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Its focus is on fictions in legal practice, examining and evaluating their roles in a variety of different areas of practice (e.g. in Tort Law, Criminal Law, and Intellectual Property Law), and in different times and places (e.g. in Roman Law, Rabbinic Law, and the Common Law). The collection approaches the topic in part through the discussion of certain key classical statements by theorists including Jeremy Bentham, Alf Ross, Hans Vaihinger, Hans Kelsen and Lon Fuller.

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Legal Fictions in Theory and Practice

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A legal fiction is a fact assumed or created by courts, which is then used in order to help reach a decision or to apply a legal rule. The concept is used almost exclusively in common law jurisdictions, particularly in England. An

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example of a legal fiction outside common law is that it is legally possible to have consumed an illegal substance without having owned it.

Legal fiction - Wikipedia

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