

## 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 omissio 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>