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| Soggetti | United States. Supreme Court Dissenting opinions--United States Dissenters--Legal status, laws, etc.--United States Judicial opinions--United States Constitutional law--United States Government, Resistance to--United States |
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| Nota di contenuto | Dissent and the constitutional dialogue -- From <i>seriatim</i> to the opinion of the court -- From Marshall to Dred Scott -- Field, <i>Slaughterhouse</i> , and Munn -- John Marshall Harlan : the first great dissenter -- Mis-en-scene 1 : Harlan and Holmes in <i>Lochner v. New York</i> (1905) -- Holmes and Brandeis dissenting -- Mis-en-scene 2 : Brandeis in <i>Olmstead v. United States</i> (1928) -- The return of <i>seriatim</i> -- The <i>prima donnas</i> I : personalities and issues of wartime -- Mis-en-scene 3 : Wiley Rutledge and <i>In re Yamashita</i> (1946) -- The <i>prima donnas</i> II : incorporation, criminal procedure, and free speech -- Mis-en-scene 4 : Black in <i>Betts v. Brady</i> (1942) -- Lower federal courts, the states, and foreign tribunals -- Continuing themes, from Warren to Roberts -- Mis-en-scene 5 : Marshall, Brennan, and capital punishment -- Coda. |
| Sommario/riassunto | "Highly illuminating ... for anyone interested in the Constitution, the Supreme Court, and the American democracy, lawyer and layperson alike." -- The Los Angeles Review of Books In his major work , acclaimed historian and judicial authority Melvin Urofsky examines the great dissents throughout the Court's long history. Constitutional |

dialogue is one of the ways in which we as a people reinvent and reinvigorate our democratic society. The Supreme Court has interpreted the meaning of the Constitution, acknowledged that the Court's majority opinions have not always been right, and initiated a critical discourse about what a particular decision should mean before fashioning subsequent decisions--largely through the power of dissent. Urofsky shows how the practice grew slowly but steadily, beginning with the infamous and now overturned case of *Dred Scott v. Sandford* (1857) during which Chief Justice Roger Taney's opinion upheld slavery and ending with the present age of incivility, in which reasoned dialogue seems less and less possible. Dissent on the court and off, Urofsky argues in this major work, has been a crucial ingredient in keeping the Constitution alive and must continue to be so.
