

# Letters

*We welcome letters from readers, particularly commentaries that reflect upon or take issue with material we have published. The writer's name, affiliation, address, and telephone number should be included. Because of space limitations, letters are subject to abridgment.*

## Kristol on Regulation

### TO THE EDITOR:

When Irving Kristol, the vast majority of Democratic politicians, and the vast majority of Republican politicians all agree on a proposition other than the pythagorean theorem, it is a safe bet that one of the three has been had. With respect to the proposition that the bureaucrats are to blame (see Kristol, "A Regulated Society?" in your July/August issue), I fear it is Mr. Kristol.

The core of Mr. Kristol's indictment is "that most of those holding career jobs in EPA, OSHA, and other newer regulatory agencies have an ideological animus against the private economic sector . . . . They are inclined to believe that a 'planned' economic system would create a superior way of life for all Americans. They detest the individualism so characteristic of a free society . . ." To my mind, that is akin to accusing the members of the Chicago Symphony of being inordinately fond of music.

"EPA, OSHA, and other newer regulatory agencies" were conceived in what Mr. Kristol would consider a spirit of "ideological animus against the private economic sector"—the development of which has been one of the most significant political phenomena of the last two decades. I can understand why Mr. Kristol prefers that unsound laws be administered by people who do not believe in them—but the opposite arrangement is hardly so destructive of democratic principles as to warrant criticism. In addition to being entirely unavoidable (the Chicago Symphony *will* tend to attract applicants who like music), it

is more likely to produce results in accord with the legislative will. Doubtless there are cases of overreaching, but in general it seems to me our civil servants are doing precisely what we would expect and desire—administering the laws according to their letter and spirit.

Blaming overregulation upon supposed ideological kinks of the bureaucrats is not harmless error. One consequence is apparent when Mr. Kristol imagines that "Congress is reluctant to check" these ideological misfits because of fear of their public retribution. How nice for the Congress to stand accused of no more than extorted nonfeasance! It can thus continue to please those who *want* a planned society by passing the laws, and to please (or at least placate) those who *oppose* a planned society by damning, as both parties do, the wicked bureaucrats who administer them. By blaming the administrators for what are (by and large) the predictable and intended effects of the laws themselves, Mr. Kristol helps to delude the minority of the electorate that agrees with him philosophically.

The last remark suggests, alas, that the root problem is not so simple as bureaucratic unresponsiveness to the intent of the Congress; it is not even so simple as congressional unresponsiveness to the desires of the people. If ultimately told to either stop passing the laws or stop damning the bureaucrats, the Congress would, I have no doubt, choose the latter—precisely because a substantial majority of the people want the laws and their consequences. The sad fact is that it is not the bureaucrats, but Mr. Kristol and I, who are the ideological misfits in a society which accepts as a political given the fact that government intervention can effectively "do something about unemployment" and "get the economy moving again." A "planned economic system?" Four out of five voters believe in it.

The challenge, then, is not to root out unresponsive bureaucrats, or even to vote out unresponsive mem-

bers of Congress. It is to change the exaggerated perceptions of our compatriots concerning the evils of private enterprise and the blessings of government intervention. It is my hope that the discussions in *Regulation* will contribute to that end.

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### TO THE EDITOR:

Irving Kristol's contribution to the maiden issue of *Regulation*, like everything else from his pen, is well-written and provocative. It is also, I fear, mistaken.

Mr. Kristol's argument appears to be that government regulation is needed to protect us from the deficiencies of the market, but that the process is being carried too far by a "new class" of social regulators ensconced in OSHA, EPA, and similar agencies. The impression he conveys—though I doubt he would put it quite so bluntly—is that the problem is not the regulatory system as such but the people running it. Presumably if we were to replace the "new class" regulators with some "old class" ones, . . . the situation would right itself.

If this explanation were true or nearly so, our regulatory problems would be confined to the agencies where the "new class" is in power. But this is manifestly not the case. Virtually everyone who has looked into the matter now acknowledges that we have enormous regulatory problems in the old-line economic agencies whose administrators are often friendly to American industry, or at least to portions of it. The ICC and CAB, consigned by Mr. Kristol to a footnote, are obvious examples.

The leading feature of nearly all the government agencies which set out to correct the alleged deficiencies of the market in some fashion is that they manufacture problems instead of curing them. Indeed, almost every major problem discussed in Washington nowadays as a supposed reason for government intervention—including several of the problems mentioned by Mr. Kristol—is the result of some previous intervention. Just look at health care, the energy crisis, transit problems, and unemployment.

The consistency with which government regulation and/or intervention produces results so different from those originally advertised suggests the problem is more pervasive than Mr. Kristol indicates. It is a problem of laws, and not of men. Granted that we would like  
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