

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 was the top answer?” 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 their Shabbat 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, 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 these posts are positive and grateful. Sometimes, though, an angry comment disparages 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: Sharing their opinions will continue 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 ‘malicious gossip’ [or ‘slander’]) is equally unacceptable.”ⁱ Suffice it to say that, even among rabbis, this admonition is too often ignored, and rabbis 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. Vandalism doesn’t happen, except when protestors burn tires to block roadways, or when counter-protestors attack.

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. Imagine thirty-five million Americans taking to the streets—protesting the way the Trump Administration carries out its immigration policy or discriminates 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 sustain mass 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 made no secret of their mutual contempt before becoming 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 traditional conclusion of a Supreme Court dissent, “I respectfully dissent.” As a three-justice minority has been evermore in dissent, they have increasingly dropped the word “respectfully and their colleagues in the conservative supermajority often respond in kindⁱⁱ

We could certainly make too much over one word. In 2023, Nina Totenberg analyzed Justice Kagan's dissent when the Court invalidated President Biden's student loan forgiveness. She ended her dissent “respectfully,”ⁱⁱⁱ but Totenberg reported that Chief Justice Roberts took exception, accusing Kagan of personal attack, 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, *Shof'tim*, 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 explanations, including a Talmudic interpretation teaching 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 settlements in civil cases or plea bargains in criminal matters—that is, compromise results that each party can abide.

Last week, I sadly 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 certainly some matters are more important than civility. Slavery, for example, was such an issue, and genocide would be, too, if I were perpetrating one. Still, I hope that we all will limit the percentage of topics on which we are unable to be civil.

Since I began with describing social media negatively, 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 our Capitol’s 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-scotus-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.