

BOOK REVIEW

A TREATISE ON ADMINISTRATIVE LAW, by Professor Morris D. Forkosch, The Bobbs-Merrill Co., Inc., Indianapolis, 1956, Pp. xiv, 856, Appendix, Table of Cases, Index.

One of the most significant contemporary tendencies in the Anglo-American legal order—a tendency which has inevitably been grafted into our own scheme of political law—is the growth of that branch of public law called Administrative Law. As this is the law under which our executive department interferes with the conduct of the individual for the promotion of the commonweal through the regulation, supervision, and/or control of finance, public utilities, industry, commerce, health, and profession, it is proper that the individuals thus affected be apprised of the administrative process, and more important, be protected from the arbitrary conduct of administrative officials and be shielded from the possible ill affects of the somewhat confused and incoherent state of administrative law.

Of special importance, therefore, to law students and members of the bar is adequacy in training in and information about the problems and principles of administrative law. This consideration alone should commend the treatise on administrative law under review. Spread in almost a thousand pages of quality paper and printed in a way which affords clear and easy reading, this treatise takes honest and just pride in presenting to the public in general, and to the students of law and practitioners in particular, Professor Morris D. Forkosch's scholarly insight of the administrative process. The persuasive attribute of Prof. Forkosch's work hardly needs understatement. He has practised law for a quarter of a century and, in his capacity as professor of law in the Brooklyn Law School, has taught administrative law to scores of classes. His familiarity with the subject is further demonstrated by his comprehensive documentation, let alone by the depth of his own pedagogical techniques and professorial opinions.

He divides his treatise into five major parts; namely (1) a preliminary outline of administrative law; (2) the delegation of powers: limitations on and types of; (3) non-adjudicatory functioning of administrative agencies; (4) the adjudicatory functioning of administrative agencies: notice; and (5) review: agency and judicial. Under these major topics the subject is subdivided into twenty-nine chapters. Appended is a copy of the Federal Adminis-

trative Procedure Act of 1946; and finally the book is provided with an exhaustive table of cases and a thoroughly prepared topical index.

The main purpose of this volume, in the author's own words, is "to aid student's understanding" of this ever expanding branch of public law. This explains why the author has taken pains in giving precedence to simplicity in presentation and ease in understanding, and has, consequently, utilized various diagrams, charts, and other visual means to bring to the limelight the basic principles and issues involved in administrative law. The treatise tries to answer those questions that often confront those who deal with administrative law, such as: What are these administrative powers so delegated? How are they exercised? What are the types of and the actual controls utilized? What are the overall principles involved in given factual situations? And what proper procedural steps should be undertaken in order to achieve a solution each time that a novel case arises? These are but a few of the many rich topics that Prof. Forkosch has discussed. It is noteworthy to mention that this 1956 treatise is as timely as it is up to date. This is significant since administrative law is generally regarded as, to use Justice Felix Frankfurter's own words, "dealing pre-eminently with law in the making; with fluid tendencies and tentative traditions." The student of law cannot risk remaining static in his knowledge of the administrative process.

Certain matters, however, should not be overlooked. The author treats his work in the light of American jurisprudence and under the concept of a federal form of government. Thus, the Filipino student of law is cautioned to study the book with care and discrimination, lest in the course of his perusal he may overlook some aspects of Prof. Forkosch's topics which are incompatible with or unsuitable to our local administrative process.

While the author has intimated that his volume is designed primarily for the uninitiated, it is nonetheless obvious that with the industry and sufficiency with which he has treated the subject matters, the author has happily devised a handy working tool for our practitioners. Consider the fact that we have right now a dearth of local authorship on administrative law. Consider further the fact that the author has devoted one chapter chiefly to the presentation of a twelve-question analysis of the administrative process. These questions are practical and the administrative practitioner is provided with a convenient check-list with which to analyze a given case or situation. Also interspersed in the various sections

of the books are generous suggestions on what Prof. Forkosch terms as "points of attack" in the search for those "chinks of the administrative armor." The treatise thus affords the practitioner a great help in seeing to it that the avowed aim of administrative law — that is, in the words of Judge Cuthbert W. Pound, "the equal distribution of rights and liberties in order to counteract the tendency of imperfect human nature to take and keep what it can without respect of the rights of others," — be not subverted and that justice be impartially administered.

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