

Rainer Becker

Die fiducie von Québec und der trust

Ein Vergleich mit verschiedenen Modellen fiduziarischer Rechtsfiguren im civil law



The trust (fiducie) of the 1994 Civil Code of Québec relies on the innovative juridical concept of (ownerless) »patrimony by appropriation«. Rainer Becker analyses the new Québec trust and places it in a broader context through comparisons with the common law trust and with various traditional and modern approaches to fiduciary institutions in civil law and mixed jurisdictions. He concludes that the novel concept of the Québec trust can be integrated into the conceptual framework of civil law jurisdictions, although this requires certain careful adaptations. On a functional level, the Québec solution proves to be able to emulate the common law trust's advantages, namely its versatility, efficient management and protection of the beneficial enjoyment. In this, the Québec trust appears superior to certain juridical approaches to introducing the trust in civil law jurisdictions. Other approaches are however equal to the Québec trust in functional terms and have the advantage of being easier to integrate into the broader legal system.

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