

Scalia and Garner Reading Law: A Closer Look at Legal Interpretation

Legal interpretation plays a crucial role in shaping the way laws are understood and applied in our society. One prominent approach that has gained significant attention is the methodology proposed by the late Justice Antonin Scalia and legal writer Bryan A. Garner in their book "Reading Law: The Interpretation of Legal Texts". In this article, we will delve into the key concepts presented in their work and explore how it has shaped the field of legal interpretation.

The Birth of Reading Law

"Reading Law" was published in 2012 and aimed to provide a comprehensive guide for judges, lawyers, and even laypersons on how to interpret legal texts. Scalia and Garner argue that the primary focus when interpreting statutes and other legal documents should be on the text itself, rather than relying on legislative history, policy considerations, or subjective intentions of the lawmakers. This approach, commonly known as textualism or originalism, has sparked both praise and criticism within the legal community.

Key Principles of Textualism

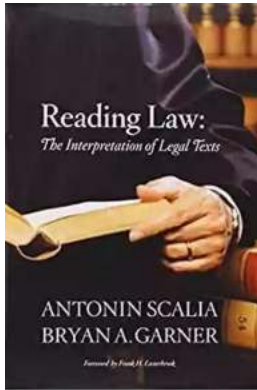
Scalia and Garner outline several key principles to guide the textualist approach to legal interpretation. These principles aim to promote objectivity and consistency in understanding legal texts. Some of the main principles include:

Scalia and Garner's Reading Law: The Interpretation of Legal Texts

by Antonin Scalia(1st Edition, Kindle Edition)

★★★★☆ 4.8 out of 5

Language : English



File size	: 982 KB
Text-to-Speech	: Enabled
Screen Reader	: Supported
Enhanced typesetting	: Enabled
Word Wise	: Enabled
Print length	: 574 pages



1. The Plain Meaning Rule

The plain meaning rule suggests that courts should give priority to the ordinary meaning of the text. If the language of a statute or a contract is clear and unambiguous, it should be applied as written, without further interpretation.

2. Textual Canons

Textual canons are general principles or guidelines that help readers understand the meaning of the text. They are derived from longstanding legal traditions and customs. Examples of textual canons include the presumption that different words have different meanings and that specific provisions should prevail over general ones.

3. Contextual Interpretation

While textualism emphasizes the importance of the text, it does not ignore the significance of the contextual factors. Scalia and Garner argue that the context surrounding a legal text should be examined to determine its meaning. This includes considering related provisions, the overall structure of the document, and the historical context in which the text was written.

Impacts of Scalia and Garner's Approach

The methodology proposed by Scalia and Garner has certainly left a lasting impact on the field of legal interpretation. It has influenced not only judges and legal practitioners but also legal scholars and commentators. Their approach has been embraced by many conservative jurists who see it as a way to limit judicial activism and keep the interpretation of laws within the confines of the written text.

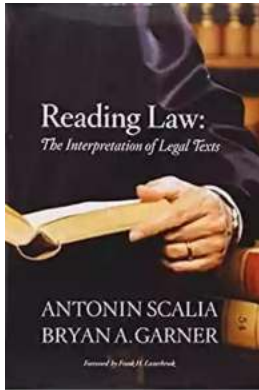
On the other hand, critics argue that relying solely on textualism can lead to overly rigid outcomes and may not adequately address the complexities of contemporary legal issues. They contend that legal interpretation should take into account the evolving societal values, intent of the lawmakers, and the spirit of the law.

The methodology presented in Scalia and Garner's "Reading Law" has sparked a significant debate within the legal community. It offers a focused and structured approach to legal interpretation, emphasizing the primacy of the plain text. While textualism has its critics, it undeniably offers a valuable perspective on how legal texts should be understood and applied.

Whether one agrees or disagrees with Scalia and Garner's approach, their work has certainly pushed the boundaries of legal interpretation and prompted a deeper examination of the underlying principles that shape our legal system.

Keywords: Scalia and Garner Reading Law, legal interpretation, textualism, originalism, plain meaning rule, textual canons, contextual interpretation, legal texts, legal practitioners, conservative jurists, judicial activism

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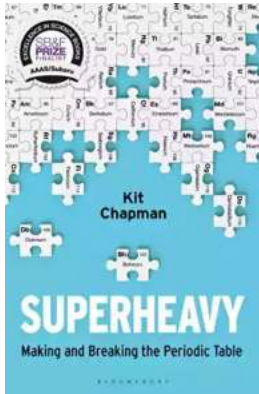


In this groundbreaking book, Scalia and Garner systematically explain all the most important principles of constitutional, statutory, and contractual interpretation in an engaging and informative style – with hundreds of illustrations from actual cases. Is a burrito a sandwich? Is a corporation entitled to personal privacy? If you trade a gun for drugs, are you “using a gun” in a drug transaction? The authors grapple with these and dozens of equally curious questions while explaining the most principled, lucid, and reliable techniques for deriving meaning from authoritative texts. Meanwhile, the book takes up some of the most controversial issues in modern jurisprudence. The authors write with a well-argued point of view that is definitive yet nuanced, straightforward yet sophisticated.



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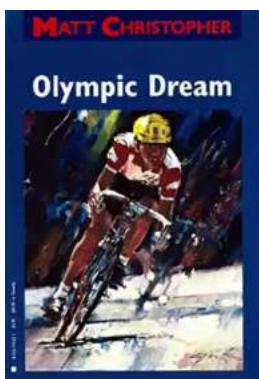
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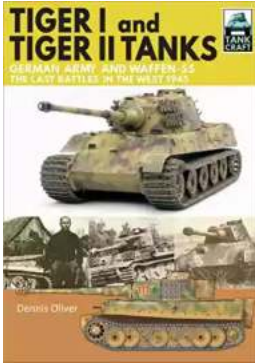
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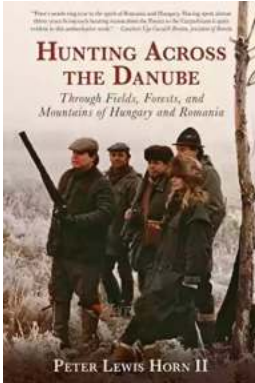
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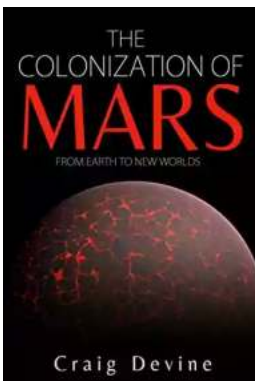
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