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**“WE CANNOT REMAIN MORALLY NEUTRAL”¹:
HOWARD A. GLICKSTEIN, DEAN, TOURO LAW
CENTER, 1986-2004**

*Jeffrey B. Morris*²

This is written to commemorate the remarkably long tenure of a dean and to celebrate a man who, over the course of his distinguished career has done very much good.

At the end of this academic year, Howard A. Glickstein will step down after more than eighteen years as Dean of Touro Law Center. During this period, he has presided over the permanent accreditation of the law school and its admission to membership in the Association of American Law Schools as well as over many other milestones. And, like the Biblical Moses, Howard has brought us close enough to the Promised Land (in this case, a new campus at Central Islip) to be able to look across the Jordan and see it. Howard has been dean during the ebb and flow of the national economic cycle, fluctuations in law school admissions and in the bar pass rate of our graduates, as well as during the lesser and greater prosperity of our parent college. During these years, Howard has had the dubious pleasure of

¹ See Howard A. Glickstein, *The Jewish Tradition*, 22 VAL. U. L. REV. 675, 684 (1988).

² Professor of Law, Touro Law School. A.B. Princeton University, 1962; J.D. Columbia University School of Law, 1965; Ph.D. Columbia University, 1972. The views expressed here are my own, although it is no exaggeration to assert that they are widely shared. I do, however, want to express my appreciation in particular for the assistance of Professors Rena Sepowitz, Louise Harmon, Daniel Derby, Marianne Artusio, Eileen Kaufman, Associate Dean for Student Affairs Kenneth Rosenblum and Assistant Dean for Administration Linda Baurle.

chairing more than 150 faculty meetings, presiding over many (generally amicable) battles over grade curves and curricula reforms as well as passionate discussions involving free speech, academic freedom and the meaning of equality. He chaired the committee that has considered the tenure, promotion or long term contracts of virtually every member of our faculty.

During these years, Dean Glickstein could be counted on not only to meet challenges with calm and wisdom, but also to remember that in running the law school, he was dealing with people. A law school dean must balance human sympathies with the expectation that academic standards will be upheld and the school will be managed efficiently and rationally. Howard knew that resource questions affect not only programs, but people. When members of the faculty, administration and student body had serious problems, we could be sure that Howard would selflessly do the right thing. Somehow, whatever the budgetary problems, Howard would provide institutional support during the serious illness of a faculty member, or a member of a faculty member's family, or to a student confronting an unexpected financial setback. Where people were concerned, Howard could always be counted on to be fair.

Howard is a deeply committed liberal and a strong civil libertarian, but one free of self-righteousness and florid rhetoric and devoted to intellectual freedom for all. Nobody can doubt his innate decency, courage and sense of honor. In the early years of

his career, Howard fought for racial equality throughout the nation. At Touro, no one could question how deeply felt were his views, but they were worn lightly. Howard never demanded fealty nor attempted to force anyone into his mold, but one position of his was completely clear — “as a religiously sponsored law school,” Touro could not and would not “remain morally neutral.” Quietly, but powerfully, he stood up for equality, free speech and tolerance, not just in the law school, but in Suffolk County and beyond. One of his truly great moments occurred during a battle over the recognition of gay and lesbian student organizations at Touro when he pointed out to those more conservative than he, that when European Jews were herded to the death camps wearing a yellow star, they walked beside homosexuals wearing a pink triangle.

The first history of Touro Law Center will appear in about a year when Touro commemorates the twenty-fifth anniversary of its first entering class. Inevitably, there will be some criticism of Howard’s deanship. Some will argue that he was too frugal with law school funds, that he should have second-guessed his administrators more often, that he was too tolerant of unproductive faculty. Many will agree that he was too indulgent in allowing unlimited discussion at faculty meetings.

But anyone who may have felt that after almost two decades it was time for fresh blood would have been cured by immersion in the search for his successor. The five of us who

represented the faculty on the Dean Search Committee³ received an education as to how multi-faceted the role of a law dean is and how very few candidates can even come halfway towards approaching the number, variety and depth of Howard's strengths.⁴ Here is a man with an extraordinary number and range of friends and acquaintances, men and women of distinction from many worlds, whom he often "borrowed" to help his law school. Howard was able to get along well with liberal academics, conservative politicians, local attorneys, the cream of the public interest bar, state and federal judges and United States Supreme Court Justices, orthodox rabbis and deans of fundamentalist Christian-affiliated law schools. Nor could anyone doubt that, as Dean, Howard Glickstein has always been completely devoted to Touro Law Center as an institution.⁵

One should not forget to mention some of Howard's less obvious virtues as Dean, for they contributed to the collegiality of the law school. Howard returned phone calls rapidly. He made himself accessible to any member of the faculty, student body, and staff. While on some matters it was difficult to get him to change his mind, Howard never erected a wall of administrators to block out voices in opposition. Howard was also a sturdy buffer,

³ Professors Eileen Kaufman, Richard Klein, Leon Lazer, Marjorie Silver and myself.

⁴ We believe that we have come close with his successor, Lawrence Rafal, the former Dean of Creighton University School of Law.

⁵ It should be added here that Howard was an enormous source of strength to the Dean's Search Committee. Without ever trying to impose his views, he responded willingly and without ego to our constant need for wise counsel.

protecting the law school from the occasionally competing concerns and outlooks of our parent college.

And he was never intolerant of opposing viewpoints, nor did he carry grudges. Indeed, he is among the least mean-spirited of persons. During faculty meetings, I have disagreed with him strongly over courses in Jewish law, the appointment to the faculty of someone I believed would harm our collegiality and over whether he should speak out against the admittedly rare ad hominem attacks by several “politically correct” members of the faculty.⁶ There was one time I walked out of a faculty meeting in a fury. But almost immediately after the meeting ended, Howard was on the telephone bridging our differences.

Behind Howard’s poker face and laconic exterior lies a spirit of fun and whimsy which is seen on certain occasions. One such occasion is Touro’s Fright Night costume party when Howard comes clothed as a circus clown, the Phantom, Bob the Builder or some other persona rather different from his own. Another such is the Talent Show, where he has always asked to be written into a skit.

I have not had the pleasure of traveling with Howard, but some of my colleagues have. Louise Harmon, for example, speaks of a “curious, adventurous and indefatigable” traveler, an “intrepid

⁶ Of the three major differences we had, I realize now that I was wrong in characterizing his views as “disingenuous” as to the first, and he was probably right about the way the second should have been handled. I have not changed my mind about the third!

explorer.”⁷ Professors Harmon and Dan Derby have vivid memories of whitewater rafting with Howard in the mountains of China. After the two survived a steep set of rapids, barely missing boulders on both sides, they looked at Howard’s raft behind them, catching sight of Howard’s guide being thrown violently into the air and off the raft while Howard hung on to the raft with “a maniacal smile on his face.” Dan recalls that in Hanoi, Howard stimulated a pedicab race between his and Dan’s.

Howard’s love of good food and good wine is well known.⁸ While I have sought his advice about restaurants in locales relatively close to home such as in Philadelphia and New Orleans, Dan Derby remembers Howard’s recommendation of a confectionary in Kharkov, a city Howard had visited twenty years before, where he remembered that the pastries were the best he had ever tasted. Eileen Kaufman recalls Howard’s willingness to eat “pan” in India – tobacco and spices in between betel leaves.

In short, Howard Glickstein is a man for all seasons, and the faculty, staff and students of Touro Law Center have been fortunate to have been associated with the law school during the “Glickstein Era.”

⁷ Less well known than Howard’s adventurous side is his custom that every time he travels, even if it is just overnight, he brings back gifts to his personal staff.

⁸ Howard has eaten in all of the three star restaurants in France and, in at least one year, he ate at all fifty of ZAGAT’S top restaurants in New York.