

## REVIEW ARTICLE\*

*Between Fear and Hope: Hybrid Thoughts on Public Values* by MARTIN KRYGIER (ABC Books, 1997) pp viii + 165. Recommended retail price \$14.95 (ISBN 0 7333 0610 1).

Ετερναλ πειγλωνχε ισ τηε πριχε οφ δεμοχραχψ.  
(Eternal vigilance is the price of democracy).

This saying is the essence, set in a highly personal and Australian context, of this most readable book by Martin Krygier. The message he sends is that if we want to live in a civil society, bounded by the constraints of a liberal democracy, then we must understand the basis of that democracy, especially its values, and the nature of civil society. In addressing these issues, Krygier discusses some of the profound, often gritty, features of civil society and democracy and we are enlightened by his prose.

He has achieved this not as some ‘bleeding-heart liberal’, but as a thoughtful, humane, civil person with a keen sense for equity. Towards the end of the book he describes and justifies himself as a conservative liberal social democrat. Such an eclectic description typifies the complex and thoughtful manner in which he has conceptualised this task and in the process he serves us well.

Above all, this is an intensely personal book. It is based on his successful Boyer Lecture series for the Australian Broadcasting Corporation. The six chapters: *Hybrids and Comparisons*; *Between Hope and Fear*; *The Uses of Civility*; *Pride, Shame and Decency*; *The Good that Governments Do*; and *In Praise of Hybrid Thoughts*, represent the six ABC radio lectures he gave in 1997.

It is also based on his personal experiences of being a ‘hybrid’ in a new land. Krygier’s parents were Polish-Jewish refugees who, in escaping Nazi persecution, found themselves in Australia by accident. After the war, his parents stayed as the Communists, who took control of Poland, offered little respite from earlier persecutions. Yet, Krygier reminds us, “... they came to love this country and to participate actively in its affairs.”<sup>1</sup> With such a

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1 M Krygier, *Between Fear and Hope: Hybrid Thoughts on Public Values*, ABC Books (1997), p 5.

background, Krygier is ideally suited to address the fears and hopes of generations of peoples who have sought refuge from persecution and started life anew in Australia.

Yet in reading Krygier's easily flowing prose one is struck by the relevance of his comments to so many postwar, educated Australians. Here is a thinker, an articulate person with something to say in an increasingly noisy, vacuous world.

The book makes greater sense in a far broader context as well. The past decade has witnessed some of the most profound changes the world has experienced in modern times. And these have occurred in a dazzlingly brief space of time. In but a few short years we have seen the fall of the Soviet Union, the transformation of society by computers, the demise of Communism in Eastern Europe, significant movements of peoples around the world, the rise and rise of information technology (is the Internet that recent?), volatile stock markets and currencies as well as ostensibly robust democracies like Australia and the United States questioning and challenging the foundations of their social and political life. Krygier's work, both in this book and elsewhere, helps make sense out of such multifaceted change and provides a sense of unity and integration.

In the midst of this profound change, and largely as a consequence of such change, there has emerged within strong, newer and embryonic democracies alike, a quest for understanding by citizens of their democratic societies. In one form this quest is better known as civics and citizenship education. It is an attempt to provide an understanding of democracies and civil societies through education and subsequently active participation by citizens. It crosses national and regional boundaries, it crosses ethnic and cultural constraints, it crosses educational levels and it crosses intellectual parameters. We need, in short, active, civil, participating citizens in order to survive!

This book addresses fundamental issues in the creation and maintenance of civil societies. How can people survive in societies which are not civil in nature? How does a multicultural society, by definition based on differing values, construct itself into a civil society? How has Australia developed a rich civic mindedness compared with the paucity found in so many other countries?

These are the fundamental questions underpinning Krygier's book. Despite the catchy title, located on a most unusual cover page, the book focuses upon the effective functioning of a civil society and the values that are the foundation of such societies. As such this may appear to have little in common with the study of law. In reality it addresses the very essence of law in our society.

Throughout the six chapters Krygier weaves a myriad of themes about tolerance, equity, acceptance, civility, pride, shame, and decency, based upon a deep appreciation of people and their needs. He asks us to be aware, to maintain a 'constant vigil' against institutional evil, both within Australia and overseas. While Australia does not suffer from such evil, it is amongst some of our neighbours and thus we should cherish the lack of protracted, uninterrupted fear associated with evil, totalitarian governments. Central to this book is the relationship between government and civil society. An essential feature of a civil society, Krygier contends, is a strong government. In a time when many

academics disdain of governments, labelling all in despotic shades, it is refreshing to find an author who supports strong governments for the good they can achieve. The problems arise when governments become despotic. While Australia has not experienced the equivalents of a Hitler or a Stalin, we should not be complacent.

This doesn't mean that states should be weak. Quite the contrary. For civil societies to exist governments must be strong. But not despotic. They must create the laws, provide the examples, construct the rules, encourage the culture and enforce the legislation to secure a workable society. And the government must work within those laws, rules and acceptable modes of behaviour.

This phenomenon is abundantly clear in modern Russia. After the demise of Communism and the Soviet Union, the unfettered freedoms of western democracy and western market capitalism were eagerly sought. But at what cost for civil society. Krygier argues :

Russia today has a government which cannot govern. It cannot collect taxes, both because it has an enormous black and grey economy and its tax collectors get shot. It cannot defend individual rights because its officials are so poorly paid (or not paid), its laws so ignored, its courts so jammed, that no arm of state can insist on respect for rights, even if there was a will to do so.<sup>2</sup>

Continued references to the evils of governments such as in Nazi Germany juxtapose the security of civil society in Australia. We do not experience the terrors of physical cruelty, of arbitrary arrest, of personal invasion, or even a lack of institutionalised civility. Though others who live nearby do. Consequently we must maintain our vigilance over our civil and democratic society. In this the law plays a central role, though one not overly emphasised by Krygier.

A major theme of the book is identifying what is required for a society to be civil. In the process Krygier points out that effective societies do not need to be warm, caring places in order to survive. Those features might be desirable, but they are not essential. What is essential is civility. Sometimes called social capital, it is the combination of cooperation, of trust, of respect and of commonality so that we can all function together. Above all there is trust.

Where societies don't work, where citizens are persecuted by others, where fear and force predominate, we find, Krygier contends, a lack of civility. In these societies people don't trust each other. And you cannot order people to trust each other; they have to want to create the bonds of trust.

Imagine a society where you couldn't trust the mail delivery service. Or the public transport, people serving in shops or the police. If trust, a mutually shared trust, between peoples in our society, did not exist, then disintegration would quickly result. If you couldn't trust the shopkeeper to provide untampered food, give the correct portions, provide what is written on the packet or give you the correct change your life would become transformed.

For Krygier the test of a truly civil society is whether strangers, 'non-intimates' as he refers to them, can function effectively together. Whether they can be productive together through the vehicle generated from a civil society.

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2 *Ibid*, p 119.

Using Shakespeare's *Romeo and Juliet* as a well known example, Krygier contends that in the Verona of that time, despite the strong ties of clan, what we know as civil society barely existed. Rather it was a divided society, divided on the grounds of family and clan, for they were the only people you could trust.

Krygier refines the concept of trust to that of civil trust for he contends that there are forms of trust that are inimical to civility. The trust, for example, engendered by a hostage to one's captor. He goes further. "Civil trust does not require love, nor even friendship, but it does require the ability, routinely and undramatically, to make presumptions of confidence and reliability about people one doesn't know too well."<sup>3</sup> The trust one applies to the storekeeper, the bus driver and the water supplier.

He also suggests that trust should not be blind. It is important, even essential, to express some level of distrust, in a civil society. But not excessive distrust, for then society begins to fall apart. A moderate level, some form of scepticism, is required to avoid complacency with its ensuing problems. A 'healthy distrust' could have stood us in good stead in Sydney as we grappled with what was a major problem with our water supply.

It is also refreshingly different to find an academic, particularly one so personally affected, who argues that Australia's post-war migration has been a success. This is, of course, a relative term, but for the millions who have migrated to this land, Australia has been a safer, more understanding, more tolerant, and more harmonious country than the one they left. All this mixed in with over a hundred different, and often antagonistic, ethnic groups speaking over eighty different languages.

Given the problems experienced in other countries, Australia's postwar migration and multicultural policy has been quite outstanding. People from Arab and Jewish backgrounds have survived well in Australia, as have those from parts of Northern Ireland, or from Turkish and Greek backgrounds, from the troubled regions of the former Yugoslavia and from many other parts of the world. In Australia they have not resorted to the traditional enmities and conflicts that they knew. They are, at least, civil to each other as members of Australian society.

The explanation of this workable society, Krygier claims, is the deeply rooted civility in our society, reinforced by the strong traditions of the British-based rule of law. Together, forged in an isolated and rugged context, they have produced a set of Australian traits - equality, tolerance, mateship, law abiding, democratic and a strong preference for a fair go. Some suggest these are mythical traits. More likely there are strong elements of these traits present in our civil society today. The presence of these traits also helps account for the high levels of trust we find in our civil society.

Nevertheless we should not become too self-congratulatory lest we deceive ourselves. We have experienced difficulties in adjusting to some immigrant groups. Over time the levels of trust between these groups will need to grow if our civil society is to be maintained.

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3 *Ibid*, p 61-2.

We certainly cannot be proud of our record with indigenous peoples. Here there is much to be ashamed of and apologies to be stated publicly.

Krygier reinforces a feature of our civic history known to Australian historians and political scientists, but largely unknown to the public at large, even most educated Australians. In the 1890s, when our leaders were formulating how we were to become a federated nation, Australia was at the fore of democratic developments. With the two constitutional conventions and two constitutional referenda, Australia was perceived as a radically progressive democracy. While other countries may have caught up to us over this century, our robust democracy, grounded in a civil society, has a proud tradition we should not overlook.

In all, this is a valuable, perceptive book. It addresses core issues of our current society and why we need to be vigilant to maintain our democratic, civil society. It provides a clear understanding of what is needed for a civil society and juxtaposes those features with examples from societies dominated by despotic governments. It raises many contentious issues and addresses them squarely. But for me it is a book of hope, about how civil societies can work, about the strengths of Australia's civil society and about how we can maintain our civil society for future generations.