

‘Bentham’s Codification Theory in the Context of the Globalization’

(Subject: Bentham’s Legal and Political Theory)

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Bentham wrote his *Principles of International Law* just before the publication of Kant’s *Perpetual Peace* (1795) and Bentham’s ‘Plan for an Universal and Perpetual Peace’ was particularly influential. However, in the context of the globalization, we should also analyze Bentham as a proposer of a universal codification, or the ‘Legislator of the World’.

In her recent study, Professor Pitts emphasizes ‘A Turn to Empire’ in the European history of thought by 1830’s and explains, for example, Mill’s paternalistic attitude towards India by that framework. On the other hand, as Professor Pitts also notes, Mill’s paternalism is absent in Bentham’s works of codification. In this paper, I will firstly discuss Bentham’s ‘Time and Place’ in the new edition by Professor Schofield and Professor Engelmann and show Bentham’s tolerance towards the cultural diversity of his time.

However, it is also important to understand that Bentham was not an advocator of what is characterized as ‘Cultural Relativism’ today. Bentham seems to propose a universal introduction of his ‘Public Opinion Tribunal’ as well as that of his Pannomion (a complete code of laws). I will discuss Bentham’s plan of public opinion tribunal in his ‘Securities Against Misrule’ and examine its significance in his proposal of codification and theory of international law generally.

My thesis is that the position of Bentham’s theory of international law or universal codification might be midway between ‘Cultural Imperialism’ and ‘Cultural Relativism’ and has a contemporary implication for the world of globalization we are living today. I will show that implication by comparing Bentham’s works with those of Rawls, whose *Law of Peoples* is recently very influential in philosophical analyzes of the international relations. I will also emphasize liberal aspects of Bentham’s theory in this field by comparing with that of Kant.