# Patrick Birkinshaw: 5 March 1951-23 November 2025

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Patrick Birkinshaw was a dedicated colleague, always eager to share his vast and detailed knowledge of United Kingdom (UK)/English public law with colleagues of all stripes. One week before the fateful Brexit referendum—about which he was not very optimistic—he welcomed me to Hull. He even kindly drove me back to the station, taking the opportunity to discuss Philip Larkin's work as we passed the poet's house. Following this visit, Patrick was invited to what would become his last official engagement before retiring: a lecture delivered at the British Academy in 2017, entitled "What Future for Public Law?".[1] We subsequently discussed a wide range of topics arising from the Brexit landscape, including the UK's approach to legal transplants, the principle of proportionality and constitutional conventions such as the Ministerial Code. Our email exchanges reveal Patrick's particular gift: he invariably identified angles I would otherwise have missed and then, with characteristic kindness, nudge me to see links between ideas and concepts that I would not otherwise have seen.

This was Patrick's hallmark: he consistently exhibited deep loyalty, curiosity and generosity—all features that marked his long tenure at Hull, which began in 1976. As mentioned by colleagues, his time as Head of School from 1997 to 2002 culminated in one of the School's most notable achievements in the Research Excellence Framework. Patrick's dedication to the European project crystalized in setting up the Institute

* Essex Law School and UC Louvain. This note benefited from the generous exchanges with colleagues who all shared kindly memories and/or documents. May Katarzyna Gromek-Broc (Pavia), Theodore Konstadinides (Essex), Nikos Vogiatzis (Essex), Tony Prosser (Bristol), Albert Sanchez Graells (Bristol) and Mike Varney (Lincoln) be thanked warmly. Other tributes to Patrick can be found at the following internet addresses: Funeral Notices: Professor Patrick Birkinshaw; Chaire Droit Public Politique Comparés: Hommage à Patrick Birkinshaw; and in a forthcoming *European Public Law* issue (by Mike Varney). A detailed account of Patrick's work can be found in Gromek-Broc (2023: xxxvii-xliv).

1 See, for example, Patrick's article in *Ius Publicum: Network Review*.

for European Public Law at Hull in 1992 and the *European Public Law* journal for which he served as editor until his retirement (1994–2018). In short, as noted by John Bell, Patrick was a keen institution-builder. He was also a boundary spanner, building connections between institutions and engaging extensively with colleagues in France,[2] Italy[3] and Germany.[4]

Patrick chronicled the Brexit saga in his editorials for *European Public Law* (see Birkinshaw 2020a). He kept a vigilant eye on post-Brexit developments, critically analysing UK reforms in such areas as judicial review and the Rwanda Treaty. One cannot help but wonder what Patrick would have written about the news that Rwanda initiated arbitration against the UK for failing to honour the payment due under the Rwanda Treaty (Karsu 2026). According to Patrick, it was "self-delusion" on the part of the then Prime Minister Rishi Sunak to react to the Supreme Court's November 2023 decision on the Government's plan to deport asylum seekers to Rwanda by pursuing such a treaty (Birkinshaw 2024c: 86).

Beyond his scholarship dedicated to the European project, Patrick established a record of pioneering publications. He was an early scholar of non-judicial remedies, evidenced by his work *Grievances, Remedies and the State* (Birkinshaw 1985), and of transparency in government, authoring *Government and Information Rights: The Law Relating to Access, Disclosure and their Regulation* (Birkinshaw & Varney 2019). These contributions anticipated debates that would later become mainstream. For me, however, Patrick will be forever linked to another prescient early work *Government by Moonlight: The Hybrid Parts of the State* (Birkinshaw & Ors 1990). Its influence extended far beyond legal scholarship, finding a significant audience in public administration and critical accounting.

Across all of these writings, Patrick sought to surgically analyse the fine lines and interplays between law and politics, and the preconditions for a healthy rule of law. He scrutinized the tensions between government and the judiciary, particularly the willingness of the former to curb the latter's scope of review (Birkinshaw 2022; Birkinshaw 2023). This scholarly dexterity was on display in one of his last writings for this journal: a characteristically witty, nuanced and rigorously critical engagement with Justice Sumption's suggestions against judicial activism, in which he noted:

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2 See, for instance, Patrick's contributions to the Observatoire du Brexit.

3 See Birkinshaw (2024a).

4 See, for instance, Patrick's recollections of time well spent with J Schwarze (Birkinshaw 2024b).

> Oppression and evil take many forms. If one expects the devil to be possessed of cloven hooves, goat's horns and a forked tail one will never see the devil … . The concept of autocratic abuse of power is not framed in a time capsule. (Birkinshaw 2020b: 465)

Questions of evil, rule of law and separation of powers were also central to another review, this one of Stephen Sedley's *Lions* (Birkinshaw 2020c). Here Patrick delved deep into the dark schemes of intelligence services and transatlantic developments. Writing about Donald Trump's first presidential term, he stated: "Trump's presidency has been a remarkable exercise in autocracy. … it is difficult to think of so much turning on one presidential election" (Birkinshaw 2020c: 101). One question is nagging—what would Patrick have made of the 2026 developments in the United States (US) or the worst current political scandal in the UK?[5] From Patrick's many committed publications, one motto stays with me: "Real success comes with consensus, cooperation and understanding. These truths will have to be re-learned after some very painful lessons" (Birkinshaw 2023: 74).

Nikos Vogiatzis, one of Patrick's former doctoral students, recalls his generosity with his time and steadfast supportiveness, which continued long after the completion of the thesis. Their meetings were occasions not only to discuss draft work, but for Patrick to draw on his vast experience and discuss relevant domestic and European developments. His recommendations would insightfully draw on a wide array of relevant scholarship, ranging from an obscure book published decades ago to a forthcoming report. Indeed, sprinkled across a prolific body of writings are rich caches of historical analysis and legal philosophy, alongside close engagement with current political and judicial developments. This multifaceted approach, grounded in curiosity and generosity, made Patrick's writing so engaging and created a platform for further personal exploration and reflection.

Patrick is remembered as an intellectually curious scholar who was keen to help early career colleagues. He was generous with his time, providing feedback on research drafts, and was consistently approachable and friendly. That innate kindness left a lasting impression even on brief acquaintances. An Essex colleague who met him only once recalls Patrick's perceptive remark about how people can judge you by the sound of your voice and your shoes—a comment that revealed his empathy and awareness.

[5] See Bagehot (2026), referring to Prime Minister Starmer and the scandal around the former UK ambassador to the US, Peter Mandelson, as "Britain's worst political scandal of this century".

Patrick touched colleagues from near and far with his warmth and generosity. He will be greatly missed by all of us. May we cherish and honour his legacy by following his example of selflessness and kindness.

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