

## Accepted Manuscript

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PII: S0147-5967(14)00117-6

DOI: <http://dx.doi.org/10.1016/j.jce.2014.11.002>

Reference: YJCEC 2425

To appear in: *Journal of Comparative Economics*

Received Date: 13 May 2014

Revised Date: 29 October 2014



Please cite this article as: D'Amico, D.J., Williamson, C., Do Legal Origins Affect Cross-Country Incarceration Rates?, *Journal of Comparative Economics* (2014), doi: <http://dx.doi.org/10.1016/j.jce.2014.11.002>

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## Do Legal Origins Affect Cross-Country Incarceration Rates?

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### Abstract:

Prison populations vary tremendously across countries. This paper investigates the potential relationship between incarceration rates and legal origins in a large cross-section of countries. We argue that legal origins alter the relative costs associated with imprisonment as a means for social control. Using panel data from 2001 to 2011, we find countries with civil legal origins have lower prison populations. Our empirical results are highly robust after controlling for crime rates, criminal justice resources, economic factors, political institutions, and social factors. In addition, our results do not appear to be driven by the variation in criminalized activities. To explain these results, we conjecture that imprisonment is a lower cost mechanism for enforcing social order in common law countries. In civil law countries, bureaucratic infrastructures allow for methods such as day-fines, community service, seizure of property, and probation as more affordable alternatives to imprisonment.

**JEL Codes:** K14; K33; P5; F55

**Keywords:** Incarceration, Prisons, Legal Origins, Crime

**Acknowledgements:** We thank the editor and two anonymous reviewers for valuable comments and suggestions. We also thank Adam Martin, Shaomeng Jia, Jesse Shapiro, and participants at the political economy seminar at King's College London for comments.

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