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Obituary

Thomas Franck

Brilliant scholar committed to the rule of international law

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Thomas Franck advised many African countries

Professor Thomas Franck, who has died aged 77, was an outstanding scholar and lawyer with an abiding commitment to justice and the rule of international law. Recognised for his integrity, independence and joy in life, he taught for more than 40 years at the School of Law of New York University, building its formidable reputation in international law.

His early career focused largely on Africa, where, in the 1950s and 60s, he helped to draft the constitution of the short-lived nation of Zanzibar and advised the government of Tanganyika (Tanzania), working closely with President Julius Nyerere's attorney general, Roland Brown, who became a close friend. Tom was prescient in seeing the impossible extremes of white supremacy and its opposite, which he called "inward-looking black nationalism", in Rhodesia (Zimbabwe) already in the mid-1950s.

He advised many states and played a role in numerous negotiations, including the early stages of what became the Law of the Sea Convention, the United Nations treaty, adopted in 1982, that sets a comprehensive set of rules for all uses of the oceans. In later years he became active in international litigation, which he always saw as a means to an end. using the language of law to resolve disputes. Tom advised Bosnia in its genocide

effort to overturn Greece's objection to its membership of Nato.

Born in Berlin, Tom was the only child of Hugo and Ilse Franck, and knew first-hand the meaning of lawlessness. A few days before the anti-Jewish attacks of Kristallnacht in 1938, when Tom was seven, his family moved to Switzerland. Then, denied visas to the United States, they emigrated to Vancouver, in Canada. Tom obtained his law degree from the University of British Columbia in 1953, and then went to Harvard Law School, where he obtained two further degrees.

This was the time of decolonisation, a subject in which he had an intense interest by the time he joined the faculty of New York University School of Law in 1960, where he remained for the rest of his working life, from 1988 as Murray and Ida Becker professor of law. In 1965 he founded its Center for International Studies, which he directed until his retirement in 2002, with the indispensable assistance of Shelley Fenchel, his professional gatekeeper. Many of the centre's fellows, such as Mohammed ElBaradei, who headed the International Atomic Energy Authority, went on to distinguished careers around the world.

Tom's accessibility and patience made him an exceptional teacher. Thousands of former students and young colleagues – myself included – appreciated his enthusiasm. For Tom, there were no orthodoxies: differences of approach were embraced and encouraged, even if he thought them to be wrong-headed or lacking originality.

His scholarship was prolific, including 31 books, from Race and Nationalism in 1960 to The Law and Practice of the United Nations in 2008. One regular visitor to the Greenwich Village townhouse that Tom shared with Martin Daley, his long-term partner, described shelves in the guest room there holding row upon row of books written by Tom, and his astonishment that quite so many could have been written by one person. These writings led to awards and distinctions and many foreign visits, including, as a visiting fellow, to Trinity College, Cambridge in 1996-97. His honorary degrees included one, especially valued, awarded in 2004 by the University of Glasgow, where Tom had close links and where, in 2001, he was Carnegie centenary visiting professor. He served as president of the American Society of International Law, and for many years was editor in chief of the American Journal of International Law.

Tom was committed to reinvention, remaking himself in Canada, in the US and in the profession, with changes in each decade. He kept up to date with the political and ethical issues of the day, and was one of the few international lawyers in the US to challenge President Bush's administration from the outset, well before the images of abuse at Abu Ghraib encouraged others to join him. He actively supported Barack Obama's efforts to reconnect with the rule of law.

Tom loved food and cooking, music and playing his harpsichord. He was as comfortable with Sinéad O'Connor or REM as with Bach and Handel. He held firm views even in the face of contrary orthodoxy. Over dinner just a few days before his death, we reminisced

about a performance of *Ariadne auf Naxos* that we had seen many years earlier, expressing the view that a young coloratura soprano had a thin and reedy voice. Ten years on, she is widely regarded as one of the great opera singers in the world: "Still thin and reedy," he insisted.

Tom broke the mould for his generation with his openness as a gay man. He is survived by Martin, with whom he found great happiness and fulfilment. They married in 2008 in California.

- Thomas Martin Franck, legal scholar and lawyer, born 14 July 1931; died 27 May 2009

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