrary character of the sign, and a strict distinction between the synchronic and diachronic perspectives on language. Language proper, in this approach, is presented as a system of signs (nouns, adjectives, etc). The signs are not predetermined by the objective reality which they signify: the word 'apple' is not produced by the reality of *Malus domestica* in any way. Taken in isolation, no sign has any meaning. The signs have meaning only in their relations with other signs. The relations can be those of juxtaposition (e.g., English noun 'advice' vs. English verb 'to advise'), analogy (e.g., words similar in some ways being similar in other ways, too), syntactic function, and so on. In any case, the meaning of every sign within the system of signs is fundamentally 'negative' and 'relative', in the sense that the

[1] See more on that: STAWARSKA (2020).

users of language do not define 'apple' through any positive characteristics of an apple, but rather through the denial of other words which could be used. The apple is not 'pear', 'peach', 'banana' or any other word for fruits, known in the given language. Thus, the structure, existing in the language (in this case – a vocabulary of various fruit names) serves as a limit of arbitrariness in the language – a delimitation on what is possible and not possible in it. The structuralist approach sees those structures as the proper subject matter of linguistics, in contrast to 'extra-linguistic' influences on language by psychological, social, cultural and physical phenomena.

Most importantly, taken as a structure, the language is viewed 'synchronically', i.e., as a fixed in time, 'dogmatic' system. Saussure did not deny the importance of diachronic research (i.e., evolution of languages), but saw it as a fundamentally random process. Dynamic changes in the languages, allegedly, do not change the whole system, but only particular elements within the system; they can, nevertheless, undermine the steady equilibrium of the system and make it switch to another equilibrium.[2] Moreover, some 'change' is perceived not as a change, but rather as a 'new creation' of signs, caused by the influence of the language system itself. For example, Saussure considered a 'new creation' the process of linguistic analogy, whereby Latin started to use the word '*honor*' instead of the archaic '*honos*', as a result of analogy from similar words, like '*orator*'.[3]

The scholars of humanities and social science have applied this approach to culture in general. For example, the one-time leader of the French *Annales* School, Fernand Braudel (1902-1985) has entitled one of his most influential books '*The Structures of Everyday Life*', describing how various social institutes, modes of behaviour and connections between them determined the 'borders of possible and impossible' in the historical societies.[4]

The similarities between network analysis and the structuralist method do not seem to have been well explored. This is a bit surprising, given the importance of structures, accentuated by both approaches. Moreover, certain theoretical mechanisms, associated with network analysis, seem to have counterparts within the structuralist paradigm.

For example, one mechanism often used in network analysis is the mechanism of adaptation. In this mechanism, network nodes existing in similar structural environments tend to be similar, or homogeneous.[5] For example, a node O, surrounded by nodes A, B, and C, will be usually identical or similar to a node X, also surrounded by A, B, and C. The process of 'creative analogy', described above, follows the same principle. If you have a noun which is declined as *orator*, *oratoris, oratori, oratorem*,

[2] SAUSSURE (1957) 83-87.
[3] SAUSSURE (1957) 162-168.
[4] BRAUDEL (1967).
[5] BORGATTI/MEHRA/BRASS/LABIANCA (2009) 894.

etc, and many others like that, and also a noun which is declined as *honos, honoris, honori, honorem* – then the logic of the linguistic structure pushes the language users to start using '*honor*' in the nominative case. The speech thus 'adapts' to the structure of the language.

There are other network mechanisms that seem to correlate with the tenets of structuralism. Thus, there is a mechanism of 'binding', where a stronger connectivity between the nodes of the network leads to their weaker connectivity with other nodes. Thus, if a node O has a high level of 'centrality' and is connected to the nodes A, B, C and D directly, but A is also directly connected to B, B to C, and so on, O's importance in the graph is diminished, as is diminished the overall unity of the network. This coincides with Saussure's observation that the system as a whole may be deteriorated by the changes in some of its elements; and those changes may bring the creation of wholly new structures, which take the place of the older structures.[6] Connected to the mechanism of binding is the observation known as 'the strength of the weak ties', which states that looser and weaker connections within a network are more important for the network's integrity and its functioning as a system than the stronger ties: the tightly interconnected graphs would fall away from each other, if not for the loose connections that hold them connected into one network.[7] Finally, the 'exclusion mechanism', whereby one node in the graph, through a mutually unique connection, may prevent other nodes from connecting to each other, can also be imagined working within language and culture, where words and other phenomena, by being integrated into a new system of juxtapositions, lose their old structural connections. Thus, tonic stress in the Latin word *facile*, after its adoption into French, stopped following the 'penultimate-prepenultimate syllable' juxtaposition rule of Latin and started following the 'ultimate-penultimate' juxtaposition of French.[8]

3. Medieval juristic dialectics as seen from a structuralist perspective

At the same time, there are certain key features that unite structuralism, on the one hand, and the old (scholastic) dialectical method, used by medieval jurists.[9] The scholastic dialectics were based on the juxtaposition of the opposing theses and their eventual resolution through an introduction of a third criterion (*tertium*), with the eventual deduction of a new thesis. In dialectical reasoning, the initial premises of a dialectical syllogism were not certain knowledge, but 'probable', or 'provable', arguments, which were usually right in some circumstances and wrong in other circumstances. But this did not affect the validity of the dialectical reasoning, because the eventual reconciliation of the

[6] SAUSSURE (1957) 83-87.
[7] GRANOVETTER (1983) 201-233.
[8] SAUSSURE (1957) 86.
[9] See for more detail: OTTE (1971); KOTLYAR (2021) 416-430.

opposing theses was expected to precise down the imperfect initial knowledge and make it more nuanced and, ergo, more perfect.[10] Dialectics and structuralism both assume the existence of a certain order, or structure, in reality. This structure, in the form of the two opposing theses and their relationship, is more important here than the quality of the theses themselves. Just like in structuralism, the whole structure is more important than the constituent elements and supplies them with qualities they don't have, if taken in separation.

When we look at scholastic dialectics in its application specifically to law, we find even more similarities, because dialectical reasoning in law tended to involve the creation of *regulae iuris* (rules of law). *Regulae iuris* were generalizations made from the legal text, short assertions, providing a uniform solution to a group of similar legal *casus*, found in the text.[11] Peter Weimar identified the stages in the formation of a *regula* iuris in the medieval legal discourse: 1) a *notabile*, 2) a *generale*, and 3) a *regula* taken properly. A *notabile* was a textual fragment supporting a certain thesis, a *generale* was an inductive 'synthesis' of several *notabilia*, while a *regula* was a product of a reconciliation of one or two *generalia* with the contrary fragments and a deductive precising-down of the original *generale*.[12] The stages represent ascending levels of abstraction; in the end, the structural connections within the legal text are more influential in the creation of the *regula,* in comparison to the initial *notabilia* fragments.

Regulae iuris were connected to each other not only diachronically, i.e., in terms of their origin from each other, but also synchronically, taken as an already formed, possibly even dogmatic structure. It was described above, how legal rules can be in relationships of logical coherence, juxtaposition and similarity between each other. In the case of *regulae*, their whole existence depended on such relationships. For example, *regulae* '*Iuramentum in probationis supplementum defertur*' and '*Iuramentum obtinet locum probationis*',[13] found in the sources, are similar in that they share the key concept of 'oath' and both apply in the context of proof during judicial procedure. Although the two *regulae* were supported with slightly different citations from the legal text and their underlying reason and exact legal effect might be slightly different, yet, it is unimaginable that a jurist aware of both maxims' existence would treat and interpret them in complete separation and independence from each other. Another possibility may be that it is not so much the conceptual content of two *regulae*, but rather their underlying reason, or 'equity',[14] that is similar. Such is the case of '*Poena debet*

[10] KOTLYAR (2021) 417.
[11] KOTLYAR (2021) 409-416.
[12] WEIMAR (1967) 95-105.
[13] 'An oath is to be offered as a supplement of proof' and 'An oath substitutes proof', respectively (Translation mine here and further in the text).
[14] A *regula* was seen as uniting the *casus* which shared the same '*aequitas*' or '*ratio determinationis*' (See: Gl. *ad* D. 50,17,1, s.v. *Regula est*).

commensurari ad delictum' and '*Crescente malitia crescere debet et poena*'.[15] They don't have a lot of overlapping concepts, except for the 'punishment'; and, yet, their underlying equity, which commensurates crime and punishment, is almost the same. Here, again, no jurist would ever treat them separately. Analogy and search for a common underlying reason of several seemingly separate rules was one of the oldest habits of medieval Glossators.[16] Most telling, however, are the cases where two *regulae* are in obvious juxtaposition to each other. For example, '*Metus non rescindit contractum*' and '*Metus vitiat contractum*'[17] are two *regulae* mentioned side by side in the list of *regulae iuris* by Thomas De Thomassettis in 1603.[18] They are not put so closely together by the same author by accident: the author is obviously aware of their apparent contradiction. The underlying idea is that they are not really contradictory, that '*vitium*' is not necessarily '*rescissio*', and that these *regulae* actually apply to different sets of cases. It's clear that even their formulation reflects their juxtaposition to each other. The relation between these *regulae* becomes much more important than the sources of their origin; if there was indeed a general system among all *regulae iuris*, that system was undoubtedly akin to a language understood in a Saussurean way.

It's even possible to compare the *regulae* themselves to semiotic signs. It has been shown that the early modern collections of *regulae* and '*brocarda*'[19] demonstrate significant textual variations in the formulation of one *regula*.[20] For example, the *regula* '*Cessante causa cessat effectus*' was also known as '*Remota causa removetur effectus*' and as '*Cessante legis ratione cessat lex*'.[21] All these were seen as one and the same *regula*, which is proved by the coincidence of the citations of the *Corpus iuris* brought in to support them, as well as by the essential identity of the circle of cases to which they applied and their underlying 'equity'. The divergence of formulations suggests that the *regulae* were not memorized memetically, but conceptually. So, their textual formulation could often be a product of arbitrary discretion. The discretion, of course, was not absolute, but neither was the arbitrariness of signs, according to Saussure's original views.[22] Thus, it is possible that a wording used by the jurists in respect of one *regula* could have been inspired by the wordings of similar *regulae*. For example, another *regula*, related but distinct from the previous one, reads: '*Cessante causa impedimenti cessat*

[15] 'A punishment must commensurate with the crime' and 'In case of a heavier malice, the punishment should also be heavier'.
[16] KOTLYAR (2021) 426; OTTE (1971) 163.
[17] 'Duress does not rescind the contract' and "Duress vitiates the contract'.
[18] THOMASETTIS (1603) 43v-44.
[19] Medieval term, which originally designated collections of arguments that could be brought by lawyers in favour of various legal positions. Eventually, this term came to designate a *regula iuris* produced by the reasoning of medieval jurists (WEIMAR (1967) 106-107; KOTLYAR (2021) 415).
[20] KOTLYAR (2021) 437-438.
[21] 'The cause ceasing, the effect also ceases', 'The cause being removed, the effect is removed', and 'The reason of the law ceasing, the law itself also ceases'.
[22] STAWARSKA (2020) 40.

impedimentum'. Is it by chance that these two maxims sound so similar and use such similar words? The strong probability is that it is not by chance. The latter could have been inspired by the former, but it is also possible that the latter *regula* dictated a preferential textual variant of the former one. This, however, still remains to be proven.

It seems obvious, in any case, that the *regulae iuris* are a field where historical approach meets a dogmatic one. Therefore, it provides wide opportunities for the application of the structural linguistic methodology to legal history.

4. Structural analysis of regulae iuris as a precursor to their network

In the course of the project 'Medieval juristic *regulae.* Origin. Evolution. System',[23] *regulae iuris* were collected predominantly from the early modern (15-17th cent) collections of maxims, *regulae*, *brocarda* and '*axiomata iuris*'.[24] So far, 1193 rules have been collected in a database table. Simultaneously with their collection, they were conceptually analyzed, with their subject and predicate identified. The Latin concepts they consist of were based on the standard legal and general vocabularies of Roman law, the *Ius Commune*, and Classical Latin. 1015 Latin concepts have been identified, so far. An effort has been made not to expand the number of concepts indefinitely, but to standardize the legal vocabulary. For example, the term '*Chyrographus*' has been identified as a synonym of the legal concept '*Scriptura Privata*' ('private document'), because in the *regulae* that have been collected, so far, these terms bear the same contextual meaning. Similarly, '*Durum*' ('flawed') is identified with '*Malum*' ('bad'), '*Emolumentum*' ('enrichment') with '*Commodum*' ('benefit'), '*Praetor*' with '*Iudex*' ('judge'), '*Postulatio*' with '*Petitio*' (both – 'petition'), etc. This is in line with the structuralist principle that the meaning of terms, as signs, is fundamentally negative: what they signify is not as important as what they do not signify in a particular context - in this case, the legal context. For a medieval and early modern learned jurist, '*Praetor*' usually performed the same function as '*Iudex*', even if the original meanings of these concepts were very different. Nevertheless, whenever a relevant difference in the meanings of such terms is discovered (i.e., the difference affecting the meaning of the *regula* in her relationship with other *regulae* or with the legal text), new concepts are added to the list. The database as of the time of writing this article has been published in an online depository and is open for download.[25]

[23] Conducted at Gent University, funded by the Research Foundation – Flanders (FWO.OPR.2020.005001).
[24] For a preliminary description of the project and the database, see: KOTLYAR (2021) 430-438.
[25] DOI 10.17605/OSF.IO/4WQZS; the file 'DatabaseStructuralism.accdb' is the newer version designed to comply with structuralist methodology.

The goal of the conceptual analysis of the *regulae iuris* within the database is to establish whether the *regulae* presented a real and meaningful structure – a structure that was decisive in determining the wording, conceptual content, the scope of application and, possibly, a function of the *regulae*. To that purpose, the methods of network analysis will be applied to the structures identified within the database and tested. The methods will help us to establish whether any stable paradigms can be identified in the network, or, vice versa, the relations between the *regulae* were completely chaotic and not following any paradigms.

Following are the examples of how the *regulae* have been analyzed as to their conceptual content. Thus, the *regula* Nr. 11 '*Actore non probante reus absolvitur*'[26] consists of concepts '*Actor*', '*Probatio*', and '*Fallentia*' in its subject and concepts '*Absolutio*' and '*Reus*' in the predicate. In the *regula* Nr. 8 '*Accessorium sequitur naturam sui principalis*',[27] the terms '*Principale*' and '*Accessorium*' make up the subject and '*Tractus*' the predicate.[28] '*Tractus*' here is used as a synonym of '*sequentia',* as both reflect the idea of one phenomenon following (or being controlled by) another phenomenon. Sometimes the subject is much bigger than the predicate: e.g., in Nr. 83, '*De duobus malis minus est eligendum*',[29] the subject expressed by '*Malum*', '*Pluralitas*' ('multitude'), and '*Minus*', describing the situation where there are many 'evils' and some of them are 'less evil' than others. The predicate here is just '*Electio*'. In order to lose as little meaning in the rule as possible, the *regulae* in the database table have been supplied with a deontic modality attribute, which transfers the degree of normativity that the rule bears. For example, the rule Nr. 83 above, '*De duobus malis…*', has a modality of obligation, '*Obligo*'. The *regula* Nr. 605 '*Procurator procuratorem substituere non potest*'[30] has a prohibitive modality, '*Fermo*', while the maxim Nr. 1065 '*Futurum ius remitti potest*'[31] is permissive, '*Permitto*'. Some *regulae* have no deontic modality, being more descriptive: Nr. 629, '*Res tantum valet quantum vendi potest*',[32] simply describes what the value of the thing is, rather than commands or allows anything.

The subject is supposed to reflect the circle of cases to which the rule applies, while the predicate tells what the law should do in such cases. It is important to note that the predicate reflects not necessarily what the law commands in certain cases, but rather what the law is 'ought to command', according to equity. After all, according to medieval jurisprudence, the *regulae* bore a direct legal force

[26] 'Claimant failing to prove, the defendant is to be absolved'.
[27] 'An accessory follows the nature of its principal'
[28] The list of *regulae* mentioned in this article, with their database number, is provided at the end of the article, for the reader's convenience.
[29] 'Out of two evils the lesser is to be chosen'.
[30] 'An agent may not appoint a subagent'.
[31] 'A future right may be renounced'
[32] 'The thing is worth the price it may be sold for'

only in cases 'not resolved' (*non decisis, non determinatis*) by direct legal precepts.[33] In the case of the rule Nr. 629 above, '*Res tantum valet…*', with the subject '*Res'*, '*Venditio'*, '*Pretium'*, '*Potentia*', and the predicate '*Aestimatio*' and '*Paritas*', the predicate does not transmit a direct command of the law, but rather defines, what should be taken for the value of the thing according to 'equity'. This 'equity' was an approximate, or probable, action of the supposed inner logic of the law's system in a legally homogenous circle of situations. In the words of the Glossator Martinus Gosia (12th cent), 'equity' was a 'convenience of things, which desires equal law in equal cases'.[34] While the *regula'*s subject defined that circle of situations, the predicate indicated what the equity actually 'desired' for those situations, either precisely or vaguely.

The qualification 'precisely or vaguely' above is important because substantially the same 'equity' can be formulated in different ways. For example, the *regula* Nr. 11 '*Actore non probante reus absolvitur*' may be found in the sources in various formulations, one of them, being, for example, '*Actori incumbit onus probandi*'.[35] Judging by the citations provided by the original source where it occurs, the last version was clearly perceived not as a separate rule, but as a version of the rule Nr. 11.[36] And this is why it is identified as a version of the *regula* Nr. 11 in the project database. And this is despite the fact that 'putting a burden of proof on the claimant' and 'relieving the defendant' are not precisely identical notions. Yet, this lack of identity in formulation does not prevent the underlying reason, or equity, of both assertions from being essentially identical. If we assume that a *regula* is similar to a sign, then what matters most is the identification by the jurists of these assertions as one rule in the system of rules, rather than the difference in their precise formulations.

A different situation, nevertheless, arises when we are talking about two distinct and separate *regulae*, which share a conceptual similarity. When their predicates are conceptually identical or almost identical, with the subjects being slightly or significantly different, it means that there are two or more circles of cases where equity desires the same outcome. By means of a shared underlying *ratio*, the two rules become objectively connected to each other, so that they cannot even be considered in isolation. On the contrary, if the predicates are only slightly similar, so that one rule cannot be instantly connected to another by the association of their predicates only, then the common underlying reason is not obvious, and the similarity between the rules is not that strong.

[33] DYNUS MUGELLANUS (1995) *Proem*., s.v. *Item per verba*; KOTLYAR (2021) 414.
[34] 'Rerum convenientia quae in paribus causis paria iura desiderat' (LANDAU (1994) 97).
[35] 'The claimant bears the burden of proof'.
[36] Namely, C.2.1.1, C.2.1.4, C.4.19.23, C.4.20.7, De poen. D.1 c.87, D.2.13.3, C.3.32.28.

For example, there are three similar *regulae* in the project database: Nr. 107 '*Rei sunt favorabiliores actoribus*',[37] Nr. 166 '*Non licet actori quod reo licitum non existit*',[38] and Nr. 1191 '*Cum sunt partium iura obscura, reo favendum est potius quam actori*'.[39] They share key concepts, such as '*Actor*' and '*Reus*'; they seem to be united by the same underlying reason. And yet, objectively, Nr. 107 is closer related to Nr. 1191 than to Nr. 166. The reason for that is that the predicates of Nr. 107 and Nr. 1191 are almost identical: both predicates contain '*Favor*' and '*Reus*', which exhaustively describe what 'equity' demands. The subject of Nr. 1191, '*Cum sunt partium…*', seems narrower, at first, due to the additional notion of 'obscure rights'; yet, this does not diverge the *regulae* so wide apart as to allow suspicion that their underlying 'equities' are different. If we compare Nr. 107, '*Rei sunt…*', and Nr. 166, '*Non licet…*', we see that they are similar, too, but not as similar as Nr. 107 and Nr. 1191, '*Cum sunt partium…*'. Nr. 166 is much narrower, overall, and can be expressed through concepts '*Illicitum*', '*Reus*' (subject), '*Illicitum*', and '*Actor*' (predicate). Its predicate is quite different from that of Nr. 107, '*Rei sunt…*', and does not immediately entail an association with Nr. 107. If we look at these two rules in their fullness, with subject and predicate, we see a similarity, in the notion that a defendant cannot be in a worse position than the pursuer. Yet, this similarity is not as strong as between Nr. 107 and Nr. 1191, '*Cum sunt partium…*': it allows for a possible difference in the underlying reasons of the two rules. As regards the pair Nr. 166, '*Non licet…*', and 1191, '*Cum sunt partium…*', their connection is only indirect: the specification of the concepts '*Obscuritas*' and '*Illicitum*' make the two rules further from each other than their respective relations with the Nr. 107. Thus, we have a method for determining the structure and proximity of relations between similar *regulae iuris*.

This allows us to create a network, or networks, among the *regulae*. A network cannot be meaningful without a structure, an order of connection among the elements. And such an order cannot exist if all the similar elements are connected to each other by the same kind of equidistant connection. A criterion of proximity is needed in order to distinguish direct and indirect connections, stronger and weaker similarities. The degree of conceptual similarity between subjects and predicates of similar *regulae iuris* may help us with this.

[37] 'The defendants are more favoured than the claimants'.
[38] 'What is not allowed to the defendant is not allowed to the claimant either'.
[39] 'When the rights of the parties are obscure, the defendant is to be favoured, rather than the claimant'.

5. Network of *regulae iuris*, based on conceptual similarity and opposition: criteria of proximity

Taking into account what was said above, in assessing the conceptual similarity of the *regulae iuris*, the following steps were taken. 1) The predicates of two *regulae* are compared. If the predicates are completely different, so that they prescribe different legal measures, especially incompatible ones, then no direct conceptual similarity is established between the two rules. 2) If, on the contrary, the predicates coincide 100%, i.e., are essentially identical, then a strong similarity is established between the two rules. Sometimes, the conceptual content of the two rules is modified in such a situation – not in order to artificially 'bring them together', but in order to ensure the uniformity of the conceptual 'language' in which the rules are expressed. One rule, regularly, cannot have more than two strong connections, based on the identity of predicates: one connection to another rule narrower in subject, another connection to a rule wider in subject. 3) If the two predicates share a similarity in meaning, without being essentially identical, then, the excusable vagueness of the rules' predicates (which was mentioned above) prevents us from using the similarity of predicates alone as a criterion of their proximity. In contrast, conceptual proximity of the subjects of the two rules becomes crucial, like in the case of Nr. 107, '*Rei sunt favorabiliores actoribus*', and Nr. 166, '*Non licet actori quod reo licitum non existit*', above. This produces a weak connection, of which every rule can have an unlimited number. The number is unlimited because there are, in theory, infinite ways in which two or more rules may overlap in terms of the field of their application and, thus, share a conceptual similarity in terms of their subjects of application. At the same time, even here a certain order of connection may be established according to closer or remoter levels of overlap.

Analysis of the vocabulary of concepts of which a rule consists may be assisted by the analysis of the legal citations which support them, because they determine the scope cases to which the *regula* applies. For example, *regulae* Nr. 798 '*Alterius temeritas non debet alii nocere*', Nr. 155 '*Negligentia unius alteri nocere non debet*' and Nr. 217 '*Res inter alios acta tertio non praeiudicat*'[40] have, essentially, identical predicates: '*Praeiudicium*' and '*Noxa*' are used in the same meaning, and this is confirmed by citations, brought in support of Nr. 217, which use the words '*nocere*' and '*praeiudicium*' side-by-side.[41] However, Nr. 217 seems to be wider in application than both Nr. 155 and Nr. 798, because it applies literally to any 'act'. In their turn, Nr. 155 and Nr. 798 seem almost identical, because '*temeritas*' and '*negligentia*' are almost synonymous in meaning. Yet, the online Latin dictionary of E. Olivetti[42] seems to suggest that '*temeritas*' is still a little bit narrower in meaning. Moreover, the rule

[40] 'Someone else's temerity must not harm another', 'Negligence of one must not harm another', and 'A deed performed between the parties does not create a prejudice for a third party', respectively.
[41] Namely, fragment of the Code of Justinian C.7.60.1, taken together with the name of the title.
[42] https://www.online-latin-dictionary.com

Nr. 798 is only supported by one citation, speaking of 'promiscuous acts',[43] while Nr. 155 seems is supported by two fragments of quite different legal contexts.[44] Thus, Nr. 155, '*Negligentia unius…*', is wider than Nr. 798, '*Alterius temeritas…*', which, out of the two, makes it conceptually closer to Nr. 217, '*Res inter alios…*'; Nr. 155 is thus counted as intermediate in the network between Nr. 217 and Nr. 798, which thus have only an indirect connection between each other.

As can be seen, the principle of economy of connections is applied in creating the network. Within a group of similar rules, only as many connections are needed as to fully interconnect them, so that a connected graph may be drawn. In the example of the *regula* Nr. 166, '*Non licet actori quod reo licitum non existit*', above, a decision is made to connect it to the *regula* Nr. 107, '*Rei sunt favorabiliores actoribus*', rather than Nr. 1191, '*Cum sunt partium iura obscura, reo favendum est potius quam actori*', not to both of them. A *regula* sharing a similarity with a group should be connected just to one *regula* in the group, unless it follows that it may be put between two already connected *regulae.* In this way, we do not overload the network with information and allow for the possibility of structural holes. The structural holes are one of the phenomena in the mechanism of 'binding', described above.[45]

As was shown above, oppositions and juxtapositions are another type of connection, besides the similarity, that we can establish in a system of rules. Therefore, we identify pairs of *regulae* which are either 'contradictory' or 'contrary' to each other. The contradictory *regulae* are pretty straightforward. They are incompatible, their subjects being identical and their predicates prescribing opposite solutions, as they are based on different *rationes,* or *aequitates*. Such are the maxims Nr. 344 '*Attentatio punitur licet aliquid secutum non sit*' and Nr. 836 '*Affectus non punitur nisi sequatur effectus*', [46] Nr. 31 '*Aliud pro alio invito creditore solvi non potest*' and Nr. 815 '*Aliud pro alio solvitur invito creditore*',[47] etc. The existence of such contradictions should not create a premature impression that there was no system among the *regulae iuris*. As was already said above, the *regulae* were a product of dialectical contradictions and their eventual resolutions. Contradictions appeared when this process of the demarcation of the respective fields of application of two rules was yet unfinished; such assertions could be *generalia* rather than finished *regulae.*

A different situation arises when two rules are not contradictory, but just 'contrary', i.e., they are compatible in principle, although representing opposite spectra of possible solutions to the related

[43] C.6.23.23.
[44] D.22.6.5, D.50.17.74.
[45] BORGATTI/MEHRA/BRASS/LABIANCA (2009) 894.
[46] 'A criminal attempt is punished, even if nothing has followed' and 'A criminal attempt is not punished, unless a consequence has followed'.
[47] 'One thing cannot be given instead of another without creditor's consent' and 'One thing can be given instead of another without creditor's consent', respectively.

legal cases. The distinction between the categories of contradiction and contrariness existed already in Aristotelean logic and was well-known to medieval jurists and theologians.[48] Such maxims, as regards their subject, sometimes apply to the same *genus* of cases, but to different *species* within that *genus*; their predicates are not simply different, but opposite. Such is, for example, the pair: Nr. 619, '*Remissio in delictis locum habet*', and Nr. 620, '*Remissio in causis civilibus locum non habet*'.[49] However, such *regulae* can also speak of seemingly different situations, like the pair of Nr. 130 '*Inclusio unius est alterius exclusio*' and Nr. 203 '*Qui totum dicit, nihil excludit*'.[50] Yet, in reality, these two rules also share a common *genus* in the subject, which consists in mentioning ('*inclusio*') one or all of the elements of the whole: in one case just one element is mentioned, in the other case the whole is enumerated. That's why the two *regulae* are marked as contrary.

Finally, there are cases when the subjects of two rules seem 100% identical, but their predicates are not completely incompatible, despite obviously being based on incompatible underlying *rationes*. Such are the pairs Nr. 91 '*Donatio inter virum et uxorem non valet*' and Nr. 410 '*Donatio inter virum et uxorem morte mariti confirmatur*',[51] as well as Nr. 146 '*Metus non rescindit contractum*' and Nr. 147 '*Metus vitiat contractum*' (already mentioned above). What to make of such cases? They do not speak of different *species* within a share *genus* of cases. Rather, they provide divergent, and yet, compatible *rationes determinationis* to the same circle of cases. A gift between the spouses can simultaneously be invalid and, still, become valid after their death. The second pair is harder to decouple: is the '*Vitium*' ('defect') of Nr. 147 compatible with the 'non-rescission' of Nr. 146? De Thomassetis, who put them side-by-side in his book, obviously did consider them compatible: both are treated separately, both have their own exceptions or limitations, despite obviously being juxtaposed to each other.[52] All in all, there seems to be no reason to treat such pairs of rules differently in any way from other pairs of contrary *regulae iuris*.

Directed connections have also been used in the database. They are used to reflect diachronic relationships between *regulae*. They will be addressed below in more detail.

[48] OTTE (1971) 68-69.
[49] 'Remission of obligations affects delicts' and "Remission of obligations does not take place in civil cases'.
[50] 'Inclusion of one is an exclusion of the other' and 'By saying the entirety, (you) leave no exceptions'.
[51] 'A gift between husband and wife is invalid' and 'A gift between husband and wife is confirmed by the death of the husband'.
[52] THOMASETTIS (1603) 43v-44.

6. Analysis of similar and contrary regulae: preliminary results

As a result of analyzing the *regulae iuris*, collected in the database, as to their conceptual similarity and juxtaposition, 68 interconnected groups have been identified. All in all, these groups include 155 *regulae* out of 1193 already collected ones. The groups are rather small: 52 out of 68 are just pairs of two rules. Of those pairs, 39 are similar rules, 10 are contrary and 3 are contradictory. The preliminary result has obviously failed to produce a unified connected network of *regulae* based on similarity and juxtaposition, but this was not the intention.

The few large and complex structures, produced by the analysis, were worth the effort. Two large clusters of interconnected *regulae*, more than five in each, have been identified. One cluster consists of 8 rules, all revolving around the idea of implying consent from silence and, vice versa, requiring express consent for validity of acts. The other cluster has already been partially touched upon above: 7 rules connected by the vague principle that acts of one (or more) person may not harm or affect a third party. The latter cluster will be considered here in more detail. Creating a structure out of it has revealed both advantages and limitations of the adopted method. It has also shown the signs that some mechanisms of structural network analysis, such as the 'exclusion mechanism', seem to be working.

First, a group of seven similar *regulae* were identified: Nr. 33, '*Alteri per alterum non debet iniqua conditio inferri*',[53] Nr. 155, '*Negligentia unius alteri nocere non debet*',[54] Nr. 217, '*Res inter alios acta tertio non praeiudicat*',[55] Nr. 265, '*Factum unius alteri obesse non debet*',[56] Nr. 759, '*Alicui non prodest nec nocet iusiurandum inter alios factum*',[57] Nr. 798, '*Alterius temeritas non debet alii nocere*',[58] and Nr. 1070, '*Factum unius alios non debet trahere in periculum*'.[59] The final result of structuring the group is shown in Figure 1.

[53] 'One may not put another into an unfair condition'.
[54] 'Negligence of one must not harm another'.
[55] 'A deed performed between the parties does not create a prejudice for a third party'.
[56] 'An action of one may not create obstacles for another'.
[57] 'One is neither harmed nor benefited by an oath sworn between third parties'.
[58] 'Someone else's temerity must not harm another'.
[59] 'An action of one may not lead others into danger'.

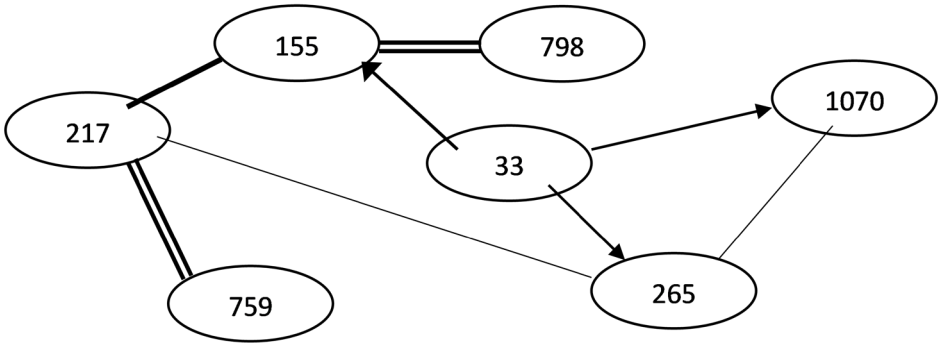

Fig. 1

Figure 1. Structuring the group.

First, rules with close or identical predicates were identified. Above, it was said that the rules Nr. 798, Nr. 155 and Nr. 217 seem to have identical predicates, with '*praeiudicium*' being practically a synonym of '*noxa*' ('harm', 'legal prejudice'). However, this was an oversimplification that we made for the sake of an example. In reality, the *regula* Nr. 759 seemed initially even closer to Nr. 155 and Nr. 798, seeing that it expressly uses the concept '*Noxa*' in the predicate. And, yet, Nr. 217 and Nr. 759 are objectively closer to each other than to Nr. 155 or Nr. 798. There are certain conceptual differences between Nr. 217 and Nr. 759: Nr. 759 applies only to an oath ('*iurisiurandum*'), while its predicate is wider than that of Nr. 217, as it forbids not only harm, or prejudice, towards a third party, but a benefit ('*Commodum*') too. Nevertheless, the wider predicate here suggests only that the rule Nr. 759 applies to an additional mass of cases, where an act produces a benefit rather than harm to the third parties; it does not affect the underlying reason/equity, per se. If we look at the *regulae* in their entirety, predicates in one context with the subjects, then we see that the underlying equity of Nr. 217 and Nr. 759 is a bit different from that of Nr. 155-798. The pair Nr. 217-759 concerns acts done between two or more people, which are not necessarily bad or wrong, but which can, albeit should not, have a legal effect on the third parties. The pair Nr. 155-798, on the other hand, deals with bad acts, 'negligence' or 'temerity', and their effect on any other person whatsoever. These differences allow us to connect Nr. 155 '*Negligentia unius…*' to Nr. 798, '*Alterius temeritas…*', and Nr. 217, '*Res inter alios…*', to Nr. 759, '*Alicui non prodest…*', by a strong connection, marked in Figure 1 with double lines. This also demonstrates the applicability of the network analysis mechanism of exclusion. Although Nr. 217

or Nr. 759 seemed initially to be closely connected to Nr. 155-798, discovering the peculiarity of their shared equity means that they gravitate to each other more than they do to Nr. 155-798.

The two pairs, Nr. 155-798 and Nr. 217-759, should still be connected to each other relatively closely: the shared notions of '*Noxa*' or '*Praeiudicium*' are too important to disregard. A connection is thus established between Nr. 155 and Nr. 217 – it was already explained above, what exactly makes these two maxims quite close to each other. The next step is to consider the yet unconnected rules: Nr. 33, '*Alteri per alterum…*', Nr. 265, '*Factum unius alteri…*', and Nr. 1070, '*Factum unius alios…*'. They are notable in having almost identical subjects, expressible in concepts '*Factum Proprium*' and '*Alter*'. What differs is the predicate. Nr. 33, with its '*iniqua conditio*', has, probably, the widest predicate. The predicate of Nr. 265, described through the concept of 'impediment', is more specific, seeing that 'impediment' is always an 'unjust condition'. The rule Nr. 1070 is the most specific one, forbidding 'leading to danger'. It does not seem to fully coincide with Nr. 265, '*Factum unius alteri…*', but their wording suggests a relation. On the other hand, the rule Nr. 33, '*Alteri per alterum…*', seems to best express the general idea uniting these three *regulae*: an act of one cannot put someone else at a disadvantage. It seems best to connect all three to each other with weak connections, forming a 'cycle'. It is notable that the *regula* Nr. 33 is of ancient Roman origin: it is found in the Digest and ascribed to the Roman jurist Papinian.[60] That's why its connections are shown in the scheme (Fig. 1) as a one-sided arrow, the meaning of which will be explained below.

Now, we have identified three groups within the whole cluster: Nr. 217-759 ('*Res inter alios…*'-'*Alicui non prodest…*'), united by the juxtaposition between parties to an act and the third parties, 155-798 ('*Negligentia unius…*'-'*Alterius temeritas…*'), united by the idea of negligent, 'bad' acts, and Nr. 33-265-1070 ('*Alteri per alterum…*'-'*Factum unius alteri…*'-'*Factum unius alios…*'), with the underlying notion of putting someone else at an unfair disadvantage. These are all slightly divergent *aequitates,* or *rationes*. It follows that all three groups should be connected to each other directly, rather than through an intermediate. How exactly should they be connected? It is clear that the group Nr. 155-798 is related to the idea of 'iniquity', or 'injustice', the most. Ergo, they should be connected directly to Nr. 33, '*Alteri per alterum…*'; the concept of 'negligence' expressed 'iniquity' better than 'temerity', and thus a one-sided Nr. 33 to Nr. 155 connection is established. As to the pair Nr. 217-759, it is obvious that Nr. 217 should be the *regula* to connect with the 3rd group, seeing that Nr. 759 is restricted to oaths, making it too narrow. Which of the 3 rules, Nr. 33, Nr. 265, or Nr. 1070, are conceptually the closest to the rule Nr. 217? This task has been facilitated by analyzing the citations supporting the *regulae* in the sources. The rule Nr. 265, '*Factum unius alteri…*', is supported by a reference to C.7.60.1,

[60] D.50.17.74, Papinian, 1st book of *Quaestiones*.

shared with the rule Nr. 217, '*Res inter alios…*'. Moreover, although Nr. 265 speaks of 'obstacles' to the third parties, a fragment of the Digest brought in its support[61] speaks of 'harm' (*damnum*) done to them. Thus, Nr. 265 and Nr. 217 are the closest to each other in the two groups of rules, and a connection is established between them.

The aforementioned relationship networks are just a preliminary result. This analysis was aimed to establish only the most obvious connections, based on conceptual similarities and oppositions. Deep research of the use of one or another *regula* in the collections and other textual sources has not yet been done. A new and well-promising task will now be surveying mutual references, direct or implied, among the *regulae*. On the basis of those references, a 'second tier' set of similarities will be created, allowing further integration of the *regulae* into one graph. This would allow for a fuller and more precise network analysis of *regulae iuris*.

7. Further analytical perspectives

There are multiple ways in which network analysis will continue to be applied to the corpus of *regulae iuris*. They may be divided into synchronic methods, which assume the system of *regulae* as dogmatic and fixed in time, and the diachronic ones, which look at the evolution of the *regulae* in time.

One synchronic method of analysis that could prove useful is a comparative analysis of the scope of the concepts used in various *regulae* within the network. One of the fundamental tenets of structuralism, mentioned above, is that the sign is arbitrary – it is determined by its relations with other signs rather than by the phenomenon it signifies. If there ever was an orderly system among the *regulae iuris*, it is supposed to reveal itself in that the words adapt their meanings to suit their respective *regulae*, and related *regulae,* too. This is akin to the mechanism of adaptation, mentioned above, whereby nodes change their nature depending on how many relations they have, and to which other nodes. For example, it was shown above how the concept '*Impedimentum*' ('obstacle') in the *regula* Nr. 265, '*Factum unius alteri obesse non debet*', was used in the meaning close to the concept of 'harm', under an obvious influence of related *regulae*, dealing with '*Noxa*' and '*Praeiudicium*'. The rules Nr. 155, '*Negligentia unius alteri nocere non debet*', and Nr. 798, '*Alterius temeritas non debet alii nocere*', on the other hand, have slightly different concepts '*Negligentia*' and '*Temeritas*' distinguishing them; it would be interesting to learn if these terms have peculiar meanings in these two *regulae*, intentionally to keep these *regulae* apart, or, *vice versa,* to keep them close together. Particular interest here might be posed by contrary and contradictory *regulae*: for example, in the

[61] D.36.1.26.2.

regulae Nr. 64, '*Casus fortuitus liberat debitorem*', and Nr. 254, '*Casus fortuitus non liberat debitorem*',[62] it would be interesting to see if the term '*Liberatio*' is used by the sources in intentionally different meanings, so as to allow reconciliation of the two rules. This kind of research can help to determine, how appropriate the comparison between the *regulae* and language is.

Another potential synchronic method would be adding *fallentiae* and *ampliationes* into the network for analysis. It was normal for the medieval (especially late ones) and early modern collections of *regulae iuris* to include exceptions and other special cases where a *regula* fails, as well as, *vice versa*, 'additional cases' to which a *regula* extends. For example, the *regula* Nr. 11, '*Actore non probante reus absolvitur*', usually had up to eight fallacy cases attached to it, including the following: 'When a half-proof is provided', 'When the defendant must take an oath', 'When there is a presumption against the defendant', 'When the defendant willingly accepts the burden of proof', 'When the defendant has to prove his own plea', etc. Respectively, the *regula* Nr. 107, '*Rei sunt favorabiliores actoribus*', often had an ampliation attached to it: 'Even if the claimant's proofs are somewhat stronger'. At the time of writing this article, the project database contains 29 *fallentiae* to five *regulae*, including four *fallentiae* which apply to two or more *regulae*. In a similar way to *regulae*, the *fallentiae* are also conceptually analyzed: e.g., 'When there is a presumption against the defendant' includes the concepts '*Reus*' and '*Praesumptio*'. However, unlike with the *regulae*, only the subject of the *fallentia* is identified, not the predicate, because their predicate consists, essentially, in the denial of the predicate of the *regula*. One way to include the *fallentiae* into the network analysis would be to look at how one and the same *fallentia* relates to several *regulae* which are either similar or contrary to each other. This may tell us how exceptions from the rules correlated with contrary rules, and, on a deeper level, how standardized were the *fallentiae* and the *regulae* themselves. Another way would be trying to distinguish between proper *exceptiones* to *regulae* and the 'fallacies' understood narrowly. It was already pointed out elsewhere that some medieval jurists, including Dynus of Mugello and Bartolus, seemed to distinguish between these two.[63] The difference between them seems to have been that exceptions proper had a *ratio specialitatis* which was substantially connected to the *ratio determinationis* of the *regula* itself. For example, the exception 'When there is a presumption against the defendant' seems to be an exception proper to the *regula* Nr. 11, '*Actore non probante*…', because the logic of the burden of proof by necessity includes various presumptions that the law could create in practice. On the other hand, 'When the defendant has to prove his own plea' seems to be a fallacy *per accidens* – i.e., an exception based on the factors external to those making up the *regula*. But this could turn out to be otherwise: a more thorough conceptual analysis of the *regula* and the exception might be needed. In any case, it

[62] "Force majeure discharges the debtor' and 'Force majeure does not discharge the debtor'.
[63] KOTLYAR (2021) 427-430.

was conjectured[64] that certain types of overly special *regulae* could not have proper exceptions in medieval jurisprudence – only 'accidental fallacies'. This thesis will be quite easy to verify or falsify using network analysis of contrary *regulae* and *fallentiae*.

Also useful in the network analysis of *regulae iuris* would be various diachronic instruments, which take into account temporal change. One of them is distinguishing between older and(or) simpler *regulae*, on the one hand, and newer and(or) more complex *regulae*, on the other hand. It is not by chance that the *regula* Nr. 33, '*Alteri per alterum non debet iniqua conditio inferri*', on the scheme (Fig. 1) is connected to other similar *regulae* through an arrow-shaped line. This *regula* has a special position because it is found among the original Roman *regulae iuris,* in the title 17 of the book 50 of the Digest.[65] This means that the *regula*'s wording was pre-set by the authoritative legal text and could not be changed or affected by other *regulae*; its interpretation, while in principle open to change and external influence, was, nevertheless, dependent on the text. Therefore, its connection to similar rules was supposed to be largely one-sided: it could influence them, as prior in time, but their reverse influence was limited. A similar one-sided connection is established when one *regula* is just a narrower in subject and more complex version of the other, such as in the case of the rules Nr. 85, '*De modicis non est curandum*', and Nr. 1000, '*De modicis expensis non est curandum*'.[66] Nr. 1000 is only distinguished from Nr. 85 by adding the concept '*Expensum*'. Although they are probably different *regulae* with slightly different equities, Nr. 85 is obviously better than Nr. 1000 in terms of expressing its own underlying equity. Speaking in the terms of linguistic structuralism, Nr. 85 is the dominant, 'unmarked' form, while Nr. 1000 is the 'marked' form, which was probably formulated intentionally to stress the additional feature of applying the rule to expenses.[67] Research of such relationships will help to prove or disprove the systematic character of the *regulae*; for example, disproving it is possible by showing that the later in time or 'marked' *regulae* influence the supposedly 'earlier' ones to a no lesser extent.

Another way in which a diachronic element could be included into network analysis of the *regulae* involves following the development of individual *regulae* through the stages of '*notabile*', '*generale*', and '*regula* proper', following the scheme already mentioned above, identified by P. Weimar and confirmed by D. De Concilio. For example, it can be identified, to what extent the final wording of the *regulae* was determined by their original *notabilia*, i.e., by the original wording of the authoritative

[64] KOTLYAR (2021) 428-429.
[65] D.50.17.74.
[66] 'The details are not worthy of concern' and 'Small expenses are not worthy of concern'.
[67] The concept of 'markedness', where the marked and the unmarked (dominant) forms are in a state of juxtaposition, was an important concept developed by the Prague school of structural linguistics, in particular by Roman Jakobson (1896-1982).

legal texts. If the formulation of the *regulae* was determined by juristic activity, dialectical reasoning and the relationship with other *regulae* to a stronger extent than by the *notabilia*, this would speak in favour of the systematic character of the *regulae*. A contrary conclusion would speak against such a character.

8. List of regulae iuris mentioned in this article, with their database number

Nr. 11, Actore non probante reus absolvitur;

Nr. 31, Aliud pro alio invito creditore solvi non potest;

Nr. 33, Alteri per alterum non debet iniqua conditio inferri;

Nr. 64, Casus fortuitus liberat debitorem;

Nr. 65, Cessante causa, cessat effectus;

Nr. 83, De duobus malis minus est eligendum;

Nr. 85, De modicis non est curandum;

Nr. 91, Donatio inter virum et uxorem non valet;

Nr. 107, Rei sunt favorabiliores actoribus;

Nr. 130, Inclusio unius est alterius exclusio;

Nr. 146, Metus non rescindit contractum;

Nr. 147, Metus vitiat contractum;

Nr. 155, Negligentia unius alteri nocere non debet;

Nr. 166, Non licet actori quod reo licitum non existit;

Nr. 182, Poena debet commensurari ad delictum;

Nr. 203, Qui totum dicit, nihil excludit;

Nr. 217, Res inter alios acta tertio non praeiudicat;

Nr. 254, Casus fortuitus non liberat debitorem;

Nr. 265, Factum unius alteri obesse non debet;

Nr. 344, Attentatio punitur licet aliquid secutum non sit;

Nr. 410, Donatio inter virum et uxorem morte mariti confirmatur;

Nr. 501, Iuramentum in probationis supplementum defertur;

Nr. 605, Procurator procuratorem substituere non potest;

Nr. 619, Remissio in delictis locum habet;

Nr. 620, Remissio in causis civilibus locum non habet;

Nr. 629, Res tantum valet quantum vendi potest;

Nr. 759, Alicui non prodest nec nocet iusiurandum inter alios factum;

Nr. 798, Alterius temeritas non debet alii nocere;

Nr. 815, Aliud pro alio solvitur invito creditore;

Nr. 836, Affectus non punitur nisi sequatur effectus;

Nr. 896, Crescente malitia crescere debet et poena;

Nr. 1000, De modicis expensis non est curandum;

Nr. 1065, Futurum ius remitti potest;

Nr. 1070, Factum unius alios non debet trahere in periculum;

Nr. 1186, Iuramentum obtinet locum probationis;

Nr. 1191, Cum sunt partium iura obscura, reo favendum est potius quam actori.

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