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Of all the objections I hear raised against the use of foreign law, the most common is that it involves a form of cherry picking, that is, picking one or two laws or precedents from here and there in the world simply because they happen to support the position one is arguing for in the United States or wherever the controversy about the use of foreign law arises. The objection is that the use of foreign law is undisciplined by any jurisprudence more scrupulous than that.

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He argues that every society is governed not only by its own laws but partly also by laws common to all mankind (*ius gentium*). But he takes the unique step of arguing that this common law is not natural law but a grounded consensus among all nations.

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