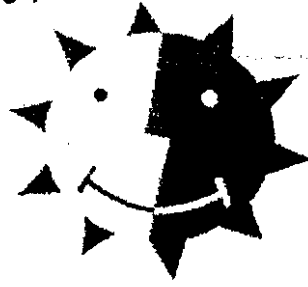


# Justice Michael Kirby

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AC, CMG, BA, LL.M, BEc, Hon. DLitt, Hon. FASSA

Gay Australian High Court Judge



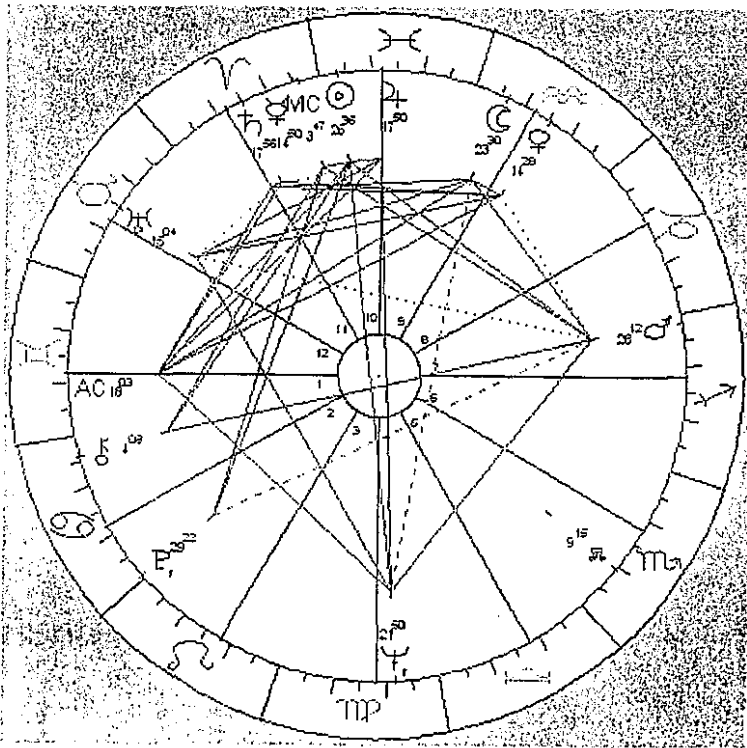
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"In my experience, few if any gay and lesbian people choose their sexuality. It is like your gender, your skin colour or being left-handed. From the earliest days of puberty, you just know that is how you are. And if that is how you are, that is how God meant you to be. Among gays and straights, there is a need to stand up bravely together on these issues [of misogyny & homophobia in the churches] and to confront hatred and error. In due course the churches will get it right." -- Michael Kirby ("Homophobic...") speaks through his Sun-Neptune-Mars T-Square.

"It appears difficult to defend objectively the intrinsic evil of the pain which organised religion has caused and continues to cause homosexuals in all parts of the world. One waits for apologies." -- Michael Kirby ("Australian...") expresses his Neptune-opposite-Jupiter-semi/sextile-Saturn aspect.



[LINKS](#)



Justice Kirby

[Justice Kirby's Biography and Papers](#)

[Kirby's Book, Through the World's Eye](#)



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**DATA:** Birth Name: Michael Donald Kirby. Birth Date = 18 March 1939. Time = 12:30 (12:30 p.m.) AEST (10he). Place = Sydney, NSW, Australia (33s52, 151e13). RR = A. {Kirby

emailed his data to Sy Scholfield on 18 March 2002, stating:  
 "I was born at 12.30pm at Crown St Hospital Sydney  
 18.3.39."}

**FEATURES: PERSONALIZED PLANETS: NEPTUNE**  
 (conjunct Base, opposite and dispoising Pisces Sun,  
 quincunx Moon, rules Pisces MH), **MARS** (rules MC, sextile  
 Moon, square Sun), **JUPITER** (conjunct MH and Sun), **SUN**  
 (conjunct Zenith). **PATTERNS: T-SQUARE** (Chiron opposite  
 Mars, both square Sun), **T-SQUARE** (Sun opposite  
 Neptune, both square Mars), **BOOMERANG** (Moon sextile  
 Saturn, both quincunx Neptune which opposes Jupiter).  
**MUTUAL RECEPTION: VENUS** in **AQUARIUS** (square)  
**URANUS** in **TAURUS**. **SHAPE: HORSESHOE** (Triple  
 Conjunction of South Node, Part of Fortune and Uranus on  
 the pivotal degree of 10 Taurus). **CHINESE SIGN: EARTH**  
**RABBIT (or CAT)**.

The Honourable Justice Michael Kirby is Australia's best-known High Court Judge and a high profile human rights activist and law reformer who publicly came out as gay in 1998.

#### Independent Good Fortune: Horseshoe Shape with Uranus as the Pivotal Planet

Kirby has a Horseshoe Shape to his chart because his planets are spread fairly evenly around a 270° arc of the horoscope circle. The midpoint between Neptune and Mars (which form the ends of his Horseshoe) is 10° Scorpio, so the point opposite this, i.e. 10° Taurus (in the Eleventh House), marks the pivotal point around which his Horseshoe (and lucky life) revolves. Kirby has revolutionary Uranus conjunct this degree along with his karmic South Node.

With Uranus in Taurus as his pivotal planet, Kirby embodies keywords associated with the best expression of this planet/sign combo: he's grounded in reason, intellectually steadfast, original but conventional, openly reliable, and persistently humanitarian. Moreover, his Uranus in Taurus is found in Mutual Reception with Venus in Aquarius, a delightful combination that offers harmonious insight into the world and its problems. There is a challenging Square aspect separating these planets, resolved by Kirby through continual determination and activism in spreading the message of the importance of overcoming hatred (often in the form of homophobia) in order to bring all humanity together peacefully.

#### A True Visionary: Jupiter Boomerang to the Midheaven

The other outstanding planet in Kirby's chart is Jupiter in Pisces on his Midheaven (or Equal 10th House Cusp) that serves as the rebounding planet in a Boomerang pattern. Jupiter is associated with religion, higher education, ethics, popularity, and the law, and Kirby has successfully integrated all these factors, and their repercussions, into his life.

He has said that he owes his very existence to the *Book of Common Prayer*, because one day his Anglican father (Angular Sun in Pisces) at age 15 overheard its recital in a Sydney church, into which he entered and met Kirby's future mother, an equally-religious woman (Moon conjunct Neptunian degree) from Ulster. Kirby subsequently had a Methodist upbringing, singing in a church choir but becoming "something of a nuisance because of a proneness to faint during the services" ("Journeying..."). More recently, he has sought inspiration from the "beautiful and comforting" language of this *Book* on occasions such as when he delivered an address to an international AIDS conference in Vancouver: "And there should be no greater

*Me of political community, fully committed to the  
 a o i. t. b. i. l. i. d. i. n. n. o. m. i. n. a. t. e. s. 11/22/2002 11:*

comfort to Christian persons, than to be made like unto Christ, by suffering patiently adversities, troubles and sicknesses. For he himself went not up to joy, but first he suffered pain" (recited by Kirby in his "Journeying...").

A child from working-class Concord in inner Sydney, Kirby was a star pupil who knew from about age 9 or 10 (as progressed Jupiter conjunct his Sun) that he wanted to be a lawyer or a bishop. His first job at age 14 however was shifting refrigerators, wrestling them into and out of a truck for a big Sydney firm. Kirby's father became convinced that his eldest son would be a lawyer when he refereed a highschool football game at age 15 (progressed Jupiter conjunct Aries MC), making sure that the players strictly observed the rules.

A brilliant academic scholar, Kirby earned several university degrees, and several honorary degrees and fellowships. He has served as a Deputy Chancellor and as Chancellor respectively of Newcastle and Macquarie universities. He practised as a solicitor and then as a barrister before his appointment in December 1974 as a Deputy President of the Australian Conciliation and Arbitration Commission. In 1983 he was appointed a Judge of the Federal Court of Australia, and in 1984 was appointed President of the New South Wales Court of Appeal. In 1996 he was appointed to the High Court bench, thus personifying an archetype of Jupiter on the Midheaven.

It's interesting that Kirby near his 61st birthday, mentioned Jupiter and the Sun, the two planets conjunct high in his sky in Pisces, as their dispositor, Neptune, progressed to 22° Scorpio and trined their midpoint:

But for the pull of Jupiter's gravity, our tiny planet Earth would have been bombarded by meteorites and other debris from Space. Their impact and the dust they would have generated would have made impossible the evolution and survival of the human species. If we did not exist the planets would still be there. The sun and the stars would still exist. Galaxies would still be forming and ending. No one would be aware of them. It is human intelligence that has made it possible to know and record these things. Human beings are, in that sense, a kind of intelligence of the universe. (Kirby, "Engines...")

#### A Humanitarian at Law: Jupiter Sextile Uranus

With a smooth aspect between his most outstanding planet (ethical Jupiter) and pivotal planet (equality-seeking Uranus), Kirby has established himself as an exemplary Jupiterian-Uranian type through considerable praiseworthy endeavours.

He was foundation Chairman of the Australian Law Reform Commission, 1975-84, while also serving on numerous national bodies including the Administrative Review Council, the Australian Council of Multicultural Affairs and the Executive of the Commonwealth Scientific and Industrial Research Organisation (CSIRO). The international posts he has held include chairperson of two Committees of the OECD on Privacy and Data Security. He has taken active roles in UNESCO, the Global Commission on AIDS of the World Health Organisation, the International Labor Organisation (ILO) and the International Commission of Jurists (ICJ), serving as a Commissioner of the latter from 1984, and as its elected President since 1995. For the ILO he was part of a mission to South Africa in 1992-93 to examine that country's labour laws. From November 1993 to April 1996, he was Special Representative of the Secretary General of the United Nations on Human Rights for Cambodia. In February 1994 he was the Independent Chairman of the Constitutional Conference of Malawi.

In March 1994, he was appointed by the Director-General of UNESCO to be a member of the International Jury for the UNESCO prize for the teaching of human rights. In 1995 he was appointed to the Ethical, Legal and Social Issues Committee of the Human Genome Organisation now based in London: monitoring the largest cooperative scientific project in history. Also in 1995 he was appointed to the Editorial Committee of the Commonwealth of Association for Education in Journalism and Communication. 1996 saw his appointment to the International Bioethics Committee of UNESCO, Paris, and to the International Council for Conflict Prevention of International Alert, London. In 1997 he took part in the preparation of a Judicial

Training Manual on Human Rights being prepared by the UN Centre for Human Rights.

#### Reaching the Heights: Jupiter meets Uranus & the Pivotal Point of his Horseshoe

When Kirby was appointed one of the seven Justices of the High Court of Australia, the nation's Federal Supreme Court, by the Keating government in February 1996, at the age of almost 57, his Jupiter had progressed as many degrees to form a conjunction with his pivotal degree of 10 Taurus and his natal Uranus (at their midpoint). Thus his appointment to the highest judiciary in the land occurred during a connection between his two most prominent planets.

#### Work is a Pleasure: Saturn Trine Venus

With hard-working Saturn trine his Venus, the ruler of his empty 5th House of leisure interests, Kirby is known to spend up to 14 hours a day, often seven days a week, at "work," which he lists in *Who's Who* as his sole recreational activity. Saturn, which rules his Eighth House of death, in turn, semi-sextiles his Jupiter in Pisces (which otherwise might indicate a lush). Kirby, however, has only been drunk once (rather belatedly under his Saturn Return at age 28), and has described (in rather dry Saturnian fashion) his idea of death as "sitting on a beach and drinking gin and tonic." His Venus is nonetheless conjunct the past-loving Moon and Kirby has recently admitted to an interest in the history of the 20th century and of the Elizabethan Tudor Age in England. Typically as one with a Piscean Sun, he's also an avid photographer.

#### Orthodox Approaches: Saturn conjunct Mercury, the latter ruling the Gemini Ascendant

While known as a typically Uranian, "rational, compelling, cutting edge" human rights campaigner, Kirby has perhaps ironically been described as "traditional" in his approach to High Court procedures. While championed as a fine debater who's "constrained by issues such as precedent," he's been said to write long "constipated" judgments. This conservative method of personal expression is a manifestation of restrictive Saturn which conjuncts Mercury, the ruler of his Gemini Ascendant.

The Ascendant indicates one's beginnings, and with bookish Gemini rising, Kirby was conceived, as mentioned above, a couple of years after his parents met due to his father's overhearing a passage from *The Book of Common Prayer*. Sickly Saturn in conjunction with his Mercury even manifested in his mother mistaking being pregnant with him for a bout of influenza (Kirby, "Journeying...")!

#### First and Foremost: T-Squares to Mars and the Sun

The square between the Sun (self-actualisation) and Mars (courage) has afforded Kirby a great deal of drive to succeed and eventually express his true self as a national leader. This is even more the case because each planet is also found at the apex of a T-Square. The youngest person appointed to Federal judicial office in Australia and the longest serving judge in the nation, Kirby is also the only High Court judge in the world to come out as gay. With these two celestial fire objects -- Mars and Sun -- respectively in Sagittarius and Pisces, the signs associated with religion and spiritual development, Justice Kirby has drawn on his own experiences as a gay man to openly criticise homophobic church teachings, and also to assert that one can happily be a Christian as well as an active and 'out' homosexual.

#### Coming Out Famously: Progressed Saturn Conjunct Ascendant (1998-99)

While it was well-known in legal and social circles that the distinguished Kirby had lived with a male companion for three decades (even taking him to High Court functions), it wasn't until after the death of Kirby's mother in the winter of 1998 that he listed Johan A. van Vloten as his "partner" (since "11 February 1969") in his voluminous listing in the 1999 edition of "Who's Who in Australia" (published November 1998). This "self-outing" occurred in such a discreet manner that the mainstream media did not even pick up on the story until mid-April 1999, thereby adding greatly to Kirby's profile as one of the few prominent people in Australia

outside of the arts to come out as gay.

During this period, at age 59-and-a-half-to-60, progressed Saturn had moved as many degrees to conjunct Kirby's Ascendant, squaring Jupiter which rules the (Seventh) House that indicates his life partner. Saturn rules his (Eighth) House of sexuality, so when it reached his literary Gemini Ascendant, he used a book to out himself. However, as unfathomable-but-superficial Neptune transiting at 29° Capricorn was opposing his natal Pluto (sexuality) when Kirby came out, it would still take several months before his (homo)sexuality was revealed to the general public!

#### A "Homey" Rabbit/Cat

Those born in the Asian Year of the Rabbit/Cat are rather shy and "domesticated." While Kirby is now one of the most high-profile gay people in Australia, little is known about his private life, or of Vloten's, except that the latter is apparently a retired newsagent who enjoys book-reading (literary Jupiter in mysterious Pisces rules Kirby's 7th House that indicates his type of life partner). The couple live in lovely Rose Bay in Sydney's Eastern suburbs.

#### Sensitive & Humanitarian: Aquarian Moon conjunct the Neptune Discovery Degree

With his Moon in egalitarian Aquarius conjunct the "sensitive spot" of 24° of the sign of the Water-bearer, Kirby is an internationally recognised advocate of human rights and a long-standing critic of discrimination on the grounds of HIV status, race, gender or sexual orientation. As a young solicitor during the early days of Civil Liberties, he helped defend the publisher of extracts from the erotic book, *Fanny Hill*, and offered his legal services for free to the Campaign Against Moral Persecution (C.A.M.P.), an influential 1970s Gay Lib group based at Sydney University.

As Kirby says so profoundly: "Diversity is the badge of freedom" ("Journeying...").

Never shying away from controversy, Kirby dominates media coverage of judges through his readiness to discuss publicly a broad range of issues including gay law reform, biological engineering, information technology, education, and privacy rights. After church authorities criticised the Sydney Gay and Lesbian Mardi Gras, Kirby in February 2000 spoke out against religious demands that gays be celibate during a speech advocating gay rights that he addressed to a class of boys at a prestigious Catholic private school. In March 2001 he remarked that judges, not theologians or philosophers, should decide on contentious bioethical issues, and that Australia needed a Bill of Rights to protect minorities. In May that year, John Howard became the first prime minister in decades to censure a serving High Court judge when he rebuked Kirby for his criticism of the Howard government's funding of private rather than public education.

#### Friends or Foes: Transiting Pluto on the Descendant, square the Descendant's Ruler (2002)

While the outspoken and openly-gay Kirby (with his angular Neptune opposite and dispossiting Jupiter) has become an inspirational role model for people from many walks of life, he has clearly also attracted discreditors who would sooner pull him down. This occurred most publicly in early 2002 as transiting Pluto reached 17° Sagittarius (to conjunct his Descendant or Seventh House cusp) while also squaring his natal Jupiter (the ruler of his Descendant/Seventh House), and Neptune (the dispositor of his Jupiter and ruler of his Midheaven).

On March 12, 2002 at 8:45pm (AEST, 10he) in Canberra, the anti-pedophile zealot Bill Heffernan (b. William Daniel Heffernan, 3/3/43 Junee, NSW, 34s52, 147e35), John Howard's close friend and parliamentary secretary to cabinet, told the senate (under the legal protection of parliamentary privilege) that Kirby was unfit to sit on the High Court during pedophile cases because he had used commonwealth cars to "trawl for rough trade," allegedly taking an underage (17-and-a-half year old) rent boy back to his Sydney residence at 23:00 (AEST) on 2nd April 1994 (transiting Mercury at 18° Pisces, the ruler of Kirby's Ascendant was conjunct his vehicular Jupiter at

this time, indicating that this could become a significant date for paperwork involving cars). The claims topped the news and Kirby released a statement the following day rejecting the allegations as "false and absurd" and rightly accusing Heffernan of homophobia.

In an extraordinary but not overly surprising move, Howard and the Attorney-General (who Kirby had previously criticised for failing to stand up for the High Court when it comes under attack) backed away from giving Kirby their support as a High Court judge, and Howard even tabled further "evidence" against Kirby to Hansard. However, in a dramatic turn of events, at 7 p.m. on 18 March 2002, Kirby's 63rd birthday, Howard called on Heffernan to resign, saying he owed an "unqualified apology" to Kirby and the senate, after it was proven (with little investigation needed) that the driver's dockets Heffernan and Howard had tabled as "evidence" against Kirby were completely fabricated. Mars, the ruler of Kirby's MC was transiting at 11° Taurus, almost exactly conjunct the pivotal point in his Horseshoe, thus indicating circumstances in which he could publicly begin to rise above the smear campaigns of those who would try and drag him down.

Prominent political and community leaders also called for Howard to apologise to Kirby, but to no avail. On 19 March, Heffernan offered Kirby his "sincere apology" in the senate, and Kirby, an Anglican Christian, immediately accepted his apology, offering "my hand in a spirit of reconciliation." Kirby explained that, "I have been sustained by my innocence, by the love of my partner and family and support and prayers from all sections of the community." Prayer-answerer Neptune had progressed to 24° of loving Libra to trine Kirby's emotional Moon in community-minded Aquarius on the Neptune discovery degree of 24 Aquarius. Referring to the homophobic motivation of Heffernan's attacks, Kirby added, "I hope my ordeal will show the wrongs hate of homosexuals lead to. Out of this sorry episode Australians should emerge with a heightened respect for the dignity of all minorities. And a determination to be more careful in future to uphold our national institutions -- the parliament and the judiciary." Also at this time, governmental Saturn was transiting at 9° Gemini in semi-sextile with Kirby's pivotal point of 10° Taurus, and in quincunx with his North Node at 9° Scorpio.

Kirby's willingness to forgive others and to extend a hand of friendship to his foes, along with his simultaneous determination to underline the damage that can be caused by homophobia, exemplify why he has been appointed as one of the judges in the High Court. These qualities also characterise Kirby as a community and national leader who uses the energies of his prominent planets, Uranus and Jupiter, to foster amongst others hope and faith in the belief that they can practically and peacefully build a better world for all, both gay and straight.

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