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## Spiros Simitis: In Memoriam

Manfred Weiss \*

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Born in Athens in 1934, Spiros Simitis came to Germany to study law. Already at the age of 22, he became Full Professor at the University of Giessen. In 1969, he moved to the Goethe University of Frankfurt, where in spite of many attractive offers elsewhere, he held his chair until he became Emeritus in 2003. He was Visiting Professor in many prestigious universities – e.g. the London School of Economics and Political Science, Yale University, the University of California in Berkeley and the University of Paris-Nanterre. It is impossible to list his awards: they are just too many. The same applies to his many important extra-curricular activities, as for example his membership in the Research Council of the European University Institute (1990-1996), the chairmanship of the High Level Expert Committee on Fundamental Social Rights in the EU (1998-1999) and the presidency of the German National Council on Ethics (2000 – 2005).

Even if Simitis is mainly regarded as an authority on the law on data protection, it would be misleading to categorise him merely as an expert in this field. He was a universal scholar of law with a global reputation. He has left traces in many legal disciplines. At the same time, he was an expert in legal theory, legal history, sociology of law, comparative law and politics of law. Simitis was not simply a professor of law, but a highly educated cosmopolitan intellectual and a highly estimated public figure. And he was a dedicated European, contributing very much to the promotion of the European Union (EU).

The theoretical foundation of Simitis' thinking was the philosophy of the Enlightenment. The focus of his scholarly and political efforts was the “autonomy of the individual”, which also became the title of a *Liber Amicorum* dedicated to him. He argued in favour of the “re-discovery of

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the individual”, that is a regulatory framework providing a realistic chance for everybody to live a self-determined life. The promotion of legal protection as well as protection by collectivisation were for him pre-conditions for this self-determination.

Simitis not only was interested in the “law in the books”, but primarily in the “law in action”. He did not stop at the analysis of legal norms and institutions, but he had a close look into legal reality. Therefore, the cooperation with representatives of social sciences always was self-evident for him. He was a dedicated interdisciplinary researcher.

Comparative research played a dominant role in Simitis’ scholarship. He saw the danger of permanently re-inventing the wheel if experiences of other countries were not included. Functional comparative research was for him an indispensable tool to learn from experiences elsewhere. Simitis combined the comparative method with an in-depth historical approach - grounded on an admirable knowledge of universal history - showing thereby the evolution of legal structures.

It is not possible to sum up Simitis’ complex scholarly work. Some snapshots may give an idea. As already indicated, he was an internationally recognised pioneer of data protection law. His writings in this field date back to the sixties of last century and led to the first law in this field, the law of the German State of Hesse of 1970. In that state, Simitis was Commissioner for Data Protection from 1975 to 1991, and he chaired the Commission on Data Protection of the Council of Europe from 1982 to 1988. He significantly influenced the Code of Practice on Data Protection of the International Labour Organisation (ILO). And the EU rules on data protection up to the General Regulation as well as the data protection laws of the Member States were highly influenced by him.

As already mentioned, data protection is only one area to which Simitis has contributed significantly. This applies to civil law, company law, constitutional law as well as European law. To just give two characteristic examples as an illustration: His proposals on product liability were a tremendous improvement on consumer protection law. And Simitis’ role in emancipating the German family law from its paternalistic structure cannot be overestimated. However, his main interest next to the law of data protection was devoted to labour law.

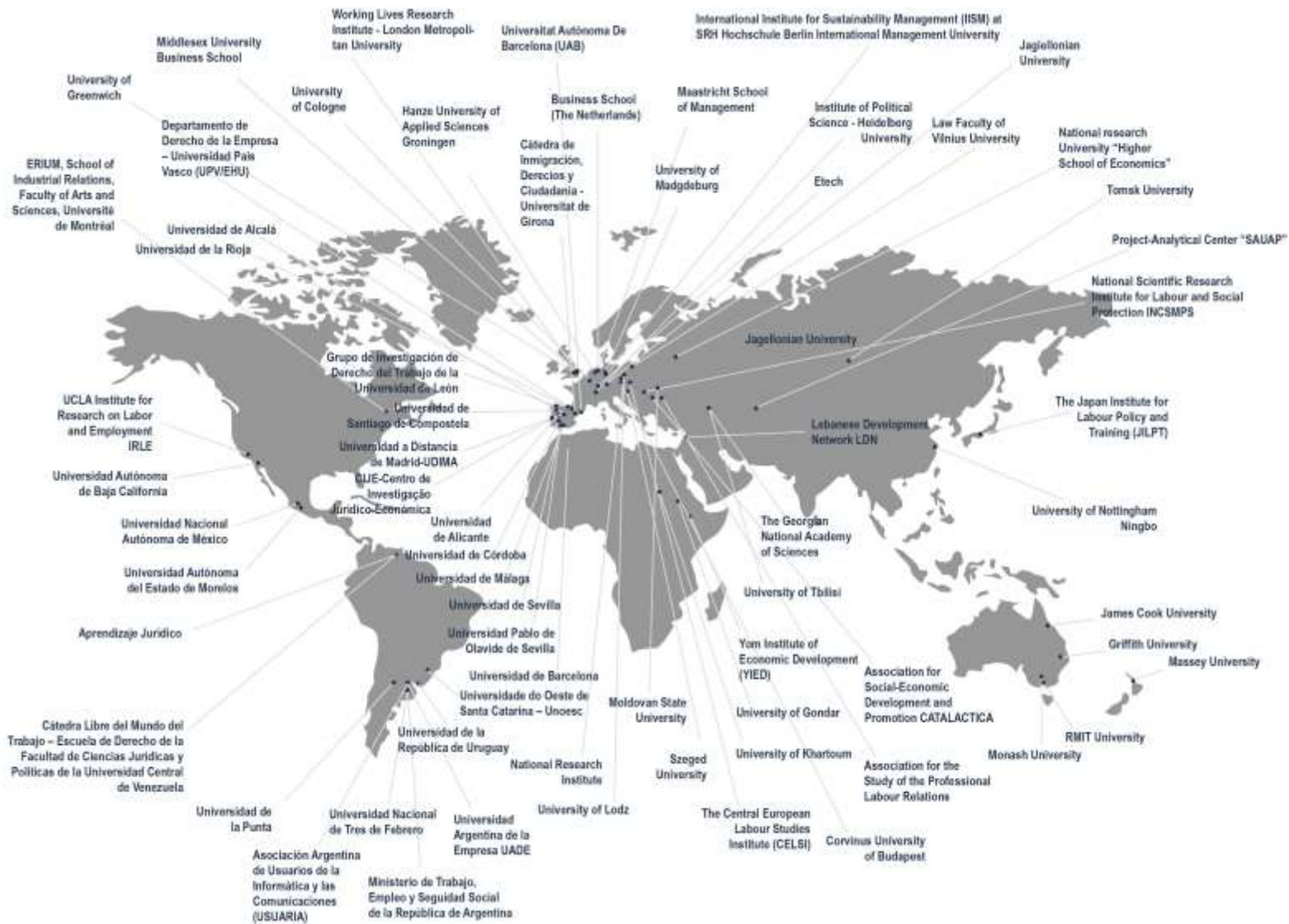
He was particularly eager to transpose and enforce the fundamental rights as embedded in the Constitution into labour law. One of his main efforts in this context was devoted to not only formal but substantial equality of women in the labour market, in particular the promotion of work-life-balance. In collective labour law, Simitis’ main focus was on workers’ involvement in management’s decision making. He had a wide

understanding of workers' involvement ranging from collective bargaining via workers' participation at the workplace up to workers' representation in company boards, always trying to construct an adequate and comprehensive problem-solving structure by trying to integrate foreign experiences into domestic institutional arrangements. Particularly important was his successful fight for the constitutionality of the Act on Workers' Representation in the Supervisory Boards of Big Companies of 1976.

Simitis' specific approach to labour law may best be illustrated by his famous essay on the juridification of industrial relations, published in 1984. Through an extremely enlightening historical analysis, covering a broad range of legal systems in many countries, he succeeded to reconstruct the evolution of juridification of employment relationships and industrial relations, linking this development to the phenomenon of industrialization and showing that the degree of juridification is not dependent on specific institutional arrangements but only can be identified if the perspective goes beyond the institutional patterns. And he insisted that the analysis also has to overcome the traditional categories of employment law and labour law, including all legal elements relevant to the social sphere in its broadest sense. In short: Here Simitis offered already many helpful indications on how to cope with the challenges for labour law today and in the future.

These few sketchy lines may give at least a vague impression of the complexity, the wide range as well as of the creative and innovative elements of Simitis' scholarly work. Finally, it should be added that as a professor, Simitis has enchanted generations of students. He was not only a great scholar and professor, but also was a wonderful person, with high integrity, charismatic and modest at the same time. From my long-lasting experience in collaborating with him, I can say that this was a great pleasure for me. He was my mentor, colleague and friend. Spiros Simitis died on 18 March 2023. The national and international scholarly community of law have lost a highly estimated and admired colleague. We will honour him by making sure his legacy lives on.

# ADAPT International Network





**ADAPT** is a non-profit organisation founded in 2000 by Prof. Marco Biagi with the aim of promoting studies and research in the field of labour law and industrial relations from an international and comparative perspective. Our purpose is to encourage and implement a new approach to academic research, by establishing ongoing relationships with other universities and advanced studies institutes, and promoting academic and scientific exchange programmes with enterprises, institutions, foundations and associations. In collaboration with the Centre for International and Comparative Studies on Law, Economics, Environment and Work, (DEAL) the Marco Biagi Department of Economics, University of Modena and Reggio Emilia, ADAPT set up the International School of Higher Education in Labour and Industrial Relations, a centre of excellence which is accredited at an international level for research, study and postgraduate programmes in the area of industrial and labour relations. Further information at [www.adapt.it](http://www.adapt.it).

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