A Treatise on Labor Law (Morris David Forkosch, 1953)

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Morris D. Forkosch knows labor law, its history, development, and sociological impact from A to Z and has laudably attempted to pass on to others this tremendous knowledge in one capsule (albeit a large one). The book, however, must be considered from the standpoint of a variety of readers. It is highly recommended to the student embarking upon a study of labor. To the experienced labor lawyer, it contains little that is not already well known and would not serve particularly well as a reference or citation; the practicing attorney would prefer to directly quote the legislation or decisions from which the text is drawn. The general practitioner who handles an occasional labor case will find the book is a guided tour through labor theory, legislation, and case law.

The work is well named, as it is a treatise concerning labor law, and the writer would suggest a descriptive title something like, "The Workmen's Fight for Security, Its Evolution and Results." The approach is primarily socio-philosophic. The author analyzes, in amazing detail, the lego-social reforms from the days of the serf and villein to the modern workman, unionist and non-unionist, of 1953.

Normally, labor law refers to labor management relations and the rules designed to insure free and productive enterprise. This volume, however, ranges much further afield and analyzes or touches upon everything from child welfare, immigration, old age assistance, veterans' benefits, and F.E.P.C., to internal structure of unions and current operations of present day boards, as well as the probable future amendments of procedure and application. The reader is given a keen analysis of the defects in the present legislation.

Dr. Forkosch is quite correct in treating historical economics and the entire field of sociology in its mutually dependent aspects as explaining the phenomena of present day conditions that concern the lives of the productive worker, the retired, the disabled, and the dependent members of society who cannot be classed in the field of capital or agriculture. In other words, Dr. Forkosch undertook the ambitious project of telling about all fields of legal development that impinge upon the worker, union or non-union, in the individual's quest for security.

The work is divided into five books, the first of which is historical
and gives good overall background. The second is a sketch of a few typical and comparative union structures from the "local" through the "international" union. Because there are so many crafts now organized, with variations peculiar to each, this part of the work is, of necessity, devoted to a few typical internal structures. Book three is a good sketch of the rights and limitations surrounding labor unions, with some procedural aspects added. Book four is an excellent text on collective bargaining and should first be read by any general practitioner before advising a client who might possibly come under the jurisdiction of the NLRB. The fifth book is devoted to arbitration and voluntary collective bargaining.

The entire work is that of an accomplished student and is, therefore, unbiased. The book is well authenticated and the footnotes alone constitute a good cross section of the entire field of authorities that support the text from beginning to end. It is a tremendous work, and the reviewer would recommend it for the uses indicated above.

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On June 23, 1947, a majority of the Supreme Court of the United States, in an opinion by Mr. Justice Black, announced a decision scrapping a century and a half of constitutional law and substituting a completely new doctrine.¹ The penchant of several of our nine middle-aged gentlemen to rewrite the Constitution of a Monday morning has become all too familiar to jurists of this day; and perhaps the belief that legal history and established principles of international law can be inverted with equal facility should no more shock the modern American than it does the Russian. "One cannot, however, ignore historical fact," observes the author (p. 31), associate professor of political science at the University of Florida.

Dr. Bartley, avid reader and prodigious worker, has produced a

¹United States v. California, 332 U.S. 19 (1947), with decree id. at 804, Reed and Frankfurter, JJ., dissenting, and Jackson, J., disqualifying himself; see Parker, Problems in Florida and Other Coastal States Caused by the California Tidelands Decision, 1 U. of FlA. L. REV. 44 (1948).