INTERNATIONAL COURTS AND THE PERFORMANCE OF INTERNATIONAL AGREEMENTS

Nations often turn to international courts to help overcome collective action problems associated with international relations. However, these courts generally cannot enforce their rulings, which raises the question: how effective are international courts?

This book proposes a general theory of international courts that assumes a court has no direct power over national governments. Member states are free to ignore both the international agreement and the rulings by the court created to enforce that agreement. The theory demonstrates that such a court can, in fact, facilitate cooperation with international law, but only within important political constraints. The authors examine the theoretical argument in the context of the European Union. Using an original data set of rulings by the European Court of Justice, they find that the disposition of court rulings and government compliance with those rulings comport with the theory's predictions.

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Our collaboration on this book began as a conversation about the European Court of Justice (ECJ) and its role in the process of European integration. Over the last fifteen years, that conversation prompted us to engage broader theoretical questions about the impact and limits of international courts. It also incited our effort to collect and examine evidence that would allow us to distinguish how and under what conditions international courts (and the ECJ in particular) shape the behavior of their member states. This book represents the current state of that (now very long) conversation.

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