Law belongs to the world of ideas, of legal doctrines: it tells us how to behave: what is permitted and what is prohibited. In consequence the legal norms describe the desire of the lawgiver how the world ought to be, not how it is really functioning. Therefore, the application of doctrines in everyday life might differ a lot from their wording. Thus – it seems useful to recall the expression coined by American scholar Roscoe Pound (1870-1964) – that there is 'law in books' and 'law in action'. Although R. Pound used this expression in order to grasp the idea of law at the dawn of 20th century in the United States of America, his observations seem best suited also to explore the world of Roman Law.

The goal of the research project is to verify the opinion prevailing among modern Romanistic scholarship, that the Romans were reluctant towards any kind of contracts used in passing wealth on death. According to the working hypothesis it is assumed that the Roman Law 'in action' did know various kinds of agreements concluded in order to regulate one's succession in the event of death, even if the 'law in books' says something totally different.

The research will be conducted by using traditional set of methods applied in the Romanistic scholarship. The first step will be to list the collections of ancient legal sources destined for examination (i.a. the Digest, the Code of Justinian, the Instiutes of Gaius, *Fragmenta Vaticana*). A selection of relevant texts will follow the preliminary reading. Taking into account the incompleteness of legal systematisation, the chosen texts have to be ordered according to the kind of legal institution they refer to and taking account of the chronology. The analysis of Roman legal texts (so called *exegesis*) will provide the proper understanding of their legal content. The consultation of modern literature will be particularly helpful at this stage of research. An attempt to get some regularities among the examined texts and to answer the research questions will crown the project.

Several reasons for picking up this topic can be pointed out. The first one is the curiosity for motives staying behind the alleged prohibition of passing wealth on death by using contracts. The Romanistic scholarship nearly unanimously declares they were contrary to good morals and in consequence – void. Surprisingly this opinion is supported by little textual evidence (i.a. D. 45.1.61, Iul. 2 Urs. Fer.), providing hardly any explanation. Wasn't there any discussion on this topic among the Romans? The Roman Law is known for its discursive style and the often contradicting opinions of Roman jurists (*ius controversum*). It is also known for being both creative and reflective for the socio-economic reality. Moreover, already a superficial reading of Roman legal sources reveals texts which stay clearly in contrast to the prevailing scholarly opinion (e.g. D. 2.14.40.3, Pap. 1 resp.; D. 39.6.42, Pap. 13 resp.). They describe different types of agreements entered in order to secure wealth to other persons in the event of death. Thirdly, in the background of the chosen research topic, there is the conviction (already expressed in the foreign legal literature), that the Romans were facing similar problems concerning the estate planning as we do. They were asking themselves how to secure the desired wealth transfers, how to effectively bind others to the decisions made and what difference there is between expressing one's will in agreement and in testament. The demographic and societal developments nowadays also challenge our traditional understanding of the Law of Succession, an occurrence visible in the recent law reforms in Europe (e.g. Belgium).

The research is supposed to bring interesting effects. Such a research project's topic has never been explored and presented in the Polish legal science. Regardless of the outcome – i.e. if the abovementioned hypothesis will be confirmed or if it will fail – the undertaken research should picture the discussion about the place of contracts in the estate planning in Roman Law and in the Romanistic Tradition. The analysis of ancient legal sources will demonstrate which arguments were used in the legal discourse and what choices made by jurists were particularly troublesome.

Although the research regards law that is not in force anymore, the foundational value of Roman Law speaks for reconsidering its heritage in the modern philosophical and doctrinal discussions about the role of one's intent and its binding force in the passing of wealth beyond death.