BOOK REVIEWS

Doctor Brecht defines fascism as a political system which always includes the fact that "physical force, or the systematic threat of physical force [terror], is employed for the purpose of suppressing any expression of opinions that are opposed to those either held or tolerated by the fascist group. It is characteristic of fascism . . . . that the use of physical compulsion is glorified as a principle superior to the principles of discussion and peaceful persuasion."

Equally precise is Doctor Brecht's definition of totalitarianism as the system which "refuses to acknowledge any limitation on what the government is entitled to do in order to reach its proclaimed purposes." Properly he adds that "there are brands of authoritarian government that are neither fascist nor totalitarian, such as constitutional limited monarchy. Even absolute monarchy is not totalitarian, if the monarch recognizes the law of God or ethical principles as binding on him."

A clear understanding of these distinctions should make it apparent that not even all the enemies of the German Republic were fascists or totalitarians. Many of them were conservatives, even reactionaries, but properly Doctor Brecht insists upon the fact that they were not worshippers of violence, terror, or lawlessness. The fascist type of enemy of the German democracy did not figure prominently before the Great Depression.

The final merit of Doctor Brecht's book is that it destroys the myths about the German civil service and judiciary. The German officials and judges were far from being united in fascist leanings or even reactionary views. Fascists, indeed, were practically nonexistent among them. Why then, it will be asked, did they submit to Hitlerism? The answer will be found in the pages of Doctor Brecht's well-balanced book.

MAX RHEINSTEIN*


The 1944 Municipalities and the Law in Action and its predecessors should be in the library of every law school, and in the library of every lawyer who has any mentionable amount of municipal law practice. Certainly it should be in the library of every city legal department. The book has the flavor of practicality. It is neither a textbook nor a casebook. It does not give the impression that it was dragged out of a courtroom or handed down from the bench; rather it gives the impression of having grown up in the atmosphere of the city attorney's office, the city council's meeting-room, the city manager's office, and those other offices and boardrooms where legal problems affecting municipalities are brought to light under present-day conditions and solved.

The legal problems that are discussed are those which city attorneys, city solicitors, and corporation counsels have encountered. They are not problems which grew out of researchers' desires to solve some legal riddles merely for mental exercise. Some of the problems have existed for years and will always exist, some of them are problems which will be solved and will cease to plague municipalities, while others were born of the war and will disappear with the war, but will probably reoccur with the next war.

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In addition, the book has in it a unique strain of idealistic democracy. Unique because the men who wrote it are practical men who have to deal with their neighbors, and who have a fine regard for the ability of the people to rule and govern themselves if given the opportunity.

The book begins with a general statement of the challenge confronting American citizens; reviews the work of the National Institute of Municipal Law Officers for 1943; states in summary form the war problems of cities in 1943; and passes on to reports concerning the problems confronting Canadian municipalities and the war problems of Honolulu. It then gets down to specific problems. The report on Chicago's legal problems reads like a fast-moving novel. A discussion of absentee voting by members of the armed forces in 1944 elections as viewed by the office of the Secretary of War is interesting and timely.

Specific problems that are discussed in various articles are in part as follows: city revenue and tax problems in the second year of the war; municipal taxation of federally-owned property; the Philadelphia income and wage tax (with copies of the ordinances and regulations issued thereunder); federal-city relations in the second year of the war; city-state relations; inter-municipal agreements (with copies of some agreements); officer and employee problems; airports during and after the war; ordinance enforcement in wartime; municipal tort liability; traffic courts; civil liberties in time of war; the public housing program for war and peace; zoning and planning; public utilities; cities and public power; the cities' fight for lower natural-gas rates; metropolitan utility districts; model ordinances; municipal regulation of business in wartime; municipal bonds; rehabilitation of blighted areas; post-war revenue funds (with copies of statutes and ordinances); contract problems. And last, a report of the general discussions on city problems, including such topics as the Philadelphia income wage tax, new taxes, race riots, home rule, personnel, priorities, zoning, and airports.

The reader is incidentally impressed with the prodigious amount of work that the Institute does. Its legal compilations are all "nail on the head" works.

There is a usable index.

Albert B. Martin*


This is a good and useful book. The author, who is lecturer in the law of industrial property in the School of Law of the University of Toronto, has read the cases and has done a good job of classifying them under captions that make the law easy to find. His treatment of the subject matter of copyright in chapter iii will be helpful to anyone who must know whether a given work is copyrightable subject matter or not. The author says in his preface "My endeavor has been to discuss, or at least to refer to, all Canadian and English cases on the subject, together with a selection from the courts of other parts of the Empire and of the United States."

It will be a matter of regret to American lawyers that the author has not used cases decided south of the Canadian line more generally than he has. The book, even in its present intentionally limited scope, will be useful to the American Bar, and would be even more so if American cases were fully cited.

The discussion of the relations between authors and publishers in chapter xxiv and in Libel and Slander in chapter xxv is a useful adjunct to a book on copyright. The in-

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