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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

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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. The idea of such a consensus
will become increasingly important in jurisprudence and
public affairs as the world becomes more globalized.

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