

**Roddy's Folly and Kirby's Cartoons:
Michael Kirby, Roddy Meagher and the Challenge of Friendship**

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Ladies and Gentlemen:

On 18 June, 1993, the front page of the *Sydney Morning Herald* announced “Judges at war over ‘xenophobic rodomontade’”. The *Australian* carried a headline, “Appeal judges in slanging match”, while the *Financial Review* simply announced “Judges trade insults”. Such headlines brought to the public’s attention one aspect of the singular relationship that Justice Kirby and Justice Meagher enjoyed when they sat together on the New South Wales Court of Appeal bench.

The episode would hardly have surprised many at the Bar. Meagher was the great Catholic Tory, whose powerful intellect and profound aesthetic sensibility was often masked behind the gratuitously politically-incorrect façade he enjoyed cultivating. Kirby, then President of the Court of Appeal, was the indefatigable and high-profile radical Protestant, who presented himself as the antithesis of the crusty old establishment that Meagher was widely assumed to embody.

So it seemed inevitable that the Court of Appeal would become a battleground upon Meagher’s appointment to the Court. Yet, as the *Herald’s* obituarist observed after Meagher’s death in July last year, the famous feud “was not quite the whole truth. Although they often (and publicly) disagreed, they maintained a cordial friendship.”

This became apparent to me when I discovered that insults were not all that the President and Mr Justice Meagher exchanged in Court. Whilst undertaking research for *Roddy’s Folly*, my biography of Roddy Meagher, I discovered a number of cartoons that Justice Kirby had sketched for Justice Meagher when the two were sitting together in Court. These sketches found their way into the biography. I was intrigued by the images, both for what they revealed about the artist and the singularity of his relationship with my subject.

One of the cartoons reproduced in the book contains a caption by Justice Kirby, addressed to Justice Meagher, saying, “You must admit it’s fun when we sit together...” How does the fun sit with the insults? In an interview for *Roddy’s Folly*, Mr Kirby said to me, “I had the same love for him as he had for me, which was love with a footnote; the footnote having a question mark because of the differences we have in our attitude to the world, to people, to social causes, to the law, to values, to religion. All of these things are the makings of a very energetic and enjoyable, sometimes fractious, relationship...”

These things, it seems to me, made for the charms and delights of social life where it was least expected. But did they make for friendship? On one view, friendship is a matter of being able to see another person for who he or she is; to understand what makes that person unique; and, to be able to accept that person for the unique person that he or she is. All of us are strengthened by the feeling that there are other people in the world who understand and accept us. If friendship is understood in this way, it seems to me that Justice Meagher and Justice Kirby were not friends. There were too many obstacles that prevented each from being able to understand and accept the other. Neither saw the other as the kind of person whom he would want to understand or accept him. So friendship was not possible.

And yet, what is remarkable is the way that they were able to take pleasure in one another despite their inability to form a friendship. To read *Roddy's Folly* is to become acutely aware of just how critical each could be of the other's shortcomings – as he saw them. To look at the cartoons that Justice Kirby drew for Justice Meagher, sixteen of which are collected in the book, is to see the way in which their shared sense of visual humour enabled them to see the good in one another despite the gulf that divided them.

The aesthete in Meagher was in no doubt as to Kirby's virtues. In *Portraits on Yellow Paper*, Meagher wrote of his former colleague, "He has no knowledge of art whatever, and yet, curiously, he is an excellent draughtsman." Many years later, I showed Mr Kirby the drawings that my subject so admired, and he too was impressed by his own ability. When his attention, however, was caught by the hammer-and-sickle device that he had drawn over himself and the other 'communist' sitting on the bench with Justice Meagher, he lamented, "I got the hammer and sickle wrong... Oh well, you can't be perfect."

"No, Michael," I replied, "You can't be perfect."

Meagher was all too aware of such imperfection. In replying to a speech praising Doc Evatt, he said, "My friend and colleague, Mr Justice Michael Kirby... hailed Dr Evatt as a champion of civil liberties. In my view this demonstrates that his Honour's loftiness of sentiment exceeds his sense of judgment, and that his tenderness of heart is greater than his mental acuity..."

Perhaps the only thing that Justice Meagher would concede that he ever shared with Doc Evatt was the consolations of Mr Kirby's loftiness of sentiment and tenderness of heart. He concluded his pen portrait of Mr Kirby with the remark, "He is a person of great generosity and kindness, and I have benefited from it." As his biographer, I can only add the happy gloss that I too am among the multitude that have benefited from it. And now we shall all have the further benefit of Mr Kirby's reflections on the singular relationship that he enjoyed with my subject.

Ladies and Gentlemen, the Honourable Michael Kirby.