

# Civil Discourse and Honoring Dissent



*In collaboration with  
High School Law Review*

Dissent is also an aspect of democratic life in the United States, even as it may cause social and political friction. Still, it can be challenging to understand the societal value of dissent. With dissent comes disagreement. Without constructive ways to communicate and process disagreement, divisiveness may ensue. However, dissent is a vital feature of communal life, embraced and safeguarded in multiple contexts. It is a deeply valued feature of Jewish intellectual and religious life, reflected in the intergenerational debates and discussions found in writings such as the Talmud. Talmudic discourse, which preserves dissent, is part of a Jewish disposition towards protecting the rights of unpopular or minority positions to be heard. In this lesson students will examine the Jewish value of dissent, in particular the long-established Talmudic tradition of recording minority opinions.

## Essential Questions:

1. What is the value of civil discourse in society?
2. Why do Jewish people value dissent?

## Learning Objectives:

1. Students will be able to understand free speech as a Jewish value.
2. Students will be able to engage in an act of civil discourse by forming opinions, exchanging ideas, and embracing diverse perspectives and disagreement.

## Enduring Understandings:

1. Dissent and discourse are deeply held Jewish values.
2. Civil discourse allows for and encourages respectful disagreement and constructive challenging of perspectives.

## Materials:

- [Civil Discourse Slide Deck](#)
- [Video of Olivia Gross](#)
- [Civil Discourse Handout](#)



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## Lesson Procedures:

### Video Discussion: The Right to Not Agree

Begin the lesson by screening the [video of Olivia Gross](#), founder of High School Law Review, in which she discusses the relationship between her family history, her Jewish identity, and her commitment to free speech and dissent. After watching the video, have students participate in multiple rounds of a think-pair-share exercise, using the questions posed on slides [3](#), [4](#), and [5](#):

#### Round One

*Olivia said, "A huge aspect of why I've grown to be so passionate about free speech comes from my family's history."*

*Why is Olivia's family history so influential in her thinking about free speech? Does this change how you think about free speech? In what ways?*

#### Round Two

*Olivia said, "Free speech, it's having the right to not agree."*

*Why is "the right not to agree" valuable in a democratic society? When may it be challenging?*

#### Round Three

*Olivia said, "In Judaism, you're very much encouraged to speak freely...There's no shortage of questioning."*

*Why is it important to have the right to ask questions? In what contexts is it important for you to ask questions and speak freely?*



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## Text Discussion: Understanding Talmud

Explain to students that Olivia's observation that Judaism encourages questioning and dissent is reflected in a collection of writings called the Talmud. The Talmud is a text that is central to Jewish law, consisting of multiple layers of texts that developed over the course of centuries of debate and interpretation. At the core of the Talmud is the Mishnah, a collection of Jewish laws. Additionally, there is the Gemara which are subsequent commentaries and reflect multiple generations of rabbinical debate over Jewish law. Show slides [6](#), [7](#), and [8](#) which provide an explanation of the Talmud and the ways in which discussion, debate, and dissent are found within it and in the continued act of reading and studying Talmud.

Next, assign students to three small groups. Show [Slide 9](#) which introduces a portion of the Talmud, Mishnah Eduyot. In the chapter of Mishnah, two rabbis whose interpretations about the outcome of cases are overruled by the majority of other rabbis, yet their opinions are still preserved. Assign each group one of the three excerpted reasons (Mishnah 4, 5, and 6) given for why overruled opinions are recorded in the Talmud. Have students engaged in the following tasks while thinking about their assigned Mishnah:

### Task One

*Discuss the question, Why does the Talmud record the opinions of rabbis who were overruled?*

### Task Two

*Think of a scenario where the reason given in the Mishnah for recording an overruled opinion would apply today.*

## Silent Conversation: Reading and Annotating

Begin the process of building a bridge from the way dissent appears in the Talmud to the way dissent continues to play a role in multiple political, legal, and cultural settings in the 21st century. Show [Slide 10](#) and ask students to turn-and-talk to a classmate, discussing whether they agree or disagree with the statements from Rabbi Jonathan Sacks and Vice President Hubert H. Humphrey on dissent. Once students have shared their thoughts with a classmate, ask volunteers to share whether these statements changed their original response, regarding their position on free speech.



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Distribute the [Civil Discourse and Dissent Handout](#) and assign students to small groups. First, have each student independently annotate the reading on the handout by English philosopher and politician John Stuart Mill, providing an opportunity to discuss the importance of encountering and preserving multiple perspectives as explained by a source whose influence extends into democratic life in the United States. Project the annotation instructions on [Slide 11](#), which also appear on the handout:

**Read the passage, one authored by 19th century English philosopher and politician John Stuart Mill.**

- 1) *Underline the main idea in the passage.*
- 2) *Write a ☆ next to statements where you are in agreement.*
- 3) *Write a ? where you have any questions about what the author is saying.*
- 4) *Write a note in the margins wherever you disagree.*
- 5) *Reflect: What do you consider to be the value of dissent?*

After students have read and annotated the passages independently, have students rotate their handouts to their classmates in small groups. With a classmates annotated handout in front of them, students will now respond to the annotations, answering classmates' questions, responding to their notes of disagreement, and sharing whether they agree with their classmates' observations. Continue this process until all members of each group have annotated each other's texts. By the end, each handout should include the original commentary and each subsequent commentary, allowing students to create written records of their opinions and comments on the original Mill text. Discuss this process as a class, allowing students to share how it felt to comment on Mill's text and to respond to the commentary of their classmates, derived from that original source.

