Editor's introduction

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I am delighted to present the first issue of *Amicus Curiae* for 2026, and my first issue as Co-Editor. As always, the issue is framed by the journal's goal, as the official publication of the Institute of Advanced Legal Studies, of disseminating legal scholarship that connects academic theory with practice. This commitment is realized in the diverse contributions that follow, which collectively examine law's foundational structures—from corporate governance and intellectual property to its spatial, temporal, and cultural boundaries—before culminating in a Special Section on Deaf Legal Studies that exposes the sensory foundations of these structures.

In "Consumer Protection in Transition: A Study of China's Emerging Implementation Framework", Ling Zhou examines the evolving landscape of consumer rights in the People's Republic of China, particularly in the context of the rapid transition from a planned economy to a consumer-centric market. This article highlights the significant reforms introduced by the 2024 Implementing Regulations for the Consumer Protection Law, which aim to address the complexities of modern consumerism, especially in the wake of the explosive growth of e-commerce and digital transactions.

Zhou's analysis underscores the persistent challenges that consumers face, including deceptive marketing practices, inadequate enforcement of consumer rights, and the vulnerabilities of specific demographics such as elderly and minors. By examining the regulatory framework's strengths and weaknesses, the article advocates a more robust consumer protection approach that safeguards individual rights and promotes public trust in the marketplace.

This analysis of a regulatory framework adapting to new market realities finds a parallel in the examination of a profound regulatory absence in the following article, "Addressing the Legal Challenges of Unregulated Surrogacy in Ghana" by Justice Sir Dennis Adjei and Samuel Addo Otoo. This presents an analysis of the consequences of Ghana's lack of specific surrogacy regulation. Using the Ghanaian

context as its foundation, the study adopts a broad comparative lens to examine the international spectrum of regulatory approaches, from partial restriction to absolute prohibition. It thoughtfully explores the ethical underpinnings and practical outcomes of these diverse models, arguing persuasively that the absence of a domestic legal framework exposes all parties to significant risk.

Rather than advocating for the adoption of one foreign model, the article makes a distinct and valuable contribution by framing this comparative discussion as a catalyst for informed national debate. It compellingly concludes that the boundaries of any future Ghanaian surrogacy law should not be determined by external precedent alone, but must be deliberated and set by its own civil society, informed by the country's traditional cultural and moral values.

Where the previous article calls for law to be grounded in cultural context, the next probes a foundational legal category. In "Partnerships and Trusts as Legal Persons … What About the Tax?", Chris Thorpe offers a precise technical analysis of UK tax doctrine, considering the complexities surrounding the legal personality of partnerships and their tax implications. Thorpe argues for a re-evaluation of the legal status of partnerships, advocating for their recognition as *sui generis* entities that reflect the commercial realities of modern business practices. This exploration is particularly timely as it aligns with the ongoing discourse on the need for legal frameworks that adapt to the changing dynamics of partnership structures, especially in light of the increasing prevalence of Limited Liability Partnerships. By drawing parallels between partnerships and trusts, the article highlights the necessity for a coherent tax treatment that acknowledges the unique characteristics of these entities, ultimately aiming to bridge the gap between legal and tax statuses.

This technical inquiry into legal personality raises immediate practical questions of how such categories are applied. The following article confronts this directly, examining the barriers faced by parties when legal frameworks encounter diverse cultural understandings. In "Asian Parties and the Property (Relationships) Act 1976: Unique Challenges and Issues", Mai Chen and Alice Strang illuminate the challenges faced by Asian litigants within New Zealand's property law framework. As the demographic landscape shifts, the authors emphasize the importance of cultural competence in legal proceedings, particularly in the context of the Property (Relationships) Act. The article critically examines how cultural

practices, language barriers, and differing legal understandings complicate relationship property disputes, advocating for reforms that ensure equitable access to justice. This work not only addresses the unique experiences of Asian parties but also contributes to the broader conversation on the need for a legal system that is responsive to the diverse cultural fabric of contemporary New Zealand society.

Moving from the interpersonal sphere to the structural, the next critique targets the core economic doctrine governing the most powerful legal persons: the corporation. In "Is Shareholder Profit Maximization Efficient?", Say H Goo delivers a timely economic and legal critique of the Anglo-American corporate model, arguing that shareholder primacy is a structural generator of social cost. It presents a robust critique of the doctrine of shareholder profit maximization, asserting that its claimed efficiency relies on conditions—such as perfect competition and full cost internalization—that are rarely met in practice.

The analysis reveals that when firms externalize social and environmental costs, the pursuit of shareholder value distorts allocative efficiency and undermines societal welfare. The existing patchwork of consumer, labour, and environmental laws is insufficient to address this systemic flaw, as it targets symptoms rather than the governance structures at their root. To correct this, the article proposes a fundamental reconstitution of corporate boards to include representatives for core stakeholder constituencies—employees, consumers, communities, and the environment. This model of "stakeholder boards" is not only an ethical imperative but also an efficiency-enhancing mechanism that compels the internalization of externalities at the decision-making core of the firm.

This critique of internal corporate governance logically expands to a critique of law's ultimate governance of space itself, examining the ontological "thresholds" that determine belonging and abandonment.

In "The Jurisprudence of the Threshold", Michael Murphy advances the theory of Relational Legal Pluralism (RLP) by diagnosing a foundational crisis in contemporary jurisprudence: the "temporal cage". This ontological bias prioritizes defining what law is over asking what law does, a fixation that blinds law to its complicity in structures of colonial power. To break open this cage, the article critically repurposes the triadic philosophy of Watsuji Tetsurō, by arguing that a pervasive, mobile logic of spatial governance—one that actively creates and maintains a threshold between a sovereign "inside" and an abandoned "outside"—constitutes a fundamental crisis in modern law.

To prove and interrogate this claim, the author analytically scales RLP by applying it to two distinct sites: first, to the localized, domestic catastrophe of the Grenfell Tower fire and, second, to the expansive geopolitical violence of the European Union's border regime. These are not simply parallel case studies but are presented as connected manifestations of the same colonial logic. Through this dialectic between the intimate and the geopolitical, the article demonstrates that RLP makes visible the shared operative principles linking seemingly disparate sites of juridical rupture. Thus, the case studies serve to prove the diagnostic power of this reconstructed philosophical grammar.

The power of this critique is its adaptability. It is not fixed to a single issue or ideology. Rather, it offers a diagnostic lens that can be applied across a spectrum of contexts. In each case, the same underlying grammar of exclusion becomes visible: the creation of an "abyssal line" where legal responsibility dissolves.

From the spatial logic of exclusion, this issue's "Visual Law" contribution "The Absolute", by Gavin Keeney and Amy Kellam, turns to law's governance of another fundamental dimension: time. The following essay applies a radical critique to the legislated temporality of intellectual property, confronting the temporal cage identified earlier.

"The Absolute" operates at the intersection of philosophical manifesto, cultural critique, and legal theory. Working from Keeney's foundational conception of works-based agency, it argues that intellectual property law functions as a governor of creative time in that it generates a legislated, commodifiable temporality that actively pre-structures the creative process and our relationship to its outputs. This juridical framework systematically captures and subordinates the singular event of creation to the logic of the asset economy, thereby rendering impossible the emergence of what the text calls "the Absolute"—a transformative, structural principle immanent to works, capable of reconfiguring creation from within. Rather than proposing legal reform, the essay advocates for an individual, "elective" abandonment of authorial rights to create an "a-legal" space where this occluded potential might surface. We publish it here to provoke critical reflection on the temporal and ontological assumptions underpinning copyright regimes and to invite legal scholars to engage with this radical critique from the avant-garde. As the editor of this section and a co-author of this piece, I welcome the critical dialogue it will, I hope, inspire.

This issue also includes an obituary, by Marique Yseult, for Professor Patrick Birkinshaw, who passed away in November 2025. A longstanding contributor and esteemed scholar of public law, he is greatly missed. Fittingly, the book reviews section which follows is led by one of his final pieces of writing.

Professor Birkinshaw's review of Jonathan Sumption's *The Challenges of Democracy and the Rule of Law* is a characteristically sharp contribution, consistent with a career defined by engaged and principled scholarship.

Demonstrating his lifelong expertise in public and European law, Birkinshaw dissects Sumption's conservative defence of parliamentary sovereignty against international courts and social change. He offers a robust, progressive counter-argument, challenging Sumption's scepticism of the European Court of Human Rights and defending the role of juridical checks in safeguarding rights where political processes may fail. True to form, the review is both a substantive engagement with a key legal debate and a demonstration of his critical acumen. We publish it here in professional tribute and for the clarity it brings to a central tension in contemporary jurisprudence.

The book review section also includes a review by Mai Anh Nguyen of *Language of Comparative Constitutional Law: Questioning Hegemonies*, edited by Erika Arban, Maartje De Visser and Jeong-In Yun, and a review by Jean-Pierre Cabestan of *Taiwan and the Cause of Democratisation in China: Inspiration and Support*, edited by Chen Jie.

The issue's cumulative critiques of law's economic, spatial, and temporal structures converge in a profound examination of its sensory and communicative foundations. The Special Section on Deaf Legal Studies exposes how law's hearing-centric bias underpins and connects these varied modes of exclusion.

As Guest Editor Rob Wilks' introduction outlines, the contributions to the special section range from the legal framing and practical operation of deaf people's rights, with a specific focus on the incorporation of international human rights norms, the implementation of sign language law, comparative legal mapping techniques, and access to protection within domestic legal systems.

Modern Western law is profoundly logocentric and hearing-centric. Many of its core rituals—the oath, the testimony, the adversarial hearing—its rules of evidence (hearsay, credibility), and its doctrines of intent and consent take the spoken word,

and hearing as the default channels of legal truth. The legal subject is presumed to hear and to speak. From this foundational bias flow institutional obstacles. The scholarship thus interrogates inadequate or unenforced legal protections for sign languages, the failures in inclusive framing, and documents how these structural deficits institute a regime of unequal access.

These same structural biases—the logocentrism and hearing-centrism of law—are reproduced in more mundane, yet corrosive, failures of administration. For many who are deaf, the promise of access—via assistive listening systems, hearing loops, captioning—is routinely broken. Yet, even when functioning, these measures often merely accommodate a deaf participant to a hearing procedure; they do not transform the underlying hearing-centric logic. This maintains a foundational inequality, where access is granted as a conditional concession rather than secured as a right of equitable participation. Not for lack of solutions, but for a failure of imagination and implementation.

My own experience in court and other institutional spaces—as a deaf person reliant on lip-reading, residual hearing, and assistive technology that often fails—is that procedural momentum exerts its own coercive force. The procedural machinery does not pause: it advances through whispered consultations, turned-away remarks, and rapid exchanges—a physical grammar that severs visual access. This is the rhythm of the hearing room, leaving those of us reliant on nonfunctioning technology, lip-reading, or absent interpreters to grasp at its edges. When access fails, this coercive force presents a choice: either attempt to participate on profoundly unequal terms or forfeit engagement altogether. It is a commonplace, everyday coercion that emerges not from malice but from the gap between formal guarantee and practical institutional competence. As such, it constitutes a failure of procedural justice, one that demands a response from practitioners and scholars alike.

However, by tracing such failures to law's medical and linguistic foundations, the section makes a broader point. Procedural justice cannot be severed from these deeper structures. For scholars and practitioners across different fields of law, it offers not only a specialist's inquiry but a masterclass in uncovering hidden assumptions that structure our legal world. It asks, quite directly, whether law is prepared to see, hear, and accommodate different ways of being in the world—precisely the kind of foundational critique that reorients legal understanding.

If law's hearing-centrism institutes a regime of unequal access, a parallel critique must be levelled at the channels of legal scholarship itself. The contributions gathered here examine how law structures communication, participation, and recognition; these same questions arise, with direct urgency, within academic publishing. Recent work on accessibility in scholarly communication has shown that a significant proportion of academic outputs remain inaccessible to readers with perceptual or cognitive disabilities, and that audio- and video-based formats often reproduce barriers unless substantially remediated. Despite clear legal duties under the Equality Act 2010 and the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations, practical commitment is lacklustre. Evidence suggests a near-total failure of implementation; one global study of major journals found that only 2.4% of scholarly PDFs met basic accessibility standards (Wang & Ors 2021: 8).

The problem deepens with the scholarly adoption of digital-native formats. The default video infrastructure of platforms such as YouTube exemplifies this issue: academic content published for public engagement typically relies on auto-generated captions, lacks verified transcripts, and omits audio description—failing basic accessibility standards. These failures are a baked in feature of a hyper-capitalized, scale-driven model that prioritizes frictionless distribution and metricized engagement over communicative integrity, corroding its epistemological value. Here, the grasping for social metrics ruptures the act of communication, incentivizing discourse tailored for algorithmic promotion rather than critical, durable scholarship. Ultimately, this logic alters scholarship's public purpose, recasting dissemination from a collective intellectual project into a metric of private engagement.

In response, a growing emphasis on born accessible publishing holds that scholarly materials must be designed from the outset to be accessible, citable, and navigable (see, for example, The University of London Press). This is not simply a technical goal but speaks to the role of scholarship as a public good: born accessible practice completes the open access mission by ensuring the removal of the paywall is not the only barrier to entry. While universities experiment with multimedia, the core function of academic publishing remains the production of durable, accessible, and archivable knowledge. Ensuring research is available in formats that can be meaningfully accessed by all scholars is therefore a fundamental responsibility. Accordingly, this issue of the journal introduces improvements

to our PDFs' technical accessibility, a step toward born accessible publishing.

As this issue demonstrates, questions of linguistic rights and communicative justice do not end at the courtroom door; they also shape how academic communities imagine their audiences and structure their own practices of knowledge-making. It is in this spirit that the issue presents the following diverse articles, which, each in their own way, interrogate the structures that govern recognition, participation, and value in the legal world.

My thanks go to my fellow Co-Editors Pablo Cortes and Maria Moscati for their invaluable partnership. I also wish to express my gratitude to our Consulting Editor, Michael Palmer, whose mentorship made my editorship possible and whose legacy continues to inform our collective work as co-editors, as well as my own academic endeavours. I reserve a special thanks to Marie Selwood without whom none of the issues would be possible, and who deserves special mention for her work implementing the improved accessibility measures.

References

Wang, Lucy & Ors. "Improving the Accessibility of Scientific Documents." arXiv, 2021.