

EDITORIAL

First of all we would like to inform our readers of two changes in the affairs of the Journal: Beginning with this issue, *Moritz Bälz* has joined as a second executive editor. He has recently been appointed professor of Japanese law at Frankfurt University and in the past has worked with the Journal both as an author and as an editorial assistant.

Furthermore, we are delighted to announce that *Prof. Dr. Eric Seizelet*, director of the Institut d'Asie Orientale de Lyon, and *Prof. Dr. Dimitri Vanoverbeke*, Catholic University of Leuven, have joined the editorial board. The cooperation with these experienced and highly respected experts in Japanese law will help to further deepen the exchange on Japanese law with France and the Netherlands.

The articles in this issue again cover a broad range of topics. Some deal with more general questions of Japanese law. For example, *Eric A. Feldman* explores the impact that the reform of legal education and the (re)introduction of lay judges in criminal proceedings are expected to have on rights and their perception in Japan. Touching on issues of fundamental importance, *Cornelia Hagedorn* examines the democratic legitimacy of legislation in the field of bioethics. Starting with the blanket clause in Art. 90 Civil Code, *Sandra Hotz* considers the antagonism between freedom of contract and contractual justice. A lecture by *Moritz Bälz* deals with the importance of culture in the understanding of Japanese law.

Other contributions focus on more specific subjects, in particular from the fields of Japanese corporate, capital market, and takeover laws, which continue to witness new developments at an amazing pace. With a view to the recent decision by the Japanese Supreme Court in the Bull-Dog Sauce case, *Masao Yanaga* discusses to what extent the issuing of share options with discriminatory terms may constitute a legitimate defense against hostile takeovers. The decision itself is partially translated and commented on by *Eiji Takahashi* and *Tatsuya Sakamoto*. *Sadakazu Osaki* gives an introduction to new legislation on investment law. The mechanism of the newly introduced cross-border triangle mergers is explained by *Thomas Witty*.

Recent developments with regard to labor law and labor practices are the focus of the article by *Junko Takahata*. Choosing an original angle, *Erik Ficks* analyzes various approaches to ADR and mediation by comparing the laws of Sweden, Australia, and Japan.

Two informative short contributions by *Hiroo Sono* and *Noboru Kashiwagi* shed light on the reasons why Japan has only now joined the United Nations Convention on Contracts for the International Sale of Goods of 1980 (CISG). Probably for the first time in any western language, *Markus Thier* explains how Japan's national holidays are

fixed. *Christopher Heath* contributes translations of and comments on three more recent court decisions dealing with issues of unfair competition.

Six book reviews introduce new works from diverse fields of law and beyond, reaching from conference volumes and historical surveys to a new and long-awaited Japanese-German dictionary. Finally, *Dan Tidten* and *Eva Schwittek* share positive experiences from their stay at Kyoto University as a student and visiting researcher respectively.

Hamburg / Frankfurt am Main, April 2008

Harald Baum

Moritz Bälz