Record Nr. UNINA9910826065003321 Autore Llewellyn Karl N (Karl Nickerson), <1893-1962.> Titolo The theory of rules / / Karl N. Llewellyn; edited and with an introduction by Frederick Schauer Chicago,: University of Chicago Press, c2011 Pubbl/distr/stampa **ISBN** 1-283-36268-6 9786613362681 0-226-48797-0 Edizione [1st ed.] Descrizione fisica 1 online resource (165 p.) SchauerFrederick F Altri autori (Persone) Disciplina 340/.11 Soggetti Law - Decision making - Philosophy Law - Methodology Decision making - Philosophy Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references and index. Front matter -- CONTENTS -- EDITOR'S INTRODUCTION -- EDITORIAL Nota di contenuto NOTES -- History and Acknowledgments -- CHAPTER I. The Frame of the Discussion -- CHAPTER II. Rules of Law: Command and Prediction -- CHAPTER III. Rules of Law: The Propositional Form -- CHAPTER IV. Rule of Thumb and Principle -- CHAPTER V. Rule of Conduct, and the Legal Order -- CHAPTER VI. Our Situational Concepts -- CHAPTER VII. The Advocate's Leeway -- CHAPTER VIII. Stabilities within the Leeways -- The Remaining Chapters -- Index Sommario/riassunto Karl N. Llewellyn was one of the founders and major figures of legal realism, and his many keen insights have a central place in American law and legal understanding. Key to Llewellyn's thinking was his conception of rules, put forward in his numerous writings and most famously in his often mischaracterized declaration that they are "pretty playthings." Previously unpublished. The Theory of Rules is the most cogent presentation of his profound and insightful thinking about the life of rules. This book frames the development of Llewellyn's thinking and describes the difference between what rules literally prescribe and what is actually done, with the gap explained by a complex array of

practices, conventions, professional skills, and idiosyncrasies, most of

which are devoted to achieving a law's larger purpose rather than merely following the letter of a particular rule. Edited, annotated, and with an extensive analytic introduction by leading contemporary legal scholar Frederick Schauer, this rediscovered work contains material not found elsewhere in Llewellyn's writings and will prove a valuable contribution to the existing literature on legal realism.