

## EDITORIAL

During its seven years of existence, the ZEITSCHRIFT FÜR JAPANISCHES RECHT has undergone a process of continuous development. We have been pleased to notice a growing interest in our journal, also internationally. Its readership has grown steadily, and the number of authors whose articles we have published has increased considerably, along with the diversity of the subjects covered. In short, we have succeeded in positioning the ZJapanR as an “established” law journal.

This development would have been impossible without the dedication of numerous people, mainly in Germany and Japan, but also in other countries such as the U.S. and Australia. Looking back today, it is worth noting that this was due, first of all, to the decision made at the journal’s inception to publish articles in English as well as German. Today, both languages are more or less equally represented within the journal.<sup>1</sup> This tendency to publish bilingually can also be observed in other German law journals with a comparative or international focus.

The present issue of the ZJapanR, which is the first issue of volume 8 (2003), reflects this process for the first time in its cover design with a new secondary English title: JOURNAL OF JAPANESE LAW. This will not entail any change to the general structure or content of the journal. We will also continue to add an English summary to articles written in German and *vice versa*, in order to provide readers who are not so well-versed with one language an easier access to its contents. In short, there will be editorial continuity. We are hoping that the formal change will make our journal an even more attractive forum to researchers and practitioners alike, and that this in turn will further improve the quality of the journal and enlarge its readership.

This issue once again presents you with the accustomed mix of research-oriented articles dealing with the theory of law and others focusing on questions of predominantly practical importance. *Curtis Milhaupt* and *Mark West* have worked out a groundbreaking analysis in the field of legal sociology in which they pinpoint a change in the career-planning of young Japanese elite lawyers. They regard this trend as an indicator of a fundamental shift of power within Japanese society. Power, it seems, is gradually shifting from the administration to legal advisory professions and to the courts.

Another theory-oriented article deals with methodological aspects of comparative law. *Luke Nottage* raises the question of whether Japanese law should be discussed within the framework of the newly established branch of “Asian law,” or rather within the more general (global) context of traditional comparison of law. *Nottage* promotes this latter approach, expressly including European law in the comparative perspective.

---

<sup>1</sup> Cf. the introduction to ZJapanR 12 (2001) 3.

The articles that follow are of a somewhat more practical relevance. *Thomas Krohe* analyzes the impact of the new Civil Reorganization Act on the rights of secured creditors. *Masao Yanaga* summarizes the details of the latest reform of the accounting regulations in Japan, and *Yasuhiro Okuda* denotes a current need for harmonization in Japan's international family law.

Once again, questions of *corporate governance* are the topic of some of the contributions to this volume: *Sōichirō Kozuka* refers to a consequence that was neglected in the recent reform of Japanese company law, *i.e.*, the fact that stock options can now more easily be employed as a means of defense against hostile takeovers. Analyzing an extensive database, *Andreas Moerke* looks at current changes in the boards of Japanese companies and their impact on corporate governance. *Peter Rodatz* tackles this question from another perspective by trying to clear up a number of misunderstandings that he has discovered in Western literature in this matter.

*Christopher Heath* presents a detailed analysis of recent developments of legislation and jurisprudence in the fields of antitrust and intellectual property. Next, *Harald Conrad* discusses a theme that will be of great interest in Europe: the economic consequences of the latest pension reforms in Japan. The ARTICLES section concludes with an evaluation of the first experiences with *e-government* in Japan by *Arne Fahje*.

As usual, *Markus Janssen* and *Peter Schimmann* report about RECENT LEGAL DEVELOPMENTS. *Yuko Nishitani* then supplies first-hand information about the beginning of the reform of conflicts of law in Japan. The Act on the Application of Laws is scheduled for a fundamental revision by 2005.

*Hiroshi Oda* summarizes a recent decision by the Japanese Supreme Court dealing with good faith acquisitions of stolen goods in an international context; and *Thorsten Beyerlein* discusses new decisions of the Supreme Court in the area of intellectual property rights from a comparative perspective.

*Marc Dernauer* reports about the latest DJJV conference held this May in Berlin. The issue concludes with a couple of book reviews.

*Harald Baum*