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TIESĪBZINĀTNE

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THE COMPARATIVE STUDY OF THE *FIDUCIE-S* AND TERMS RELATED TO THEM: PROBLEMS AND SOLUTIONS

Today's globalising processes set the new goals before the linguists and translators working in the field of the legal linguistics. The diversified legal systems of different countries and the emergence of the paradigm of transplantation (direct graphical conversion) change linguistic-juridical landscapes throughout the world. The majority of the linguists and lawyers of the European countries make significant attempts to keep pace to the latest challenges and to adjust local juridical systems as well as legal terminologies to the contemporary changes. The paper is oriented to the study of the contemporary Anglo-American concept of trust. It also discusses the Canadian and French concept of trust-like devices / *fiducie-s* and terminological units related to them via the linguistic as well as legal comparisons, which are essential for the development of the modern translation studies. The methodology of the carried-out research is based on Professor L. Pospisil's model and on the onomasiological approach proposed by Vienna School of Terminology. The legal concepts related to the common law's "trust" as well as Canada's and France's *fiducie-s* are presented in logical, systemic and succinct ways that allow readers to see the similarities and differences among various concepts and regulations. Moreover, the paper considers legal as well as linguistic comparisons on the micro (local) and macro (cross-national) levels. The research reveals that some terminological units, which sit comfortably within a local linguistic soil, may become obscure, unclear and even incomprehensible during a cross-national circulation. Therefore, the consideration of an international scale should become crucial during the process of translation or naming / labelling a concept. The paper proposes the renaming of some concepts for the creation of the most suitable equivalents of the terms related to the Anglo-American trust and its "counterparts" – the Canadian and French trust-like devices / *fiducie-s*.

Key words: trust, trust-like device, comparison, *fiducie*, translation.

Fiduciju un ar tām saistīto terminu salīdzinošā izpēte: problēmas un risinājumi

Mūsdienu globalizācijas procesi izvirza jaunus uzdevumus juridiskajā jomā strādājošajiem lingvistiem un tulkotājiem. Dažādu valstu tiesiskā sistēmas un transplantācijas (tiešās grafiskās pārneses) paradigma maina lingvistiski juridisko "ainavu" visā pasaulē. Daudzi Eiropas valstu lingvistu un juristu nopietni strādā, lai vietējo juridisko sistēmu un tās terminoloģiju pielāgotu mūsdienu izmaiņām. Rakstā tiek pētīts mūsdienu angloamerikāņu jēdziens "uzticēšanās". Tajā tiek analizēta arī ar uzticēšanos saistīto darījumu / fiduciju jēdzieniskā izpratne kanādiešu un franču valodās, izmantojot lingvistiski juridiskos salīdzinājumus. Pētījumu metodoloģijas pamatā ir profesora L. Pospisila modelis un onomasioloģiskā pieeja, kuru piedāvā Vīnes terminoloģiskā skola. Ar uzticēšanos saistītie tiesiskie jēdzieni, kā arī Kanādas un Francijas fiducijas ir izskatīti, veicot loģisko sistēmisko analīzi, kas palīdz noteikt līdzīgo un atšķirīgo starp jēdzieniem un tiesiskajām normām. Turklāt rakstā ir veikti juridiskie un lingvistiskie salīdzinājumi mikro- (vietējā) un makro- (starptautiskajā) līmenī. Pētījuma rezultāti parāda, ka dažas terminoloģiskas

vienības, kuras "ērti iedzīvojās" vietējā lingvistiskajā augsnē, var kļūt neizprotamas vai neizskaidrojamas starptautiskajā apritē. Tāpēc jēdziena tulkošanas vai marķēšanas procesā par svarīgāko kļūst starptautiskais mērogs. Raksta autors piedāvā savu jēdzienu pārveidošanas veidu, lai izveidotu visatbilstošākos terminu ekvivalentus, kuri saistīti ar angloamerikāņu uzticēšanos un tā "analogiem" – kanādiešu un franču uzticēšanās darījumiem/fiducijām.

Atslēgas vārdi: uzticēšanās, uzticēšanās darījums, salīdzinājums, fiducija, tulkojums.

Сравнительное изучение фидуциев и связанных с ними терминов: проблемы и решения

Сегодняшние процессы глобализации ставят новые задачи перед лингвистами и переводчиками, работающими в юридической области. Правовые системы разных стран и появление парадигмы трансплантации (прямого графического переноса) меняют лингвоюридические «ландшафты» всего мира. Большинство лингвистов и юристов европейских стран прилагают серьёзные усилия для того, чтобы приспособить местные юридические системы и их терминологию к современным изменениям. Статья ориентирована на изучение современного англо-американского понятия «доверие». В ней также анализируются – посредством лингво-юридических сравнений, которые необходимы для развития современного перевода, – канадские и французские понятия совершаемых на доверии сделок / фидуциев и терминологические единицы, связанные с ними. Методология исследования основана на модели профессора Л. Посписила и на ономасиологическом подходе, предложенном Венской школой терминологии. Общеправовые понятия, связанные с доверием, а также с фидуциями Канады и Франции, представлены с помощью логического системного анализа, что позволяет увидеть сходства и различия между понятиями и правовыми нормами. Кроме того, в статье рассматриваются юридические и лингвистические сравнения на микро- (местном) и макро- (международном) уровнях. Результаты исследования показывают, что некоторые терминологические единицы, которые «удобно прижились» на местной лингвистической почве, могут стать неясными и даже непонятными в процессе международного обращения. Таким образом, международный масштаб должен стать решающим в процессе перевода термина или маркировки понятия. В статье предлагается авторский способ перемаркировки некоторых понятий для создания наиболее подходящих эквивалентов терминов, связанных с англо-американским доверием и его «аналогами» – канадскими и французскими совершаемыми на доверии сделками / фидуциями.

Ключевые слова: доверие, совершаемые на доверии сделки, сравнение, фидуция, перевод.

Comparative linguistic-juridical studies

Today's Europe faces multilingualism and pluriethnicity – the results of the reformations of the last decades. A cross-national overview reveals that a great variety of "trust-like mechanisms" and terminological units related to them are associated with the contemporary European multilingualism and the tendency of framing a multilingual legislation. The latter "requires carrying out linguistic and legal comparisons which are essential for the development of legal translation studies and for intercultural communication in Europe" (Graziadei 2015). As a result, a comparative juridical-linguistic study acquires the greatest urgency on the background of the existed plurality and diversity of legal systems.

The comparative juridical studies / comparative law started in Paris in 1900, during the World Exhibition (Zweigert, Kotz 2011). Its major essence is the comparison of legal systems of different countries. This act "requires a careful consideration of the similarities and differences between multiple legal data points, and then using these measurements to understand the content and range of the legal material under observation" (Eberle 2009).

Some scientists (K. Zweigert, H. Kotz, R. Pound, etc.) believe that the major method of comparative law is the "functional method" that was introduced in 1936 by R. Pound (Pound 1936). According to his assumption, the functional comparison is the "study of how the same thing may be brought about, the same problem may be met by one legal institution or doctrine or precept in one body of law and by another and quite different institution or doctrine or precept in another" (Hoecke 2015).

In contrast to R. Pound, L. Pospisil (Pospisil 1971) discusses the analytical method and aims at the creation of the model useful for a cross-national comparison. He "works out an analysis in terms of legal correlates. This has the advantage of presenting the subdivisions of a legal concept or field in a logical, systemic, succinct and complete way… it allows us to see much better, at this deeper level, similarities and differences amongst different legal concepts and regulations" (Hoecke 1996). L. Pospisil's approach seems somehow similar to O. Brand's method of conceptual comparisons that draws inspiration from typology and comprises two major phases. "In the first phase (conceptual orientation), the researcher construes certain elements of legal reality in logically precise, abstract, and unambiguous models (comparative concepts). In the second phase (systematic comparison), real-world institutions and rules can be matched and assessed against these concepts. The ultimate, admittedly Herculean, goal of conceptual comparisons is to establish a comprehensive network of concepts covering all legal institutions from all jurisdictions and to assess how these different concepts complement each other or conflict" (Brand 2007). The method of conceptual comparisons seems especially useful for researching the institutions of traditional legal families – the Romano-Germanic family (the law of continental Europe / civil law) and the Anglo-Saxon family (common law).

Besides focusing on different methods of comparative law, it is necessary to consider different methodological approaches towards a comparative research of juridical lexical units. Some scholars agree that the legal terminology is system-bound, tied to a legal system rather than to a language (Pommer 2008). The interdependence of a legal language and a legal system results in the non-equivalence of terminology and phrasemes across different juridical systems (Kjær 1995). Accordingly, some scholars aim at the solution of the problem of non-equivalency, for instance, H. Droessiger focuses on the creation of a term system and on filling the "terminological gaps". He argues that analysing "cultural gaps" between compared languages and legal systems can serve as the basis for filling these gaps (Droessiger 2007).

In contrast to H. Droessiger, some scholars focus on the contrastive semantic studies that deal with the plane of expression / the plain of content and define "the contrast or comparison as a method that helps to reveal the systems of lexical semantics of different languages as well as show common and specific features of each language. Contrastive studies of terminology are critical because they help to reveal the pecu-

liarities of both the foreign language and native language terminology" (Juodinyte-Kuznetsova 2015).

V. Januleviciene and S. Rackeviciene associate semantic studies with the process of translation (Januleviciene, Rackeviciene 2011). They distinguish the target language (TL) and the source language (SL) oriented methods. The target language oriented translations try to assimilate the source legal terms. The latter seeks to preserve the semantic content of the source language legal terms. M. Harvey marks that the TL-oriented strategy constitutes functional equivalence, i.e. the use of the TL legal concept, the function of which is similar to that of the SL legal concept (Harvey 2002).

Handbook of Terminology presents a more in-depth analysis and makes distinction between "exact", "partial", "broader" and "narrower" types of equivalency: "Exact equivalence is considered to occur when the concepts are identical and the terms related to it refer to the same common concept. In partial equivalence, the contents or domains of the concepts differ from each other. If one concept is represented with several concepts in another language, it is question of a broader and narrower equivalence between different language versions" (Nykyri 2010). The issue of an exact equivalence is broadly discussed in L. Cheng, K. Sin and W. Cheng's work. The authors believe that this type of equivalency cannot be found in terms associated with the legal transplants. Accordingly, "the major task of translation in legal transplant is to solve lacunae, discursive gaps between the source text and the target text. In legal translation, a lacuna seems to constitute a factor of untranslatability" (Cheng et al. 2014).

The author supposes that before solving the problem of discursive gaps and untranslatability, it is necessary to discuss the theories proposed by different schools of terminology. According to the Canadian school, a term was a starting point in a terminological analysis, while the Prague and the Soviet schools supported Saussurian view that a term was the totality of content (concept) and form (name). The Vienna school also showed parallels with structural linguistics (i.e. Saussurian structuralism) (Temmerman 2000). However, it proposed the most prominent theory.

"Terminology begins with the concept and aims to clearly delineate each concept" – these words of E. Wuster correspond to the basic principles of Vienna School of Terminology founded by him in the 20th century (Wuster 1985). It is noteworthy that E. Wuster's doctoral dissertation was considered as a pillar of terminological studies that established the principles of systematizing working with terms. Those principles were oriented to concepts and their standardization leading to General Terminology Theory (GTT). This theory was focused on "specialized knowledge concepts for the description and organization of terminological information. Within this framework concepts were viewed as being separate from their linguistic designation (terms). Concepts were conceived as abstract cognitive entities that referred to objects in the real world, and terms were merely their linguistic labels" (Benitez 2009). The major purpose of the traditional terminology "was to assign a new term to a new concept that appeared in a language. In the naming process, terminologists started from the concept, which they placed into a concept system, on the basis of which it had been defined before being named as a term (the onomasiological approach). Their main focus was on exploring the ways in which to make terminology as efficient and unambiguous as possible" (Sageder 2010).

General Terminology Theory and the onomasiological perspective proposed by Vienna School raised criticism. Despite this fact, they have had many proponents, for instance, German linguists J. Grzega and M. Schöner believe in the importance of onomasiology, which is a branch of lexicology. Its goal is finding "the linguistic forms, or the words, that can stand for a given concept/idea/object" (Grzega, Schoner 2007). As J. Grzega and M. Schoner state: "Like many words denoting sciences, the word "onomasiology" is derived from two ancient Greek words – *onoma,* which means "name", and *logos,* which can be translated as "science" or "study of" (Grzega, Schoner 2007). Accordingly, onomasiology is the study of designations, where a linguist starts with an extralinguistic concept and looks for its formal verbalizations (Grzega 2012).

The above-mentioned enables us to suppose that the concept-based designation can become an integral part of the process of translation. It may simultaneously rely on a comparative analysis of concepts in order to fully preserve and transpose into a target language the content of a legal information presented in a source term. Moreover, we believe that a successful translation or naming requires linguistic and legal comparative approaches as well as the awareness of legal settings in which the terms to be translated must be used. Moreover, translators have to acknowledge that law, of course, is like a language. However, as with a foreign language, in order to understand it truly, we should understand a cultural context on which it sits and which stipulates its formation. Only then, we can translate accurately from one legal system to another as well as from one language to another (Eberle 2009).

In the following parts of the paper, we create equivalents of the particular terms related to the "trust-like devices" via the process of renaming. This process relies on Professor L. Pospisil's model. Accordingly, it presents legal concepts related to the European *fiducie-s* in a logical, systemic and succinct way that allows readers to see similarities and differences among various concepts and regulations. At the same time, we adhere to the onomasiological approach proposed by Vienna School of Terminology. Moreover, the paper considers legal as well as linguistic comparisons on the macro (cross-national) level. The research reveals that some terminological units, which sit comfortably within a local linguistic soil, may become obscure, unclear and even incomprehensible during the cross-national circulation. Therefore, we consider an international scale during the process of translation or naming / labelling a term.

France's *fiducie*

The French *fiducie* is a triangular relationship that considers a transference of rights on a particular property for the fulfillment of a special purpose. This transference implies the following: "the settlor *(constituant)* entrusts existing or future assets, rights or security to the trustee *(fiduciaire)*, who manages these for the benefit of one or more beneficiaries. French law does not classify the legal status of the trustee; he is deemed to be either an agent or an administrator, only the manager *(agissant, actor)* of the trust property *(patrimoine fiduciaire)*" (Sandor 2015). Sometimes, the *constituent* appoints the *protecteur*, who controls the activities of the *fiduciaire*. However, in certain cases, the *constituent* and the *fiduciaire* may be persons, who benefit from the

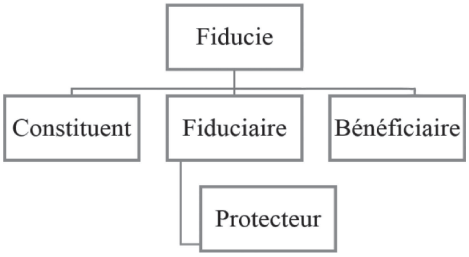
exploitation of an entrusted property. Accordingly, the contemporary French entrusting relationships consider the following participants (concepts):

- *Constituant* – a transferor of the assets represented by any natural or legal person;
- *Fiduciaire* – a transferee represented by a banking, insurance or financial professional or an avocat (attorney), whose role contributes to ensure the protection for the constituent (Devaux et al. 2014);
- *Bénéficiaire* – a receiver of the benefit derived from the management and exploitation of property transferred to the *fiduciaire*;
- *Protecteur* – a protector, who controls activities of the *fiduciaire*.

It can be supposed that the French *fiducie* was established as a juridical device paralleling the tripartite relationship of the common law "trust" via adding the forth element – a protector. This quadripartite relationship can be presented in the following way (see Figure 1).

Figure 1

France's *fiducie*



Source: elaborated by the author.

It is noteworthy that France's *fiducie* can also be regarded as a contract by which a company transfers goods or rights to a person, who holds and manages them for the benefit of one or more *bénéficiaire-s*. In certain cases, the *constituant* and the *fiduciaire* represent the *bénéficiaire-s* of the *fiducie* that is usually created by law or by contract. "The contract that sets it up must contain a certain amount of information and must be registered with the *"registre national des fiducies"* (a purposely set up national registry) and the *"service des impôts"* (the French Inland Revenue), as failure to so register the *fiducie* renders it null and void" (Squire Patton Boggs 2007).

The object of entrusting relationships is presented by transferred assets – the *patrimoine fiduciaire*. Moreover, "if the transferred property – movables and immovables, corporeal or incorporeal – is appropriated to secure the repayment of a debt (with the creditor as beneficiary of the *fiducie*), the *fiducie* then has the role of a security" (Barriere 2013).

It is noteworthy that during the creation of the rules regulating the *fiducie* "the French legislator used as a source of inspiration Articles 2.011-2.030 from the Quebec Civil Code" (Moreanu 2015). However, the French *fiducie* was not enacted as an ownerless patrimony (as in Quebec), but as a segregated patrimony owned by a transferee (Vicari 2012).

Generally, the process of implementation of the *fiducie* can be regarded as an important turning point that "destroys" Aubry and Rau's theory of the unicity of the *patrimoine* and facilitates the introduction of the notion of the *patrimoine d'affectation*. As a result, the contemporary French *fiduciaire* acquires the right to hold one or more fiduciary patrimonies. He (She) exclusively exercises the prerogatives attached to property. He is thus a sole qualified actor to undertake an action for the recovery of property against third parties, to use the benefits of the assets *(fructus)* and to dispose of them *(abusus)* unless there is a restricted clause in a contract (Devaux et al. 2014).

Quebec's *fiducie*

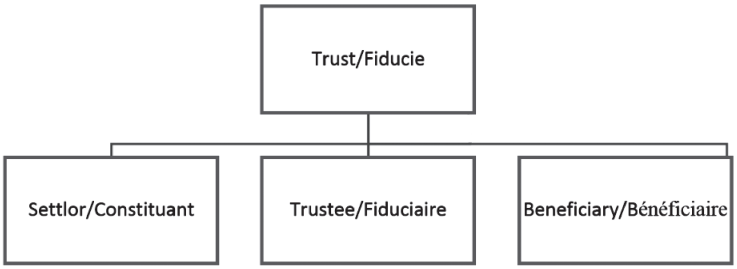
Nowadays, the "Civil Code of Quebec is a vital practical and historic component of the unique fabric of Canadian society" (Lloyd, Pawley 2005). It presents 38 articles (from 1260 to 1298) dedicated to the *trust* and defines this juridical institution in the following way:

- "Art. 1260. A trust results from an act whereby the settlor transfers property from his patrimony to another patrimony constituted by him, which he appropriates to a particular purpose and which a trustee undertakes, by his acceptance, to hold and administer" (qweri by lexum n/d*)*.
- Article 1261 presents a more precise description of the entrusting relationships – *"Le patrimoine fiduciaire … constitue un patrimoine d'affectation autonome et distinct de celui du constituant, du fiduciaire ou du bénéficiaire, sur lequel aucun d'entre eux n'a de droit reel" (qweri by lexum n/d)*[1].

These passages indicate that the Quebecoise "trust" has been established as a juridical device paralleling a tripartite relationship of the common law "trust" sitting quite comfortably within the major principles of civil law. This triangular relationship presents the following major elements (see Figure 2).

Figure 2

Triangular relationship



Source: elaborated by the author.

[1] Art. 1261. The trust patrimony, "consisting of the property transferred in trust, constitutes a patrimony by appropriation, autonomous and distinct from that of the settlor, trustee or beneficiary and in which none of them has any real right" (Roy 2010).

The depiction of the elements of the Quebecoise entrusting relationships (in English and French) reflects the contemporary juridical-linguistic reality of Canada – "federal legislation based on property and civil rights concepts draws upon civil law when it applies in Quebec and upon common law when it applies elsewhere in Canada" (Cuerrier 2016). Common law is adopted in nine provinces and three territories greatly reflecting the linguistic and cultural dimensions of these areas.

Therefore, the *fiducie* is the French equivalent of the English "trust". Article 1263 of the Civil Code of Quebec states that the fiducie is: *"Acte juridique par lequel une personne, le constituant, transfère, de son patrimoine à un autre patrimoine, des biens qu'il affecte à une fin particulière" (qweri by lexum n/d)*.[2]

Accordingly, each element (concept) of an entrusting relationship can be characterized in the following way:

- A settlor *(constituent)* – a creator of the "trust"which can be set up in his (her) lifetime or upon his (her) death before the distribution of the property between heirs. A settlor may be a trustee or one of the trustees;
- A trustee *(fiduciaire)* can be any natural or legal person authorized by law, which may alienate the trust property by an onerous title, change it with a real right, change its destination and make any form of an investment (Roy 2010). A trustee is obliged to increase a patrimony and to utilize it for a specific purpose indicated in a trust agreement. More precisely, a trustee "has neither "legal ownership" of the trust property, … nor "*sui generis* ownership" … Instead of a proprietary entitlement, the trustee has "powers" *(pouvoirs)* of administration to be exercised on behalf of the beneficiaries, as opposed to "legal rights" *(droits subjectifs)* to be exercised in his or her own interest" (Emerich 2013);
- A beneficiary *(bénéficiaire)* can be any natural or legal person (even another trust), determinate or determinable at the time of the creation of the "trust". The term "beneficiary" must not be confined "to a person, but may be impersonal; for an impersonal benefit or "purpose". The beneficiary may be directly determined, determinable or abstract, according to the type of trust" (Claxton 2002).

The above mentioned indicates that the Quebecoise trust / *fiducie* and its "patrimony by appropriation" significantly differ from the French *patrimoine*. In the Civil Code of Québec, the word-combination "fiduciary ownership" is less used, because a transferee does not have ownership of the property in trust (art. 1261 CCQ-1991), but a power over it (Centre Paul-Andre Crepeau de droit prive et compare n/d). This power comprises acceptance, holding and administration of the transferred assets. Besides debasing a fiduciary ownership, the Quebecoise entrusted property departs from an original civilian "patrimony", because the traditional theoretical patrimony is identified only with a person, is composed of all his/her property (and obligations) in which his ownership is singular and indivisible *(dominium)* to the exclusion of all other persons (Claxton 2002).

[2] Juridical act by which a person, the settlor, transfers a part of his or her patrimony to another patrimony and appropriates the transferred property to a particular purpose (Centre Paul-Andre Crepeau de droit prive et compare n/d).

Accordingly, the Quebec's law recognizes a patrimony without a person as its head (an impersonal patrimony) and presents a new method of entrusting property – the assets are removed from a patrimony of a transferor, but do not constitute a part of a transferee's or a beneficiary's ownership. This method of entrustment results in the creation of an autonomous patrimony that is named as the "patrimony by appropriation" *(patrimoine d'affectation)*.

It is noteworthy that the Quebecoise *patrimoine* comprises a non-segregated property, because it does not belong to a person, who has the power of its administration and disposition. The non-segregated assets may comprise any kind of a present or a future property: real, personal, movable, immovable, incorporeal, corporeal. "As regards future property one may conclude that a trust created to hold future property only, even if accepted by the trustee, will not be constituted and exist until some property is acquired by the settlor or the trustee" (Claxton 2002), because the transference of assets is the major essence of entrusting relationships.

Another point of interest is the correlation of the terms related to France's *fiducie* and Quebec's trust-like device. Table 1 depicts this correlation.

Table 1

The French terms related to France's and Quebec's trust-like devices

Definition	France's Civil Law	Quebec's Law (French Version)
A legal institution	*Fiducie*	*Fiducie*
A transferor of the property	*Constituant*	*Constituant*
A transferee	*Fiduciaire*	*Fiduciaire*
A person, who benefits from the exploitation of the trust property	*Bénéficiaire*	*Bénéficiaire*
An object of entrusting relationships	*Patrimoine d'affectation*	*Patrimoine d'affectation*

Source: elaborated by the author.

The table reveals that the French terms related to the Quebecoise trust-like device coincide with the lexical units related to France's entrusting relationships. This correlation seems impossible, because the French *fiducie* and the Quebecoise trust-like device have different essences. The French entrusting relationships are based on the segregation of property that is unacceptable to Quebec's law. It merely presents an ownerless patrimony. Accordingly, for avoiding the terminological ambiguity, we propose the following renaming.

Table 2

The existed and proposed French terms of Quebec's law

Definition	The Current Terms of the Quebec's Law (French Version)	Proposed French terms
A legal institution	*Fiducie*	*Fiducie québécoise*
A transferor of the property	*Constituant*	*Constituant québécois*
A transferee	*Fiduciaire*	*Fiduciaire québécois*
A person, who benefits from the exploitation of the property	*Bénéficiaire*	*Bénéficiaire québécois*
An object of entrusting relationships	*Patrimoine d'affectation*	*Patrimoine d'affectation québécois*

Source: elaborated by the author.

The concepts related to France's fiduciary relationships can be renamed in the same way (see Table 3).

Table 3

The existed and proposed French terms of France's law

Definition	Existed terms (France's law)	Proposed terms
A legal institution	*Fiducie*	*Fiducie française*
A transferor of the property	*Constituant*	*Constituant français*
A transferee	*Fiduciaire*	*Fiduciaire français*
A person, who benefits from the exploitation of the property	*Bénéficiaire*	*Bénéficiaire français*
An object of entrusting relationships	*Patrimoine d'affectation*	*Patrimoine d'affectation français*

Source: elaborated by the author.

Conclusions

A legal term is a verbal expression of a concept belonging to the field of jurisprudence. The emergence of any new legal institution causes the appearance of new concepts and necessitates their naming. Accordingly, a linguistic-juridical analysis acquires the greatest urgency for an appropriate naming and finding an exact equivalency.

The paper presented the study of the contemporary Canadian and French trust-like devices and terminological units related to them. The research was oriented to the coinage of new terminological units. The outcomes of the paper will "ease" the process of translation and will highlight the importance of linguistic-juridical comparisons.

References

Barriere F. (2013) The security fiducie in French law. Smith, L. (Ed.). *The Worlds of the Trust*. Cambridge: Cambridge University Press, pp. 101–140. doi.org/10.1017/CBO9781139505994.008

Benitez P. (2009) The cognitive shift in terminology and specialized translation. *MonTI. Monografías de Traducción e Interpretación,* No. 1, pp. 107–134. doi.org/10.6035/MonTI.2009.1.5

Brand O. (2007) Conceptual comparisons: towards a coherent methodology of comparative legal studies. *Brooklyn Journal of International Law*, Vol. 32, No. 2, pp. 405–466.

Centre Paul-Andre Crepeau de droit prive et compare (n/d) *The Private Law Dictionary*. Available: https://nimbus.mcgill.ca/pld-ddp/dictionary/search (accessed on 27.12.2019).

Cheng L., Sin K., Cheng W. (2014) Legal translation: a sociosemiotic approach. *Semiotica,* pp. 17–33. doi.org/10.1515/sem-2014-0019

Claxton J. (2002) Langage du droit de la fiducie. *Revue du Barreau,* Vol. 62, pp. 273–317. (In French)

Cuerrier M. (2016) *Drafting against a Background of Differing Legal Systems: Canadian Bijuralism*. Available: https://www.opc.gov.au/calc/docs/Loophole_papers/Cuerrier_Jul2007.pdf (accessed on 27.12.2019).

Devaux A., Becker D., Ryznar M. (2014) The trust as more than a common law creature. *Ohio University Law Review,* Vol. 41, No. 1, pp. 91–119.

Droessiger H. (2007) On the problem of the terminological-conceptual equivalence between two language and culture communities: the so called "differences in the matter". *Kalbotyra,* Vol. 57, No. 3. Available: http://www.kalbotyra.flf.vu.lt/wp-content/uploads/2012/02/Kalbotyra_57_82–92.pdf (accessed on 27.12.2019).

Eberle E. (2009) The method and role of comparative law. *Global Studies Law Review,* Vol. 8, pp. 451–487. Available: http://openscholarship.wustl.edu/law_globalstudies/vol8/iss3/2 (accessed on 27.12.2019).

Emerich Y. (2013) The civil law trust: a modality of ownership or an interlude to ownership? Smith L. (Ed.). *The Worlds of the Trust*. Cambridge: Cambridge University Press, pp. 21–40.

Graziadei M. (2015) Law, language and multilingualism in Europe: the call for a new legal culture. Sarcevic S (Ed.). *Language and Culture in EU Law: Multidisciplinary Perspectives*. Ashgate, pp. 17–31. doi.org/10.4324/9781315591445

Grzega J. (2012) Lexical-semantic variables. Hernandez-Campoy J. (Ed.). *The Handbook of Historical Sociolinguistics*. Wiley-Blackwell, pp. 271–292.

Grzega J., Schoner M. (2007) *English and General Historical Lexicology, Materials for Onomasiology Seminars*. Available: http://www1.ku-eichstaett.de/SLF/EngluVglSW/OnOnMon1.pdf (accessed on 27.12.2019).

Harvey M. (2002) What's so special about legal translation? *Meta: Translators' Journal*. Available: http://www.erudit.org/revue/meta/2002/v47/n2/008007ar.pdf (accessed on 27.12.2019).

Hoecke M. (2015) *Methodology of Comparative Legal Research*. Available: https://www.bjutijdschriften.nl/tijdschrift/lawandmethod/2015/12/RENM-D-14-00001 (accessed on 27.12.2019).

Hoecke M. (1996) Hohfeld and comparative law. *International Journal for the Semiotics of Law*, Vol. 9, No. 26, pp. 185–201. doi.org/10.1007/BF01105508

Januleviciene V., Rackeviciene S. (2011) Translation strategies of English legal terms in the bilingual Lithuanian and Norwegian law dictionaries. *Societal Studies,* Vol. 3, No. 3, pp. 1073–1093.

Juodinyte-Kuznetsova K. (2015) Contrastive semantic analysis of contract law terms in studies of foreign language for specific purposes. *Darnioji daugiakalbystė / Sustainable Multilingualism*, Vol. 7, pp. 58–72. doi.org/10.7220/2335-2027.7.3

Kjær A. (1995) Vergleich von Unvergleichbarem. Zur kontrastiven Analyse unbestimmter Rechtsbegriffe. Kromann H., Kjær A. (Eds.). *Von der Allgegenwart der Lexikologie. Kontrastive Lexikologie als Vorstufe zur zweisprachigen Lexikographie*. Tubingen: Niemeyer, pp. 39–56. (In German)

Lloyd B., Pawley H. (2005) When legal systems meet: Bijuralism in the Canadian Federal System. *BCN Political Science Debates,* Vol. 4, pp. 147–170.

Moreanu D. (2015) The trust under Romanian law. Form of patrimony split for natural and legal persons. *Perspectives of Business Law Journal,* Vol. 4, No. 1, pp. 79–87.

Nykyri S. (2010) *Equivalence and Translation Strategies in Multilingual Thesaurus Construction*. Abo Akedemy University Press.

Pommer S. (2008) Translation as intercultural transfer: the case of law. *SKASE Journal of Translation and Interpretation*, Vol. 3, No. 1, pp. 17–21.

Pospisil L. (1971) *Anthropology of Law: A Comparative Theory*. New York: Harper & Row.

Pound R. (1936) What may we expect from comparative law? *American Bar Association Journal,* Vol. 22, pp. 56–60.

qweri by lexum (n/d) *Annotated Civil Code of Quebec. CCQ 1991*. Available: http://ccq.lexum.com/w/ccq/en#!fragment//KGhhc2g6KGNodW5rxIVhbsSHb3JUZXh0OicnKSxub3Rlc1F1ZXJ5xJYnLHNjcm9sbEPEiMSKOiFuxKdlYXLEh8SgxKLEpMSXxLTEtsSHU8SQdELEpFJFTEVWQU5DRSx0YWI6dG9jKSk= (accessed on 27.12.2019).

Roy M. (2010) Quebec. Kaplan A. (Ed.). *Trusts in Prime Jurisdictions*. London: Globe Business Publishing LTD, pp. 143–165.

Sageder D. (2010) Terminology today: a science, an art or a practice? Some aspects on terminology and its development. *Brno Studies in English,* Vol. 36, No. 1, pp. 123–134.

Sandor I. (2015) *Fiduciary Property Management and the Trust, Historical and Comparative Law Analysis*. Bucharest: Hvgorac.

Squire Patton Boggs. (2007) *La Fiducie: a Form of French Trust*. Available: https://larevue.squirepattonboggs.com/la-fiducie-a-form-of-french-trust_a1803.html (accessed on 27.12.2019).

Temmerman R. (2000) *Towards New Ways of Terminology Description: The Sociocognitive Approach*. Amsterdam/Philadelphia: John Benjamins Publishing Company.

Vicari A. (2012) Country reports: San Marino. *The Columbia Journal of European Law Online*, Vol. 18, pp. 81–92.

Wuster E. (1985) *Introduction to the General Theory of Terminology and Terminological Lexicography*. Brent E., Alber-DeWolf R. (Trans.). Quebec: Girsterm-Universite Laval.

Zweigert K., Kotz H. (2011) *An Introduction to Comparative Law*. 3rd edition. Oxford: Crarendon Press.