

HOW INTERNATIONAL  
LAW WORKS

*A Rational Choice Theory*

Andrew T. Guzman

OXFORD  
UNIVERSITY PRESS

2008

# CONTENTS

Preface *ix*

- Chapter 1 Introduction 3  
    International Law at Work 3  
    Methodology 15  
    Compliance and Effectiveness in International Law 22  
    The Scope of the Book 23
- Chapter 2 A General Theory of International Law 25  
    Games States Play 25  
    The Three Rs of Compliance 33  
    International Tribunals and State Responsibility 49  
    Payoffs and Strategies over Time 55  
    Modulating the Level of Commitment 58  
    Coercion and International Agreements 60  
    Multilateral Cooperation 63
- Chapter 3 Reputation 71  
    How Reputation Is Gained and Lost 73  
    Managing Reputation over Time 86  
    The Role of Information 91  
    The Compartmentalizing of Reputation 100  
    Limits and Caveats 111
- Chapter 4 International Agreements 119  
    Why Do States Make Agreements? 120  
    Matters of Form 130  
    The Interaction of Form and Substance 154  
    The Scope of Agreements 161

Membership in International Agreements	170
Conclusion	180
Chapter 5 Customary International Law	183
The Traditional Definition of CIL	184
Rational Choice Critics	188
Compliance and CIL	190
<i>Opinio Juris</i>	194
State Practice	201
An Example of CIL: <i>Pacta Sunt Servanda</i>	204
CIL and Other International Law	206
Chapter 6 Understanding International Law	211
Notes	219
Bibliography	237
Index	248