

Tributes

The Mystery of the “But”

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Good afternoon and welcome. We are here to remember and celebrate the life of a good friend who happened also to be a great man. We shall try with our words to express our friendship for Joe and do justice to his greatness. It goes without saying that we shall fail in the attempt. Our words will fall short of the facts, and can never reach the man himself. That is something we must accept. But Joe is gone, and all we now possess of him are the words we use to remember and describe him. That is something we must attempt. We shall try our best, partly for our own sake, because we need to keep as much of Joe as we can, and partly also for his, because Joe’s life among us now depends on our poor power to translate from the vital world, so transient and bright, to the world of words, where we store up in a shadowy but more durable form all the feelings we wish could last.

In the program you received when you entered the auditorium you will find a brief précis of Joe’s life. We are told that Joe was “exacting but kind,” and with this phrase—chosen, I am sure, after much careful thought—the author has attempted to capture an aspect of Joe’s character that anyone who knew him well—that anyone who knew him even slightly—will instantly recognize as one of his essential features. The most revealing word in this short phrase is the one that joins the other two—the word “but”—which signals the author’s appreciation of the fact that the two qualities here brought into conjunction were, in Joe, somewhat opposed—even, perhaps, a contradiction. The contradiction has been softened by the author’s choice of adjectives: “exacting” and “kind.” In fact, the qualities to which these words refer are better described in more

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extreme terms: “Fanatical” and “loving” come closer to the mark. And these more extreme, but accurate, words make the mystery of the “but” even greater.

I can't remember the first time I realized that Joe was a true fanatic. It must have been in a faculty meeting, sometime in the late 1970s. I had recently returned to the Law School as a member of the faculty, and in those early meetings I was filled with a mixture of awe and dread that caused me to speak only with the greatest circumspection and deepest regard for the majority view. This was not exactly Joe's natural inclination. I have long ago forgotten the issue in dispute, but I can still hear Joe saying—as clearly as I can hear the sounds in this room—that the proposal before the faculty, whatever it was, was not only unwise—despite the fact that the majority favored it strongly—but utterly faithless to the values and traditions of the Law School. I must have heard Joe say this, and things like it, a hundred times, and every time I thought, “This man is slightly mad to speak so simply about a matter of such complexity, so directly about a matter that demands such circumvention, so honestly about a matter that requires such tactful deception.” But every time, I also thought, “This is a man who stands before the truth, who is prepared to describe the world as he sees it, without artifice or lies, and willing to be judged simple or ornery or tactless so long as he speaks the truth, without varnish or pretense.” And as I came to understand that this was not a put-on, or a pose that Joe adopted in order to win votes, but the deepest instinct of the man, my admiration for him grew, and grew and grew, until I often saw him, in the end, as the only honest man in a room of skilled magicians. Joe was a fanatic for the truth, and I loved to hear him tell it straight, skewering colleagues and deans alike, like Socrates before the jury, or the little boy before the emperor, holding fast to his belief that those who remain faithful to the truth will be saved, and those who forsake it—for prudence or pleasure or peace—are lost. What a pleasure it was for me to hear Joe speak the truth, with his perfect devotion to it, and his preparedness to let the chips fall where they might so long as we held to the truth and honored its simple demands.

Or rather, I should say, what a pleasure it was until I became the Dean of the Law School. I'm not revealing a secret when I tell you that deans dwell in a realm of shadows and illusion. Compromise is their currency, and the gentle blurring of the truth—what honest people call deception—is one of their primary arts. I have learned to trade in this currency and practice this art. But I have done so with a guilty conscience, and for that I have Joe Goldstein to thank. In the past seven years, there were countless moments when I found Joe's stubborn devotion to the truth frustrating, baffling, infuriating—when I felt he must truly be a madman not to see that the truth must be bent just a little, or obscured just a little, for the sake of

harmony and peace. Of course I tried to explain all of this to Joe, but you won't be surprised to learn that he remained unpersuaded. Not once could I get him to budge from his commitment to the truth, whatever the consequences of that commitment might be. But though, as a dean with dirty hands, I often enough experienced Joe's fanaticism for the truth as a roadblock in the way of something I felt prudence required, I know that it did me more good, as it has done the School more good, than all the genial compromises in the world. Joe reminded me, as he reminded all his colleagues on the faculty, of the one thing without which our School has neither direction nor purpose. It was not always pleasant to be reminded of this. Joe made demands on us all, but his fanaticism for the truth kept the School on course, and for the past seven years it helped to keep my own soul intact.

When it came to the truth, Joe was rigorous, obstinate, unforgiving. Nothing but the truth would do. But when it came to people, and especially to people in positions of dependency or need—to children in need of care, students in need of encouragement, clients in need of lawyers to represent them—Joe gave of himself with a generosity and compassion and affectionate forgivingness that is the heart of love, here on earth, among human beings who are vulnerable and needy and fallible in countless ways. As ferocious as Joe Goldstein was in matters touching the truth, he was, in his relations with other men and women, guided by an interest in their welfare and by the wish to help them where he could. He was guided by an instinct of love. He understood that we are all cracked vessels of imperfect design, and held out his hand to the fellow travelers who came into his care—to the children, born into a condition of dependency and need, whose protection and support Joe made one of the main themes of his scholarly work; to the students at the Yale Law School, who came to him with all their hopes and dreams and confusions and anxieties, whom Joe befriended and looked after and loved, with lifelong affection and pride in all they did; and to the voiceless poor, who more than anyone need an ally to take their side, and tell their story, in the official language of the law, and whom, through years of devoted work, Joe served, as a founder and director of New Haven Legal Assistance. Gentleness and care; kindness and love; a readiness to help and quickness to forgive: These are the qualities of the man that anyone lucky enough to have been in Joe Goldstein's circle of affection will remember forever.

Can you now see the mystery of the "but"—of exacting "but" kind, as the program puts it, or fanatical "but" loving, as I have? It is the mystery of the life we are gathered here today to celebrate—a life lived in the full glare of the truth, without pretense or excuse, but devoted with loving kindness to the less-than-perfect human beings whose neediness is our humanity. I have known fanatics for the truth. I have known men and women with a great

capacity for love. But the impatience with human weakness which the first encourages is rarely joined to the acceptance of it that the second demands. That is the mystery of the “but,” of the contrary qualities Joe Goldstein joined. I have no theory to explain this conjunction, no philosophy of life to tell us how to achieve it. But so long as Joe is alive in our memory, we have something far more valuable. We have the example of a man who joined what might from a distance seem unjoinable. This is the mystery of Joe’s life, and his great gift to us. So long as we preserve it, so long as we honor the memory of the improbable conjunction Joe Goldstein was, we shall remain on the path Joe pointed out and showed by his example that we could follow.