Course Objectives

The aim of the course is to acquaint students with the theory and practice of judicial reasoning. This will be done by bringing the central methods of legal justification discussed in current legal literature to bear on some leading questions of legal interpretation and adjudication. Our goal is to show how a judicial outcome can be rationally justified, to explore the different paths of legal justification and to provide some theoretical tools for the assessment of judicial rulings. Sessions 1-4 will focus on the emergence, diffusion, and enforcement of proportionality as a criteria of legality and a guiding principle of constitutional governance. For these sessions, the class will meet with Professor Alec Stone Sweet. Sessions 5-12 will critically consider the most important canons of statutory interpretation. For these sessions, the class will meet with Professor Damiano Canale. We will emphasize close reading and roundtable discussion of texts; this class is not a lecture course. The texts will be provided through email.

Content of the Course and Instructions for the Students

Sessions 1-4 will focus on the emergence, diffusion, and enforcement of proportionality as a criteria of legality and a guiding principle of constitutional governance. For these sessions, the class will meet with Professor Alec Stone Sweet. Sessions 5-12 will critically consider the most important canons of statutory interpretation and their mutual relationship in legal adjudication. For these sessions, the class will meet with Professor Damiano Canale. We will emphasize close reading and roundtable discussion of texts; this class is not a lecture course. The texts will be provided through email. In addition to coming to class prepared to discuss the readings, each student will write two 3-page response papers (of approx. 750 words) on the readings, for two of the sessions. In writing your discussion paper, please do not simply summarize the reading (you can assume that everyone has read the texts). You may wish to critique the texts and/or raise questions about the empirical claims and theoretical arguments being made. Please conclude with at least one discussion question for the group. Students may sign-up for response papers here: https://docs.google.com/spreadsheets/d/1ZYSW1NrTUrtRp6Q1pDumbnO2-D_KJAT8gX3f_MCUbS4g/edit#gid=0.

Please circulate your response paper, by email, the night before the session selected. At the end of the course each student will be given a pass/fail assessment based on the reaction papers and the contribution to class discussion. In this course students are not requested to submit a final assignment.
Syllabus

Session 1 - November 8, 14:30-16:00
Proportionality Analysis and the Zone of Proportionality
(Prof. Stone Sweet)

Readings:

Session 2 – November 9, 10:30-12:00
Proportionality and Constitutional Governance
(Prof. Stone Sweet)

Readings:
- German Federal Constitutional Court, Judgment of March 9, 1994 – *Cannabis*.

Session 3 – November 15, 16:15-17:45
Diffusion
(Prof. Stone Sweet)

Readings:

Session 4 - November 16, 10:30-12:00
Proportionality and Transnational Governance
(Prof. Stone Sweet)

Readings:
Session 5 - November 22, 12:30-14:00
Statutory Interpretation and Legal Reasoning
(Prof. Canale)

Readings:

Session 6 - November 23, 10:30-12:00
Plain Meaning
(Prof. Canale)

Readings:
- United States Supreme Court, Nix v. Hedden (1893).

Session 7 – November 29, 12:30-14:00
Contextual Meaning
(Prof. Canale)

Readings:
- United States Supreme Court, Smith v. United States (1993).

Session 8 – November 30, 10:30-12:00
Legislative Intention and Its Discontents
(Prof. Canale)

Readings:
- United States Supreme Court, Holy Trinity Church v. United States (1892).
Session 9 – December 6, 12:30-14:00  
**What the Legislature Could Not Have Intended to Say**  
(Prof. Canale)

**Readings:**

Session 10 – December 20, 14:30-16:00  
**Interpretation Beyond the Text**  
(Prof. Canale)

**Readings:**

Session 11 - December 21, 10:30-12:00  
**The Objective Purpose of the Law**  
(Prof. Canale)

**Readings:**

Session 12 - December 21, 14:30-16:00  
**Analogical Reasoning and the Law**  
(Prof. Canale)

**Readings:**