

The People's Law. By Charles S. Lobingier. New York: The Macmillan Co. \$4.

The Hon. Charles Lobingier's painstaking and detailed study, *The People's Law*, is, as its subtitle informs us, a review of popular participation in law-making from the ancient folk-moot down to the modern referendum. The chapters on the submission of American State constitutions to popular ratification are especially valuable, because they supplement and correct the older work by Jameson in many important details. Those who fondly imagine that "implicit faith in the people" was borne westward by Puritan and Cavalier will be sadly disappointed to learn how slow and painful was the growth of the doctrine of popular ratification—to say nothing of

the initiative; and in the South of our day a distinct reaction has set in against the notion. Dr. Lobingier's studies in primitive folk-moots, despite their learned appearance are of little value even where the conclusions are correct; and they are generally wrong, being based on authorities now discarded: Freeman, Kemble, Fiske, Hannis Taylor and Waitz—all of whom simply read "Liberal" ideas of government into ancient documents. On the most modern of his topics—the initiative and referendum—Dr. Lobingier is strangely deficient, for his account of the development of this newer political device is confined to a meager outline. He gives less than ten pages to this subject and makes little or no attempt to enlighten his readers as to the real working and results of the system. The interesting Oregon experiment for educating the voters is dismissed with a paragraph; the Illinois public opinion bill seems to be left entirely out of account; and no mention is made of the fact that the South Dakota amendment establishing the initiative and referendum (p. 365) was defeated. Altogether it is a disappointing book in spite of a considerable show of learning; but it is worth having because the portions dealing with the development of constitutional ratification are fairly satisfactory.