

## CONTENTS

<i>Preface</i>	page ix
<i>Table of Cases</i>	xi
<i>Prologue</i>	xx

### I *Dicta*

Introduction	3
1 The Civilian Dimension	6
2 Case Law As Common Law	14
3 'Obiter' As Legal Entity	19
4 <i>Dicta</i> Depicted	26
5 Oblique Strategies	33
6 Engines of Confusion	48
7 The Necessity Test	60
8 Cheap Talk	73
9 <i>Dicta</i> and <i>Dicta</i>	77
10 Nearly Law?	90
11 Observation and Authority	100
12 The Sources Problem	119

**II Dissent****Introduction 127**

- 1 Some Preliminary Observations on Dissent 131
- 2 The Nature of Judicial Dissent 135
- 3 Without Contraries Is No Progression? 152
- 4 Stalemates and Motivations 166
- 5 Dissents, Decisions, and Courts 178
- 6 The Tug of Unanimity in England's Courts 185
- 7 Dissent in an Apex Court 200
- 8 When Is a Dissent Not a Dissent? 214
- 9 Minorities As Authorities 232
- 10 Are We Agreed? 250

***Index* 253**