

## BOOKS RECEIVED

**THE CONFIDENCE GAP: BUSINESS, LABOR, AND GOVERNMENT IN THE PUBLIC MIND.** By Seymour Lipset and William Schneider. New York: Free Press. 1983. Pp. xxii, 434. This collection of public opinion polls measuring the American public's confidence in major public and private institutions is concerned primarily with sociological issues and the statistical accuracy of the polls taken. There are significant sections of legal interest, however, particularly the chapters on government regulation. The authors analyze polls on such topics as the limits of regulation and deregulation, divestiture and nationalization of corporations, and alternate forms of government control of business. Other polls demonstrate public dismay over the lack of concern in corporations for environmental and related laws; the general conclusions are that business is productive but unpopular, labor unions are necessary but unpopular, and confidence in government is correlated with confidence in business.

**THE IMPACT OF PUBLICITY ON CORPORATE OFFENDERS.** By Brent Fisse and John Braithwaite. Albany: State University of New York Press. 1983. Pp. viii, 393. Each of these seventeen concise but detailed case studies describes illegal conduct at a particular corporation, the publicity given to that conduct, and possible effects of the publicity on the corporation. The studies are followed by summaries and general conclusions, chiefly that publicity does lead to reforms. The instances of misconduct include labor relation violations at J.P. Stevens, emissions-testing fraud at Ford, bribery at Lockheed, and antitrust violations at IBM. Fisse and Braithwaite conclude the work with chapters on the impact of both informal and formal publicity to control corporate crime: informal publicity is seen as creating an atmosphere in which corporate crime is not tolerated, and formal publicity is employed as a sanction, either as a punishment in a criminal proceeding or as a civil remedy. The authors conclude that an increase in both formal and informal publicity is necessary to deter corporate crime.

**AND NO ONE CHEERED—FEDERALISM, DEMOCRACY & THE CONSTITUTION ACT.** By Keith Banting and Richard Simeon, editors. Toronto: Methuen Publications. 1983. Pp. xii, 376. In 1982 the constitution of Canada was patriated; future constitutional amend-

ments will no longer require the approval of the British Parliament. The Constitution Act of 1982 provides for an amending procedure, and incorporates in the constitution a Canadian Charter of Rights and Freedoms. The new constitution also embraces a number of linguistic rights, strengthens provincial control over natural resources, and contains a determination by all governments to provide equal opportunities and reduce regional disparities. In this work seventeen Canadian scholars discuss the recent struggle for constitutional reform and its results as embodied in the Constitution Act; the editors note that none of the authors are enthusiastic about the results of the constitutional debate, because of a sense of lost opportunities. The centrifugal forces in Canadian politics have not been tamed by the Act, particularly since francophone Quebec did not assent to the settlement. The Act is seen as a step forward, but also as a temporary compromise in an ongoing battle over the future of Canadian federalism.

**MAKING WASHINGTON WORK FOR YOU.** By August Bequai. Washington, D.C.: D.C. Heath and Co. 1984. Pp. xiii, 282. The size and complexity of the federal bureaucracy fosters feelings of impotency among many citizens. This sense of helplessness enables small groups of better-informed "insiders" to manipulate the bureaucracy while most citizens are effectively precluded from participating in the governance process because of a failure to understand the inner workings of the federal government. August Bequai seeks to alleviate this frustration by explaining the basic structure of the federal government and the operations of federal agencies, congressional committees, federal courts, and government publications. The book is unique, however, in demonstrating how to use the Washington bureaucracy. Copies of appeal letters, court orders, and other documents are provided to aid the reader's understanding and facilitate the use of the system.

**ELUSIVE EQUALITY: LIBERALISM, AFFIRMATIVE ACTION, AND SOCIAL CHANGE IN AMERICA.** By James C. Foster and Mary C. Segers. Port Washington, New York: Associated Faculty Press, Inc. 1983. Pp. vi, 157. \$16.50. An attempt to define a social theory of equality and trace its development and practice in America, this analysis begins with British political philosophy and includes the insights of many politicians, philosophers, entrepreneurs, and social observers. The authors conclude that Americans have always defined equality in proprietary terms: despite affirmative action programs, Americans have "seldom gone beyond the notion of proprietary equality—a notion of equality of opportunity in the context of an acquisitive society." Affirmative action is characterized as social progress, but described as complex, often

maligned, and inadequate. The authors assert that the possibility of institutional change is inherently limited by the structure of a capitalist economy, and that affirmative action cannot alter inequities separating those who control capital from those who do not. They conclude with suggestions for achieving greater equality; these proposals require broadbased efforts that the authors acknowledge may strike many as "hopelessly utopian."

**MEDIA ABUSES: RIGHTS AND REMEDIES.** Foreword by Leonard J. Theberge. Washington, D.C.: The Media Institute. 1983. Pp. xiii, 103. This development of a report by the Media Institute explores administrative and judicial remedies available to private citizens and commercial entities who are victims of distorted media coverage, and analyzes the efficacy and limitations of both avenues of relief. Those injured by biased or untrue media information apparently have little chance of success under either approach, however. For example, the burden of proof rests almost exclusively on the plaintiff; that burden is difficult to meet in most cases, regardless of whether the plaintiff seeks administrative or judicial relief. Furthermore, the study points out, even successful plaintiffs may not find the remedy satisfactory. While criticizing the media for deficiencies in coverage, the study recognizes the tension that exists between first amendment freedoms of speech and press, and the individual's rights of privacy, reputation, and livelihood.

**BUREAUCRATIC JUSTICE: MANAGING SOCIAL SECURITY DISABILITY CLAIMS.** By Jerry L. Mashaw. New Haven: Yale University Press. 1983. Pp. x, 238. \$25.00. Professor Mashaw asks whether a bureaucratically organized administrative apparatus can provide justice. In answering this question, he uses as a model the Social Security disability program—a program that dispenses over twenty-two billion dollars in support to more than four million families. Mashaw slurs proposals that force examiners to follow rigid objective parameters that would severely limit their discretion; although such rules could improve efficiency, they could also stifle the program's goal of making fair eligibility adjudications in all cases. The author's proposals are guided by the principle that to achieve bureaucratic justice, power must be exercised on the basis of knowledge. To increase a decisionmaker's factual base, he would make three modifications to the existing bureaucratic rationality model. First, he would force examiners to talk to claimants and use them as an important evidentiary source. Claimants would perceive a higher degree of fairness in the process, and appeal rates would decrease. Second, he would require representation of claimants in reconsideration hearings due to their limited understanding of the rules

of the program. Finally, he would add objective professional judgment, in the form of medical and vocational reviews, to the reconsideration stage. This feature would increase both the quality and the credibility of these decisions. Mashaw believes that incorporating these modifications would yield such superior results over the current system that any increased costs could be partially offset by significantly decreasing or eliminating administrative and judicial review.

