

## Alan M. Dershowitz<sup>†</sup>

Joseph Goldstein was the personification of the teacher and moral provocateur. Though extremely proud of the thousands of students that came under his tutelage during his distinguished academic career, Joe was never satisfied with what any of his students accomplished. He always insisted on more. He was among my mentors during my three years at Yale in the early '60s, always pressing me: Sharpen it. Make it smarter. Take it further. Until the last year of his life, he never told me he was satisfied with anything I had ever written or done. Imagine how I must have felt when, finally, he praised one of my books without reservation. Somehow, I think he knew it would be the last of my works he would have an opportunity to appraise. It was my final grade for the lifelong course I took from him in law, social science, and life.

Though Joseph Goldstein is not a household name in the general world of law, he was among the most influential lawyers in the last half of the 20<sup>th</sup> century. His writings on the interface of law and social science have had an enormous impact on other law teachers, on mental health professionals, on courts, on legislatures. He has influenced both theory and practice.

But his most enduring contribution has come through the thousands of lawyers who he taught over the years. And he was so proud of them. No student could fail to be influenced by Joe, whether they realized it or not at the time they were in his class. His influence was as subtle as his mind and sometimes as quiet as his voice, but it stayed with you. I have had so many discussions with classmates and colleagues over the years who have gone into different areas of law, and some not into law at all, and they all remember the influence of Joe's classes. I know that over the years, I've asked myself countless times: What would Joe think about this issue? How would Joe have approached this problem? Sometimes, I'd call and ask him. Most often, I would just work it through in my own mind, knowing that that's what he would want me to do, employing the tools that Joe had given me. I'm going to continue to ask what Joe would have thought as long as I'm capable of thinking.

There was nothing that Joe didn't challenge. He believed in no orthodoxy. He was a member of no intellectual club. He reflected no group perspective. He was just Joe Goldstein, as unique and individual a thinker as I have ever encountered. When I would go to him to ask him about an issue, I simply

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couldn't predict what his answer would be. Even after knowing him for years and reading thousands of pages, he was so unpredictable because he thought anew about every issue, every time he confronted it.

He was neither a liberal nor a conservative. Labels of that kind have no meaning to a mind far too complex for such pigeonholing. He thought for himself, and he arrived at conclusions that challenged every discipline he confronted. He changed the nature of law, he changed the nature of psychoanalytic theory. He changed the way we think about children. He changed the way we think about ourselves.

He always viewed the input of other disciplines with skepticism. I recall vividly that seminar with Anna Freud, who was then near the end of her active career and something of an icon within the psychoanalytic world. Yet, in his quiet way, Joe challenged her, and made her defend conclusions that had long been accepted.

I had the privilege, and it was a rare privilege, of collaborating with Joe on two books. We began our collaboration when I was still a student and we produced, with the collaboration of Jay Katz, the first casebook on psychoanalytic theory and law. Several years later, we collaborated along with Richard Schwartz on a criminal law casebook. The process of working with Joe was always challenging and scintillating. Every meeting was a seminar, a dialogue, an encounter, a lesson in life.

Though we were, by this time, colleagues, he was still my teacher, and remains my teacher. He remained my teacher until the day of his death and will remain my teacher till the day of mine. But he was more than just my teacher. He was my rabbi. He was a sage in the tradition of Talmudic dialectic, much like the teacher in the Yiddish song that began this memorial. He taught with his mind. He taught with his words, he taught with his actions, and he taught with his heart. He taught how to teach. He taught how to learn. He taught how to think. He taught how to live. I hope I learn even a fraction of what he taught.

Max, now I finally understand why I bought a Peugeot when I graduated from Yale Law School. To this day, I never knew why I bought that car, and why I was always taking it into the repair shop, and now finally thank you for clearing up that mystery in my life. I'm glad I didn't try to drive up here today with that car. I would have been very late.

Joe will be remembered by all of his students and by his legion of admirers. But, even after those of us who were privileged to know him personally are ourselves gone, he will continue to influence new generations of lawyers. His insights are reflected in every class taught by his academic protégés all over the world. His influence will also be felt in every child-custody case across the land. I remember vividly getting a phone call after the Elian Gonzalez case broke, and thinking: How should the law approach this difficult case? I immediately turned to the class that I took with Joe and Jay Katz and to his extensive

## Alan M. Dershowitz's Tribute to Joseph Goldstein

writings, along with Dr. Solnit, on the best interest of the child. I'm not certain whether Joe and I would have agreed on our conclusions about that case or any others, but I know that I was employing the methodology that he had pioneered.

Indeed, one of the great virtues of Joe's approach is that it was never result-oriented. Unlike his mentor Harold Latske, the great British socialist, Goldstein simply didn't reflect in his work a political, economic or other agenda. The thrust of his work was methodological and conceptual. Though he understood that no methodology could ever be entirely value-free, his values were not the narrow partisan ones that so often masquerade as neutral principles. He was just too honest for that kind of thinking. He cared more about building the road, with its various detours and by-ways, than arriving at any predetermined conclusion.

I'm going to miss Joe Goldstein every day of my life, but he will remain with me and with so many other people through his monumental body of work, and his intellectual and moral influence. His warm friendship to my entire family will never, ever be forgotten. His family—Soni, the children, and the grandchildren—have so much for which to be proud. He loved you so much. He talked about you all the time. May you be consoled by the memory of his greatness and by the continuing influence of his marvelous works.

