

# Contents

<b>Preface</b> .....	v
William Twining	
<b>Introducing Fictions: Examples, Functions, Definitions and Evaluations</b> .....	ix
Maksymilian Del Mar	
<b>Part I Theories of Fiction, Fictions of Theory</b>	
<b>1 On the Theory of Juridic Fictions. With Special Consideration of Vaihinger's Philosophy of the As-If</b> .....	3
Hans Kelsen (Translated by Christoph Kletzer)	
<b>2 Kelsen on Vaihinger</b> .....	23
Christoph Kletzer	
<b>3 Is Law a Fiction?</b> .....	31
Geoffrey Samuel	
<b>4 Fuller on Legal Fictions: A Benthamic Perspective</b> .....	55
Michael Quinn	
<b>5 The Pragmatic Value of Legal Fictions</b> .....	83
Douglas Lind	
<b>Part II Community, Language and Literature</b>	
<b>6 Legal Fictions Revisited</b> .....	113
Frederick Schauer	
<b>7 Legal Fictions and the Limits of Legal Language</b> .....	131
Karen Petroski	

<b>8 Legal Fictions and Exclusionary Rules .....</b>	<b>157</b>
Simon Stern	
<b>9 Law's Fictions, Legal Fictions and Copyright Law .....</b>	<b>175</b>
Burkhard Schafer and Jane Cornwell	
<b>Part III Change and the Common Law</b>	
<b>10 Legal Fictions before the Age of Reform .....</b>	<b>199</b>
Michael Lobban	
<b>11 Legal Fictions and Legal Change in the Common Law Tradition .....</b>	<b>225</b>
Maksymilian Del Mar	
<b>12 Fictions in Tort .....</b>	<b>255</b>
James Lee	
<b>13 Ejectment: Three Births and a Funeral .....</b>	<b>275</b>
Peter Sparkes	
<b>Part IV Fictions in Practice: Past, Present and Future</b>	
<b>14 Fact, Fiction, and Social Reality in Roman Law .....</b>	<b>295</b>
Clifford Ando	
<b>15 Rabbinic Legal Fictions .....</b>	<b>325</b>
Leib Moscovitz	
<b>16 Presumptions and Fictions: A Collingwoodian Approach .....</b>	<b>347</b>
Raymundo Gama	
<b>17 Some Uses of Legal Fictions in Criminal Law .....</b>	<b>367</b>
Peter Alldridge	
<b>18 Fictitious Fraud: Economics and the Presumption of Reliance .....</b>	<b>385</b>
Randy D. Gordon	
<b>Index .....</b>	<b>405</b>



<http://www.springer.com/978-3-319-09231-7>

Legal Fictions in Theory and Practice  
Del Mar, M.; Twining, W. (Eds.)  
2015, XXXVI, 413 p. 1 illus., Hardcover  
ISBN: 978-3-319-09231-7