

# Summary

## Assignment of Contract

The purpose of this master's thesis is to analyze the assignability of contracts under Czech law in the light of comparative, historical and theoretical aspects of this phenomenon. Relevance of this subject matter was recently highlighted by adoption of the new Czech Civil Code, which expressly authorizes this operation but leaves important issues open to interpretation. The thesis is composed of an introduction, two main parts and a conclusion.

First two chapters of the first part deal with historical development of this legal concept. In the roman law, a contractual obligation was conceived as a „bond of law“ (*iuris vinculum*), which implied a strictly personal nature of this relationship. However, this view started to change as soon as the roman economy shifted from agriculture towards trade and business, resulting in assignability of a contractual right. In the codification era of the 19th century, the concept of a delegation of contractual duty came in, establishing a theoretical foundation for the assignment of contract as such.

The third chapter moves our attention to the modern times, focusing primarily on the assignement of contract in various European countries, United States and Japan. The emphasis is put on the theoretical discussions this legal concept has seen in France and the American case-law which underwent a major evolution from a strictly personal conception of contractual obligation to a contemporary comodification of contract. Finally, assignability rules of other European countries are covered, as well as economic analysis of this legal concept.

The second part provides an overview of the assignability rules contained in the new Czech Civil Code, as well as their respective interpretation. It is structured into five chapters dealing with subjects, object, form and effects of this legal institution, main emphasis being put on question which contracts are *per se* non-assignable.

The conclusion aims to synthesise outcomes of the both previous parts of the thesis and argues that the new Czech legislation should be interpreted in accordance with historical, comparative and theoretical roots of this phenomenon presented in the first part.