

IN MEMORIAM

PROFESSOR DR. YASUO ISHIMOTO (1924-2015)

Shinya Murase*

Professor Yasuo Ishimoto passed away on December 8, 2015, at the age of ninety-one. He was a leading scholar of international law of postwar Japan. He held a number of important positions in academic institutions, including president of the International Law Association of Japan (ILA Japan Branch) between 2000 and 2003, and also president of the Japanese Society of International Law between 1982 and 1985. He was elected to membership in the Japan Academy in 2002.

Professor Ishimoto graduated from the University of Tokyo Faculty of Law in 1948 and started his academic career in international law as a research associate to Professor Kisaburo Yokota. In 1952 he moved to Osaka City University Faculty of Law, where he taught until 1981. He liked its liberal academic environment immensely. Its location was also perfect, as it was close to his hometown, Tanabe, Wakayama Prefecture, where his mother lived alone; his father had died when he was only ten years old. During those years in Osaka, he actively participated in the study groups organized by Kyoto University professors. While there was then a strong rivalry between the Tokyo and Kyoto “camps” of international lawyers in Japan, Professor Ishimoto is said to have contributed to building up a détente between the two academic circles. After having taught there for thirty years, he was invited to teach at Sophia (Jochi) University Faculty of Law in Tokyo in 1981, where he continued until 1995. Afterward, he taught at Kanagawa University from 1998 until 2001.

In the summer of 1958 he was sent to Geneva to attend sessions of the United Nations International Law Commission as an assistant to Professor Kisaburo Yokota, who was then a member of the Commission. He must have been impressed by the way the Commission made decisions, that is, by a stroke of the chairman’s gavel, because when he later became dean of the Faculty of Law at Osaka City University, he decided to use a gavel to confirm the decisions of the faculty meetings. To his regret, this practice was not continued after his deanship. Your writer, currently serving as a member of the Commission, always thinks of Professor Ishimoto at the sound of the chairman’s gavel.

Professor Ishimoto published his dissertation, *Churitsu Seido no Shiteki*

* Former chair of the Council, International Law Association of Japan; professor emeritus, Sophia (Jochi) University, Tokyo; visiting professor, Peking University School of Law, Beijing, since 2017; member of the United Nations International Law Commission since 2009.

Kenkyu [A Study on the Historical Development of the Law on Neutrality] (Tokyo: Yuhikaku) in 1958 and received his doctor of laws degree. In the same year, his article titled “Iwayuru Jijitsujo no Senso ni tsuite” [On the So-called *De Facto* War] was published for the festschrift for Professor Kisaburo Yokota (*Gendai Kokusaibo no Kadai* [Problems of Present-day International Law], Tokyo: Yuhikaku). These two works of his, based in part on a sociological approach to law, gave him his reputation as a pioneer in demonstrating new methodology. Placing war as the cornerstone of international law control, his analysis on the structural change in modern international law had a decisive influence on ensuing international law studies in Japan.

Professor Ishimoto’s book *Joyaku to Kokumin* [Treaties and People] (Tokyo: Iwanami), published in 1960, was an instant best-seller. The book was about the new Treaty of Mutual Cooperation and Security, concluded between Japan and the United States in 1960; he was very critical of this new treaty for fear that Japan might be dragged into a war. His criticism was based on his own experiences during World War II. He was drafted into the Imperial Army in 1944, a few weeks after publishing a novel titled *Manju Shage* [Red Spider Lily] (in *Gokokukai Zasshi* [Alumni Journal of the First High School], No. 7 (1944)); the story was about a young warrior whose army had been defeated in the civil war in the 12th century. While fleeing from the enemy, he met a young girl, and together they ultimately committed suicide. Professor Ishimoto was nineteen years old when he wrote this novel, and death was very close to his generation in those days. In the army, he joined an anti-aircraft artillery unit, but fortunately he was never placed in actual combat because the war ended before the expiration of his training period. However, the bitter and inhumane experiences he had in the army made him a formidable pacifist afterward. From that perspective, he wrote numerous articles during the 1960s and 1970s on national and international security issues.

Professor Ishimoto’s further contributions to international law included: “Meijiki ni okeru Chusai Saiban no Senrei” [Precedents of International Arbitration in the Meiji Era] (in *Osaka Ichiritsu Daigaku Hogaku Zasshi* [Journal of Law and Politics of Osaka City University], Vol. 7, No. 4 (1961); Vol. 8, No. 1 (1961); Vol. 8, No. 4 (1962); Vol. 9, No. 2 (1962); Vol. 9, Nos. 3-4 (1963)); “Kokusaiho: Sono Busshin Suhai” [International law: Its Fetishism] (in *Shiso* [Philosophy], No. 496 (1965)); “Kosenken to Senji Kokusaiho” [Right of belligerency’ and International Law of War with Particular Reference to Article 9 of the Japanese Constitution] (in *Jochi Hogaku* [Sophia Law Review], Vol. 29, Nos. 2-3 (1987)); “Kokusaiho no Kozo Tenkan” [Structural Change of International Law] (in *Kokusai Kankeiho no Kadai* [Problems of International Relations Law: Festschrift for Professor Yuichi Takano], Tokyo: Yuhikaku (1988)); “Kokuren Kensho Senshi Bantai [The United Nations Charter in Her Infinite Variety] (in *Kokusaiho Gaiko Zasshi* [Journal of International Law and Diplomacy], Vol. 94, Nos. 5-6 (1996)), among others. All of these articles

were incorporated into his book *Kokusaiho no Kozo Tenkan* [Structural Change of International Law] (Tokyo: Yushindo), published in 1998.

The last book he published was *Kokusaiho Kenkyu Yoteki* [Trivial Incidental to International Law studies] (Tokyo: Toshindo) in 2005. The book contained several important articles that were not included in previous publications, and also many of the essays he wrote for newspapers, magazines, and his blog. Professor Ishimoto was a great essayist who touched people's hearts with abundant compassion and humor. He wrote elegantly, citing classic anecdotes and sayings. He demanded that his students polish their sentences over and over again and delete unnecessary words and phrases as much as possible. He used to tell his students that their papers should be like *junmai daiginjo* sake (the best Japanese pure rice wine, made of fifty percent polished rice seeds).

Professor Ishimoto was humble and modest, and never looked for honors. Once, the government of Japan inquired informally whether he would accept a royal decoration, but he politely declined. That was probably why he was admired and always surrounded by young people. He was witty, funny, and humorous until the very end of his life.

His departure came only two days after the event where his former students celebrated his ninety-first birthday with his favorite food, *unagi* (eel). Since he had a strong appetite and looked very happy on that occasion, all of us were shocked at the news of his passing away. His sudden death was caused by a ruptured aortic aneurysm. His funeral service was attended by many of his friends and former students, and the Imperial Family sent a bouquet of flowers.

His sense of humor was extraordinary. Each of his close friends was surprised to receive a postcard from him on the forty-ninth day after his death, with the following message:

You must by now have heard, through the media, reports of my recent departure to the other world. I was afraid that traveling one trillion miles between the two worlds might be a long journey, especially for a person like me who came to have difficulty in walking. Actually, it wasn't far at all. I arrived here within a second by divine speed, faster than the velocity of light.

I would like to thank you for your warm friendship over the years. After your happy one-hundred years on earth, I look forward to seeing you again here in Paradise and to sharing with you a perpetual time of talking about our past over holy wine.

Each postcard was sent from, and postmarked by, the *Gokuraku* (Paradise) Post Office in Nagoya.