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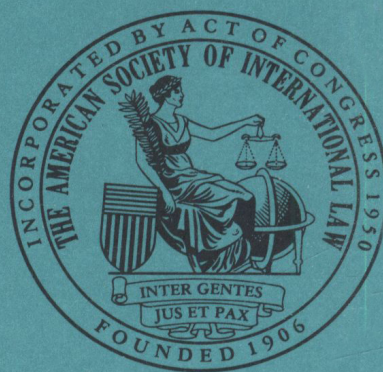
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# AMERICAN JOURNAL OF INTERNATIONAL LAW

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#### A Reconciliation

*Anthea Elizabeth Roberts* 757

There are two contemporary approaches to the determination of customary international law: the "traditional," which emphasizes state practice, and the "modern," which emphasizes *opinio juris*. This article proposes a theory of custom that incorporates both approaches. It rejects analyzing custom on a "sliding scale" in favor of a reflective interpretive approach that reconciles the descriptive and normative justifications for traditional and modern custom.

#### Rethinking WTO Trade Sanctions

*Steve Charnovitz* 792

In case of noncompliance with a decision under the WTO dispute settlement system, the complaining government may be authorized to impose a trade sanction. Such sanctions suffer from numerous disadvantages, not the least being that they impede trade. WTO dispute settlement might experiment with more nuanced responses to noncompliance that, for example, seek to influence public opinion in the target state.

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