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Reading Law
in the Classroom

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IN *Reading Law*, Justice Scalia and Professor Garner claim law students today "learn haphazardly" from a curriculum that "fails to inculcate the skills of textual interpretation" essential to practice. (P.7.) Teaching students to interpret legal texts is thus one of the book's chief aims. Yet despite countless reviews, until now no one has attempted to assess *Reading Law*'s usefulness in the classroom. As a law professor who uses the book in his first-year legislation course and a law student who just took that course, we present a preliminary assessment based on our class's review of the book.

A note on methodology: 2014 marked the second year of using *Reading Law* in this course. Although not required reading, we discussed the book regularly in class – including 71 quotations in presentations and many more references during lecture and discussion. To evaluate its effectiveness as a classroom tool, we asked students 10 questions about the book. Of the 56 students who took the course last semester, 47 (84%) responded. One declined to review
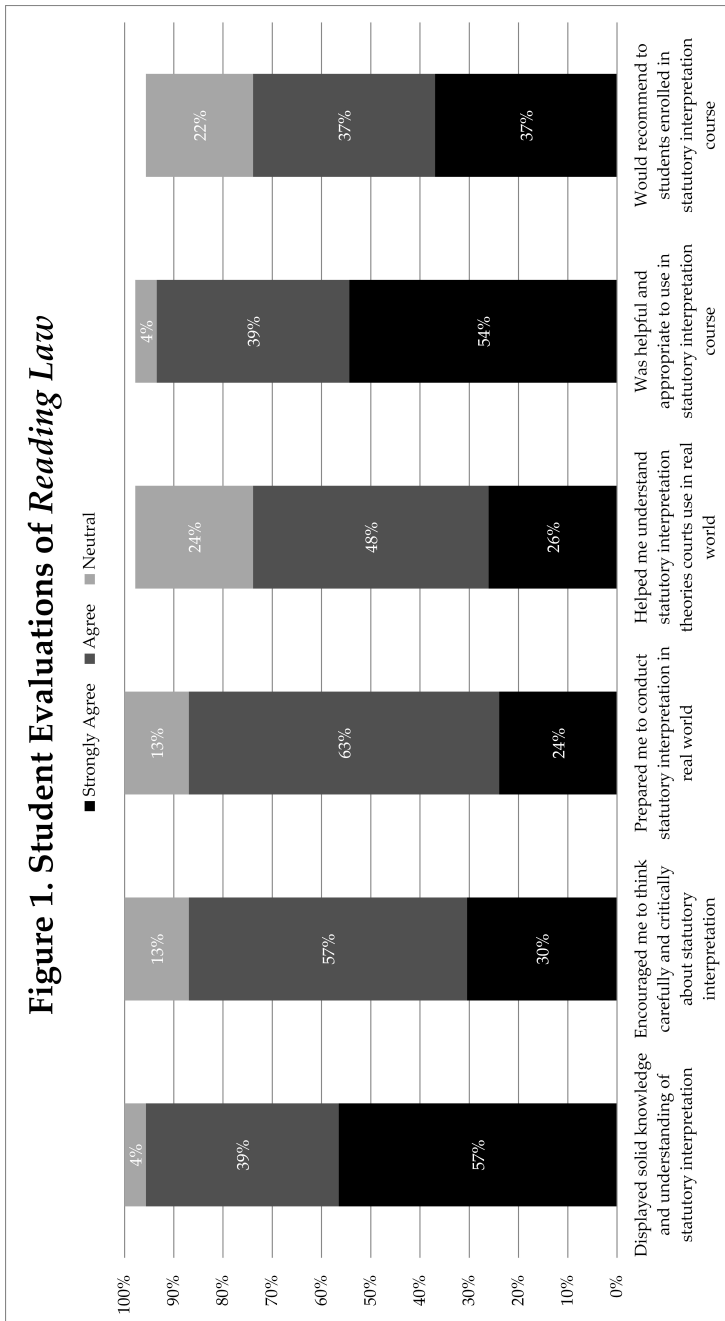

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the book because he had not read it. Like many reviewers of Thomas Piketty's *Capital in the Twenty-First Century*, however, the others were happy to respond regardless whether they had actually read it cover to cover. This doesn't concern us too much as our objective is to evaluate *Reading Law*'s usefulness in the classroom (though, admittedly, the responses may tell us more about the professor's ability to teach from the book).

So how did *Reading Law* fare? Figure 1 presents the findings from the first six questions, which were modeled on the law school's course evaluation form. Based on the student responses to our survey, we make five observations.

First, as to perceived quality, nearly everyone agreed (39%) or strongly agreed (57%) that Scalia and Garner "displayed a solid knowledge and understanding of statutory interpretation," with the remainder (4%) neutral. None disagreed, for a composite score of 4.52 on a 5.00 scale. Similarly, though less enthusiastically, nearly nine in ten agreed (57%) or strongly agreed (30%) that *Reading Law* encouraged them "to think carefully and critically about statutory interpretation." Again, none disagreed, with the remainder (13%) neutral and a lower composite score of 4.17.

Second, as to real-world usefulness, nearly nine in ten agreed (63%) or strongly agreed (24%) that *Reading Law* prepared them "to conduct statutory interpretation in the real world." Although none disagreed, the composite score (4.11) was lower due to more "neutral" (13%) and fewer "strongly agree" responses. Similarly, when asked if Scalia and Garner "seemed interested in helping me understand the theories of statutory interpretation courts use in the real world," nearly three in four agreed (48%) or strongly agreed (26%). One disagreed, with the remainder (24%) neutral and a relatively poor composite score of 3.98. One student thought the authors "seemed more interested in promoting their own theories of statutory interpretation." But a second said the book was "trying to create a more widely understood system for interpretation, so yes, they are interested in helping us understand the theories." A third indicated personal use of the book almost daily at a summer internship. Yet a fourth raised what in our view is a legitimate pragmatic

Figure 1. Student Evaluations of *Reading Law*

Legend: ■ Strongly Agree ■ Agree ■ Neutral

Would recommend to students enrolled in statutory interpretation course: 22%, 37%, 37%

Was helpful and appropriate to use in statutory interpretation course: 4%, 39%, 54%

Helped me understand statutory interpretation theories courts use in real world: 24%, 48%, 26%

Prepared me to conduct statutory interpretation in real world: 13%, 63%, 24%

Encouraged me to think carefully and critically about statutory interpretation: 13%, 57%, 30%

Displayed solid knowledge and understanding of statutory interpretation: 4%, 39%, 57%
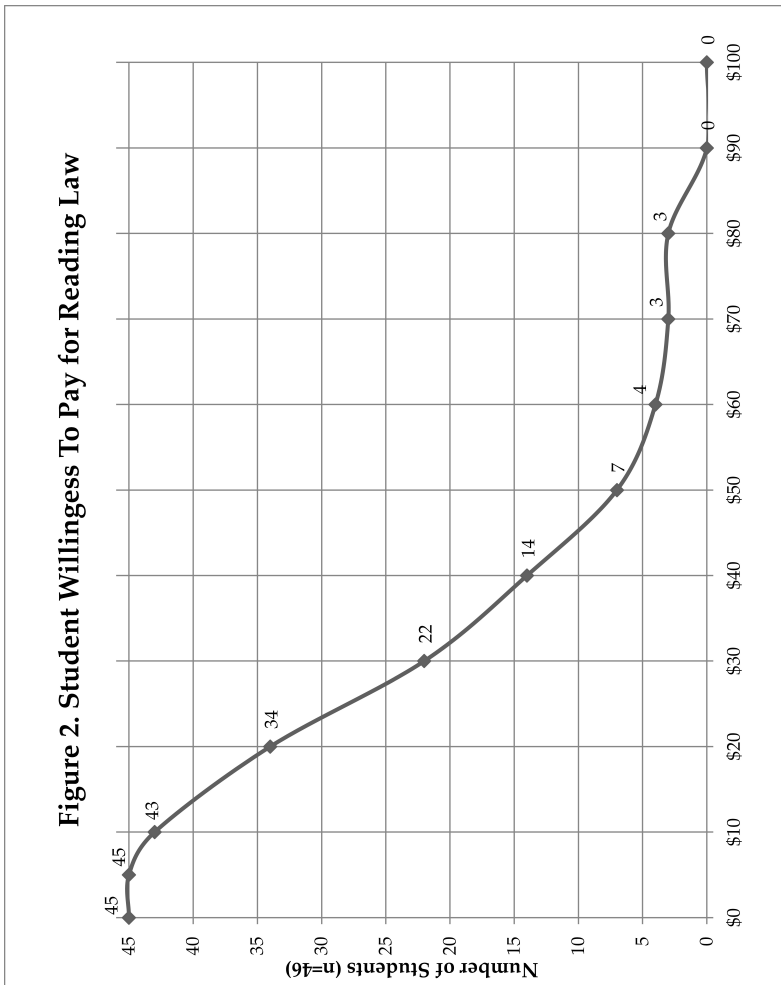
concern: Scalia's "very clear opinions about legislative history" mean full reliance on textualism is "not a good real-world strategy" because it downplays the prevalence of more purposivist methods.

Third, two questions explored further this theme of bias or personal agenda. When asked if *Reading Law* persuaded them "to take a more textualist approach to statutory interpretation," the results roughly split three ways: 26% disagreed (none strongly), 37% were neutral, and 37% agreed (22%) or strongly agreed (15%). The class similarly divided on whether *Reading Law* is "less effective" because it is "biased or otherwise incomplete": 33% disagreed (one student strongly), 35% were neutral, and 33% agreed (28%) or strongly agreed (4%). One student may capture a somewhat common sentiment – one we share: "I think the bias of the authors was evident in some of their descriptions and definitions, but I don't think it prevented them from giving a pretty well-rounded account of interpretive methods overall."

Fourth, as for its pedagogical utility, over nine in ten agreed (39%) or strongly agreed (54%) that the book "was helpful and appropriate to use in a statutory interpretation course." Only one disagreed, and two were neutral – for a respectable 4.46 composite score. In class, many students remarked, and we agree, that the table of contents alone is a valuable supplement as it provides a concise definition of each interpretative principle. One student also echoed our opinion that "it would be hard to teach a well-rounded class with this book alone." When asked the critical question whether they "would recommend *Reading Law* to other students enrolled in a course on statutory interpretation," the composite score dropped to 4.07: 37% strongly agreed, 37% agreed, 22% neutral, and 4% disagreed. To put this number in perspective, when asked the same question about recommending their professors, the schoolwide average last semester was around 4.80.

Finally, as to the bottom line, about a third (30%) had actually bought the book by the time they took the survey this summer. When asked how much they would pay for the book, only seven (15%) would pay the $49.95 list price. Instead, the class was willing to pay, on average, about $30. One student would not even accept a free

Figure 2. Student Willingess To Pay for Reading Law

copy; another who did buy it used it carefully in order to resell it after the final exam. Figure 2 presents the students' willingness to pay.

In sum, these largely positive reviews reinforce our personal view on *Reading Law*'s usefulness in the classroom and this professor's decision to use it again next year. But student feedback was not without dissent. One student perhaps captured this qualified review: "I fundamentally disagree with everything Scalia says but the book does have its uses."

For those uses, that student would have paid $20.