

Book Launch: *Law, Justice and Other Challenges: Selected Speeches and Papers of Michael Kirby*

Stephen Gageler*

Your Excellency the Governor-General, Chief Justice Bell, Michael Kirby, friends and admirers of Michael Kirby. I think that covers everyone in the room.

It will come as no surprise to anyone here for me to acknowledge that this is not the first book about Michael Kirby that has been published, and that I am not the first Chief Justice to have launched one. Soon after Justice Kirby retired from the High Court after more than three decades in judicial office to return to life as Citizen Kirby, Sir Anthony Mason launched a collection of essays written in Michael's honour. I recall being part of a very large crowd gathered at the State Library for the occasion.

Sir Anthony commenced by irreverently observing that the book he was then launching was at that time unusual: it was a book about Michael Kirby that had not been written by Michael Kirby. Sir Anthony concluded nearly half an hour later by observing that he had ended up talking mainly about the man and little about the book.

In the 10 minutes allotted to me, I am going to talk mainly about the book, observing that in talking about the book I will also be talking a lot about the man.

That is because this book is a happy return to the norm. Apart from the gracious Foreword by the Governor-General and the informative introduction by the Editor, both of whom were associates to Michael Kirby and about both of whom more will be said, this book is pure Michael Kirby. In it is to be found, thematically arranged into seven essentially biographical parts over 750 pages, more than 50 of his papers and speeches written and delivered over more than 50 years that he has spent in public life.

* Chief Justice of Australia. These remarks were delivered on 29 January 2026 at the Banco Court of the Supreme Court of New South Wales for the launch of *Law, Justice and Other Challenges: Selected Speeches and Papers of Michael Kirby* (Federation Press), edited by Dr Paul Vout KC.

Someone who did not know him well might be tempted to label it “The Best of Michael Kirby”. I resist that label for two reasons. The first is that some of the most important and influential of Michael’s writings have been deliberately left out. The editor tells us that is on the basis that they are well-known and otherwise readily available in published form. The other reason is that I would not wish to be interpreted to suggest that, remaining vigorous and engaged as he does at the age of 86, “The Best of Michael Kirby” may not be yet to come.

Taking my queue from the title of an anthology album put out some time ago by another cultural icon of comparable age and longevity, I am inclined instead to label the book “The Essential Michael Kirby”.

The Governor-General makes the point in her Foreword that this is a very big book, as it should be, given the magnitude of Michael Kirby’s contribution to ideas in Australia. Unusually for someone who has been so prominent as a judge, the speeches Michael has delivered and the writings he has published have not been a merely incidental or peripheral element in the scheme of his professional life. They have been an essential component of his contribution as a public figure. Taken as a whole, they represent one of the most significant and sustained contributions of any Australian to public discussion and debate about the law. Michael has been one of the leading voices in shaping public understanding of what the law is and in promoting discourse about what it could or should be.

The commissioning publisher of this very big book, Jason Monaghan of the Federation Press, is to be congratulated for recognising that the time was ripe for a selection of Michael’s extra-judicial works to be brought together.

The Editor, Paul Vout, is to be congratulated for undertaking and faithfully and sensitively executing the herculean task of turning that conception into a reality. I use the term “herculean” advisedly and will justify it by providing a comparative perspective.

The Library of the High Court of Australia has recently undertaken a project of creating a database that captures the extra-judicial papers and speeches of all current and former High Court judges. The average number of papers and speeches of a High Court judge captured in the data base is fewer than 50. The number for Michael Kirby is 1,948: 1,328 of which were published between 1970 and 1995, 420 of

which were published during his time on the High Court between 1996 and 2009, and 216 of which were published from 2010-2023. That is only what has been published. Michael's website contains a comprehensive record of his published and unpublished speeches and writings. It currently lists 3,188 items. In addition to that are the hundreds of videos and recordings of panel events, Q&As, interviews and podcast appearances.

The very big book I launch tonight contains less than 2% of Michael's extra-judicial output but does an outstanding job in capturing the essence of what has made Michael's contribution so significant and so distinctive.

For one thing, the book highlights the quite remarkable range of Michael's audiences. There is, of course, Michael's contribution to the legal world in his appearances at conferences and writings for legal journals, at home and across the globe. What stands out, though, is how extensively he has engaged with non-lawyers, with civil society more broadly, and with young people especially. It is fitting that the first piece in this collection is an address to a university student group, given it has become a rite of passage for generations of law students to experience a visit from Michael Kirby – visits which have no doubt been a spark of inspiration for many in those young audiences wanting to make a difference in the world.

What also comes through the book, from a scan of the contents and the index alone, is the breadth of topics which Michael has traversed. The part of the book which focuses on the international legal order, for example, commences with his contemporaneous reflections on the inauguration of Nelson Mandela and concludes with his contemporaneous reflections on the war in Ukraine. The part of the book which focuses on his role as an advocate for human rights and social inclusion traverses defining moments in Australian history including the abolition of capital punishment and the advent of marriage equality. In all these pieces there is depth: a weaving of scholarly research, original and creative thought, and a distinctive personal perspective.

In the part of the book which focusses on Michael's time as a judge, his exploration of the role of courts and the judicial process is not abstract. He paints a vivid picture of the day-to-day experiences in the life of the judge: the challenges when grappling with facts, legal questions and values; the process of writing decisions; relationships within and between courts; the satisfaction or disappointment that might come with

certain outcomes. There is much in here to which I can relate. For others, it offers a rare peek behind the curtain.

Packaging together writings from across Michael's career also reveals the longevity of his involvement in a range of important topics. Michael has, for example, thought deeply for many years about the relationship between technology and the law. This is demonstrated creatively in a chapter which splices together extracts from his Boyer Lectures in 1983 on the impact of technology on the judiciary, and the Foreword he wrote earlier this year to *The Cambridge Handbook of Generative AI and the Law*.

Finally, there are some pieces which are autobiographical and deeply personal in their focus. Michael has for many years spoken and written generously and movingly on his experience as a gay man in a profession and a society which had for a long time not been welcoming of him for that fact. His own journey, and the words in this book, have inspired many others to advance the causes of human rights, respect and dignity for all people. The book concludes with a new chapter that has not before been published. It is an ode to Michael's partner of 56 years, Johan. It is the story of their partnership and the story of our country becoming a fairer and more just place. We appreciate from the preceding chapters the role that Michael has played in that national journey.

The thoughtful arrangement of the book into biographical themes reminds us of Michael's many dimensions. Readers who pick up this book because they are interested in or familiar with one aspect of Michael's life will leave with a richer understanding of much more. Those who know Michael primarily for his human rights advocacy will be interested to read in these pages how his values have infused his other work. Those interested in Michael the thinker will get to know much about Michael the person.

This is, after all, the Essential Michael Kirby. You might read this book just as you might listen to the Essential Bob Dylan: immersing yourself in a vast and varied catalogue, a repertoire still growing.

I am pleased to declare the book officially launched.