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BOOK REVIEW

Alejandro Rodiles, *Coalitions of the Willing and International Law: The Interplay Between Formality and Informality*, Cambridge, Cambridge University Press, 2018, 287pp, £85.00, ISBN 9781108493659, doi: 10.1017/9781108680431
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Homer wrote with ironic detachment about the vicissitudes of the *ad hoc* military coalition put together by Agamemnon in laying siege to Troy (perhaps the attempted 'rescue' of Helen was a humanitarian intervention *avant la lettre*?). In any case, since that time if not longer, coalitions have been a fact of political, military, and identitarian life. The legitimacy of such coalitions and their actions, whether judged by gods or by humans, has been problematic for perhaps not much less time. In the present era we are most strikingly aware of the US military policy of a very specific 'Coalition of the Willing'. So, what precisely is a 'coalition of the willing'? Is it a concept, a slogan, a phenomenon, a metaphor or a mind-set, or all of these? Does it exist within law or outside of law? What do we learn about international law from digging down into conceptual presuppositions, or speculating on the consequences, of the employment of this stirring string of English words?

In his monograph Alejandro Rodiles has set himself the task of interrogating the coalition of the willing in pursuit of two goals. The first subsidiary goal is to demonstrate the value of the discipline of cognitive linguistics within the discourse of international law and of global security. This value, Rodiles proposes, consists both in descriptive adequacy and in explanatory heft. It is Rodiles' claim that cognitive linguistics provides a causal explanation for the communicative effectiveness and substantive jurisgenerativity of coalitions of the willing. Further, as the second goal, Rodiles hopes to leverage this theoretical framework, thus validated, in order to clarify the distinction and the interaction between the formal and the informal in the discourse and the practice of international law; and to identify contemporary trends. In doing so, Rodiles sparks some perturbing ideas. Is it possible that international law as a whole is no more (if no less) than a ramshackle coalition of affiliations, its veneer of legality no more than pretence, its vaunted coherence no more than ritual: a kind of Holy Roman Empire in its last days? Is this what we are witnessing with the minimalist technicism of the *Kosovo* Opinion, with the postcolonial cringe of the *Chagos* Opinion with its deference to the tides of world history, and in the knowledge that the 'bang' of Nuremberg has turned into the 'whimper' of the International Criminal Court?

Rodiles' monograph begins, after an introductory chapter, with an overview of the relevant linguistic theory and methodology. 'Coalition of the Willing' as a 'catchphrase' is then analysed, after which two chapters look in detail at a range of coalitions including the Proliferation Security Initiative, the Financial Action Task Force, the Nuclear Security Summit, and the Major Economies Forum on Climate Change. The coalition of the willing is treated as a common thread across many domains of international law (and beyond), and across a number of decades, that is to say well beyond its most familiar locus in the US foreign policy of George W. Bush. Extensions of

the term include the Belt and Road initiative.[1] In the final two chapters, Rodiles seeks to synthesize the more specific findings in order to theorize the ways in which formal/informal interplay characterizes coalitions of the willing. Here the attempt is made to articulate 'the global complex' as 'an assemblage of informal and formal schemes' of co-operation and of rule. Throughout the monograph, Rodiles insists on the duty of international law to constrain power as and when it is possible to do so, while law's formal processes and worldview is increasingly outflanked and hollowed out by the protean tentacles of informal collaboration.

According to Rodiles, the effect of coalitions of the willing (broadly understood) has been to generate a kind of shadow regulatory system, a normative regime selectively parasitic on law with respect to vocabulary and other superstructure but cut loose from law's rigour which it thinks of as rigor mortis.[2] (Lest this vision sound apocalyptic, it should be borne in mind that since the 1980s international law has comfortably assimilated the proposal that customary international law provides just such a persistent shadow system alongside the ephemera of the treaty). Less dramatically, but perhaps more insidiously, it may be that a generic compliance mentality, typified by the coalition of the willing, is dissolving the boundary between law and non-law.[3] As Rodiles discusses, risk management, soft power, technocracy, and Ulrich Beck's *Risikogesellschaft* are all relevant contact points here. To the extent expertise has been captured by formal law then in these days of populist antagonism to expertise, perhaps coalitions of the willing are typically manifested by a managerialism without expertise, a managerialism extending deep into family and communal life well beyond the workplace. Coalitions of the willing may be giving us warnings of danger ahead, a canary not so much in the mineshaft as in the *Risikogemeinschaft*.

As the above observations suggest, Rodiles has set himself a challenging task and a rhetorically high-risk one in that weakness in any of the foundation claims or apparatus might compromise the higher-level arguments. In particular, the commitment to one specific methodology in relation to conceptual analysis is inevitably risky. But nothing ventured, nothing gained; a focused and rigorous engagement with one approach is likely to be of more value in the long run, than a theoretically eclectic survey. Other risks arise from the understandable desire to illustrate and render legitimacy to the more novel methodology by reference to influential positions in international law and beyond, that may have quite different methodological pedigrees. For the author's arguments to be said to converge with familiar claims in the contemporary literature is a double-edged sword, especially if those familiar claims are themselves only modestly theorized. Again, the spectrum of particularity versus generality is a difficult one for any academic author to navigate; a question of extreme ubiquity such as formality versus informality in the discourse of international law threatens either to swamp the specific and detailed investigation of any narrow examples, or to excessively stretch the boundaries of terminology and categorization. Of course, extending the usual scope of the concept of coalition of the willing is unavoidable given the author's aims; a narrow, technical focus would defeat Rodiles' agenda of employing the concept to unlock general processes of meaning-making in international law. In any event Rodiles is surely alert to these risks and in general the bold strategy pays off or, at least, assists in clarifying further lines of enquiry.

The author's hope is to render with some precision the manner in which conceptual underpinnings drive the implementation of the term coalition of the willing, by tracing a structure of quasi-logical entailments in the communicative deployment of such terminology. Rodiles has chosen to place his money on a version of Lakoff and Johnson's cognitive linguistics, which is one of many alternative approaches to the delineation of conceptual or otherwise obscure or 'deep' structures of signification. Every such approach, from structuralism to historical materialism to Schmittian Manicheanism to psychoanalysis, constructs its own kind of precision. Each also, in its own way, deploys a measure of the intuitive because the technical claims need to join up

[1] A. Rodiles, *Coalitions of the Willing and International Law: The Interplay Between Formality and Informality* (2018), 91.
[2] Ibid., at 131, 224.
[3] Ibid., at 253.

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sufficiently with the quotidian in order to plausibly make sense of the latter. This tension is true no less of jurisprudence, where H. L. A. Hart (to whom Rodiles refers on several occasions), felt the need to demonstrate the applicability of his novel, technical account of law to everyday intuitions thereof. Even the ascetic Kelsen felt something of this demand. Rodiles' adoption of a terminology of 'frames' gives rise to a mixed blessing in this respect, since the 'framing' (of an argument or an expression) is such a generic and everyday term, the use of which does not in itself provide support for the validity of cognitive linguistics.

The metaphorical analysis approach that Rodiles adopts from the work of Lakoff and Johnson involves the attempt, among other things, to articulate the supposed conceptual and quasi-neural structures stimulated in an individual person by an incoming phrase.[4] This form of psychologistic, (neuro-)cognitive linguistics is, on its face, radically subjectivist, even solipsistic, in its rejection of an objective, shared referential universe, in which case the relevance for public international law would seem distant. Rodiles explains that the approach is not radically subjectivist at all,[5] and that shared, cultural components of thinking are incorporated into the Lakoff and Johnson theory.[6] Certainly Rodiles' appropriation of the cognitive linguistics apparatus stresses its reference to shared beliefs or value systems, perhaps of an 'unconscious' kind, rather than to the forensic or idiosyncratic, even if it is described as a phenomenological approach.[7] It is probable, looking back on the Lakoff and Johnson work, that this theoretical impasse as it appears to be – how to join up experiential uniqueness with collective understandings – is unresolved therein; and if so this impasse is not the responsibility of Rodiles. However, in the context of international law, relations or governance, the relationships between the thinking processes of individuals on the one hand, and public institutions and conduct on the other, need especially careful treatment. Certainly, there is a contemporary trend to read international law as no more than the aggregate of the personal experience of citizens and of the deliberative contributions of individual persons to the wording of treaties.[8] But the traps are evident. The conceptual short-cut would be to adopt a version of the familiar personalisation of states and other international entities or 'actors'. If states as sovereigns can be treated as if they are natural human persons, able and sometimes willing to give consent to international arrangements and so on (as in a naïve reading of the *opinio juris*), then the connection of cognitive linguistics to Bush-style Coalitions of the Willing is straightforward.

Rodiles strives to avoid this trap; personification of the state is a misleading although venerable metaphor.[9] The specific role played by personification of states that are participants to a coalition is itself said to be metaphorical.[10] Presumably this is the way to read that the hegemon (of the US) was 'wounded' at 9/11,[11] and that states 'follow … moral rules' and possess a Hartian 'internal point of view'.[12] Yet, it is not made completely clear who or what exhibits the contemporary 'anxiety' about and 'preoccupation with losing control in today's global disorder'.[13] It seems implausible that these attributions are meant to refer merely to the personal feelings of particular individuals, even one as influential as scholar and diplomat Richard Haass.[14] But Rodiles indeed highlights the role of certain individuals, the actions of 'those who can best assemble coalitions … who can manage complexity and coordinate the many different components'.[15] This personalistic

[4]G. Lakoff and M. Johnson, *Metaphors We Live By* (2003).
[5]Rodiles, *supra* note 1, at 28.
[6]Ibid., at 17.
[7]Ibid., at 13.
[8]P. Sands, *East West Street: On the Origins of Genocide and Crimes Against Humanity* (2016).
[9]Rodiles, *supra* note 1, at 42.
[10]Ibid., at 34.
[11]Ibid., at 76.
[12]Ibid., at 249.
[13]Ibid., at 44.
[14]Ibid., at 72.
[15]Ibid., at 71–2 (emphasis removed).

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focus is consistent with Rodiles' emphasis on the instrumental nature of the coalition of the willing, which is stressed throughout the monograph. The longstanding problem of the role of the individual leader in history, Tolstoy's problem so to speak, is here enlivened by the context of the coalition of the willing but is not fully explored. Another dimension on which greater detail (perhaps in the future) might be explored, is the question of formality itself; formal law is to a large extent taken as read in Rodiles' book, yet the question of the interplay between formal and informal law demands more such articulation.

In relation to alternate formulations within the literature of international law, Rodiles points to a convergence of his account with that of Antony Anghie on an underlying 'dynamic of difference' based on 'otherness'.[16] Anghie's notion of a dynamic of difference (and an 'internal logic of division'[17]), is to some extent employed as synonymous with a deep frame as in cognitive linguistics.[18] This is problematic for several reasons. Despite its widespread influence Anghie's analysis is surely stimulating rather than rigorous in a technical or historiographical sense, and more to the point in the context of Rodiles' monograph, it undermines Rodiles' own innovatory spadework if Anghie's formulation is identified as a meeting point of their independent approaches. In other words if the result of Rodiles' analysis of the supposed deep meaning of the coalition of the willing could be boiled down to Anghiean 'otherness' then the complex apparatus of cognitive linguistics would, in this case, turn out to be redundant, a mere footnote to the somewhat intuitive methodology of the earlier author. Perhaps the intent is to provide a technical underpinning or a rhetorical corroboration for Anghie's claims.

However, Rodiles' project is different from Anghie's, and Rodiles' proposals even if not fully spelled out, are more focused on the methodological and the jurisprudential than those of Anghie. For coalitions of the willing have already given rise to a substantial body of commentary and analysis and Rodiles' contribution is quite appropriately designed not as a bland or eclectic survey of that field, but as a provocative appropriation of tools from another discipline in order to open up new seams of enquiry. As suggested above, it is disturbing to recognize so much mainstream process of international law in the informal domain that Rodiles describes so well. International criminal law demonstrates a form of informal, 'mutual learning' when Red Cross commentary on trial chamber pleadings is relied upon by the prosecutor in the subsequent appeal phase of the same case.[19] The 'convergence' approach to national courts' take-up of international law, problematic for many reasons,[20] suddenly looks like the operation of an informal coalition of willing benches. If there is anything to be feared in a hollowing out of formal law at the international level – and that fear may not be limited to commentators of a positivist persuasion – then a warning of the already present ubiquity of the informal, the realm of the willing coalitionist, is a great service. Such a warning needs to be delivered not in an abstract and detached manner, but through a close examination of concrete examples, with a professional's rigour. This is what Rodiles has achieved.

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[16]Ibid., at 39; A. Anghie, *Imperialism, Sovereignty and the Making of International Law* (2007).

[17]Rodiles, ibid., at 114.

[18]Ibid., at 111, 124, 153, 202.

[19]C. Kenny and Y. McDermott, 'The Expanding Protection of Members of a Party's Own Armed Forces Under International Criminal Law', (2019) 68 *International and Comparative Law Quarterly* 943, 951 (commenting on the 'symbiotic and mutually reinforcing relationship between the ICRC and the ICC in expanding the scope of long-standing interpretations of international humanitarian law').

[20]O. Frishman and E. Benvenisti, 'National Courts and Interpretive Approaches to International Law', in H. P. Aust and G. Nolte (eds.), *The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence* (2016), 317.

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