

## BENTHAM ET L'ESPRIT DU COMMON LAW. UNE INTRODUCTION

*Fabien GIRARD, Université Pierre-Mendès-France, Grenoble II*

RAREMENT DANS L'HISTOIRE de la pensée juridique et politique on aura, autant que Bentham, conçu de projets aussi ambitieux pour la réforme universelle<sup>1</sup> et, nul autre que le résident de Ford Abbey, ne peut sans doute mieux prétendre au titre flatteur de « législateur du monde »<sup>2</sup>. Ce serait pourtant une erreur de saisir la pensée juridique de Bentham comme la progéniture d'une réflexion apatride, enfantée au-dessus de territoires aussi divers que l'Amérique du Sud, la Russie, l'Europe continentale et le Proche-Orient, et élevée à l'érudition par de riches lectures précoces. Le reliquaire de l'*University College of London*, qui enchâsse le corps embaumé de Bentham, est là pour rappeler qu'il appartient indéfectiblement à l'histoire de l'Angleterre, et si certaines de ses idées ont exercé une

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<sup>1</sup> V. *infra*, les projets de codification.- Adde, J. Pablo Couyoumdjian, « An Expert at Work : Revisiting Jeremy Bentham's Proposals on Codification », *Kylos* 2008, vol. 61, n° 4, p. 503-519.

<sup>2</sup> José del Valle à Jeremy Bentham, *Supplement to Codification Proposal in J. Bentham, "Legislator of the World" : Writings on Codification, Law and Education*, éd. P. Schofield, J. Harris (*Collected Works*), Clarendon Press, Oxford, 1998, p. 370.- V. aussi, H. Blondeau, *V° Bentham (Jérémie)*, in *Nouvelle biographie générale*, Firmin Didot, Paris, 1853, col. 405 : « Citoyen de l'univers dans toute la force de l'expression, Bentham n'a laissé échapper aucune occasion d'être utile à ses semblables, à quelque nation qu'ils appartenissent » (cité par G. Braive, « Jeremy Bentham (1748-1832).- L'homme et l'œuvre.- Accompagné d'un essai bibliographique », in Ph. Gérard, F. Ost, M. Van de Kerchove, *Actualité de la pensée juridique de Jeremy Bentham*, Publications des Facultés universitaires Saint-Louis, Bruxelles, 1987, p. 11-88, spéc. p. 14).

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