Preface

In 2011, Japan and Germany commemorate their 150-year diplomatic relationship - a relationship, thus, dating back as far as the opening of Japan in the Meiji era. More than a century ago, jurists from Germany (and from other countries) actively assisted the Japanese in establishing a modern law system, and it is against this common historic background that the German-Japanese relationship in respect of law has been very close ever since. Japanese jurists have since that time taken a particular interest in German law. But now, on the German side – and in other European countries as well – jurists are beginning also to take an interest in Japanese law. For a long time, comparative law between the Japanese and the German legal systems was considered a “one-way road” by the Japanese, but this is a deficit which now no longer exists. A single glance at the list of titles published on Japanese law in Germany would be proof enough. And, as yet further confirmation, there is the Zeitschrift für Japanisches Recht / Journal of Japanese Law. Published in Germany semi-annually since 1996, it is a journal having its sole focus on Japanese law.

In spite of all this, an up-to-date and comprehensive handbook covering commercial and economic law in Japan has been absent, a particularly glaring void when considering a nation which has been a leading force in Asia and until recently represented the world’s second most powerful economy. This book, the “Handbuch Japanisches Handels- und Wirtschaftsrecht” (Handbook on Japanese Commercial and Economic Law) is meant to close this lamentable gap and, by providing a well-based point of access to this exciting and diverse legal system in the German language, to overcome, if only partially, the hindrances attributable mainly to the language barrier.

To this end, the editors have been fortunate to assemble as contributors to this volume numerous renowned and outstanding Japanese and Australian researchers in the field of Japanese Law as well as practitioners having a longstanding experience in Japanese law. We are very much indebted to all of the authors for their willingness to publish in their fields of expertise in our book, and we would like to express our utmost gratitude for not only the comprehensive result that the work embodies, but also for their trust in allowing us to edit, and even partly translate, their contributions.

The book is addressed equally to researchers, lawyers and students who wish to obtain insight on the subject matter. It is mainly meant to serve those who do not speak or read Japanese. That is why Japanese terms and references to sources from Japanese literature have been limited. Western literature on the subject has, on the other hand, been cited abundantly and as comprehensively as possible. Additionally, a comprehensive bibliography is found at the end of the volume.

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Moritz Bälz

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