

Dissenting Respectfully
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Who remembers the game show *Family Feud*? With two families competing, the host would ask a question—for example, “We surveyed one hundred audience members, asking: ‘What is your favorite college football team?’ What were their answers?” One family hit their buzzer and shouted: “Arkansas Razorbacks!” *Buzzer*. The other family shouted, “Notre Dame!” *Bing!*

Last night, teaching Judaism 101, I was not the host for *Family Feud*, but there was a clear top answer when I asked the group of one thing they could give up for twenty-four hours, which would make life more peaceful. Hands down: social media.

The word “stress” was on several people’s lips, as they described what they would seek to avoid. They’re not wrong. Scrolling through Facebook, I see that people are angry. Yes, the algorithm has a lot to do with that, but it’s also true that my friends, whether in the United States or Israel, include plenty of unhappy souls.

The posts from Israel are mostly photographs from demonstrations, where humongous crowds are gathered to protest the ongoing war in Gaza. Since most of us are primarily on social media with people with whom we typically agree—that is, in our echo chambers—most responses to my friends who are demonstrating are positive and grateful. Sometimes, though, an angry response disparaging the protestors as unpatriotic.

Robust debate is a good thing. Unanimity often reflects silence on the part of a minority that feels unsafe sharing an unpopular, dissenting view. The folks who don't speak up aren't wrong, though: Sharing their opinions will certainly result in continued debate, which may be fine; but a sharp, vile insult is also possible. People can be very nasty. The Central Conference of American Rabbis' Code of Rabbinic Ethics says, "Public disagreements between rabbis should be stated in terms of disagreements about issues and avoid personal attack. *Lashon hara* (often translated as ['slander']) is equally unacceptable."ⁱ Suffice it to say that, even among rabbis, this admonition is too ignored, and experience teaches that we are far from alone.

The Israeli protest movement is laudable. Demonstrators carry Israeli flags—and increasingly, yellow flags, representing the demand for hostage release. I have walked around the part of Tel Aviv where tens of thousands gather in protest at least weekly, and I’ve noticed that even the flowerbeds are flourishing. These demonstrations are nonviolent. Even vandalism doesn’t happen, the only exception coming when protestors burn tires to block roadways, or counter-protestors attack the demonstrations.

Admittedly, the people speaking from the stage do not have nice things to say about Prime Minister Netanyahu and his government, but that’s to be expected in a democracy. They do engage in personal attack, but only of public officials who are fair game.

In recent weeks, the number of Israelis protesting has swelled to nearly a million, about ten percent of the population, equivalent to nearly thirty-five million Americans. Try to imagine thirty-five million Americans taking to the streets—protesting the way the Trump Administration carries out its immigration policy or discriminating against transgender folks, for example; or, a couple years ago, to

protest the porous southern border or the chaotic end of the war in Afghanistan under President Biden. Americans sadly lack the ability to protest peacefully. Vandalism and violence, not to mention the response, would likely be horrifying.

The ability to dissent respectfully—and ultimately, to seek compromise wherever possible—used to be a hallmark of American democracy. Admittedly, ours is not the only era of American history when dissent has been more pointed. John Adams and Thomas Jefferson amplified their contempt for one another before they became close friends late in life. And America tore itself apart over slavery.

Still, Justice Ruth Bader Ginsberg seemed to break new ground in her dissent to the Supreme Court majority’s ruling in *Bush v. Gore*, ending the presidential election recount in 2000 and clearing the way for George W. Bush to be inaugurated. Ginsberg left out the word “respectfully” from the typical ending of a Supreme Court dissent, “I respectfully dissent.” As a three-justice minority has been increasingly in dissent, they have increasingly dropped the word “respectfully.”ⁱⁱ

We could certainly make too much over one word. In 2023, Nina Totenberg analyzed Justice Kagan’s dissent, which she ended “respectfully,”ⁱⁱⁱ and Chief Justice Roberts’ response to it, when the Court invalidated President Biden’s student loan forgiveness program. Totenberg reported that Roberts took exception to Kagan’s dissent, before “Kagan shot back that the strong words in her dissent ‘do not at all “disparage” those who disagree. And there is surely nothing personal in the dispute here. But justices throughout history have raised the alarm when the court has overreached. ... It would have been 'disturbing' and indeed damaging if they had not. The same is true in our own day.’”^{iv}

Our Torah portion this week, *Shoftim*, is focused on judges and the justice system. Near the beginning, we read the immortal words, צדק צדק תרדף, “Justice, justice shall you pursue.”^v The repetition of the word צדק, “justice,” has many interpretations, including a Talmudic interpretation where we learn that “one mention of justice refers to a decision based on law and the other to compromise.”^{vi} In our own court system today, a verdict is sometimes reached by a

judge or jury, but more often, cases end with a settlement in civil court or a plea bargain in criminal matters—that is, a compromise result that each party can abide.

Not long ago, I ended a long-running conversation with a former student over Israel and Zionism. The dialogue had been civil and friendly. However, my former student ultimately accused me of being “dishonest,” and characterized something I wrote as “disgusting.” I responded that those are the type of accusations one levels only when one wishes to end conversation. The matter under discussion was his accusation that Israel is committing genocide in Gaza, and he insisted that the stakes are too high for civility.

I disagree with the young man in this instance, but I agree that some matters are more important than civility. Slavery, for example, was such an issue, and genocide would be, too, if I were perpetrating one. I hope that we all will limit the percentage of topics on which we are unable to be civil.

Since I began with social media, which can be a stressor, I’ll end with a lovely counterexample from Facebook today. Governor Sanders and Senator Clarke Tucker were together this morning at a ceremony marking the twentieth

anniversary of the dedication of the Little Rock Nine monument on the Capitol grounds. Tucker wrote: “Governor Sanders also spoke, and during her remarks, she recognized me as a fellow Central High graduate. She noted that while we don’t always agree, we’ve remained friends and worked together on meaningful change, like passing universal free breakfast for all Arkansas students ... This warm gesture from Governor Sanders was a pleasant, and meaningful, surprise.”^{vii}

Let us work together toward a day when our elected officials—and if not them, then at least the rest of us, strive for civility, particularly in vociferous, principled disagreement. Then may each of us be called a *tzaddik*, a righteous person, behaving as Governor Sanders and Senator Tucker did this morning, in the pursuit of justice.

Amen.

ⁱ <https://www.ccarnet.org/about-us/ccar-ethics/ccar-ethics-code/>.

ⁱⁱ <https://www.abajournal.com/news/article/justices-drop-respectfully-in-some-dissents-but-sotus-rancor-is-tamer-than-in-past>.

ⁱⁱⁱ https://www.supremecourt.gov/opinions/22pdf/22-506_nmip.pdf

^{iv} Nina Totenberg, “Supreme Court dissents and rejoinders, with respect and disrespect,” *NPR*, July 9, 2023, <https://www.npr.org/2023/07/09/1186274177/supreme-court-dissents-and-rejoinders-with-respect-and-disrespect>.

^v Deuteronomy 16:20.

^{vi} Sanhedrin 32b, as translated by Geoffrey Stern.

^{vii} Clarke Tucker for State Senate Facebook post, August 29, 2025.