

Viewed as Canadian, Viewing as Canada: Wolfgang Gaston Friedmann's Canadian Years (1950-1955)

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Abstract

From his birth in Berlin in 1907 until his violent murder in New York City in 1972, Wolfgang Gaston Friedmann lived his life to the fullest. In sixty five years he called five countries home, taught and wrote on at least nine different areas of law, worked in universities across the globe, and left a deep personal impression on countless colleagues and friends. At age twenty seven Friedmann left Germany for England where he taught at the University of London. He then emigrated to Australia and taught at the University of Melbourne before coming to Canada to teach comparative law and jurisprudence at the University of Toronto (1950-1955). This was the last stop before landing at his final destination as Director of the International Legal Centre and Professor of International Law at Columbia Law School where he taught until his death in 1972.

Friedmann is known primarily as an international law scholar who taught at Columbia University. However, this paper focuses on his Canadian years and approaches his life from an unexplored angle, namely by examining what Friedmann and Canada meant to each other. Little to nothing has been written on Friedmann's time in Canada, and this paper uses primary sources such as radio interviews and personal correspondence with his acquaintances to shed light on what he meant to Canadian international law. At the point of interconnection between Friedmann and the University of Toronto, both were struggling to define themselves—Friedmann was moving away from his European roots and on to Columbia, while legal education at the University of Toronto was breaking away from part-time study combined with apprenticeship training into a full-time academic program modelled on the Harvard-based professional law school.

Friedmann's career pushes the boundaries of what would typically be thought of as Canadian in several ways. He was a German emigre who was associated with the University of Toronto where he taught, and he was the only non-Canadian in the collection *Canadian Perspectives on International Law* (1974). Friedmann thus had a privileged and unconventional commentary on the Canadian approach to international law, and particularly emphasized what he thought of as the non-nationalistic hue of Canadian scholars' approach to international law, as seen in the following quotation:

It would in this writer's opinion be deplorable if, in the era of over-intense nationalism, which deeply endangers the progress of international law, national approaches to international law were too strongly emphasized . . . When we speak of Canadian 'approaches' . . . we should think not of a specifically Canadian attitude to international law . . . but of the richness and diversity of the contributions that Canada has made . . . because it unites in itself so many of the interests . . . and above all the values on which a progressive international law must be built.¹

The thesis of this paper is that Friedmann and Canada were engaged in mutual fantasies of one another. Friedmann was a foreigner, a German emigre who had lived in England and Australia, was fluent in both

¹ Friedmann, "Canadian Approaches to International Law" (1963-1964) 19 Int'l Law J. 77 at 83.

civil and common law, had several published textbooks to his name, and was interested in theory. The University of Toronto wanted Friedmann to be the exotic “other”, the foreign academic who would sweep into the fledging school adding pizzazz and cosmopolitan credibility by teaching theory-based subjects such as comparative law; whereas in reality there was no demand for comparative law at the University.

The mirror image of this fantasy is seen in Friedmann’s view of the University and of Canada. Just as the University wanted Friedmann to be something other than what it really needed, Friedmann needed the University to be something that it was not. In coming to Toronto, Friedmann seemed to be hoping for an exciting, experimental institution where he could try out his somewhat novel teaching methods; whereas, in reality the University was flailing, not fully accredited, lacking in enrolment and traditional in its curriculum. Similarly, in terms of his international legal order, Friedmann fantasized Canada to be an ideal middle-power effecting much change, whereas in reality this was not so.

Author

Sarah McEachern received her Juris Doctor from the University of Toronto, Faculty of Law in 2007. Prior to attending law school she studied history, earning an Honours B.A. from the University of Victoria in 2003. She is currently living in Vancouver, where she works with the Commercial Litigation group of Borden Ladner Gervais, LLP. She may be reached at smeachern@blgcanada.com.