Representing the work of the Court in Smith v. United States as a legal syllogism

Example of a syllogism

- **Major premise:** All mammals [Y] are warm-blooded.
- **Minor premise:** Human beings [X] are mammals [Y].
- **Conclusion:** Human beings are warm-blooded.

**Smith as example of a legal syllogism**

- **Major premise:** “Whoever, during and in relation to any… drug trafficking crime… uses or carries a firearm [uses a firearm = Y], shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for [5, 10, or 30] years.” 18 U.S.C. §924(c)(1). [Reader, p. 5, footnote.]
- **Minor premise:** “[W]e conclude that using a firearm in a guns-for-drugs trade [X] may constitute ‘using a firearm’ [Y] within the meaning of §924(c)(1).” [Reader, p. 9.]
- **Conclusion:** Whoever, during and in relation to any drug trafficking crime, uses a firearm in a guns-for-drugs trade, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for [5, 10, or 30] years.

The legal syllogism and legal reasoning

- Legal reasoning begins with a **legal rule** (such as the statute §924(c)(1), or a holding that carries precedential force, etc.) that supplies the **major premise** of the legal syllogism.
- The **issue (question of law)** can be stated formally: Is X (a particular kind of thing, conduct, mental state, etc.) an instance of Y (the category made relevant by the legal rule)?
- The **decision rule** states the answer to the issue (question of law). It supplies the **minor premise** of the legal syllogism.
- The **holding** states the **conclusion** of the legal syllogism. Notice that the holding states a legal rule. Because it states a legal rule, the holding can provide a major premise that begins legal reasoning in a subsequent case.

Rationale for the decision rule

- The rationale for the minor premise, “All human beings are mammals,” consists of empirical generalizations and the conceptual structure of biological taxa. What is the rationale for the minor premise (decision rule) in Smith?

Precedent

- In a statutory interpretation case such as Smith, the part of the Smith decision that carries greatest precedential force is its **holding.** (Does the holding in Smith control the question of law in Watson? If the issue in Smith had been stated at a higher level of generality, might the holding have controlled the issue in Watson?)
- Does the rationale for the decision rule also carry some precedential force? (Do the reasons for decision in Smith carry over and supply reasons for decision in Watson? Does their being reasons for decision in Smith give them added weight in Watson?)