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### JUSTICE MICHAEL KIRBY

It was on a trip to China that Michael Kirby said he experienced if not a crisis then at least a sharp realization about the stage of life he had reached. Jet lagged but unable to sleep he browsed through the book that his thoughtful host had provided at his bedside. It was a book called *Passages* about the predictable crises of adult life and he said therein he recognized himself.

So I read this little book and I saw all of these terrible things – the usual phenomena – that fact that you're growing older, you can see that you are growing older, the fact that your parents are growing older, the fact that your siblings are growing older and growing apart from you. The fact that physically you don't

think yourself as attractive; the fact that your job has reached a point where perhaps it's the end of the line, the fact that the intellectual stimulation of earlier times is not so readily available – all of these things – physical, emotional, intellectual come together at a particular moment in your life. So it is with many and so it is with me.

Most people seem to reach a point where it's apparent that the cycle of life is turning. Parents are old or perhaps dying, children have grown up and left home, their sex life is hopeless, their employment life not as attractive as it was and all of these things come together at about 35 to 45. The theory of the book I was reading, *Passages* is a popularised version. Frankly, I'm very suspicious and highly sceptical of the theme of such books as the message is one of optimism. I don't look forward with relish and I look backwards with regret.

I look back at my life as one of sacrifice and devotion to study and often as I sit here in this wonderful office and with magnificent views of a sparkling harbour all week working away on reserve judgements – I reflect upon those people out there on their boats and think that they may be having more fun than I...

I regret growing older mainly because I feel I've lost, in my devotion to academic studies and to achievements, the opportunities of a young life. I don't think I was ever young – Gareth Evans once said unkindly when introducing me that I was always 40 years of age which, I think, was an acute observation.

I simply didn't have much of a carefree time in my youth. I suspect in that respect I missed out. I regret it. Truthfulness would require me to say that I do.

Society certainly has messages about ageing for a lot of people, yes — if you lose your job, look up the newspaper and (we've banished sexism in advertisements but we haven't banished ageism) you may read those of 30 need not apply. But in my particular job — the judiciary — it is or has been up till recently a profession of older people, generally older men. In that league I'm not particularly old but the job is one that requires very great discipline of the mind, of the body, of time and of the emotions. It is the job of a wise, experienced and oldish person so that is the message that comes to me — most of my life now is doing the job which has traditionally been done by older people. Though lately of course judges are being appointed younger and the stereotype is being broken down.

As far as my own background I don't regard myself as different to the average. I was brought up in a happy home so I believe I know that experience. I don't feel I'm ignorant of that. In fact in my desperately busy life I really haven't had a lot of time to stop and feel sorry for myself that I don't have a family. One of the indicia of *Passages* is the phenomenon of children growing up and leaving, so at least I don't have that particular burden as part of my mid-life phenomenon but I do have others.

The concerns I feel about growing older I suppose are opportunities lost. Opportunities

of personal fulfillment and satisfaction which I think to some extent at least are linked to youth, to personal relationships and so on. I don't see many strengths to be frank. I think for the work that I have to do experience comes with age and doing it more and more — that is an advantage. I hope I'm a quick learner — the more I do in judicial work the better I get at it. That sounds somewhat immodest to say, however that is one of the advantages but I can't really see very many.

I enjoy the stimulation of meeting lots of people — that is what I've done over the past few years. There is less opportunity to do that now or it is done in a highly stylized way in the judiciary where obviously through litigation you only meet people through their lawyer and in court and that is why I'm happy to keep some of these other public offices in order to keep some of my active contact with the world of ideas which exists beyond the courtroom.

I really enjoy ritual and celebration. As far as birthdays, I insist that everyone celebrates. We are an anniversary conscious family and generally on such occasions there's a dinner with parents and siblings and their families. I don't feel particularly old and I don't mean by my references to mid-life crisis and *Passages* to suggest that I feel particularly old. I don't count my birthdays and lament, oh God there goes another one! But there is the indisputable fact that time marches on, even for Michael Kirby.

I haven't experienced a single crisis to do with ageing. To be frank I think I cope pretty

well mainly because I don't have a lot of time to think about myself – that in itself may be the problem. But I haven't had a great heart-rending anxiety complex about it. I simply read this book and thought my goodness there's a lot of truth in this. Why don't people talk more about this? And why don't people analyse what is happening to them, to their families, to their loved ones and analyse the changes and perhaps help themselves to come to terms with ageing.

My childhood memories are both wonderful, warm and vivid and they appear very recent. I don't think of myself as getting old and yet the chronological facts cruelly say that I am. Fortunately I enjoy good health. I don't have that earthly reminder of the transience of life but I have intellectual reminders all the time, the ageing of my family and looking in the mirror occasionally when I have the time and looking at photographs and thinking, ah yes that is ageing.

You ask about my fortieth birthday well it happened to me in a most extraordinary way. I was arrested. I had been invited to go to Spain – friends said we would have champagne and I could hear the champagne corks popping as I arrived at the Madrid Airport. I'd been to the OECD chairing an International Committee. At the border I heard *No Visa, No Entrada* and though I didn't know Spanish I knew I was out. I was arrested and deported. I sought to appeal and saw a gentleman with his feet up on the desk who was reading what looked terribly like an afternoon newspaper and he heard

the appeal and rejected it and I was deported. It made me very sensitive to the rights of the individual. I often told that tale as a member of the Administrative Review Council in Canberra and they would say, "Oh here comes Kirby with that boring story of his arrest". I was deported, bundled out of Spain and banished to London and I walked around the empty streets of London, arriving there late at night when I ought to have been at a party in my honour and it took me about two hours to just settle down and to come to terms with the fact on my mind that not only had I reached this terrible crisis but I was being deprived of my friends and of champagne and of their conciliation. I spent my fortieth birthday alone in windy London streets feeling extremely sorry for myself.

Yes of course I have changed in my attitude to sex. I think Australians have changed. I think we are now more candid in some ways and honest too. I think there is less hypocrisy, fewer double standards but that's not to say there aren't taboos or that a scandal of some kind can't sell afternoon newspapers and that there won't be much hypocritical tut-tutting. I have little patience for the hypocrisy of our society which is all too often exhibited in laws which reflect the morality of earlier times and not the morality of today.

If I answered you honestly as to what is the most important thing to me, I would say that love is the most important thing in life but I don't particularly want to go into that

here. I think the love for other people, the love for your family is infinitely more important than worldly achievement or success — all of that pales into a relative second place. And I would have to say that my advice to others in the middle years would be if they haven't found love — to search for it until they find it. Never give up.

I'm sure everyone has to go through this process of self-discovery for themselves. I decided to speak to you about this because in the past there has been a disinclination of people to speak about this matter and I don't think there should be. It is nothing to be ashamed of, it has been going on for millenia. It is only now that we are beginning to acknowledge it and examine it and perhaps people looking at my life and at the ostensible success of it will find some use in the fact that like everyone else I go through the process of ageing and that is something I have to come to terms with just as every other human creature has to do.