

“building a reliable legal opinion” for both groups less accessible overall. The less strict separation of powers in the UK and China, as compared to Germany and France, result in less accessibility to the law for both legal scholars and ordinary citizens in both nations. In both the UK and China, the number of laws/regulations, as influenced particularly by the legislative powers afforded to the judiciary, creates distinct transparency and access issues for legal scholars and ordinary citizens in search of ways to abide by the law, avoid violating the law, understand and question/petition the law.

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### **Oxymora, Cognition, and Synaesthesia of Legal Language**

Rostam J. Neuwirth, *Law in the Time of Oxymora: A Synaesthesia of Language, Logic and Law* (New York: Routledge, 2018) pp 268. Hardcover: \$112.00.

doi:10.1017/als.2018.25

First published online 19 July 2018

While the title of the book clearly draws inspiration from Gabriel García Márquez’s book, *Love in the Time of Cholera*, the overall reading experience is reminiscent of Raymond Carver’s *What We Talk About When We Talk About Love*, only this time we talk about law.

For a long time, the scholars in law and society typically have made use of interdisciplinary methodologies to explore the causal relationships between societal processes and laws. For the past ten years, Professor Rostam J. Neuwirth has been actively advocating for increasing the public awareness on the problems caused by the global fragmentation of laws, as exemplified by various “trade and ... problems” like that of “trade and culture.”<sup>1</sup> In the newly released book, *Law in the Time of Oxymora: A Synaesthesia of Language, Logic and Law*, he adds a new and unique perspective to the global governance debate, by exploring the new trend of a shift from the dominance of “essentially contested concepts” to one of “essentially oxymoronic concepts”<sup>2</sup> in case-law and legal literature. This book pushes the boundary of interdisciplinary studies even further.

An oxymoron is the result of compressing two words that are typically considered as opposites. Prof. Neuwirth has noticed the increasing use of essentially oxymoronic terms, namely “the rhetorical figures that display varying degrees of intrinsic contradictions or consist of apparently conflicting and logically irreconcilable propositions” (p. 3), such as glocalization (a portmanteau of globalization and localization),<sup>3</sup> coopetition (collaboration between business competitors),<sup>4</sup> and prosumer (a portmanteau of producer and consumer). In

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1. Neuwirth (2017); Neuwirth (2015); Neuwirth (2011a).

2. Neuwirth (2013).

3. Neuwirth (2011b).

4. Neuwirth & Svetlicinii (2015).

this book, he restates some findings and further explores several important questions, such as: Where do these oxymoronic terms come from? How do they capture the realities? How are they reflected in the regulations? And what would be their impact on the necessity of regulatory or institutional changes?

When exploring the origins of oxymoronic terms, differently from most legal scholars, Prof. Neuwirth does not simply immerse into the legal literature or cases. Instead, he first turns to art, science, politics, and economics (Chapter 4), where he finds that oxymoronic terms are deep-rooted in almost all subjects and come from all kinds of tensions, like those between power and weakness (p. 41), order and disorder, or the individual and the collective (p. 42). Furthermore, he discovers that human nature tends to employ “binary or bivalent logics” to divide the world into yes or no, black or white, in an effort to simplify the reasoning and make it easier to reach generally applicable conclusions. However, this oversimplified dualistic way of thinking clearly cannot anymore keep up with the fast-paced and ever-changing world we live in. This appears to explain why oxymoronic terms are created, namely to fill the gaps caused by all these tensions and to better reflect a complex reality, although they may seem to be counterintuitive at the first glance.

Similar to art and science, the tensions and problems are so very severe in the legal realm and regulatory fields, because law itself is seemingly obsessed with a dualistic conception and with a long tradition of making distinctions between areas of laws and classifying them into different fields. The often artificial separations result in more fragmentation in the present international legal order and consequently create more problems or conflicts. In Chapter 5, Prof. Neuwirth examines various kinds of oxymoronic terms that have been employed in the case-law and legal literature. The examination shows that the use of these concepts are on the rise. Then the following question would be how the use of essentially oxymoronic concepts can make a difference.

The factor distinguishing this book is that the analysis does not just stop at case examination. Prof. Neuwirth further contextualizes his analysis into the linguistic effects (Chapter 6). He points out that language is not merely a mechanism for humans to describe reality; it also reflects people’s perception of reality and leads them to reach a certain level of consensus, making meaningful communication possible. The language sets the tone for discussion and can also lead to changes in our underlying cognitive processes. In Chapter 7, following the examination of numerous cases, he points out that the failure of current laws and institutions in embracing the dynamic changes and diversity in our societies calls for a change in cognition. In this regard, these essentially oxymoronic concepts provide us with a novel way of thinking outside the restrictions set by dualistic thinking and binary logic and make us aware of the acceleration of changes in reality (Chapter 8). In the end, he reaches the conclusion that we should change the mind to acknowledge the possibility of the complementarity between opposites underlying apparent contradictions. This approach might be the only way leading us to explore and find more effective solutions to deal with the problems caused by the diversity and complexity in our current (and future) world and to bridge the gaps in the global fragmentation of laws (Chapter 9).

This book is an inspiration for searching new ways of analyzing legal issues and exploring solutions. It challenges the readers to contemplate about the concepts we are so familiar with in our daily life. Reading through the book is an intriguing synaesthetic journey. Throughout this journey, we are reminded that all factors are well connected, as Prof. Neuwirth shows us

that, when we talk about law, we talk about art, science, technology, philosophy, history, psychology, politics, and, ideally, life as a whole.

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