

TRIBUTE TO NORMAN DORSEN

If this were a Dickens tale with Norman in the role of Scrooge, I would surely be cast as the Ghost of Dorsen's past. For I will have known Norman for a full 50 years next September—longer, I suspect, than most of the other speakers.

We met for the first time at Harvard Law School. Though several months younger, Norman was already a second-year student enjoying the lofty status of a *Law Review* editor, while I was an awkward beginner fresh from the raw frontier of Beverly Hills. Oddly enough, most of our early contacts were on the basketball floor, where we represented the Law School in various local tournaments under assumed names like Oliver Wendell Holmes and Louis Dembitz Brandeis. Why we needed assumed names I cannot now recall; surely, our amateur status neither needed nor deserved protecting. Whatever the reason, basketball provided important clues about Norman's nature. Though very successful on the court, he never relied on height, speed, or exceptional coordination. He played with his mind, always disciplined enough to perform within his capabilities and always smart enough to be in the right place at the right time, well ahead of his slower-witted opponents.

Away from the basketball court, I quickly noticed that many of my Law School classmates seemed prematurely middle-aged. With their three-piece suits and briar pipes, they were already acting and talking as they would decades later. Not Norman. He was definitely a work in progress, continuing to evolve through stages of his life extending well beyond his law school graduation. At Harvard, I would say, he was a hardworking professional in the making with his eye set on a position in a reputable Wall Street firm. During his military service in the Pentagon, he gained a clearer sense of the workings of large institutions and the limits of legal analysis in ordering human affairs. Later still, during a fellowship in England, he acquired a deeper set of concerns—a commitment to social justice and an empathy for those not amply blessed with life's privileges and rewards.

I like to think that Norman took the best from each of these experiences. From law school, he honed his ability to think clearly, reason carefully, and see all sides of human problems. From the Pentagon, he gained a greater realism about what one could expect from large organizations and bureaucracies. From England, he developed a social conscience rooted in a concern for those less fortunate than himself. These qualities, I think, have combined ever

since to animate his work in constitutional law, in the American Civil Liberties Union, and in the Lawyers' Committee for Human Rights.

Of course, I should not dwell exclusively on all that has changed in Norman over the years. Certain qualities have been there all along through half a century of friendship. One of these is kindness. I recall an early encounter with Norm that took place, not in the gym, but in the reading room of the law library where I was struggling to comprehend the mysteries of a moot court case involving some arcane issue of oil and gas. Norman appeared as if by magic and offered to help. Throughout my difficult first year, he was always available to give advice about a baffling legal problem, although he must have been overwhelmed himself by the demands heaped on new recruits to the *Harvard Law Review*. From that day to this, Norman has always been ready to do whatever was required to help a friend in need.

He has also been constructively candid in his advice to a degree that is exemplary even among good friends. I remember talking with him once about whether to accept an offer to join the Harvard faculty that came unexpectedly just as I was preparing to leave the Army. "Derek," said Norm in a voice so kind that one could not possibly take offense, "do you really think that you are smart enough to be a professor at Harvard?" That was surely the right question to ask, and I continue to debate it to this day.

Finally, Norman has always had an exceptional capacity to be completely absorbed by the institutions he serves, willing to commit himself totally to working for their improvement. Above all, he has always dedicated himself passionately to the affairs of this Law School. Small wonder, you may say. NYU, after all, gave him the incomparable Harriett. But even before Harriett, Norman was wholly absorbed by this institution. In those early days, I must confess, his preoccupation took the form of an unrelenting criticism of the School, its policies, and its failure to set high enough expectations for its future. Indeed, so absorbed was he in the travails of the institution that I sometimes thought that I must know more about the failings of the NYU Law School than the president of the University, or even the dean, although I had not yet even set foot inside these buildings.

Today, I am pleased to report that criticism and frustration have long since given way to an intense pride in the accomplishments of the school. What a blessing that these happy years of approval followed his earlier discontents and not the other way around. As it is, both Norm and this school can take real pride in

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having worked together so successfully to bring about one of the notable transformations in the world of higher education—the emergence of NYU Law School as one of the great centers of legal learning in the world. As the ghost of Norman’s past, I can only report that to all of us who played basketball with him half a century ago, such success hardly comes as a surprise.

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