

CONTENTS

1. INTRODUCTION	10
2. PRIVATE LAW IN THE CZECH MIDDLE AGES	14
2.1 Legal Particularism and Personality of the Law.....	14
2.2 Selected Institutes of the Medieval Private Law	16
2.2.1 Legal Personality.....	16
2.2.2 Family Law	18
2.2.3 Law of Succession	20
2.2.4 Rights in Rem	22
2.2.5 Contract Law.....	25
2.3 Influence of Roman Law.....	26
3. ROMAN LAW INFLUENCE ON PRIVATE LAW	29
3.1 Introduction	29
3.2 Influence of Roman Law on the Law of Obligations according to ABGB – the Comparison of Selected Contract Types	38
4. CIVIL LAW	45
4.1 Way to Elimination of Legal Particularism in the post-White Mountain Battle Period	45
4.2 Codification of Civil Law during the Reign of Maria Theresa	48
4.3 Codification of Civil Law during the Reign of Josef II.....	53
4.4 Completion of Codification of Civil Law	56
4.5 General Civil Code (ABGB).....	61
4.6 Changes in Civil Law in the 19 th Century	62
4.7 Changes in Civil Law at the Beginning of the Century	64
4.8 Czechoslovakia During the Inter-War Period	65
4.8.1 Establishment of Czechoslovakia and Reception Act.....	65
4.8.2 Commencement of Unification and Modernisation of Legal System	67

4.8.3	Draft of the Czechoslovakian Civil Code	69
4.8.4	Collapse.....	70
4.9	Civil Law in the Protectorate of Bohemia and Moravia	73
4.10	Czechoslovakian Socialist Civil Law in the Years 1948–1989.....	79
4.10.1	Constitution of May 9, 1948 and its Influence on the Socialist Civil Law.....	80
4.10.2	The Criticism of the “Bourgeois” Civil Law	81
4.10.3	Civil Code from 1950	81
4.10.4	Constitution of 1960	83
4.10.5	Civil Code from 1964	84
4.10.6	Changes after 1989	88
5.	BUSINESS LAW, LAW OF BILLS OF EXCHANGE, AND ECONOMIC LAW	89
5.1	Prehistory of Business Law and Law of Bills of Exchange	89
5.2	Codification of Business Law after 1862	90
5.3	Development of Business Law after the Passage of the Business Code	92
5.4	Codification of Law of Bills of Exchange in 1850, 1928 and 1940	94
5.5	Business Law in the Protectorate of Bohemia and Moravia	96
5.6	Industry, Commerce, and Trades at the End of Forties and in the Fifties.....	98
5.7	The Abolishment of Business Law, Law of Bills of Exchange and the Birth of Economic Law	100
5.8	Regulation of Economic Planning.....	101
5.9	National Enterprises and Organization of Economic Control.....	104
5.10	Organization of Internal and International Trade.....	107
5.11	Economic Relationships.....	107
5.12	Passage of the Economic Code	109
5.13	Principles of the Regulation under the Economic Code.....	111
5.14	Pre-November Novelizations and Amendments to the Economic Code	113

5.15 The Code of International Commerce	114
5.15.1 The Process of Codification	114
5.15.2 The Process of Repeal of the Code.....	116
5.15.3 Structure and Content of the Code	117
5.16 Changes in Legislation after November 1989	121
6. LABOR LAW	123
6.1 Formation of Labor Law	123
6.1.1 Labor Law and Economic and Social Development.....	125
6.1.2 German Pattern	126
6.1.3 Efforts to Define Labor Law in the Interwar Period	128
6.1.4 Synthesis or Symbiosis of Private and Public Law?	131
6.1.5 Classification of Labor Law.....	132
6.2 Issues of Labor Law in the Austrian and Czechoslovakian Law until 1950	134
6.2.1 Specifics of Employment Contracts and Employment Relationships.....	134
6.2.2 Austrian Labor Law Legislation	135
6.2.3 Labor Law Issues in the Law of Czechoslovakia until 1939.....	137
6.2.4 Labor Law in the Protectorate of Bohemia and Moravia....	140
6.2.5 The Development Immediately after the War.....	144
6.3 Labor Law in 1950–1992	144
6.3.1 Development until the Sixties	144
6.3.2 Labor Code of 1965	148
6.3.3 Development after 1989.....	150
7. FAMILY LAW	152
7.1 Attempts to Alter the Approach to Marriage and Family Law	152
7.2 Family Law in the Austrian General Civil Code.....	154
7.3 The Development of Family Law in the Nineteenth Century	156
7.4 Changes in Family Law in the First Czechoslovakian Republic..	160
7.4.1 Passage of the Act on Separation.....	160

7.4.2 Preparation of Codification of Family Law	162
7.5 Family Law After the Year 1945	168
7.5.1 Introduction.....	168
7.5.2 The Communist Take-Over and Czechoslovak-Polish Commission	168
7.5.3 Sixties.....	171
7.5.4 The Fall of the Berlin Wall	171
7.5.5 The Need for Re-Codification of Family Law	173
7.5.6 Conclusion	174

BIBLIOGRAPHY.....	175
--------------------------	------------