



Foreshadows of the Law: Supreme Court Dissents and Constitutional Development

Donald Lively

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The Supreme Court has final authority in determining what the Constitution means. The Court's findings have not, however, always been final. Lively focuses on several landmark dissenting opinions--resisted initially--later redefining the meaning of the Constitution. Each opinion arises from a rich historical context and involves constitutional issues of pointed significance. Vivid descriptions of some of the colorful personalities behind the opinions add appeal. Lively conveys the evolutionary and dynamic nature of the law demonstrating the relationship between present and past understanding of the Constitution. He describes the competitive nature of constitutional development and identifies the relevance of factors including subjective preference, values, vying theories, and ideologies.

The role of the Court, is addressed as are the federal government's relationship to the states and their citizens; slavery; property rights; substantive due process; freedom of speech; and the right to be left alone. This is a clearly presented and highly instructive consideration of how the Constitution's interpretation has been fashioned over time with important insights relevant to today's Court and contemporary cases.

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