

# Contents

## PART I

<i>Abbreviations</i>	xi
<i>Table of Cases</i>	xxi
<b>A. GENERAL CONSIDERATIONS</b>	
1. The Concept of Comparative Law	I
2. The Functions and Aims of Comparative Law	13
3. The Method of Comparative Law	32
4. The History of Comparative Law	48
<b>B. THE LEGAL FAMILIES OF THE WORLD</b>	
5. The Style of Legal Families	63
<b>I. The Romanistic Legal Family</b>	
6. The History of French Law	74
7. The Spirit and Essential Features of the Code Civil	85
8. The Reception of the Code Civil	98
9. Courts and Lawyers in France	119
<b>II. The Germanic Legal Family</b>	
10. The History of German Law	132
11. The German Civil Code	143
12. The General Civil Code of Austria	157
13. The Swiss Civil Code	167
<b>III. The Anglo-American Legal Family</b>	
14. The Development of the English Common Law	180
15. Courts and Lawyers in England	205

16. The Spread of the Common Law Throughout the World	218
17. The Law of the United States of America	238
18. Law-Finding and Procedure in Common Law and Civil Law	256
<b>IV. The Nordic Legal Family</b>	
19. Scandinavian Law, Past and Present	276
<b>V. Law in the Far East</b>	
20. Chinese Law	286
21. Japanese Law	295
<b>VI. Religious Legal Systems</b>	
22. Islamic Law	303
23. Hindu Law	313

## PART II

### C. CONTRACT

#### VII. The Formation of Contracts

24. Freedom of Contract and its Limits	323
25. Contractual Capacity	348
26. Offer and Acceptance	356
27. Formal Requirements	365
28. Illegality and Immorality	380
29. Indicia of Seriousness	388
30. The Construction of Contracts	400
31. Mistake, Deceit, and Duress	410
32. Representation	431
33. Assignment	442
34. Contracts for the Benefit of Third Parties	456

#### VIII. The Performance of Contracts

35. Claims to Performance and Their Enforcement	470
36. Breach of Contract	486
37. The Effect of Supervening Events	516

## D. UNJUSTIFIED ENRICHMENT

38. Unjustified Enrichment in General 537
- 
39. Unjustified Enrichment—Specific Topics 566

## E. TORT

40. Tort in General 595
41. Liability for Others 629
42. Strict Liability 646
43. Invasions of the Right of Personality 685

*Index*

709