



Tempering Martin

John Braithwaite¹

Published online: 5 November 2019
© T.M.C. Asser Press 2019

I was not unlike a lot of western intellectuals of Martin Krygier's generation in never having been a Marxist, always the social democrat. We social democrats were never fully comfortable with liberals or Marxists, though when conservatives called us fellow-travellers of Communists, and Marxists besmirched us as fellow-travellers of liberals, we were comfortable with those accusations. Martin Krygier is the person who persuaded me decades ago that I should not be comfortable as a fellow-traveller of Marx. With the benefit of a century of hindsight, I had always had that social democratic cynicism about Marxism, but not really about Marx the scholar. Until I met Martin, I strongly felt that had I been alive in the nineteenth century, Marx and Engels were definitely the people I would have liked to hang out with and engage conversationally.

Martin persuaded me that Marx was not a scholar with beautiful theories that turned into ugly practices at the hands of ugly men like Lenin and Stalin. No the theory was ugly in a foundational sense, in the way the words that flowed from Marx's pen failed to provide explicit checks and balances on the power of the Communist Party. For young Martin talking to young John, this was about the rule of law as thinly theorised in Marx. We had both read a lot of Marx, but Martin more, and more assiduously than me, doubtless driven as Martin was by the passions of his father as an ex-communist. I was grateful that he changed my thinking in a fundamental way on this, but also glad that he did not persuade me earlier than he did, say in the 1960s or early 1970s.

What I am grateful for is that I did not suffer Martin's fate of his views leading him into the company of bad men, quite a lot of them, probably bad women as well, though I only ever met the men. I am thinking here of individuals like Paddy McGuinness and others like him who shattered Martin in the way they took over *Quadrant*, the influential literary-political magazine his beloved father Henry Richard Krygier had founded. I on the other hand fell into the company of wholesome men and women like leaders of the coal miners' communist union, Bill Hayden, who when we first met was of the Labor Party's socialist left, and who in government was a boss of Paddy McGuinness.

✉ John Braithwaite
John.Braithwaite@anu.edu.au

¹ Australian National University, Canberra, Australia

I will not say much about the cabal who pushed Martin and friends like the wonderful Robert Manne out of *Quadrant*, as others writing in this volume know more of the sordid details. Suffice it to say that the mix of neoconservative and libertarian doctrine that filled the pages of the post-Krygier *Quadrant* represented very different sensibilities from the liberal ‘fair go’ ethos of Martin’s Polish-Australian father. Martin believed in a credible state that cared for the poor in a way that was checked and balanced. That was a very different hybrid of liberalism than was evident among those who took over *Quadrant*. My point is more about cruel consequences, in the midst of Cold War politics, of being someone who wrote on how intellectually dangerous Marxism was. The taint of bad friends was even worse for his father than for Martin when it was revealed that some of the money that came to *Quadrant* through the Association for Cultural Freedom was money from the murderous CIA of the Allen Dulles era (Coleman 2007). Martin’s father was unaware of the source of these funds and instituted transparency policies to ensure it did not recur. Sometimes principled people have unprincipled alliances thrust upon them.

There were ways that these bad friends caused Martin to make some bad political choices as a young man, and me some good ones thanks to influences of my wholesome friends. So we were on opposite sides of the barricades in the Vietnam Moratorium Campaign, for example. While Martin was right about the anti-communism that took him to that side of the barricades, and my comprehension of communism was thin, we now know that until the Vietnam Moratorium Campaign convinced him otherwise, a desperate Richard Nixon was seriously planning to threaten North Vietnam with a nuclear strike. A reckless idea by a reckless hater of communism. It might have been responded to by the Soviets or the Chinese with escalation. Such escalation could have meant that we would not be here today.

I take one lesson from Martin Krygier’s intellectual life to be that the great virtue of being a genuinely independent intellectual spirit, marginalized in the university politics of the day for that fearless independence, is the important thing for the long run life of the mind. I do hope Martin takes pride in converting my mind on such fundamental matters. On the other hand, principled opponents of the *intellectual* mainstream are vulnerable to evil in the *political* mainstream, even to being preyed upon by men who wear trench coats. Great ideas, bad princes: one way of learning from Machiavelli’s life. The reasons for this are structural. Universities are ripe for corruption by big business, national security states, and the managerialism of silly KPIs. The risks are greater for scientists. If they have a good idea about seeing in outer space, flying like a bee flies, or multiplying the spread of an agent like sarin, their research may be funded by a seemingly respectable corporation that is actually backed by some national security state. Heroes like Krygier worked hard throughout a lifetime defending and sustaining universities against the managerialism that rewards large research grants from bad actors, to relish the intellectual openness and rough and tumble contestation of ideas in university life. Krygier does this because he sees universities as institutions with a critical role in the separation of powers that were denied to universities in communist societies: he sees universities in the same frame as the rule of law, as institutions critical to the tempering of power. So scholars can be marginalized because they have some terrible intellectual friends

and some terrible ideas (like the Vietnam War or killer robots), and then they are preyed upon by dark princes.

In the end I do feel the dark princes failed with Martin and I hope with me, though it is terrifying how many successes national security states are having on campus today that good people are unable to see. Thanks to the independence of debates on Australian university campuses, the communist student leaders seemed more and more misguided under principled challenge from the likes of Martin Krygier. Australia said no to the 1951 referendum to ban the Communist Party so the Krygiers of our universities could do that good work of contestatory freedom, as Philip Pettit might put it. Today, however, we have made it a crime to be a member of organizations like Islamic State or Boko Haram. It would be most unwise of students who believe in the Califate to stand up in university fora to draw return fire from today's young Muslim Krygiers who defend a secular state with separated powers. That is a worry. Their beliefs about the virtuous virility of Islamic State barbarism fester uncontested in the university student forum. Meanwhile, the work of spooks has become effectively spookier in the era of cyber-vigilance; and universities are less free and less interesting for all of that.

One lesson of the last century should be that universities are the key sites of big political changes and visionary social movements. Open debates in universities matter, even when we look at the worst cases like the 1960s and 70s communist and mujahiddin students of the University of Kabul who were both captured by dark princes, communist and Islamist, who used them to take over the Afghan state and submit the Afghan people sequentially to their two interminable tyrannies. We can reflect back and learn lessons about how we students of the 60s and 70s allowed that contestation of ideas to be so captured by violence and domination, moreso in Kabul than Sydney.

Martin Krygier (1997) says he is a conservative-liberal-republican-communitarian-social-democrat. I am one of a growing number of people who have become a card-carrying member of Krygier's conservative-liberal-republican-communitarian-social-democratic International; our cadres doubled when I joined. I would prefer to add feminist to the hybrid and I still squirm at the conservative part of the hybrid. Yet I concede Martin makes a good point that conservatism should be seen as a methodological rather than a substantive ideal: before rushing to reform, it is prudent to listen to conservative voices who say that there are virtues about the status quo that should make us cautious about throwing out babies with bath water. We should be especially wary of dreamers who imagine that any good in wider pluralities of values beyond their narrow vision can easily be incorporated into the dreamer's favoured master narrative—be it economic rationality, socialism or feminism. This is the worry of some feminists who view every complex issue through the gender lens; some Foucauldians who view everything as about power or neoliberal governmentalities. Dreams of Marxists who discern a class narrative everywhere fall flat when their future harmonies are not attuned with multidimensional complexities of the society they seek to re-score. For all that virtue in Krygier's methodological conservatism, conservatives like Donald Trump or John Bolton are no methodological conservatives; their core is a substantive vision of redistribution to favour the rich—worse, it is beggar-thy-neighbor conservatism. Krygier does concede that we

should purge from our International any who fail to grasp the importance of joining a politics that targets such conservatives as enemies of social justice and rule of tempered law.

The most recent intellectual influence that Krygier (2017) had on me is his idea of tempering power. He is not attracted to the rule of law as an ideal that limits, curbs or controls power; more attractive is ‘tempering’ power. This is because Martin sees power as a good thing; in some ways we need more of it. Power is good for enforcing legal judgements and for constituting the capabilities of a social democratic state to protect people from domination by poverty, or by spies who pry into their private lives. It is untempered power that is bad because it is unchecked, arbitrary power. Power can be checked in many ways; by balances of power, such as two houses in a legislature; but accountability is the most important way of checking power. Accountability to the rule of law is the most critical form of accountability. Yet we learn from Martin Krygier that there are many other forms of accountability beyond the rule of law; accountability of institutions to political contestation on university campuses is just one important example. For Krygier the crucial question is ‘What is the rule of law for?’ A big part of his answer is that the purpose of the rule of law is to ‘temper power’ in order to improve it.

According to the Krygier metaphor, tempered steel is made tougher, less hard and less brittle as an alloy (a balance of more resilient metals) in a test of extreme heat. The tempering metaphor of governance means tempered power is less brutal and less brittle, ‘infrastructural’ rather than ‘despotic’ (Mann 2008), because arbitrary power pursues whims of the powerful unconstrained by rule of law, while tempered power is improved and matured by accountability.

In pointing out that Marxist theory was not a beautiful theory corrupted into ugly practices, but an ugly theory to start with, Krygier (1997) shows this is because Marxism sought to resolve inequality of power through a monopoly of power. The trouble with Marxists is that they want to make the state strong and business weak. The trouble with libertarians is that they want to make the state weak as a way of making business strong. What socialist-capitalists (social democrats) want is a society where the state is strong and business is strong. In contemporary conditions, in China as clearly as in the United States, one cannot have a strong state without a flourishing business community, and one cannot have a strong business community without a regulatory state that assures the integrity of stock exchanges; a strong state that stands behind the solvency of its banking system, that attacks monopoly power through robust competition policy and that offers business a rule of law in which disputes can be settled efficiently and contracts honoured. Strong markets, strong civil society, strong rule of law, strong states, strong individuals all feed Krygier’s hybridity theory into his work on the virtue of tempering power. Both social theory and power are improved by hybridity.

Martin’s mother and father forged a healthy hybrid of whom they can be proud in young Martin; they forged and tempered the character of their children from the heat of the Holocaust and the Gulag, the fiery collapse of their beloved Polish institutions under fascism, then communism. Bless their memory and the heritage of their hybrid spirit.

References

- Coleman P (2007) Krygier, Henry Richard. Australian dictionary of biography, vol 17. Melbourne University Press, Melbourne
- Krygier M (2017) Tempering power. In: Adams M et al (eds) Constitutionalism and the rule of law. Cambridge University Press, Cambridge
- Mann M (2008) Infrastructural power revisited. *Stud Int Comp Dev* 43:355–365

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.