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REREGULATION, THE GLOBAL ENVIRONMENT, AND IGNORANCE EQUALS PESSIMISM: A TORY PERSPECTIVE

E.F. ROBERTS*

The reflection that what we believe is not merely what we formulate and subscribe to, but that behavior is also belief . . . is one that may, once we allow our imagination to play upon it, be very disconcerting. It gives importance to our most trivial pursuits, to the occupation of our every minute, which we cannot contemplate long without the horror of nightmare.

T.S. Eliot¹

I.

Further, truth is the world of experience as a coherent whole; nothing else is true, and there is no criterion of truth other than this coherence.

Michael Oakeshott²

Regulation may suggest government's exercise of authority to modify the way things otherwise would be done in the private sector. The difficulty with this definition is that some manufacturers might want their industry regulated by the federal government, sensing that the tenor of a uniform regime will at the same time mirror industry practice and insulate them from the anarchy of state and local regulatory authority.³ Further difficulty arises from the palpable fact that the regulated activity may be conducted by local governments, as in the instances of public transportation⁴ and rubbish dumps.⁵ It is activity that is regulated, be it public or private.

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1. T.S. ELIOT, NOTES TOWARDS THE DEFINITION OF CULTURE 104 (Paper ed. undated).

2. M. OAKESHOTT, EXPERIENCE AND ITS MODES 323 (Cambridge Univ. Press 1933); see also G. HIMMELFARB, *Michael Oakeshott: The Conservative Disposition*, in MARRIAGE AND MORALS AMONG THE VICTORIANS 210 (1986).

3. See, e.g., Currie, *Motor Vehicle Air Pollution: State Authority and Federal Pre-emption*, 68 MICH. L. REV. 1083 (1970).

4. *Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528 (1985).

5. The Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (1982).

The question whether to regulate an activity is a political one.⁶ Modern day activities significant enough to merit Congressional attention are too complex to be dealt with in detail by a statute. Because consensus may not be achievable on some issues, and because Congress is busy with a myriad of other things, Congress usually enacts less than complete statutory matrices. Typically, therefore, Congress exerts its authority to regulate by enacting an overarching skeleton of public law, necessitating that an administrative agency promulgate detailed regulations to give a working life to these bare bones.⁷ It is the tenor of these regulations and the enthusiasm with which they are implemented that continually fixes the degree to which the regulators or the regulatees script the real world scenario. All the while the public or private beneficiaries of the regulatory scheme, or more likely the organizations and lobbies claiming to represent them, along with other agencies, Congressmen with a political stake in the subject, and even the Executive, are influencing the actual conduct of the administrative process. Administration involves, as a practical matter, lawmaking, and it is a political process.⁸ Actually, the administrative apparatus is a fourth branch of government.⁹

6. *Garcia* is inconsistent with any traditional notion of federalism, stripping even states and local governments of their tenth amendment shield and leaving them subject to the political judgments of the Congress. *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985), was suggestive of this when a state residency requirement for membership in the bar was struck down as being inconsistent with the reality of a national economy. My English colleague, Theodore Ursus, sometime Fellow at Wolfson College, Cambridge, insists that instead of talking about the commerce clause, or the banking clause, or what have you, Americans should realize that all of these powers have become melded into a single national economic power, NEP if you will. *Cf.* text accompanying *infra* note 29. Even notions of local real property law are not sacrosanct if the needs of the Nation's economic health indicate that an activity needs to be done according to a federal administrative agency's rule. *See, e.g., Fidelity Fed. Sav. & Loan Ass'n v. De La Cuesta*, 458 U.S. 141 (1982). Thus, the scope of this power is defined in terms of whatever is necessary to maintain a sound economy, and these choices are not meet for judicial oversight.

7. The Federal Water Pollution Control Act of 1972, P.L. No. 92-500, 86 Stat. 816 (1972), may, oddly enough, have been something of a high-water mark in this regard. "The very magnitude of the task undertaken by Congress and delegated to the EPA for fulfillment probably accounts for the lack of clarity." *Hooker Chemicals & Plastic Corp. v. Train*, 537 F.2d 620, 627 (2d Cir. 1976). "The failure to provide a clear procedural statutory structure on so basic a matter in the administration of the Act is disquieting." *American Iron & Steel Inst. v. Environmental Protection Agency*, 526 F.2d 1027, 1074 (3d Cir. 1975) (concurring opinion). "The conflict among the circuits emphasizes the confusion caused by this poorly drafted and astonishingly imprecise statute." *E.I. du Pont de Nemours & Co. v. Train*, 541 F.2d 1018, 1026 (4th Cir. 1976).

8. "Administration is the centerpiece of our modern political system in the United States. It is in administration that the major sustained political choices are now made." S. HAYS, *The Politics of Environmental Administration*, in *THE NEW AMERICAN STATE* 21 (L. Galambos ed. 1987)

9. L. GALAMBOS, *By Way of Introduction*, in *THE NEW AMERICAN STATE*, *supra* note 8, at 1. Galambos observed:

Neither the White House nor Congress can ordinarily command the bureaucracy in the manner set forth in the classical theory of the hierarchical executive branch. But

Thus it is that the administrative state has come to be bottomed upon four principalities, each playing a political role in the overall drama of regulation. This may sound odd to a lawyer, and it should given his or her ingrained reliance on a text that calls for three branches of government. But it is not the lawyers' Constitution which called into being this quadrupartite system of governance, but rather the needs of the political economy. Law may channel change, but law is not the source of change. So, too, within the legal frame of reference, the degree of regulation waxes and wanes as both political fashions and the health of the economy change. The problem is that the debate over these tactical adjustments may distract the observer from noticing that changes in the global environment might be undermining the self-evident truths upon which rests the political economy, which is the real constitutional basis of society.

II.

The average man of the highest education is a greater imbecile than the old-fashioned boor, who at least recognized an inexplicable phenomenon when he saw it. Our educated classes will not recognize the day of Judgment, until they are resting in hot oil.

Henry Adams¹⁰

Ignorance can be as significant as any other factor in the lawmaking business. Posit, for example, a landowner pumping water out of a new, very deep well while, concomitantly, her neighbors' wells begin to run dry. If no science of hydrology existed, who could say with any certainty that she was taking water away from her neighbors? And, for lack of knowledge, judges once treated groundwater like any other mineral underneath the soil, so that a landowner had a perfect right to extract all the water her pumps could raise.¹¹

Given the plentiful rainfall on the common-law lands around the upper reaches of the North Atlantic rim, one can doubt whether all that many wells went dry. But this groundwater rule had considerable import if one were digging deeper and deeper pits in search of coal. Percolating water

they retain the power to bypass the administrators, to reorganize their domain, to shift their entire function to another governmental body, or to deprive them of the resources they need.

To avoid these powerful sanctions, bureaucrats have created elaborate networks of relationships with interested groups, legislators and other agencies of government—the triocracies or iron triangles. But these networks themselves impose restraints upon the freedom of action of the bureaucrats. . . . Stasis, not hegemony, is the central problem of the modern administrative state in this country.

Id. at 19-20.

10. R.P. BLACKMUR, HENRY ADAMS 285 (1980) (reaction to drought which threatened crops in Europe).

11. *Acton v. Blundell*, 12 M. & W. 324, 152 Eng. Rep. 1223 (Ex. 1843).

threatened to flood the English pits unless a power stronger than horses was harnessed to the pumps. Necessity proved to be the apparent mother of invention, because the steam engine was invented precisely to power coal mine pumps.¹² And coal mining itself indeed was necessary, because England in the latter part of the 1700s was largely deforested and fuel for domestic, much less industrial use, was running short.¹³

Invention already was running riot in England,¹⁴ but the topography was such that water power was not adequate to meet the potential energy demands of the new machines.¹⁵ Thus it was that coal provided the answer once the steam engine further was perfected to make it generally useful.¹⁶ Even then the lack of wood out of which to make charcoal might have aborted ironmaking had not a way been devised to substitute coal.¹⁷ Everything seemed to jell and make possible the transformation of the economy

12. E. WRIGLEY, *PEOPLE, CITIES AND WEALTH* 65 (1987):

The coal industry's growth involved severe difficulties from the start, connected above all with mine drainage as the pits went deeper. . . The engines of Savery and Newcomen were late entrants into the competition to find an answer to this problem. By the early eighteenth century, Newcomen engines had been developed to the point where they were reliable and necessary adjuncts to coal production, at once essential to its continued production and unusable without a local supply of coal.

13. 3 G. TREVELYAN, *HISTORY OF ENGLAND* 41 (Paper ed. 1952):

Society on the eve of the Industrial Revolution had many features most attractive to us in retrospect: a rural population attached to the land and its labours and recreations, to the village and its traditions; great variety and independence of type and character among men; individual training, skill and tastes in the arts and crafts as a normal part of the economic life of the people. But in judging what the Industrial Revolution did to our island, it is necessary to remember that a fuel famine due to the using up of our timber was already settling down on various parts of the island in the Eighteenth Century, until relief came through the distribution of coal by canals, and afterwards by railways. The fuel famine was already putting an end to our old iron industry and was on the point of lowering the standard of comfort in domestic life.

See also R. REICH, *THE NEXT AMERICAN FRONTIER* 24 (1983) ("At the heart of the British Industrial Revolution had been a desperate quest for alternatives to rapidly diminishing timber resources. Britain turned to iron as a substitute building material and to coal as a substitute fuel. Coal and iron in turn inspired new inventions, like the steam engine. . .").

14. See 3 F. BRAUDEL, *CIVILIZATION AND CAPITALISM* 566-71 (Paper ed. 1984).

15. *Id.* at 553:

[T]he sluggish flow of English rivers, which had to be raised by dams and diverted by canals to work overshot wheels, made hydraulic energy much more expensive here than in continental Europe and would eventually provide an incentive to research into the power of steam, or so John Nef suggests.

16. E. WRIGLEY, *supra* note 12 at 65 ("James Watt's refinement of the new machine made it the means of revolutionizing transport and transforming production in industry as the nineteenth century progressed."); see also H. BEALES, *THE INDUSTRIAL REVOLUTION 1750-1850* 54-55 (1958).

17. H. BEALES, *supra* note 16 at 53-54:

The iron industry . . . was moribund in the early eighteenth century. Charcoal was its fuel and a timber-famine prevailed in the older centres of manufacture. Iron-making plant was becoming semi-nomadic, moving even to remote places in search of charcoal. . . .

from one based upon individual craftsmen to one bottomed on factories, the division of labor, and huge infusions of capital. As an English economic historian put it, the "industrial revolution replaced one social system or one civilization by another."¹⁸

The question "animal, vegetable or mineral?" is, oddly enough, germane. Horses and wood were replaced by machinery and coal. In time, petroleum made possible exponential improvements over the steam engine for powering both machinery and transport, whilst the petrochemical industry created an infinite supply of manmade materials.¹⁹ The very nature of farming underwent a metamorphosis.²⁰ Although the industrial revolution originally promised humankind a plentiful supply of the necessities of life, there evolved the industrial capacity to produce conveniences and finally desirables.²¹ Even so, there was a cost. While the spent fuel in an icebox merely returned to its original, harmless liquid state, the ozone destroyer used in a refrigerator is another matter entirely. Increasingly, the water, air, and land were infiltrated by a plethora of substances that began to destabilize the ecosystem.²²

All the while an increasing portion of human ingenuity was invested in creating the corporate and money-market structures necessary to meet the

18. *Id.* at 30.

19. See generally B. COMMONER, *THE POVERTY OF POWER* 195-210 (1976).

20. E. WRIGLEY, *supra* note 12, at 10:

The mutation in the economic landscape which opened out a fundamentally different range of opportunities and dangers to mankind involved the substitution of inorganic for organic inputs in most branches of industrial production; the associated revolution in the energy sources available for use in productive processes when a way was discovered of converting the energy stored in coal into useful work; and the conversion of farming from an industry engaged in coaxing the maximum net output from ecologically self-sufficient units into one in which mineral-derived inputs from outside the farm were passed through the local ecological system in such quantity as to transform not only the productivity but also the character of farming.

21. S. HAYS, *supra* note 8, at 23-24:

A century ago necessities, such as food, clothing, and shelter were the main items of consumption. By the 1920s a new phase had come onto the scene emphasizing conveniences, taking the form of consumer durables such as the automobile, household appliances, and the radio. . . . After World War II a third stage of consumption had been reached, that of amenities—goods and services that made life more enjoyable, not just livable and convenient.

22. It would appear that until the 1960s the threat to the environment did not loom large in the American public mind. See, e.g., Rabin, *Federal Regulation in Historical Perspective*, 38 *STAN. L. REV.* 1189, 1282 (1986). In England it was the "great smog" of London in December of 1952 which "awoke the conscience of the nation to the seriousness of the problem." J. GERNER & R. CROW, *CLEAN AIR—LAW AND PRACTICE* 3 (1969). Yet, as these authors note, "John Evelyn the diarist wrote a book 'Fumifugium,' a copy of which he presented to Charles II in 1661". *Id.*

An extract from *Fumifugium* can be read in H. JENNINGS, *PANDEMONEUM 1660-1886* (1985). The Jennings book is subtitled *The Coming of the Machine as Seen by Contemporary Observers*. It is a collage of extracts put together after the fashion of a documentary movie and is well worth reading.

capital requirements of the exponentially growing industrial base. Organizational know-how became the lynchpin of modern industrial societies.²³ But as the industrial base was able to satisfy first wants and then conveniences, managerial ingenuity had to be invested in creating a demand for desirables, baubles if you will, if production was going to keep growing apace. The invention of consumer credit and advertising were, in their way, just as necessary as had been the steam engine and the corporation.²⁴

My English colleague, Theodore Ursus,²⁵ is working on a theory that these happenings mask the real constitution common, say, to the United Kingdom and the United States. That constitution rests on the self-evident proposition that people who enjoy the prospect of steadily improving material conditions are, no matter how polyglot, a governable people and, because they are governable, they are able to enjoy the considerable freedoms associated with democratic regimes.²⁶ Being English, of course, his thesis presupposes that this constitution will be reinforced by an established religion. To this end he never tires of quoting Professor Daniel Bell's ipse dixit to the effect that "economic growth has become the secular religion of advancing industrial societies."²⁷

Peculiarly enough, an American society moving into an information age and dependent upon electricity replicates England upon the verge of the original industrial revolution: coal is the open sesame to progress. "With oil scarce, the future of nuclear and solar energy uncertain, and hydro limited . . . coal burning power plants' already preeminent share of electric power produced in the United States will grow over the remainder of this century."²⁸ There is one difference, however, between America now and England then. The public is no longer ignorant of the palpable fact that the use of coal endangers the quality of the environment.

23. R. REICH, *supra* note 13, at 47:

The first American era of productivity had been a direct extension of Britain's Industrial Revolution. The United States had merely added huge doses of capital and labor, and a large national market, to Britain's basic inventiveness. The recipe had generated enormous increases in production, for a time. But America could not continue this expansion without an organizational network to coordinate and monitor the use of its resources. Its new business enterprises and its newly mobilized society both needed management.

24. See D. BELL, *THE CULTURAL CONTRADICTIONS OF CAPITALISM* 65-76 (1976).

25. See *supra* note 6.

26. This seems to be an ancient English theme. H. Beales quotes the essayist Sir T.C. Morgan, who wrote in 1830:

Let people talk as they will of our glorious constitution, the right minded will be more inclined to celebrate our glorious coal mines. . . . The steam engine . . . has become the fourth estate of the realm, and is fairly worth the other three. . . . The instant it stops working, the people become turbulent and less contented, and when it resumes its activity, the agitator's occupation is gone. The steam engine is the real and effective balance in the state. . . .

H. BEALES, *supra* note 16, at 25-26.

27. D. BELL, *supra* note 24, at 237.

28. *Sierra Club v. Costle*, 657 F.2d 298, 314 (D.C. Cir. 1981), *rev'd on other grounds*, 463 U.S. 680 (1983).

The discussion about how clean both old and new coal-powered generating plants ought to be does not present a simple either/or choice between cleaner air and dearer electricity. Implicated as well are the economies of various coal mining regions, the cost of energy in the different parts of the country competing for preeminence in the technological sector, and the competitive posture of the country as a whole vis-a-vis other nations, to say nothing of considerations of inflation and full employment. Or as Judge Patricia M. Wald put it, involved here is a calculus which not only involves "cost, environmental, and energy considerations," but one which has "broad implications for national economic policy."²⁹

Therefore we are met with a double bind. Experience with the Clean Air Amendments of 1970³⁰ ought to teach that the severity of public controls imposed upon polluters varies with the economic climate. The year 1970 was one of economic growth and an anticipated budget surplus. The story since has been one of economic malaise and missed deadlines.³¹ Indeed, *The Economist* titillated the world's literate elite by reporting that the "air over America's cities has been like the inside of a dog's mouth this summer," *this* being the year 1988.³² But if the environment was hostage to economics, economic policy was in thrall to the need to maintain growth.

Ignorance continues to complicate the picture. "Acid rain" masks the reality of a complex picture that includes not only sulfur dioxide emissions from generating plants, but oxides of nitrate emissions from those plants and automobiles, to say nothing of the runoffs of fertilizers. "The term 'acid rain' is itself rather misleading," warned a Royal Commission some time ago.³³ It continues to be common intellectual currency. The recently discovered "hole" in the ozone layer and the potential for a worldwide "greenhouse effect" present inordinately complex phenomena about which scientific pronouncements are tentative at best.³⁴ Lawmaking in any one of these areas, even if a single nation-state could make effective law, risks duplicating the scenario rehearsed with the original well pumping cases.

One might be forgiven for suspecting that not much progress can be made in solving any one of this trinity of global pollution problems until there has been a great deal more progress on the scientific front. Still, pleading ignorance as to science, one might further be forgiven for suspecting that the burning of coal and oil are at the root of the problem, and that the economic costs of solutions are going to be enormous. This avenue of speculation must inevitably confront the prospect that economic and social policies will have to be recast in order to reflect a retreat from the panacea

29. *Id.* at 406.

30. Pub. L. No. 91-604, 84 Stat. 1676 (1970).

31. *See, e.g.,* Domenici, *Clean Air Act Amendments of 1977*, 19 NAT. RES. J. 475, 477-80 (1979).

32. *Breathing is Bad For You*, THE ECONOMIST, August 27, 1988, at 19.

33. Royal Comm'n on Environmental Pollution, Tenth Report, 139 (1984).

34. *See generally id.* at 139-161 (disciplined rehearsal of three problems). For a good layperson's introduction, see THE ECONOMIST, May 16, 1987, at 92-93.

of growth. This line of thinking necessitates calling into question, however, the long term viability of the "real" constitution common to the democratic, industrialized nations.

III.

For most minds, once doctrine is sighted and is held to be the completion of insight, the doctrinal mode of thinking seems to be the only one possible. When doctrine totters it seems it can fall only into the gulf of bewilderment; few minds risk the fall; most seize the remnants and swear the edifice remains, when doctrine becomes intolerable dogma.

R.P. Blackmur³⁵

In retrospect, the decision by New York's Court of Appeals in *Boomer v. Atlantic Cement Co.*³⁶ was a critical turning point. It may be recalled that in *Boomer* some neighbors had obtained an injunction which threatened to shut down a new cement plant that was spewing particulate matter onto their land. Once the plant had been found to be a nuisance, it appeared that its neighbors were entitled to an injunction as a matter of right. In *Boomer*, however, the court jettisoned that old doctrine and balanced the interests at the remedial stage, notwithstanding that the controversy implicated "air pollution" and was being decided just before the celebration of the first Earth Day.

The *Boomer* court explained that common-law cases were not normally appropriate vehicles with which to solve larger, societal problems.³⁷ Put another way, the court rejected instrumentalism. Even so, in deciding the immediate controversy before it, the "disparity in economic consequences" inherent in the choice of remedy proved determinative.³⁸ This exorcism of instrumentalism and exaltation of economic considerations has since become the *lingua franca* of the academic community.³⁹

Doctrines do not arise out of a vacuum, but are instead the product of particular cultural conditions. The administrative agencies came into their own during the Great Depression, when the legitimacy of government depended upon the appearance of a capacity to respond to desperate economic and social conditions. Because the agencies currently are viewed

35. R. P. BLACKMUR, *A Critic's Job of Work*, in *SELECTED ESSAYS OF R.P. BLACKMUR* 19, 20 (D. Donaghue ed. 1986).

36. 26 N.Y.2d 219, 257 N.E.2d 870, 309 N.Y.S.2d 312 (1970).

37. *Boomer v. Atlantic Cement Co.*, 26 N.Y.2d 219, 222, 257 N.E.2d 870, 871, 309 N.Y.S.2d 312, 314 (1970).

38. *Id.* at 223, 257 N.E.2d at 872, 309 N.Y.S.2d at 315.

39. See, e.g., Macey, *Transaction Costs and the Normative Elements of the Public Choice Model: An Application to Constitutional Theory*, 74 VA. L. REV. 471 (1988); Siliciano, *Negligent Accounting and the Limits of Instrumental Tort Reform*, 86 MICH. L. REV. 1929 (1988).

as hostage to interest group politics inimical to an efficient marketplace, it is now respectable to suggest that the entire apparatus, and presumably always was, unconstitutional. The contradiction is only apparent.

The New Deal was never more than a pragmatic effort to shore up the market system until the economy revived. The chance of war and the resultant international economic hegemony enabled government to solve social problems without apparent cost out of the surplus product of economic growth. The collapse of hegemony, the trade and budget deficits, together with a private sector again facing serious foreign competition, created conditions in which even health-bettering environmental reforms would produce all too apparent costs that could not be paid out of a surplus reaped from growth. Either taxes would have to be raised, which threatened to dampen the dynamo of consumer demand, or added costs would have to be imposed upon domestic manufacturers, a step that would raise prices and dampen domestic demand while worsening the international competitive prospects of domestic industry. Once growth became less certain, it became fashionable to elevate market considerations over environmental concerns. Still, one senses the idea that patience will be rewarded by better economic times, in which growth will resume and the process of reform out of surplus can begin again.

The power of the growth syndrome cannot be underestimated. The whole Protestant ethic was undermined and eventually destroyed during good times, lest the felt need to save discourage the purchase of electric toothbrushes and other desirable items. It is common knowledge that in meaner, more recent times many families only have sustained their standard of living by becoming two income units.⁴⁰ Indeed, the talk about women's "liberation" actually may mask the fact that they had willing or not to enter the workplace if consumer demand was to be sustained. The consumer culture survives, built upon a hedonism that recognizes no restraints. Mr. Tom Wolfe aptly described the scene when he predicted that the trend toward legitimating an ever increasing circle of rights would culminate in the recognition of a right to be free from any kind of moral code.⁴¹ Still, this creation of a nation of hedonists is an essential ingredient to the real constitutional order based upon material growth. All of this simply suggests that societies collectively manage to adapt their ways in order to survive. "The central issue might be called that of unconscious rationality."⁴²

Professor Andrew Hacker charged some time ago that the United States is "an ungovernable nation whose inhabitants refuse to regard themselves

40. See, e.g., *The Stretching of the Middle Class*, THE ECONOMIST, September 17, 1988, at 29.

41. *An American in Paris: Not Quite Savonarola*, THE ECONOMIST, September 17, 1988 at 110.

42. E. WRIGLEY, *supra* note 12, at 197-99. The work of the Supreme Court in expanding rights can be put into context by treating it as an unconscious effort to expedite hedonism. This would suggest that reasoned opinions float on an undercurrent of determinism, something that might call into question the myth of reason.

as citizens of a social order in which the authority of government plays a principal role."⁴³ This may explain the importance of administrative decisionmaking in a society that has become fractured along racial, linguistic, ethnic, and gender lines. Government simply has become, again out of necessity, "a set of institutional arrangements for imposing a bureaucratized unity on a society which lacks genuine moral consensus. . . ."⁴⁴ One cannot be sanguine about the capacity of elected leaders in such a society to command sacrifices in the name of the commonweal.

While expediting survival of industrial nation-states considered as economic units, the current secular religion of economic growth may jeopardize their survival as human habitats in a global ecosystem. Presumably these societies, in order to survive, will discover a new set of norms in order to adapt to changing conditions, and these new norms will soon enough become normative. These new ways of looking at things will have to appeal to society as self-evident truths, and they will not be so much a product of reason as emotion. Just as Henry Adams saw the Virgin replaced by the dynamo as the central symbol of civilization, we are witness to the slow demise of the dynamo.⁴⁵ Adams left the Virgin at Chartres "looking down from a deserted heaven, into an empty church, on a dead faith."⁴⁶ *The Hollow Men*⁴⁷ limns the bathos of governance today and illuminates the futility of the deregulation-reregulation debate. With luck, this being a universe governed by chance, a new faith compatible with the global environment and consonant with democratic values will emerge. More likely, somewhere in the sands of the desert, the rough beast will have found its hour come round at last.

43. A. HACKER, *THE END OF THE AMERICAN ERA* 142 (1970).

44. A. MACINTYRE, *AFTER VIRTUE* 236 (Am. ed. 1981).

45. H. ADAMS, *THE EDUCATION OF HENRY ADAMS*, 379-90 (Mod. Lib. ed. 1931).

46. H. ADAMS, *MONT-SAINT-MICHEL AND CHARTRES* 197 (1904).

47. T.S. ELIOT, *THE COMPLETE POEMS AND PLAYS 1909-1950* 56-59 (1952).