

CONTENTS

Editor's preface	7
List of abbreviations	9
Chapter I Introduction	13
§ 1 On our purpose	13
§ 2 Theoretical bases	17
Chapter II The institution of contract in Roman law	26
§ 3 Remarks on the title of this chapter	26
§ 4 The contract in the time of the Twelve Tables	28
§ 5 The law of contracts in preclassical law	37
§ 6 The contract in classical law	47
§ 7 The contract in postclassical and Justinianean laws	54
§ 8 Enforced contractual types?	68
Chapter III <i>Contractus</i> and <i>pactum</i> . The terminology and the concept of the contract in Roman law	79
§ 9 The problem of <i>contractus</i> in the literature	79
§ 10 Definitions of <i>contractus</i>	86
§ 11 The verb <i>contrahere</i> and its synonyms	96
§ 12 The noun <i>contractus</i> and its synonyms	101
§ 13 <i>Pactum</i> and <i>nudum pactum</i>	119
§ 14 Summary	135
Chapter IV The contract from the fall of Rome up till the appearance of the Glossator School	148
§ 15 Peculiarities of the period	148
§ 16 Two kinds of sources	160
§ 17 Terminology. Contract and document	168
§ 18 <i>Schuld und Haftung</i>	182
§ 19 Stipulation as a contractual clause	201
§ 20 Penal clauses	207
§ 21 Conclusions	222
Index	229