

Symposium on Andrew Guzman's *How International Law Works*: foreword by the editors

As another means of promoting engagement on important theoretical questions, *International Theory* will occasionally publish symposia on topics and recent works that we hope will engage our broad audience. Our purpose is to introduce readers to materials and ideas that may originate outside their home areas but should be of interest to them, as well as to critiques of ideas with which they may have become too comfortable. We will therefore strive for an appropriate diversity of perspective to assure that there is critical (but constructive) engagement of the ideas and approaches at stake.

This symposium centers on Andrew Guzman's recent book *How International Law Works*. Guzman is an international lawyer and economist who uses a rationalist approach to construct 'a more robust theory of international law' than is offered by traditional and more normative international law accounts. He simultaneously seeks to dispel realist and some rationalist critiques that question whether international law matters much at all. Guzman builds his theory on the three Rs of reciprocity, retaliation, and reputation – with the discussion of reputation constituting the most novel and controversial part of the argument around which much of the ensuing commentary revolves.

Andrew Kydd is a political scientist who works on international security, including issues such as trust and deception from a game theoretic perspective. He argues that by setting aside the implicit contractarian bias in Guzman's argument, we are able to distinguish among different types of reputation to provide a more satisfactory explanation to questions such as why states abide by laws that they never explicitly agreed to obey. Kydd also points out the costs of overlooking domestic politics and multilateral settings, and calls for a broadening of the analysis.

Alexander Thompson, a political scientist whose own research is on international organizations, argues that Guzman is too tentative and pessimistic in assessing the importance of international law because he underappreciates the role of enforcement. After laying out a calculus of enforcement, Thompson argues that reputational and other factors provide

substantial incentives for enforcement of agreements, especially in multi-lateral settings. He further argues that international institutions – especially highly legalized ones – serve to support and reinforce this enforcement.

Rachel Brewster is both a lawyer and a political scientist and believes that Guzman's focus on reputation 'is too blunt an instrument ... [and that] we need a more nuanced view'. She asks whether it is states or governments whose reputation is at stake, whether reputations are sufficiently strong to address public goods problems, and whether the concept of reputation is specified precisely enough for empirical purposes. Brewster concludes that reputational arguments must be specified much more precisely in order to be truly useful explanations of international law and politics.

Guzman briefly responds to this combination of critiques and constructive amendments and extensions to his argument. We leave it to the readers to adjudicate the symposium for themselves, but our verdict is that the participants have identified a number of promising avenues of research that both rationalists and traditional international law scholars must take into account in understanding how international law matters.

The Editors