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Tribute to Joseph Goldstein

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Emily Bazelon[†]

My first class at Yale Law School took place in a small room on the 4th floor of Entryway M. In the opening moments, seventeen of us, a small group in the law school tradition, squeezed into our places around a crowded table.

Professor Goldstein walked in. Stooped, with his bow tie and unmistakable curly white hair, he blinked at us from behind large-frame glasses. We waited, as students do on the first day of school, for revelation.

We were waiting for Professor Goldstein to say “the law is about this” or at least “this class is about this.” He didn’t that day, or on any that followed. He was not a teacher who gave us the easy comfort of spelling out what we were to think, or even how we should begin figuring that out. Our first reading assignment was not an excerpt from a casebook, like other small groups’ were, but the entire Supreme Court opinion in *Clinton v. Jones*. When we asked where in the opinion we should focus our attention, Professor Goldstein quietly refused to answer. Nor did he answer when we asked for guidance in sorting through the Court’s tangled decisions on affirmative action, the subject of our major writing assignment—which was not a lawyer’s brief or memo, as other small groups’ were, but rather a Supreme Court opinion.

Sometimes, Professor Goldstein’s method frustrated us. But I think it also offered a kind of revelation, though not the kind of roadmap to success in law school and life ever after we thought we were looking for. Professor Goldstein taught us that guidance can come from a touch as much as from a push. He directed his classroom with oblique comments. Sometimes, we could barely hear him. These may not seem like the attributes of a great teacher, but they generated tremendous capacity for dissent and debate. Professor Goldstein’s form of indirect direction yielded for my small group the freedom to try out new ideas, however half-baked, and to argue, however raucously. We talked over each other and to each other. Since Professor Goldstein did not answer our questions, we answered them ourselves.

It strikes me now that given Professor Goldstein’s deep knowledge of the concepts we discussed, it must have taken enormous self-restraint for him to listen to us blunder rather than leap in to correct us. I remember one discussion in which we dismissed the doctrine of stare decisis, and another in which a few of us happily tossed out the constitution’s case and controversy requirement for

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federal jurisdiction. Professor Goldstein gave us the space to grow into our new law-student selves in this way, and we were the better for it. (The exception, as other small groupies surely know, was Professor Goldstein's scorn for the overuse of footnotes, which even he couldn't manage to hide).

Professor Goldstein's teaching style conveyed deep respect for his students. It also conveyed his great gentleness as a human being. It's no accident that Professor Goldstein had a reputation, long before it was fashionable or obligatory, for being one of the best members of the faculty for women and minority students to work with. He dealt in the currency of ideas, not status, and he did so with great personal attentiveness. Our nickname for him reflected the warmth we felt from him and for him. We called him JoeGo.

Along with JoeGo's gentleness came great intellectual rigor. These were the twin traits that defined him as a teacher, I think—and the reason why working with him appealed to all kinds of students. One-on-one in his book and photograph-filled office, Professor Goldstein cut into an argument or piece of research with a dissector's knife. Students who wrote papers for him wrote many drafts. They had to.

I feel particularly honored to have been a member of Professor Goldstein's last small group, and to be speaking here today, because of another connection I felt to him before he became my teacher. In 1953, Professor Goldstein was a law clerk for a federal judge, as I am now. That judge was my grandfather, David Bazelon. Professor Goldstein helped my grandfather research and begin to write an opinion in a case called *Durham*, which proposed an alternate standard for the insanity defense. *Durham* is one of the opinions my grandfather is best known for and took the most pride in. Clearly, it benefitted from Professor Goldstein's deep and enduring interest in law and psychiatry, and for his ability to collaborate with his judge.

My grandfather has been dead for several years, but I know from my grandmother that both she and my grandfather felt deep affection and regard for the people they knew as Joe and Sonny, and for their young family. As I begin my clerkship year, I can only hope to follow Professor Goldstein's example. I do know that the judge I'm clerking for, Judge Kermit Lipez, agrees with me about at least one thing so far. He also participated in a small-group seminar with Professor Goldstein when he was a student at Yale Law School, and he also thinks of JoeGo as a beloved teacher.