

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 108

July 2014

NO. 3

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### **Precedent, Compliance, and Change in Customary International Law: An Explanatory Theory**

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This article articulates an explanatory theory of customary international law under which precedential concerns are central to explaining CIL formation, compliance, and change. The theory shows how fundamental legal and institutional features of CIL complicate the use of mechanisms such as reciprocity, retaliation, and reputation. One major reason for states to observe CIL rules, even when tempted not to do so, is that breaches have precedential effects and may weaken and perhaps destroy the rule in question. Standard accounts of state practice, *opinio juris*, and the role of courts are analyzed from this perspective, drawing examples from foreign sovereign immunity and the outer limits of the territorial sea.

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