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Report on JSPS Short-Term Fellowship, Spring 2014.

### Summary

This Short-Term Research Fellowship began on 19 March and concluded on 3 April 2014. My host was Prof Yasunori Kasai. I spoke on four occasions in seminars which covered law, history and sociology. The subjects of my papers were broadly: the methodology of British scholars of Roman law, litigation in ancient Roman law, and the jurisprudence of Adam Smith. I spoke at the University of Tokyo, Doshisha University, and Aoyama Gakuin University. I also attended several cultural events and visited cultural sites in the host cities.

### Academic activities

I had conferred with Prof Kasai about the appropriate subject for a general paper on Roman law. We decided that a paper describing the nature of Roman law scholarship in Britain would be the most suitable to the occasion (“The British Way of Doing Roman Law”). In Japan as elsewhere, German scholarship often dominates in the field of Roman law. This paper would give me an opportunity to describe, in a new way, the British scholarly methodology (as I perceived it) to a Japanese audience, and to receive from the audience an opinion of the strengths and weaknesses of that methodology. I presented the paper on 22 March at the University of Tokyo, and on 26 March at Doshisha University. I believe the paper was well received, and I was very grateful for the many comments. It emerged from the paper and the discussion that British scholars in Roman law often follow a unique, “non-positivistic” scientific methodology.

As a special paper on Roman law, I selected a topic in Roman litigation (“Is it Possible to Sue a Slave?”). I presented the paper on 24 March at the University of Tokyo. The paper, in many ways, illustrated the British scholarly methodology: at its heart was a puzzle that could not be solved by the traditional, positivistic methodology. The source under discussion was discovered only in the 1980s. It is an extremely important new source for the study of Roman law — perhaps the most important source from the twentieth century — and I am hopeful I created some new interest in this source.

Before coming to Japan, I had spoken by chance to Prof Knud Haakonssen, formerly the director of the Centre for Intellectual History at the University of Sussex, and a leading scholar on Adam Smith. He told me that, in his experience, the mention of Adam Smith in Japan always brings a great deal of interest because the scholarly tradition runs very deep. He was correct. It was a special privilege for me to come as a representative of the University of Glasgow — Adam Smith's university — to an environment where Smith's works are so well known, and to speak on Smith's jurisprudence lectures ("Adam Smith's Unsystematic Roman Law"). This took place at Aoyama Gakuin University on 1 April. My thesis, that Smith's jurisprudence is impossible to systematise, was met with spirited responses from Prof Karl-Friedrich Lenz (Aoyama Gakuin University), Prof Hisakazu Hirose (Aoyama Gakuin University) and Prof Tomoyoshi Hayashi (Osaka University), among others.

### Cultural events and hospitality

I am enormously grateful for the hospitality shown to me during this fellowship. This was my first visit to Japan, and though I have had, in the past, some acquaintance with Japanese culture, this visit overwhelmed my previous knowledge. I was privileged to attend the national opera house; the Kyoto Minamiza Theatre; the Hiroshima Peace Memorial Museum; and many other sites.

### Reflections

I work broadly in the discipline of Roman law and litigation. I am fortunate that this field places me in the "crossroads" of many fields of enquiry: classical antiquity, the civil law tradition, legal dogmatics, and others. I was introduced to scholars from all of these fields, and in consequence there was a wide exchange of ideas, articles, citations and names. This has benefitted not only ourselves, but our students.

I convey my deepest thanks to Prof Emi Matsumoto (Aoyama Gakuin University), Prof Yasuhiro Nishimura (Doshisha University), Prof Tatsuya Yoshihara (Hiroshima University) and Prof Tomoyo Yoshimura (Hiroshima International University) for their hospitality and for introducing me to Japan. And I convey special thanks to Prof Yasunori Kasai, my host, for his great efforts to make this visit a success in all respects, and to the JSPS for its support.

I have posted photographs, with full information and captions, to a university Flickr site. The academic activities associated with this Fellowship are carefully segregated in these four albums.

Aoyama Gakuin University, 1 April 2014:

<https://www.flickr.com/photos/100080285@N02/sets/72157643520761615/>

Doshisha University, 26 March 2014:

<https://www.flickr.com/photos/100080285@N02/sets/72157643505927493/>

University of Tokyo, 26 March 2014:

<https://www.flickr.com/photos/100080285@N02/sets/72157643501895475/>

University of Tokyo, 22 March 2014:

<https://www.flickr.com/photos/100080285@N02/sets/72157643498194985/>