

Paul, Inst. 2 (D.44.7.3pr):

The essence (*substantia*) of obligations does not consist in that it makes some property (*corpus*) or servitude ours, but that it binds (*obstringat*) another person to give, do, or perform something for us.

Jl.3.13: “An obligation is a legal bond, with which we are bound by necessity of performing some act according to the laws of our State.” For Justinian obligations are then divided:

Obligations—in general—Jl.3.13.1	
civil	pretorian

Obligations—in general—3.13, .28–9			
ex contractu—3.14–26	quasi ex contractu—3.27	ex delicto—4.1–4	quasi ex delicto—4.5

Gl.3.88: “Let us now proceed to obligations. These are divided into two main species: for every obligation arises either from contract or from delict.”

Obligations—in general—§88	
ex contractu—3.88–181	ex delicto—3.182–225

D.44.7.1pr (Gaius, Aureorum 2) is a bit fuller: “Obligations arise out of contract, or out of evil-doing, or by their own law from various types of causes.”

Obligations—in general		
ex contractu	ex maleficio	proprio quodam iure ex variis causarum figuris

acquisition of obligations <i>ex contractu</i> —§89						
re	verbis — §§92–127	litteris —§§128–34, 138	consensu—§§135–7			
mutuum—§§90–1			emptio venditio – §§139–41	locatio conductio – §§142–47	societas – §§148–154b	mandatum –§§155– 162
acquisition of obligations through others—§§163–67a						

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ex contractu—13.14–13.26									
re				verbis – 3.15–20	litteris – 3.21	consensu—3.23–3.26			
mutuum 3.14pr–1	commodatum 3.14.2	depositum 3.14.3	pignus 3.14.4			emptio venditio 3.23	locatio conductio 3.24	societas 3.25	mandatum 3.26

The classification in the *Aurea* leaves out *pignus* and *litteris*

extinction of obligations *ex contractu*

solutio-§168

acceptilatio-§§169-  
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per aes et libram-  
§§173-5

novatio-§§176-9

litis contestatio-  
§§180-1

acquisition of obligations *ex delicto*-§182

furtum-§§183-208

vi bona rapta-§209

damnum iniuria datum-  
§§210-19

iniuria-§§220-5