



Abraham S. Goldstein
1925-2005



Sterling Professor Emeritus of Law and
former dean Abraham S. Goldstein '49
died on August 20, 2005, at the age of 80.



ABRAHAM GOLDSTEIN'S PATH to law school and to a career as a preeminent and pathbreaking criminal law scholar was neither direct nor probable. He grew up on the Lower East Side of New York City, the fourth child of Ukrainian immigrants who spoke only Yiddish at home and whose living was made from a fruit and vegetable pushcart. "Before 1946," Goldstein said in his remarks upon receiving the Law School's Citation of Merit in 1976, "places like Yale were [to me] the stuff of dreams and storybooks, inhabited by remarkable people...who shaped the world of affairs and the world of scholarship."

Goldstein entered those worlds as a result of postwar policies that, as he noted in the same speech, "eliminated economic barriers to quality education, at least for veterans." After serving in the Army as a demolitions specialist and counterintelligence expert in WW II and attending City College, Goldstein enrolled in Yale Law School, graduating in 1949, "the beneficiary of an historic process which brought to the great American universities the most diverse student body they had ever had."

Goldstein worked briefly in a law firm and then clerked for the U.S. Circuit Court of Appeals Judge David L. Bazelon, who became a lifelong friend. "Abe tackled his new job with a characteristic self-assurance that made the most treacherous issues seem manageable," Bazelon noted in a 1978 tribute to Goldstein. "He has a real concern not only for the abstractions of the law, but...for the very real ways in which legal principles affect people's lives. Again and again he has probed for the issues and values that lie hidden between the seeming neutrality and equality of the law."

Richard Schwartz, Ernest I. White Professor of Law and Social Science at Syracuse University and Professor of Sociology and Social Science at the Maxwell School of Citizenship and Public Affairs, adds: "I was a young faculty member at Yale in the 1950s, a social scientist interested in law when no one knew what to do with a sociologist of law. Abe became a key player in a program emphasizing different aspects of law. He had the breadth and depth to see that treating the law in isolation made the law into less than it could be."

Goldstein spent several years as a partner at Donohue & Kauffman in Washington, D.C., working on complex civil and criminal litigation. His cases included the defense of a man accused of lying to a State Department Loyalty Board during the time of Senator Joseph McCarthy's infamous blacklist of alleged Communists.

"That time, in 1954," Goldstein noted, "seemed the worst of times. We were fearful that our government institutions would not survive the passions and prejudices being inflamed. It seemed to me that a law teacher might contribute more to keeping the balance of justice true—that I might reach more people more deeply by teaching and writing than by trying cases." In 1956, Goldstein was recruited to the Yale faculty as an associate professor. He was subsequently named professor of law in 1961, the William Nelson Cromwell Professor of Law in 1967, and Sterling Professor of Law in 1975.

Among Goldstein's influential writings was a 1960 article that examined criminal trial procedure, concluding that the "balance of advantage" lay with the prosecution and "presaging," according to Kate Stith, Lafayette S. Foster Professor of Law, "the changes in law wrought by the Warren Court over the next decade."

Other notable treatises followed, among them: *The Insanity Defense* (1967); *The Myth of Judicial Supervision on Three Inquisitorial Systems* (1977); *The Passive Judiciary: Prosecutorial Discretion and the Guilty Plea* (1980). All told, Goldstein published four books and dozens of articles which, Stith notes, "often became the seminal works in their areas, spawning an immense amount of further scholarship."

Longtime friend and YLS classmate Herbert Hansell '49, an international law specialist and former legal adviser to the U.S. State Department, says of Goldstein, "He was an extraordinary amalgam of personal and professional qualities. His exquisite judgment and his decisiveness distinguished him as a strong leader. His common sense and analytical powers enabled him to absorb and distill information and argument, and to articulate a savvy conclusion. These qualities earned Abe regard from his classmates, his colleagues, his students, even his adversaries. Not everyone agreed with him, but you would be hard put to find any who didn't respect him." Hansell continues, "In my eyes, he was the personification of the Reasonable Man."

In 1970, Goldstein was asked to accept the position of dean of Yale Law School, a difficult job at a turbulent time in American higher education. "Abe was profoundly distressed by the turmoil," Hansell notes, during a period that Goldstein himself described as "complicated and difficult...seemingly cast by history to test us...years filled with wildly creative forces and wildly destructive ones." Goldstein worked to reunite faculty and students into a cohesive and creative community. He served one five-year term as dean, then returned to his role as a teacher and scholar, having helped restore the Law School's stability and reinvigorate its faculty.

In demand as a visiting professor, Goldstein taught at Cambridge University, Stanford Law School, Hebrew University, and Tel Aviv University. He took an active role in civic life, serving on a number of state, national, and international policy panels and task forces related to criminal justice, judicial process, and legal education, and holding a variety of leadership roles at the American Jewish Congress.

"There's an ancient Greek aphorism," says Richard Schwartz, "'Count no man happy until he be dead.' But that was not true in Abe Goldstein's case. Abe was a happy man, with great curiosity and great generosity of spirit."

Predeceased by his first wife and high school sweetheart, Ruth, Goldstein is survived by his second wife Sarah, two children, three stepdaughters, six grandchildren, and a brother. ∞