

## EDITORIAL

In recognition of the international interest in the Journal and in an effort to create a broader editorial base, an international editorial board was established in late 2004. The new board members are well known to readers through their past publications in the Journal and include the following: from Japan, Professor YUKO NISHITANI of Tohoku University in Sendai and Professor SÔICHRÔ KOZUKA of Sophia University in Tokyo; from Europe, Professor HIROSHI ODA of the University of London (UCL) and the College d'Europe in Brugge; from North America, Professor MARK D. WEST of the University of Michigan, Ann Arbor; and from Australasia, Professor LUKE R. NOTTAGE of the University of Sydney and Professor KENT ANDERSON of the Australian National University in Canberra. On the German side, the same team as before remains active. Concomitant with this development, the DJJV and the Journal have formed an institutional cooperation with the Australian Network for Japanese Law (ANJeL), of which Nottage and Anderson are co-directors.<sup>1</sup> Also, an institutional contact between the DJJV and the American Society of Comparative Law (ASCL) was established.<sup>2</sup>

Some years ago Japan started a major overhaul of its judicial system on a step-by-step basis. Various contributions deal with different aspects of this process. In an in-depth comparative analysis, Hiroshi Oda introduces one of the latest in these important measures, the comprehensive 2004 reform of arbitration law. In a joint paper, Gerald McAlinn and Luke Nottage discuss supplementary aspects of the improvement in international commercial arbitration. Two contributions, one by Dörte Liebrecht and the other by Luke Nottage, deal with changes in the Civil Procedure Law aimed at a speeding up of proceedings. Yet another fundamental reform is the reorganization of legal education in Japan by introducing an American-style law school system. An article by Kunihiro Nakata outlines key features of the new system.

Initiated by recent political developments, Hitoshi Nasu picks up thoughts about a possible change of the "Peace Clause" in Art. 9 of Japan's Constitution. Viewed from an international law perspective, he cautions against a change. The ARTICLES section finishes with the first part of a two-part in-depth historical and legal analysis of the protection of cultural properties in Japan by the Italian art historian Donatella Failla. The second part will be published in the upcoming issue of the Journal.

In the DOCUMENTATION section, Henning Rosenau introduces the Japanese law on human cloning. A German translation of the law is included. Two more LECTURES follow. In the first, given on the occasion of receiving an honorary doctoral degree in law from the Faculty of Law of Freiburg University, Satoshi Nishitani discusses changes in Japan's labor laws under the influence of German and U.S. law. The author

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1 For further information regarding ANJeL and the cooperation, see *infra* at FORUM.

2 For further information regarding this contact and the ASCL, see *infra* at FORUM.

voices skepticism against any further Americanization in that area of law. The other lecture given by former Consul General Yoichi Shimizu asks critical questions about the current state of affairs in cultural exchange between Germany and Japan and about the nature of the German conceptual understanding of Japan. The author bemoans a dangerous decline of mutual interest between the two countries probably caused by decades of harmonious relations that have been completely free of tension.

A SHORT ARTICLE by Nobuhiro Ueda casts light on the medieval practice of punishing both parties as a way of avoidance of conflict and dispute solution between citizens. Thereafter, Stacey Steele comments on an earlier article by Yasuhiro Okuda published in No. 15 (2003) about court decisions under Japan's Nationality Law.

As usual, Peter Schimmann and Markus Janssen report on RECENT LEGAL DEVELOPMENTS. The report covers the 160<sup>th</sup> and the 161<sup>st</sup> sessions of the Japanese parliament. Maki Saito then gives an update on the latest ongoing reform of company law in Japan that may come into force as soon as late 2005. In the section PIL NEWS, Yuko Nishitani discusses problems of conflict of laws and jurisdiction arising when Japanese courts have to decide about divorces of Brazilian nationals living in Japan.

In the section on CASE LAW, Hiroshi Oda summarizes a brand new and highly relevant decision by the Supreme Court that deals with the taxation of stock options used to reward directors and employees. Two comprehensive REPORTS present information on major conferences including Japanese law that were convened during 2004, one in Berlin and the other in Tübingen. A third short report contains information about a research project by Japanese jurists in Munich. The BOOK REVIEWS introduce three new publications on different areas of Japanese law.

Finally, the information supplied in the FORUM section about the collaboration with ANJeL and the established contact to the ASCL that was briefly mentioned at the beginning may be of special interest. The issue concludes with an Erratum and a few organizational announcements.

*Harald Baum*