

# The Evolution of Legal Capacity in the Grand-Duchy of Baden in the Mirror of Court Records, 1829 - 1877

## Abstract

This paper analyzes the evolution of legal capacity in the German state of Baden during the 19<sup>th</sup> century. In the absence of conventional indicators of legal capacity like the Index of Government Antidiversion Policies of the International Country Risk Guide or the World Bank Doing Business Indicators, I develop an alternative, second best measure: the number of thefts per 1000 inhabitants registered by local district courts. In doing so, I decompose the institutional and non-institutional components of the registered theft rate. The former should be understood as the efficiency of a district's police force, the efficiency of the local courts themselves as well as the overall legal framework. The non-institutional component can be interpreted as the actual rate of crime which is influenced by socio-economic factors. The legal capacity measure is then constructed by using the institutional components of the theft rate. Because the direction of influence of the different institutional and non-institutional variables is not clear a priori, I develop a structural model that is estimated with panel data from 79 administrative districts of the Grand Duchy of Baden. As a result, I find that legal capacity rose since the middle of the 19<sup>th</sup> century. But legal capacity did not only rise in levels; it also became more equally distributed between the administrative districts of the country.

Felix Selgert

Department of Economics

University of Mannheim

L7, 3-5, 68131 Mannheim

Phone: +49 621 181 1904

Mail: [fselgert@rumms.uni-mannheim.de](mailto:fselgert@rumms.uni-mannheim.de)