



# The Pros and Cons of Dissenting Judgments

## Pro

### Signifies a fair and balanced court process

- Judgments reflect the complexity and ethical ambiguity of cases
- Protects the integrity of judgments as times change
- Showcases the independence and impartiality of judges

## Con

### Undermines the decisiveness of the court

- Doesn't provide a clear and singular outcome
- Gives the impression that the law is ambiguous
- Compromises the finality of judgments

## Pro

### Supports expression of judicial difference from respected professionals

- Is a sincere and honest representation of the judge's decision
- Demonstrates how adopting a literal vs purposive approach can lead to different outcomes

## Con

### Leaves judgments open to accusations of personal bias

- Invites speculation as to the motives of judges
- Raises questions as to the diversity of the court

## Pro

### Enhances the court's legitimacy

- Increases transparency of judicial decisions
- Allows judges to respectfully criticise the law
- Shows that arguments from both sides were seriously considered

## Con

### Invites challenges to the court's authority

- A split decision invites a future challenge to the majority decision
- Dissenting judgments can be used as persuasive authority in appeals, eroding finality