Constructive Disagreement – Rosh Hashanah Day 1 5786

Two Jewish men were sitting together on a park bench, friends for many years. One looked at the other and said, "Oy." The other looked back at his buddy and replied, "Oy." The first gentleman repeated again, "Oy," to which his friend acknowledged in return, "Oy." Back and forth they went several times, until Max finally turned to Irving. "Hey," he said, "I thought we had agreed not to talk about Israel."

We smile at this exchange because it's sort of funny and we wince at this exchange because it's painfully true and we recognize through this exchange that there are so many different ways the joke's punch-line could have been completed. "Hey," said Max. "I thought we had agreed not to talk about antisemitism." "Hey," said Irving. "I thought we had agreed not to talk about the war in Ukraine." "Hey," said Max. "I thought we had agreed not to talk about Mamdani." "Hey," said Irving. "I thought we had agreed not to talk about immigration or abortion or democracy or LGBTQ rights." There are so many critical, existential issues facing the Jewish people and the world at large these days, so many issues for which a simple "oy," feels entirely insufficient, and yet it's becoming harder and harder to discuss such matters, with friends, with family, within our own Jewish community. Instead, we often agree not to talk – for the sake of our relationships, our mental health, harmony within the spaces we hold dear.

At this point some of you are probably thinking: "Finally! Our world is falling apart in so many different ways and I've been waiting for our synagogue to address it properly." Others of you are probably thinking: "Here we go again! I came to shul this High Holidays to find spiritual uplift and inspiration not to hear a partisan diatribe." Some of you, I'm sure, are thinking: "I actually don't mind politics from the bimah but I don't want to hear them from her – she's too left/too right/too afraid to say what she really

thinks for my taste." And some of you are perhaps wondering what right a rabbi even has to talk about issues of the day at all, given that our expertise is in sacred text rather than political science and we're likely to be equally or even less well informed than many of the other highly educated people sitting in this room.

Several of you will think I'm exaggerating here – that there's no conceivable way that someone in our community could possibly think one of the things I just mentioned given your experience of words delivered (or not delivered) from this bimah. But I promise you each group is well represented in our community, and I know this because I hear from you which is actually a sign of open, trusting relationships and a healthy synagogue culture, even if it's not always particularly comfortable in the moment. But before anyone storms out in protest, let me clarify that this sermon will not be about any one particular topic but rather about how we navigate issues that are emotional, contentious, and divisive in the context of a diverse congregation trying to hold together in highly polarized times. One option when faced with our world's "oys" is to agree not to talk. I have to believe that there's a different and better way.

Lest we think we're the first generation of Jews who has had a hard time with constructive disagreement, the Babylonian Talmud Bava Mezia[1] presents the story of 3d century sages Rabbi Yohanan and Resh Lakish, a sugya (passage) which Rabbi Mishael Zion calls a "tragic tale of the best hevruta ever."[2] Resh Lakish is a man who comes from ignominious roots - when we first meet him he is the leader of a band of marauders who encounters his future study partner in the Jordan River where

[1] BT Bava Mezia 84a
[2] http://www.bronfman.org/wp-content/uploads/2020/07/Full-Talmud-Live-Sourcebook.pdf

Rabbi Yohanan has stopped to take a bath, only to be interrupted when Resh Lakish comes to rob him. Undeterred by the fraught circumstances of their introduction, Rabbi Yohanan is nevertheless impressed by the bandit's strength which he sees as befitting him for Torah study and convinces Resh Lakish to follow him back to a life of the *beit midrash* (study hall) by promising him his beautiful sister in marriage. Resh Lakish agrees and becomes not only Rabbi Yohanan's brother-in-law and student, rising to prominence as one of the top scholars of his generation, but also Rabbi Yohanan's hevruta. It is the beginning of a beautiful relationship until issues of ritual impurity rear their ugly head.

Yes, the grand controversy that tears this storied hevruta apart is so totally insignificant as to often go unmentioned when discussing this text - the study partners are looking at a variety of different weapons and when they become susceptible to *tumah* (ritual impurity). Tools can receive *tumah* but not raw materials and so the question arises - at what point does an item turn from something elemental into a usable implement? Rabbi Yohanan holds that this is when the tools are baked in a furnace whereas Resh Lakish holds that it's a little bit later, after they've been scoured in water once fired. In a fit of anger, Rabbi Yohananan cries out לִסְטָאָה בְּלִסְטְיוּתֵיהּ יָדַע - a bandit knows his banditry, alluding to the fact that Resh Lakish, former marauder, would certainly be well versed in the properties of weapons. The two men argue bitterly, a rupture so wrenching that it actually kills Resh Lakish.

But the story does not end there! Rabbi Yohanan is devastated about losing his friend and study partner, so the rabbis send him a new hevruta, Rabbi Elazar ben Pedat, who is considered similarly clever and brilliant. As the two sit together, whatever argument Rabbi Yohanan advances, Rabbi Elazar furnishes a relevant source to support his position. Finally, Rabbi Yohanan cries out, "Are you comparable to Resh Lakish?!? In my discussions with him, when I would state a matter he would raise 24 challenges against me and I would answer him with 24 answers and the *halakha* (Jewish law) itself

would be broadened and clarified. And you say there is a ruling that supports your position? Do I not already know that what I say is good?" Rabbi Yohanan was so wrecked by the loss of his friend that he had a psychotic break and died soon thereafter. A tragic tale of the world's best hevruta, indeed.

Woah! The story of Rabbi Yohanan and Resh Lakish represents a practically best-case scenario for weathering conflict - two men with a long-standing and close relationship who have had much practice disagreeing with one other, who nonetheless fall to pieces over a trivial matter of law that has little to do with either personal or existential concerns. How can we be expected to do any better? And yet, when we look at some of the fault lines in this story, they are not only cautionary tales - reminding us how easily friends, family, and community can be ripped asunder by disagreement. They are also, perhaps, beacons of hope - offering advice, wisdom, and inspiration as to where we might learn from their mistakes.

So where, exactly, do things start to go wrong in our story? It seems like it is the moment that Rabbi Yohanan charges Resh Lakish with being a former marauder, an accusation that is often understood as uncharitably reminding Resh Lakish of his ignoble roots but which I am going to call here pathologizing - seeing someone who has a different opinion not just as incorrect but as crazy, wicked or, in this case, criminal. In his book, Learning to Disagree, Washington University law professor John Inazu summarizes this issue as "Where is the line between wrong and evil?"[3] Dr. Yehuda Kurzer, President of the Shalom Hartman Institute, writes "[Pathologizing one's opponents] is the stuff that turns political disagreement into toxic polarization, the refusal to engage with critics in any way where you learn from their criticism, but rather to treat them as the foolish or even wicked who are meant to be destroyed."[4] Some of the

[3] Learning to Disagree by John Inazu, 2024. Page 115.
[4] "Disagreeing without Baseless Hatred" Identity Crisis Podcast, July 15, 2025.

forms of pathologizing we might recognize from our own community include: “Anyone advocating for starving children in Gaza is a self-hating Jew and antizionist who wouldn’t care if Israel were destroyed.” Or: “Anyone defending Israel at this moment is a heartless moral coward who cares only about the physical survival and not at all the character of our Jewish state.”

I hope that we can see not only how unhelpful but also how unfair these characterizations are. Most of us, I believe, are agonizing over how to balance two absolutely essential and often competing priorities: protection of the Jewish people and homeland and maintenance of Jewish values in their highest form. Reasonable people are going to disagree about how best to do so here, particularly given the enormous complexity of fighting an enemy with absolutely no moral scruples in the context of a devastating humanitarian crisis, but that does not make them deranged or evil. If we want to hold together in community, not to mention bring best thinking to the impossible issues of our day, we must give the viewpoints of our opponents curiosity and credibility rather than delegitimizing them for being criminal or unethical.

It’s not only Rabbi Yohanan’s pathologizing, however, that is so destructive here but something else too - Rabbi Yohanan is actually familiar with Resh Lakish’s personal story, knowledge that should make it easier to empathize with and understand him - but instead he takes advantage of this to wound his hevruta. Israeli diplomat Daniel Taub describes something that he’s noticed these days in Israel between people who don’t know each other well, when they stop for a moment before speaking to wonder - Is this person a member of a hostage family? Do they have a kid on the front line? Have they been evacuated from the North or the South? To these examples we could easily add some of our own from here in the United States: Does this person have a child in college who is being harassed on campus? A kid being denied gender-affirming care? An elderly parent living in fear of ICE? Taub

describes this pause as “holy,” and says about it the following: “There is a recognition that if I had a story that was similar to their story, maybe I would be entering into this conversation from a different place.”[5] And how very true this is! We are all shaped by the experiences that we’ve had and the circumstances of our lives, and seeking to understand where another person is coming from can make it easier to see them not as crazy or evil but simply as human - impacted by their own particular fears, heartbreaks, hopes, and dreams just as we are by ours. Usually, we start to better understand and are able to talk with people more effectively when we have come to hear and appreciate their stories. Rabbi Yohanan instead abuses this knowledge, but we should not make that same mistake. Not only must we not pathologize but we can choose to humanize instead - hearing one another’s stories, learning the contours of one another’s hearts, and looking for places - however small - of empathy and connection.

Finally, it is easy to understand why Resh Lakish is so hurt and insulted by Rabbi Yohanan, but our sugya takes this discomfort to a hyperbolic extreme when the rift between the two rabbis actually leads to Resh Lakish’s death. To better appreciate this, it’s interesting to notice the word used to describe what happens to the great rabbi before he passes - חָלַשׁ רֵישׁ לָקִישׁ - the word חָלַשׁ meaning both to fall ill and to become weak. Hearing things we don’t like, not only ad hominem attacks like the one levied by Rabbi Yohanan but also ideas or opinions that we strongly disagree with, is uncomfortable - it sickens and destabilizes us and makes us feel weak, causing us to withdraw, sometimes even to the point of permanently quitting, cancelling, or otherwise absenting ourselves from people or places that have offended us. This, taken to the extreme, is how I understand Resh Lakish’s death - he can so little tolerate the discomfort of sitting with this person who has challenged him both intellectually and personally that he gives up on the whole enterprise and succumbs to his demise.

[5] Ibid.

But it need not be this way! In diverse communities such as ours, not to mention in most groups of friends and even families these days, there are almost certain to be times when we hear things we vehemently disagree with: words that go too far or not far enough, words that anger or disappoint or sadden or discomfit us, words that lead us to think "I can't possibly be in relationship with someone who feels or believes or says things like this." That is not to say there are no limits - certainly there are positions that go beyond the moral pale or that transcend the boundaries of what a particular community has set for itself in terms of acceptable discourse - but I challenge us to set these parameters as broadly as possible in order to make our communities maximally diverse and to stimulate the vibrant exchange of ideas that I will speak about more in a moment. Here at TIC, I would define one end of our communal tent as being tethered in Zionism - the right of the Jewish people to protection and self-determination in a Jewish state - and the other as being tethered in the inherent dignity of all peoples. While those who identify as antizionists on the one-hand or who believe that Gazan lives have no value on the other are welcome in our community, these ideas will never find expression from our bimah as they represent ideologies antithetical to our synagogue's values.

Between these two poles, however, and even outside them, I believe we have to practice the muscle of sitting in discomfort - hearing things that are not exactly, sometimes not at all, what we think or believe or feel that a person or community should be saying but that we choose to tolerate nonetheless - and not only for the reasons that our sugya suggests once Rabbi Elazar ben Pedat arrives on the scene, that through being challenged we sharpen our thinking and become better at articulating our positions to others, sometimes we even add to or reconsider our ideas so that we arrive at better solutions. In fact, while I think that this kind of intellectual broadening is a good and important thing, there is pretty much no chance that I would be using one of the three opportunities I get each year to address our community over the High Holidays on this topic if it were not for something else that feels urgent and

existential and deeply frightening to me. We must learn to do better at bridging difference because if we don't, I fear that our friendships, our communities, and even our families will be torn apart in deeply damaging ways. We must learn to do better at bridging difference because it's essential to preserving democracy in an age of hyper-polarization and even political assassination. And we must learn to do better at bridging difference in order to work collectively to safeguard the Jewish future.

The Jewish community is mighty but small, and when we splinter we strain our resources, erode our sense of solidarity, and dilute our power and voice - ultimately weakening our communal strength and leaving us increasingly vulnerable to external threat. Yehuda Kurzer brings one example of this danger when he writes, "Amidst a horrifying rise in antisemitism, we now have no collective capacity to respond to it because of the overpowering partisan political differences we have effectively embraced as American Jews."[6] Support for Israel, too, has too often become a wedge, impeding our ability to advocate effectively for the Jewish state. It is, of course, unrealistic to imagine that there will ever be unanimity of opinion on issues as essential and complicated as these, particularly given the enormous diversity of the Jewish world, neither would such conformity necessarily be a good thing for our people or society at large. But we have to find a way to better hold together in community, despite our differences, so that our strength and voice are not diminished at this time when both are needed more desperately than ever before.

If I'm being honest, however, what really motivated me to give this sermon was not meta issues out there in the world, though they often do keep me up at night as I'm sure they do many of you, but rather my concern for our own Jewish community, here in Westchester and at Temple Israel Center, this community filled with individuals that I care about and a communal ethos that I feel responsible for

[6] Ibid.

creating and fostering along with all of you. Too often these past two years I have heard, from folks both on the left and on the right, that they feel silenced here; that their beliefs, beliefs that fall squarely between the two poles I articulated earlier, feel like they put them outside the pale; that they are lonely - because they seem to be at odds with the organized Jewish world, or because the horrors of this moment - however they define them - are not being treated with sufficient outrage, or for any other number of powerful and heartbreaking reasons. I love these folks, they are treasured members of our community, and we would be far less if any single one of them were to walk away. I love our congregation, and I fear what might happen if we can't find a way to hold on to all of our people as members. And I love the diversity our synagogue embodies - that in this world of increasing polarization and division, it represents one of the only places where people who disagree still find a way to sit together in shul, share a Shabbas meal, and show up for one another in times of need. To be sure, this makes our work more difficult. But it also makes it more necessary and holy than ever before.

And so, we return to Max and Irving, our two old buddies sitting on the park bench - a conversation I'd like to rewrite, for them and also for all of us, as we enter the new year 5786. One looked at the other and said, "Oy." The other looked back at his buddy and replied, "Oy." The first gentleman repeated again, "Oy," to which his friend acknowledged in return, "Oy." "Yes," said Max, things are pretty terrible these days. But let's see if we can find a way to talk about them anyway."

Wishing us all a year of constructive disagreement. Shana Tova!