

SURE-FIRE SCRIBES

A Dozen Canons of Statutory and Constitutional Text Construction

by Antonin Scalia and Bryan Garner

1 **Supremacy-of-Text Principle.** The words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.

2 **Principle of Interrelating Canons.** No canon of interpretation is absolute. Each may be overcome by the strength of differing principles that point in other directions.

3 **Presumption of Validity.** An interpretation that validates outweighs one that invalidates (*ut res magis valeat quam pereat*).

4 **Ordinary-Meaning Canon.** Words are to be understood in their ordinary, everyday meanings – unless the context indicates that they bear a technical sense.

5 **Fixed-Meaning Canon.** Words must be given the meaning they had when the text was adopted.

6 **Omitted-Case Canon.** Nothing is to be added to what the text states or reasonably implies (*casus omissus pro omissis habendus est*). That is, a matter not covered is to be treated as not covered.

7 **General-Terms Canon.** General terms are to be given their general meaning (*generalia verba sunt generaliter intelligenda*).



8 **Negative-Implication Canon.** The expression of one thing implies the exclusion of others (*expressio unius est exclusio alterius*).

9 **Whole-Text Canon.** The text must be construed as a whole.

10 **Presumption of Consistent Usage.** A word or phrase is presumed to bear the same meaning throughout a text; a material variation in terms suggests a variation in meaning.

11 **Surplusage Canon.** If possible, every word and every provision is to be given effect (*verba cum effectu sunt accipienda*). None should be ignored. None should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence.

12 **Absurdity Doctrine.** A provision may be either disregarded or judicially corrected as an error (when the correction is textually simple) if failing to do so would result in a disposition that no reasonable person could approve.

– U.S. SUPREME COURT JUSTICE ANTONIN SCALIA & BRYAN A. GARNER *are co-authors of Reading Law: The Interpretation of Legal Texts (West, 2012). Available on Amazon at <http://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>*