

A Dazzling Brilliance: In Memory of Dr. Tadashi Hanami

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Dr. Tadashi Hanami's long life drew to a close in August 2021. He was 92 years old. The late Dr. Hanami was remarkably brilliant, both as a researcher and as a person. It would be somewhat imprudent of me, a person who studied labor law under him for many years, to describe him as simply "a little unconventional man." But he truly was a legal scholar of such stature. When I received a copy of Dr. Hanami's last book, *Sotsuju Kinen, rōdō mondai roku ju-nen: Higashi to nishi no kakehashi o yumemite* (A commemoration of Dr. Hanami's 90th Birthday: Tackling labor issues for sixty years—Dreaming of being a bridge between East and West) (2020, Shinzansha), which was published in November of last year, I sent him a thank-you note with words of encouragement from the bottom of my heart, "Aim for 100!" However, it is the fate of all living beings to depart this world—even the Buddha was no exception. And as nature decreed, Dr. Hanami passed away. While offering a prayer for the repose of his soul, I would like to write a little about his brilliant and colorful life.

1. Dr. Hanami's self-critique

Dr. Hanami's incomparable brilliance is first revealed in self-critique. In general, the normal occupation of a researcher in the humanities is to do literature reviews and comparative studies of other people's works. If that researcher is in the field of law, he or she might also actively comment on trials and judges. But I have not heard of many researchers who engage in self-critique with the knowledge their conclusions will eventually be exposed (publicly) in print. Dr. Hanami did that for years. For him, there were no taboos. And authoritarianism was not in his nature. That is why he had so many fans.

Let us take a look at some of the things Dr. Hanami said: "The work I did, well, that was comparative labor law." "A characteristic of my research is that I am not the type of person who studies every square inch of a topic and then writes a basic textbook. By nature, I am quickly drawn to new things, but I am also easily bored. So I am quick to take an interest in new topics and publish research, and often too far ahead of my time to be understood by others." "You know, with textbooks,

you also have to write about things that don't interest you (so I've never written one)." "You'll never be a scholar if you're thinking about popularity" (in an interview with one of his leading disciples, Professor Fumiko Obata of Kyoto University's Graduate School, in the aforementioned *Sotsuju Kinen*). As he stated, Dr. Hanami devoted nearly all of his energy to the study of "comparative labor law." Furthermore, the way he spoke suggests that the things he disliked most were "boring theories, boring people, and sutra-like sermons." In his later years, after retiring from the university, he began practicing law. Perhaps he was feeling more at ease in life, or perhaps he had become more energetic as he aged. It was then that his "cultural, anthropological, and social criticism" became increasingly widespread. I and others were a little concerned that he was treading close to the realm of Soichi Oya. However, as one would expect, he made arguments that sharply cut to the root of the current system and prevailing thought (for an example, see "'Hō no shihai' no gensō ni tsuite" (On the fantasy of the "rule of law"), *Onarimon Newspaper* (online publication), 2014, appearing on page 347 of *Sotsuju Kinen*).

2. International exchange and prestige

No one will dispute that Dr. Hanami has been a pioneer in international research and exchange in fields of Japanese labor relations and industrial relations, particularly among researchers of labor law, and that he was among the highly influential figures who paved the way for the now-thriving international research being undertaken by subsequent scholars in those fields. Undoubtedly, the brilliant, dazzling impression we have of him originates from an aura he gave off when pouring himself into his studies on "dreaming of being a bridge between East and West."

Let us look at some examples of Dr. Hanami's place on the international stage. In 2000, *Rōdō kankei-hō no kokusai-teki chōryū: Hanami Tadashi sensei koki kinen ronshū* (New trends of labor law in international horizon: Liber amicorum for prof. Dr. Tadashi Hanami) (edited by Koichiro Yamaguchi, Akira Watanabe, Kazuo Sugeno, and Shigeya Nakajima) (Shinzansha) was issued in honor of Dr.

Hanami's 70th birthday. A striking aspect of this work was the collection of overseas authors who were involved: Dr. Roger Blanpain (Belgium), Dr. Manfred Weiss (Germany), Dr. Tiziano Treu (Italy), Dr. Marco Biagi (Italy), Dr. Reinhold Fahlbeck (Sweden), Dr. Sohn Chang-Hi (South Korea), Dr. Jacques Rojot (France), and Dr. Bob Hepple (U.K.). All are distinguished professors in the field of labor law in their respective countries. I remember that they were delighted to contribute—and that none of them missed a deadline. They earned the admiration of all of us on the editing team.

Congratulatory messages sent to Dr. Hanami by Dr. E. Harari (Israel), Dr. Robert E. Cole (U.S.A.), and Dr. Manfred Weiss also appeared in *Sotsuju Kinen*. At least in the field of labor relations, other than Dr. Hanami, I do not know of any Japanese legal scholars who are graduates of Japan's former high school system and have interacted so widely with overseas researchers.

Honoring his research, Katholieke Universiteit Leuven, the University of Florida, Harvard University, and Columbia University invited Dr. Hanami to their campuses to be a visiting professor. In 1985, Katholieke Universiteit Leuven (Belgium) awarded him the Doctor *honoris causa*. I traveled from Germany, as I was studying at Ludwig-Maximilians-Universität München, to attend the awarding ceremony. It was so solemn that, naturally, Dr. Hanami was on his best behavior there. His Excellency Shizuhiko Yamamoto, Japan's Ambassador Extraordinary and Plenipotentiary to Belgium, was also there to congratulate Dr. Hanami. After the ceremony, I sent a picture of Ambassador Yamamoto that I had taken at the venue and later received a gracious thank-you letter from Belgium. A chronology of Dr. Hanami's life in *Liber Amicorum* contains a 1985 entry stating "Spent some free time in Munich on the way home." I believe that was when the professor stopped by my apartment. I remember celebrating his honorary doctorate with a bottle of German wine that we bought together and a modest home-cooked meal prepared by my wife. (Dr. Hanami was a non-drinker, so I drank almost all of the wine.)

3. Characterizing Dr. Hanami's writings

If we look at the chronological records presented in *Liber Amicorum* and *Sotsuju Kinen*, what we notice is that he produced a head-spinning number

of writings on domestic and foreign matters, both large and small. Among them are publications in Japanese and European languages as well as single-author books and papers and co-edited works. He was an "all-around player" in the sense that his thinking covered all aspects of labor relations. That said, it is not entirely appropriate to state that he was an expert in this or that field of labor relations, which is how one usually presents a scholar. In other words, except for case studies, he did not produce many single-author papers on "legal hermeneutics" (the theory of delineating the legal and contractual rights and obligations of parties), which I and others have clung to tightly as the backbone of jurisprudence. This may have something to do with the fact that, as he himself said, he didn't want to write textbooks (because they are boring). He simply wrote resourcefully based on his accumulated education and knowledge. For a scholar, there can be no more enviable life.

Nonetheless, there is no disputing that those of his writings that discussed the theory of rights and obligations (i.e., legal theory and legal hermeneutics in a narrow sense) were, without exception, superior commentaries at the time of their publication. For example, one of his early works, *Rōshi-kan ni okeru chōkai-ken no kenkyū* (A study of disciplinary authority between labor and management) (1959, Keiso Shobo), presented his interpretive theory as a legal scholar on disciplinary authority, a topic that was being hotly debated at that time. It was such an outstanding work that a later commentator described it as "a landmark achievement in Japanese labor law concerning the problem of disciplinary authority," Professor Kunitomo Konishi in *Bunken kenkyū rōdō hōgaku* (Literature study on labor law) (1978, Sogo Rodo Kenkyujo). Dr. Hanami's "Shoppu-sei" (Union shop system) (*Rōdō hō Taikai* (1), 1963, Yuhikaku) and "Shiyō keiyaku no hōteki seishitsu" (The legal nature of probationary employment contracts) (1957, *Kikan Rodoho* 7, no.2: 71–91) are other essays that have influenced subsequent academic theories and even court decisions.

Although there are still so many things I can say about Dr. Tadashi Hanami, I will end here by reiterating my prayer that his soul will rest in peace.

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