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Comparative Federalism and State Rights and National Power, by Edward McWhinney. Toronto, University of Toronto Press. 1962. 103 pp. \$5.

Zelman Cowen

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The latter three items are available in numerous reference works, and would seem to have no relevant purpose in this book.

The limitation petitions set out in extenso in Appendices A and B, though interesting and unquestionably meeting the author's description of being drafted by able and competent counsel, clearly have no logical place whatever in a volume entitled "Admiralty Law of the Supreme Court."

Nevertheless, Professor Baer's writing is clear, and his synthesis of the law is ably presented as far as it goes. The book should be on the required reading list for any lawyer intending to enter maritime practice, provided that his reading covers sufficient ground to hold this volume in the proper perspective of a wide context.

*Eberhard P. Deutsch\**

*Comparative Federalism and State Rights and National Power*,  
by Edward McWhinney. Toronto, University of Toronto  
Press. 1962. 103 pp. \$5.

Professor McWhinney's latest book contains a number of very short chapters on various aspects of contemporary federalism in the United States, Canada, and Western Germany. He has deliberately omitted consideration of non-Western federal countries like India, where the societies, measured by European and North American standards, are at less mature stages of economic growth and development. He also makes no reference to his native federal heath, Australia, where many of the problems he raises are real and relevant enough. For the very short space that the author allows himself, three federations are doubtless enough. He explains his choices in this way. The North American federations not only have a rich experience of federal government, but they also exhibit social divisions and conflicts which the federal structures strive to contain. The West German federation, which Professor McWhinney also knows at first hand, is an area in which the federal idea is being worked out anew with a special new court, against a different historical and social background.

Twenty-five years ago, Harold Laski wrote with character-

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istic confidence that "the epoch of federalism is over." Today there is a renewed and lively interest in the theory and practice of federalism as a constitutional structure for newly independent societies bedevilled by tribal and regional divisions and by inadequate reservoirs of political and administrative experience. Their problems and difficulties suggest a federal structure as the least inappropriate governmental form. Federalism has also captured the interest of European integrationists; it is seen as the apt institutional formula for promoting the political integration of Western Europe. To those who look to existing federal structures to furnish models for such purposes as these, Professor McWhinney counsels caution, for constitutional models, however attractive they look, do not necessarily transplant well; and following through with the metaphor, it is wise to look carefully at the soil in which transplantation is to be effected.

Professor McWhinney is an established scholar in this field, and he is well equipped to write a study of comparative federalism either in the broad or in the context of particular problems. Yet this very short book is so much a sketch that it does not — in the opinion of this reviewer — offer meaningful insights into the working and experience of the federal structures with which it deals. To the reader who has knowledge and experience of federal government it is very general and rather elementary. To the reader who comes to it to learn about federalism and about comparative federalism, it would also appear sketchy and impressionistic and I fear that he would go away with a very imperfect understanding of federal institutions and problems. I do not know why Professor McWhinney chose to give us a book of this size and spread, and I could have wished that he had given us the book that he is certainly capable of writing.

*Zelman Cowen\**

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