

GREAT AUSTRALIAN DISSENTS

When judges disagree, those in the minority write a dissenting opinion. This book considers the great dissents in Australian law. Their worth may derive from numerous factors including their rhetorical force as a piece of legal reasoning or emotive power as a judicial lament for the ‘error’ into which the majority has fallen; the general importance of the issue at stake; as a challenge to the orthodoxy; and, sometimes, the subsequent recognition of a dissenting opinion’s correctness and its ultimate vindication. On some occasions, all these features may be strongly present, on others only some. Through a diverse selection of memorable dissenting opinions, this book illuminates the topic of judicial disagreement more generally – not only through examples of instances when minority opinions have been distinctly valuable, but by drawing out a richer understanding of the attributes and circumstances which lead some dissents to become iconic, while so many lie forgotten.

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