

Contents

<i>List of abbreviations</i>	<i>page</i> vii
<i>Chronology</i>	viii
1 Introduction	I
2 Roman law in antiquity	3
1 The law of the Twelve Tables	3
2 Legal development by interpretation	7
3 The praetor and the control of remedies	8
4 The <i>ius gentium</i> and the advent of jurists	12
5 The empire and the law	14
6 The jurists in the classical period	16
7 The ordering of the law	18
8 The culmination of classical jurisprudence	20
9 The division of the empire	22
10 Post-classical law and procedure	24
11 The end of the western empire	29
12 Justinian and the Corpus iuris	32
3 The revival of Justinian's law	38
1 Roman law and Germanic law in the West	38
2 Church and empire	41
3 The rediscovery of the Digest	43
4 The civil law glossators	45
5 Civil law and canon law	49
6 The attraction of the Bologna <i>studium</i>	52
7 The new learning outside Italy	54
8 Applied civil law: legal procedure	57
9 Applied civil law: legislative power	59
10 Civil law and custom	61
11 Civil law and local laws in the thirteenth century	64
12 The School of Orleans	67

vi	<i>Contents</i>	
4	Roman law and the nation state	71
1	The Commentators	71
2	The impact of humanism	75
3	Humanism and the civil law	76
4	The civil law becomes a science	79
5	The ordering of the customary law	83
6	The Bartolist reaction	85
7	The Reception of Roman law	86
8	The Reception in Germany	88
9	Court practice as a source of law	92
10	Civil law and natural law	94
11	Civil law and international law	96
12	Theory and practice in the Netherlands	97
5	Roman law and codification	104
1	Roman law and national laws	104
2	The mature natural law	107
3	The codification movement	110
4	Early codifications in Germany and Austria	111
5	Pothier and the French Civil Code	114
6	The German historical school	115
7	Pandect-science and the German Civil Code	119
8	Nineteenth-century legal science outside Germany	123
9	Roman law in the twentieth century	128
	<i>Index</i>	133