

The Law of Contracts in the United States of America
(The Approach to Conflict of Laws in American Contracts)

Summary:

This thesis aims to compare the fundamental principles and basic ideas behind the law of contracts in the Czech Republic and the United States, hoping to introduce the reader not only to the pivotal maxims inherent to each of these two widely differing legal systems, but also to their respective idiosyncracies and mutual inconsistencies. It further wishes to explain the rather unique position of Conflict of Laws in the United States – its history, origin and some of its major differences when compared to International Private Law as it is known in Europe.

The first part of the thesis offers a quick refresher course on selected legal concepts of Czech contract law handpicked with the express intent of comparing them to their American counterparts. A discussion of the history, sources and types of contracts in the United States then follows. A general analysis of Conflict of Laws in the United States and its history is also included.

The second part of the thesis contains the contractual comparison itself, analyzing the sometimes subtle, sometimes far-reaching impact of discovered discrepancies in various stages of contractual offers and acceptances on the understanding of American contract

law from a European perspective. Concepts completely unknown to Czech law, such as consideration and promissory estoppel, as well as theories regarding the Material Benefit rule, Implied-in-Law contracts, Option contracts etc. are also presented.

Finally, after establishing the primary differences between Czech and American contract law and thus gaining much needed insight on what the definition of an American contract should be, the thesis introduces some of the more contemporary theories in American Conflict of Laws and proceeds to explain the provisions governing contracts in Conflict of Laws scenarios. The focus finally shifts from a microcomparative perspective to a macrocomparative one, looking at the interaction and possible mutual influences of both legal systems on each other with regard to international private law.

The conclusion answers the question of what to keep in mind when analyzing American contracts and American Conflict of Laws provisions relating to contracts from a Czech perspective.

Key Words: contract, conflict of laws, comparison

Klíčová slova: smlouva, mezinárodní právo soukromé, srovnání