

CONSTITUTION 101

Module 1: Constitutional Conversations and Civil Dialogue

1.4 Activity Guide

INTRODUCTION TO THE METHODS OF CONSTITUTIONAL INTERPRETATION

In this activity, you will explore different ways to interpret the Constitution. When reading the Constitution and interpreting its text, it's important to focus on how the Constitution either expands or limits the powers of the government. This is how constitutional lawyers, scholars, and judges read, interpret, and apply the Constitution to new issues and cases. When interpreting the Constitution, there are different ways that people build arguments. There are seven standard forms of argument used by American lawyers when interpreting the Constitution. Judges use these methods—and often combine them—when deciding constitutional cases, too. But not everyone agrees on which methods to use and how to weigh them in a given case. Different judges apply—and weigh—these methods differently, and that can lead to disagreements over the Constitution's meaning.

What are different ways someone can interpret the Constitution?

Review the seven methods of constitutional interpretation and complete the chart below.

Method	Definition Underline the key ideas, words, or phrases.	Explain this method in your own words.	Write down any questions that you have about this method.
Text	A judge looks at the meaning of the words in the Constitution, relying on common understandings of what the words meant at the time the provision was added.		
History	A judge looks to the historical context of when a given provision was drafted and ratified to shed light on its meaning.		

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Tradition	A judge looks to any laws, customs, and practices established after the framing and ratification of a given provision.		
Precedent	A judge applies rules established by precedents—taking rulings in old cases and applying them to new cases.		
Structure	A judge infers structural rules (power relationships between institutions, for instance) from the relationships specifically outlined in the Constitution.		
Prudence/ Consequences	A judge seeks to balance the costs and benefits of a particular ruling, including its consequences and any concerns about the limits of judicial power and competence.		
Natural Law/ Morality	A judge draws on principles of moral reasoning—whether embodied in the natural law tradition or drawn from a judge’s own independent, present-day moral judgments.		