

## TRIBUTE TO NORMAN DORSEN

Unlike so many others who have paid tribute to Norman Dorsen who have known him for many, many years, I have known Norman for fewer than three. Appropriately enough we first met over lunch at the Volare Restaurant, opposite the law school and a famous meeting place for many faculty members. I imagine that Norman and John Sexton often huddle over their favorite Italian dish and concoct many of their wonderful plans for the enrichment of the Law School.

Back then I was a mere Visiting Fellow and had to bother Norman with the usual details. Although he was up to his eyes with work, he was extremely kind and gave me time and advice, and helped me settle in to the Law School. It was when I worked in the library and moved around the corridors that I began to hear of the remarkable career of a man who has served New York University with such distinction for forty years. Fellow professors, students and staff spoke with awe of his prodigious output, his administrative and management skills and his commitment to standards of excellence.

However, when we talked it was much more about his first love—civil liberties. Understandably, our conversations were very much connected with his years of devoted service to the ACLU. Initially he was occupied with the United States and the persistent challenges to guarding and protecting civil liberties, which were under constant threat. However, in recent years the focus for Norman has widened and deepened. His concern took on global dimensions and his major role in founding the Global Law School comes as no surprise. The law school is now open to a vast array of talent from many parts of the world and this in turn has attracted students from scores of countries. The rise of internationalism in the Law School has been one of the greatest and most important developments in the long and distinguished history of NYU. Norman's role was clearly pivotal and indispensable.

As we talked about the importance of human rights and the search for justice in an unjust world, I often wondered what the driving force was behind Norman's incredible work rate and his passion which infused everything he set out to do. Those who know him well, and he has so many colleagues and friends, will have different answers to that question, but as a relative newcomer it did occur to me that at least one of the driving forces was his commitment to the truth. He dislikes humbug and with his prosecutorial approach, he interrogates every new idea presented to him. (I can

almost feel his hovering presence with red pencil firmly in hand as he reads this tribute!)

His first assumption when looking at a new idea or proposal is that it won't work! "And if you differ with me, prove me wrong!" But accompanying this uncompromising, tough stance is a rare ability to listen. On more than one occasion, I've seen Norman change from excessive negativity to a qualified acceptance and then to enthusiastic support. I realized after several discussions on important ideas that he deliberately pushed me until I was forced to be much clearer in my own thinking. Of course he has been doing this for decades with his colleagues and with his students. He can tolerate most things but not a lazy mind. His commitment to the search for truth informed his work in and for civil liberties as well as his work as a teacher, scholar and administrator.

I have in a small way been involved in a similar search in my own country, South Africa. Thus it was that we had much in common. We often talk about the problems and challenges involved in searching for truth. In South Africa we distinguished between four components of truth, always recognizing that the total truth is forever elusive. The first component of truth as far as the Truth and Reconciliation Commission in South Africa is concerned is described as objective or factual or forensic truth. We prepared a comprehensive report setting out our activities and findings, which were based on factual and objective information and evidence collected by, received by, or placed at the disposal of the Commission. This task has two major demands. First, we were required to make public findings on particular incidents with regard to specific people—concerning what happened, to whom, where, when and how, and who was involved. To achieve this goal we adopted an inclusive policy of verification and corroboration to ensure that findings were based on accurate information. But we were also asked to make findings on contexts, causes and patterns of violations. It was this search for patterns underlying the gross violation of human rights that engaged the Commission at a very broad and deep level. In this forensic approach, one began to understand and appreciate the ambiguities that are always present.

The second component of truth we described as personal or narrative truth. Through the telling of their own stories, both victims and perpetrators have given meaning to their multilayered experiences of the South African story. Through the media these personal truths have been communicated to a broader public. Oral tradition has been a central feature of the Commission's process. Explicit in the act is an affirmation of the stories that were being

58/2001

TRIBUTE

7

told for the first time. It assisted us to attempt to “restore the human and civil dignity by granting them an opportunity to relate their accounts of the violations of which they were the victim.” It is important to underline that the stories we listened to didn’t come to us as “arguments” or claims as if in a court of law. They were often heart rendering, conveying unique insights into the pain of our past. To listen to one man relate how his wife and baby were cruelly murdered is much more powerful and moving than statistics that describe a massacre involving many victims.

By facilitating the telling of “stories,” the Commission not only helped to uncover the existing facts but assisted in the creation of “narrative truth,” the personal story told by a witness. In a sense we sought to democratize history. History was no longer the domain only of the historians; very ordinary people were making a critical contribution to the unfolding of narrative truth.

The third component of truth we described as “dialogical” truth. We distinguished between “microscope truth” and “dialogical truth.” The first is factual and verifiable and can be documented and proved. Dialogical truth, on the other hand, is social truth—truth of experience that is established through interaction, discussion and debate.

Finally, the fourth component of truth we described as healing and restorative truth. The act that governed the Commission required us to look back to the past but only in order to build a new future. The truth that the Commission was required to establish had to contribute to the reparation of the damage inflicted in the past and to the prevention of it ever happening again in the future. But for healing to be a possibility, knowledge in itself is not enough. Knowledge must be accompanied by acknowledgement and acceptance of accountability. To acknowledge publicly that thousands of South Africans have paid a very high price for the attainment of democracy, affirms the human dignity of the victims and survivors and is an integral part of the healing of a very damaged society.

It is this kind of experience that I brought to the many and varied discussions in Norman’s office. Civil liberties was key. Justice was an all-encompassing goal. Truth could assist in bringing about liberty and achieving a measure of justice. All of these qualities are central to Norman’s philosophy of life. His concern for civil liberties, for justice, and for truth are what informs his entire approach.

Norman Dorsen's life and work is a living testimony to man's aspirations to the highest and the best, rather than the lowest and the mediocre. I salute him.

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