**COMPARISON OF CIVIL AND COMMON LAW SYSTEMS**

**A. Economic Comparison**

Comparing civil and common law systems has recently become something of a blood sport. Which system is better at producing economic and legal benefits? (Cultural and social benefits, for some reason, are rarely compared. Nor is there much effort to extract the influence of culture, as opposed to law.)

As you read the following, ask yourself whether there is value in comparing legal systems and whether the comparison is valid. What are the appropriate measures of a legal system’s value to a society?

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**The Common Law and Economic Growth: Hayek Might be Right**

“*[T]he ideal of individual liberty seems to have flourished chiefly among people where, at least for long periods, judge-made law predominated*” (Hayek, 1973).

**Introduction**

The motivation for [this paper] is Hayek’s argument for the superiority of English to French legal traditions. Hayek viewed the decentralized, judge-made common law as an example of spontaneous order. . . . Because, in Hayek’s view, the spontaneous order represented by the common law is more consistent with individual liberty than the more rationalist and constructivist (and therefore more interventionist) tendencies of the civil law, the common law is associated with fewer government restrictions on economic and other liberties. If common law countries indeed provide greater freedom to their citizens, they should experience more rapid economic growth.

Hayek’s views are correct as a matter of legal history. . . . English common law developed as it did because landed aristocrats and merchants wanted a system of law that would provide strong protections for property and contract rights and limit the crown’s ability to interfere in markets. French civil law, by contrast, developed as it did because the revolutionary generation, and Napoléon after it, wished to disable judges from thwarting government economic policies. Thus, quite apart from the substance of legal rules, there is a sharp difference between the ideologies underlying common and civil law, with the latter notably more comfortable with a centralized and activist government.

The more complex question is whether the sharp differences in origin and ideology translate into institutional differences that could affect economic outcomes today. I suggest that there are structural differences between common and civil law, most notably the greater degree of judicial independence in the former and the lower level of scrutiny of executive action in the latter, that provide governments more scope for alteration of property and contract rights in civil law countries. The law-and-development literature to date, by focusing on differences in the substance of specific legal rules, has missed this larger picture.

I then report results of cross-country regression analyses showing an association between the common law and higher rates of real per capita growth in gross domestic product (GDP). I also provide evidence . . . that citizens in common law countries demonstrate greater confidence in the mechanisms of property and contract enforcement than those in civil law countries. ....

**Judicial Independence and Separation of Powers**

Why should legal origin matter? . . . The strongest reason to suspect that legal origin would *not* be important is that both traditions do well on the most fundamental questions, providing for enforcement of property and contract rights and requiring compensation for certain wrongful (tortious) acts. The creation of a system of enforceable property rights is one of the most important institutional prerequisites to economic growth. The substantive rules of common and civil law provide redress for private actors’ interference in property or contracts. . . .

[Even if] the average quality of rules is similar, the common law [may] provide greater stability and predictability. The common law tradition includes two features–respect for precedent and the power of an appellate court to reverse the legal conclusions of a lower court–that should result in more predictable outcomes. These features are nominally lacking in the civil law. Only the code itself–not prior judicial decisions or the pronouncement of a superior tribunal–counts as binding law in the civil law tradition. Legislatures, unlike common law courts, are not bound by precedent. It is debatable, however, whether the difference is a sharp in practice as it is in theory. Civil law courts appear in practice to consult precedents and the decisions of higher courts.

Separation of legislative, executive, and judicial powers is another [important difference]. . . . The intuition is straightforward; it is more difficult for politicians to coordinate in a system of separated powers. Separation of powers thus produces less redistribution but also fewer public goods. Judicial independence reinforces the separation of powers between the legislative and executive branches, on the one hand, and the judiciary, on the other, and we would therefore expect it to increase the cost of redistribution. . . . In that event, judicial independence should function similarly to the separation of legislative and executive power. . . .

The degree of formal separation between the judiciary and the other branch or branches is ordinarily greater in common law than civil law countries. In the common law tradition, the judiciary is a formally separate branch of government and any ordinary judgeship is a prestigious, well-compensated post. A judge is appointed, typically as the culmination of a successful career as a lawyer, to a specific court in a specific location. . . . By contrast, the new civil law judge is typically a recent law school graduate who has passed a qualifying examination for entry into a minor judgeship. To remain in the entry-level post for an entire career would be a clear mark of failure. Prestige is gained by promotions and postings to more desirable geographical locations. The civil law judge, then, has greater motivation than the common law judge to gain the favor of the executive branch. . . .

**Historical and Ideological Distinctions**

The common law and civil law both evolved from a combination of Roman law concepts and local practices and share many substantive traits. The common law and civil law also played important roles in the creation of the modern English and French constitutional systems. Those roles were sharply divergent, however, and as a consequence each system has an ideological content distinct from the substance of particular legal rules.

During the seventeenth century, English common law became strongly associated with the idea of economic freedom and, more generally, the subject’s liberty from arbitrary action by the crown. The seventeenth century witnessed the completion of a centuries-long process in which England’s large landowners pried their land loose from the feudal system and became in practice owners rather than tenants of the king. Because landowners served as local justices of the peace and the landowning nobility as judges of last resort, the judges unsurprisingly developed legal rules that treated them as owners with substantial rights. The common law they created was principally a law of property. . . . Under the Stuart kings, both landowners and merchants were threatened by claims of royal prerogative. . . . Disputes over the security of property and executive intervention in the economy played a central role in England’s two seventeenth century revolutions. In those disputes, the common law courts and Parliament (whose members were drawn from the landowning and merchant groups) took the side of economic freedom and opposed the crown. . . . Coke and later common law judges thereby came to stand for the protection of the rule of law and economic rights against royal power.

The French experience was very different. Judges, who were heroes in English constitutional development, were villains in French constitutional development. While security of economic rights was the motivating force in the development of English common law, security of executive power from judicial interference was the motivating force in the post-Revolution legal developments that culminated in the *Code Napoléon*. The highest courts in pre-Revolutionary France, the *Parlements*, differed dramatically from the common law courts in England. They were part court, part legislature, and part administrative agency. They decided cases, promulgated regulations, and had partial veto power over royal legislation. As a practical matter, judicial offices were salable and inheritable.

Like the Stuarts in seventeenth century England, the Bourbons faced a fiscal crisis in eighteenth century France. . . . Louis XV’s and Louis XVI’s ministers attempted to address the situation by increasing the role of royal administrators, the *intendents*, in the profitable business of enforcing guild and monopoly rights at the expense of the *parlements*. . . . The crown also attempted to increase the tax base by eliminating some aristocratic privileges. The *parlements*, not surprisingly, strongly resisted these strategies, and the resulting conflict between king and *parlements* helped ignite the Revolution. A central goal of post-Revolution legal reform, then, was to prevent a return of “government by judges.” . . . The assertion of the primacy of political over judicial power later dovetailed nicely with Napoléon’s goal of centralizing power in the executive.

The English experience was that dispersion of authority to judges helped to secure desirable political and economic outcomes. The French experience was just the opposite. The authority of the *Parlements* stalled needed reforms in *ancien régime* taxation, and the lesson drawn was that economic and political progress required the centralization of power. The civil law and common law, then, are closely connected to the more centralizing tendency of French political thought and the decentralized, individualistic tradition of English political thought. Hayek argued that English and French concepts of law stemmed from English and French models of liberty, the first (derived from Locke and Hume) emphasizing the individual’s freedom to pursue individual ends and the second (derived from Hobbes and Rousseau) emphasizing the government’s freedom to pursue collective ends. . . .

By the end of the seventeenth century, common law judges in England did not hesitate to review actions of the executive if alleged to violate the rights of a subject. Among the many writs, or forms of action, recognized by the royal courts in England were several prerogative writs that could be issued to government officials . . . and provided subjects with recourse against the arbitrary acts of government officials. In France, by contrast, a post-Revolution statute (still in effect) declared “It shall be a criminal offence for the judges of the ordinary courts to interfere in any manner whatsoever with the operation of the administration, nor shall they call administrators to account before them in respect of the exercise of their official functions.” France eventually developed a system of specialized administrative courts authorized to review administrative decisions. The contrast to common law practice, however, is substantial. The French administrative courts are under the direct supervision of the executive. Its judges are trained at the administrative schools alongside the future civil servants whose decisions they will oversee.

These institutional features are supported by a body of substantive administrative law that insists that the courts intrude as little as possible in the administration’s pursuit of the public interest. The civil law draws a sharp distinction between private law (applicable to disputes between citizens) and public law (applicable to disputes involving government actions). The strong emphasis on property and contract that characterizes the former gives way in the latter to concern for preserving the government’s freedom to pursue collective ends. The common law, by contrast, does not recognize a formal distinction between private and public law. . . . It is accordingly easier for administrators in civil law countries to play the role of enforcers of interest group deals. Differences in the way common law and civil law courts review administrative action make it less likely that courts will overturn administrative decisions at the behest of the losing interest group and make interest group deals more secure. . . .

**Empirical Evidence**

[To test the economic effects of these different legal systems], I examine differences in average annual growth in real per capita GDP . . . of 102 countries. . . . Over the period 1960-1992, common law countries experienced, on average, a bit more than half a percent greater real per capita GDP growth per year than did civil law countries, controlling for starting per capita GDP, secondary school enrollment, population growth, investment, and other factors.

This result is not a definitive vindication of the common law. Common and civil law origin typically come bundled with various other endowments as a consequence of colonization. Although I have tried to control for some of these (region, religion, educational attainment, and trade), it is possible that some other attributes of “Englishness” drive the result. That said, the result is consistent with a longstanding critique of English and French theories of the role of law in society.

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**B. Legal Comparison**

 **COURTS: THE LEX MUNDI PROJECT**

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**Abstract.** In cooperation with Lex Mundi member law firms in 109 countries, we measure and describe the exact procedures used by litigants and courts to evict a tenant for non‑payment of rent and to collect a bounced check. We use these data to construct an index of procedural formalism of dispute resolution for each country. We find that such formalism is systematically greater in civil than in common law countries. Moreover, procedural formalism is associated with higher expected duration of judicial proceedings, more corruption, less consistency, less honesty, less fairness in judicial decisions, and inferior access to justice. These results suggest that legal transplantation may have led to an inefficiently high level of procedural formalism, particularly in developing countries.

**I. Introduction.**

In economic analysis, the institution that [theoretically] enforces contracts both perfectly and freely is the courts. This theoretical view of perfect enforcement contrasts sharply with the empirical observation that courts are often slow, inefficient, and even corrupt. Indeed, informal contract enforcement appears as a solution to court failures.

In this paper, we attempt to understand in more detail how simple disputes are resolved in courts. We do so in a comparative study of how a plaintiff can use the official court system to evict a non‑paying tenant and to collect a bounced check in 109 countries around the world. We measure some of the key structural aspects of the operation of courts and examine their consequences for the quality of formal dispute resolution.

The focus on courts is crucial. For many corporations and sophisticated traders, alternative methods of dispute resolution substitute for courts. Likewise, many less wealthy individuals often resolve disputes privately, using neighbors, shamans, or violence. Nonetheless, we believe that a well functioning system of public dispute resolution, particularly for ordinary people, is an essential element of justice.

The Enlightenment idea was precisely to make courts accessible to ordinary citizens, thereby securing justice and avoiding privatization of enforcement. If ordinary people fail to find justice in state courts, their likely alternative is not some efficient method of private dispute resolution, but rather violence or acceptance of injustice.

In a theoretical model of an ideal court, a dispute between two neighbors can be resolved by a third on fairness grounds, with little knowledge or use of law, no lawyers, no written submissions, no procedural constraints on how evidence, witnesses, and arguments are presented, and no appeal. Yet in reality, most legal systems heavily regulate dispute resolution: they rely on lawyers and professional judges, regiment the steps that the disputants must follow, regulate the collection and presentation of the evidence, insist on legal justification of claims and judges’ decisions, give predominance to written submissions, and so on.

Such regulations, which we call procedural formalism or formalism for short, can have profound consequences for the quality of dispute resolution, particularly in simple disputes material to an average person. For this reason, we focus on measuring and assessing the consequences of formalism of the legal procedure.

There are several important reasons why procedural formalism exists, some good and some bad. The sovereign often has an interest in how the dispute is resolved, to punish undesirable conduct, to establish precedents, or to promote deterrence, but also to help his friends and hurt his enemies. Formalism, like all regulation, gives the sovereign more control over the outcomes relative to the informality of the neighbor model. And like all regulation, it can be used both to enhance public welfare and to facilitate sovereign abuse of the public.

Informal justice may also be subject to various kinds of subversion: one neighbor may be more powerful than the other, and therefore able to influence the judge. Likewise, formalism may protect weak members of the community from judicial and prosecutorial abuse, ensuring fairness and accuracy of the process. As the great German jurist Rudolf von Jhering exclaimed, “reform is the sworn enemy of arbitrary rule, the twin sister of liberty” (1898, p. 471).

We have three broad goals. First, we aim to measure the formalism of the court procedure around the world. Second, we examine empirically the consequences of formalism for the quality of the judicial system. We examine both the expected duration of dispute resolution and such crucial measures of its quality as access to justice, fairness, impartiality, consistency, and honesty. Although we do not have a direct measure of accuracy of dispute resolution, the measures of consistency and fairness come relatively close. At least for simple disputes, this analysis enables us to ask whether formalism secures justice. Third, we attempt to interpret the evidence in light of alternative theories of institutions. Specifically, we consider the possibility that the transplantation of Western legal procedures to developing countries may have led to undesirably high levels of formalism.[[1]](#footnote-1)

To pursue these goals, in cooperation with Lex Mundi, the largest international association of law firms, we describe the exact procedures used to resolve two specific disputes in 109 countries. These are the eviction of a residential tenant for non‑payment of rent and the collection of a check returned for non‑payment. We described the cases to a law firm in each country in great detail, and asked for a complete write‑up of the legal procedures necessary to dispute these cases in court and the exact articles of the law governing these procedures. For comparability, the cases were specified so that the plaintiff has fully complied with the agreement (is 100% right), and the defendant has no justification at all. We also assumed in both cases that the defendant presents a poorly justified opposition (so default judgment is not an option) and avoids voluntary payment. o understand how courts work, we also specified that the case does not settle, and proceeds through the system until the ultimate judgment and its enforcement.

The focus on these two specific disputes has a number of advantages. First, they represent typical situations of default on an everyday contract in virtually every country. The adjudication of such cases illustrates the enforcement of property rights and private contracts in a given legal environment. Second, the case facts and procedural assumptions could be tailored to make the cases comparable across countries. This makes these cases distinct from other situations, such as divorce, in which cross‑country comparability is much harder to achieve. Third, the resolution of these cases involves lower level civil trial courts in all countries (unless Alternative Dispute Resolution is used). Because these are the courts whose functioning is most relevant to many of a country’s citizens, the focus on the quality of such courts is appropriate in a development context. Fourth, we focus on simple disputes resolved in lower level courts. For more complex disputes, additional issues arise, and it may not be appropriate to generalize our findings. For example, alternatives to the judicial system, such as commercial arbitration, are available in many countries to large companies, though not to ordinary citizens. Perhaps even more importantly, formalism may be essential for justice in complex disputes even when informality is adequate for the simple cases we consider.

Using the case of the collection of a bounced check also gets us away from the concern that rules governing the eviction of a non‑paying tenant are shaped by socialist sentiment in a country. The fact that the structures of dispute resolution for eviction and check collection are so similar is inconsistent with the view that socialism drives both.

Using the data from the participating law firms, we construct measures of formalism (separately for eviction and for check collection), defined here as the extent to which the regulation causes dispute resolution to deviate from the neighbor model. Our data cover seven broad aspects of formalism:

(1) the use of professional judges and lawyers as opposed to lay judges and self‑ representation,

(2) the need to make written as opposed to oral arguments at various stages of the process,

(3) the necessity of legal justification of various actions by either disputants or judges,

(4) the regulation of evidence,

(5) the nature of superior review of the first‑instance judgment,

(6) engagement formalities during the dispute (such as service of process by a judicial officer), and

(7) the count of the number of independent procedural actions required by law. Each category includes a number of measures of formalism.

From these data, we construct seven sub‑indices of different aspects of formalism, and then aggregate them into an overall index.

Research in comparative law and legal history suggests that formalism varies systematically among legal origins. In particular, civil law countries generally regulate dispute resolution, including the conduct of the adjudicators, more heavily than do common law countries. What is particularly important about this observation for our purposes is that most developing countries have inherited much of their legal procedures from their colonizers. Because legal procedures have been transplanted mostly involuntarily, and have to a significant extent remained unchanged over decades, legal origin is a useful instrument for formalism. This also suggests that formalism might be a heritage of the colonial past rather than an efficient response to the conditions of each country.

Our data provide a striking empirical confirmation for the proposition that dispute resolution, as measured by our indices, is more formalized in civil than in common law countries. Legal origins alone explain around 40% of the variation in formalism of dispute resolution among 109 countries. In nearly all dimensions, we find greater deviation from the informal neighbor ideal in civil law (and especially French civil law) countries. This result holds for both eviction and check collection. We also find that adjudication is more formalized in the less developed than in the rich countries.

Formalism is not in itself proof of inefficiency: it may serve political goals of the state, control the subversion of the legal system, or guarantee fairness and accuracy of trials. Indeed, there is nothing normatively significant about the neighbor model; we simply use it to organize measurement. Moreover, it is difficult to believe that the optimal amount of formalism in a modern legal system is zero. The question is what are the consequences of formalism for judicial quality.

Having established these basic differences in formalism among legal origins, we examine several aspects of judicial quality. From the participating law firms, we obtain estimates of the expected duration of our specific disputes in calendar days, from the original filing of a complaint to the ultimate enforcement of judgment. In addition, we use indicators of judicial quality from other data sources, covering such areas as judicial efficiency, enforceability of contracts, access to justice, human rights protection, and corruption. Last, we use data from the World Business Environment Survey of small firms on the fairness, consistency, honesty, and other aspects of the legal system.

We find that, holding per capita income constant, procedural formalism is a strong predictor of expected duration of dispute resolution. Higher formalism also predicts lower judicial efficiency, higher corruption, lower honesty and consistency of the system, less fairness, and inferior access to justice. These results hold both in ordinary least squares regressions, and in instrumental variable estimates where legal origin is used as an instrument for formalism. The results hold for both eviction and check collection. In our data, there is no evidence that formalism secures justice.

**II. Conceptual Issues.**

***Broad Theories***

Shapiro describes an idealized model of a court as follows:

“The root concept employed here is a simple one of conflict structured in triads. Cutting quite across cultural lines, it appears that whenever two persons come into a conflict that they cannot themselves solve, one solution appealing to common sense is to call upon a third for assistance in achieving a resolution. So universal across time and space is this simple invention of triads that we can discover almost no society that fails to employ it. And from its overwhelming appeal to common sense stems the basic political legitimacy of courts everywhere. In short, the triad for the purposes of conflict resolution is the basic social logic of courts, a logic so compelling that courts have become a universal political phenomenon.”

In this universal model, the resolution of a dispute among two neighbors by a third is guided by common sense and custom. It does not rely on formal law and certainly does not circumscribe the procedures that the neighbors employ to address their differences.

Even though Shapiro may have captured the essential “courtness” of courts, it is striking how far the courts everywhere deviate from this ideal. They employ professional judges and lawyers, rather than neighbors, to resolve disputes. They follow heavily regimented procedures, restricting how claims and counter‑claims can be presented, how evidence can be interpreted, and how various parties can communicate with each other. Rather than holding an informal meeting, many courts assemble written records of the proceedings, and allow disputants to appeal the decisions of a judge. Rather than adhere to Shapiro’ s ideal, most jurisdictions heavily regulate their civil procedures.

So why isn’t the informal model of a court what we see in reality? Perhaps most importantly, as emphasized by Shapiro, most courts are associated with the state, and sovereigns often have an interest in how disputes are resolved. They might wish to punish some undesirable conduct to a greater extent than a judge‑neighbor would, to establish precedents, or to reduce errors relative to informal adjudication. They might alternatively wish disputes to be resolved so as to favor themselves, or their friends, or their political supporters, as well as to punish their enemies and political opponents. They might also wish to make sure that disputes are resolved in a consistent way across their domains, so as to promote trade or political uniformity. They may indeed use courts to promote policy innovations of sovereign interest, whether good or bad. To achieve these goals, sovereigns regulate the judicial procedure to ensure that the “judges are no more than the mouth that pronounces the words of the law, mere passive beings, incapable of moderating either its force or rigour.” (Montesquieu [1748] 1984, p. 194).

A further reason to regulate dispute resolution is that informal triad justice is vulnerable to subversion by the powerful. As Shapiro points out, as soon as a neighbor has ruled in favor of one of the disputants, it becomes two against one rather than a balanced triad. If two neighbors can always win against one, it obviously becomes in the interest of each disputant to influence the judge. Their ability to do so, in turn, is the crucial determinant of the viability of the triad system. If one of the two disputants is economically and politically more powerful than the other, he can encourage the supposedly impartial judge to favor him. He can do so with carrots, such as bribes and promises of future favors, or with sticks, such as intimidation and violence. The other side of this coin is access to justice: the less advantaged members of a society must expect justice rather than abuse from the state or powerful opponents. Without formalism, justice might be impossible to achieve.

As a consequence, legal procedures are universally more formalized than the neighbor model would suggest. Moreover, as legal historians have long recognized, is that there are different broad traditions of such regulation, intimately related to the civil versus common law origin of the country’s laws. These traditions have derived from Roman and English law respectively, and were transplanted to many countries through conquest and colonization (by France, Germany and Spain in the case of civil law, and England in the case of common law). Although legal systems of most countries have evolved since colonial times, recent evidence shows that important features of legal origin are often preserved through the centuries (e.g., La Porta et al. 1998, 1999).

Different writers have different theories of how legal origin has shaped legal procedure in general, and formalism in particular. Some, such as Hayek (1960) and Merryman (1985), attribute the differences to the ideas of the Enlightenment and the French Revolution. In France, the revolutionaries and Napoleon did not trust the judges, and instituted heavily codified judicial procedures as a way to control judicial discretion. According to Schlesinger et al. (1988), in civil law countries “the procedural codes are meant to be essentially all‑inclusive statements of judicial powers, remedies, and procedural devices.” Consistent with von Jehring’s logic, procedural formalism was seen as a guarantee of freedom. In England and the United States, in contrast, lawyers and judges were on the “right” side of the revolutions, and hence the political process accommodated a great deal more judicial independence. In the common law tradition, “a code is supplemental to the unwritten law, and in construing its provisions and filling its gaps, resort must be had to the common law.” (Schlesinger et al. 1988). As a consequence, less formalism is required in the judicial procedure.

The fact that most countries in the world inherited significant parts of their legal procedures “often involuntarily “is of great consequence to our analysis. At the econometric level, it suggests that legal origin can be used as an instrument for the degree of formalism of the legal procedure. At the substantive level, the nature of transplantation enables us to distinguish two hypotheses. If countries select their legal procedures voluntarily, then one can argue that greater formalism is an efficient adaptation to a weaker law and order environment. If, however, legal procedures are transplanted through colonization, the efficient adaptation model does not apply. Rather, we can attribute the consequences of legal formalism to the exogenously determined features of the legal procedure, and in this way consider the efficiency of alternative rules.

***What is procedural formalism?***

The differences in the broad approaches to legal procedure between common and civil law are reflected in potentially measurable areas of procedural formalism, which we call formalism for short. Below, we consider 7 such broad areas.

First, many countries rely on **professional judges and lawyers** in the operations of a court. Professional judges often work for the government. This ensures that the sovereign's preferences are recognized, but also enables the sovereign to protect judges, making them less vulnerable to subversion. Professional judges are also necessary when the sovereign insists on judgment in law rather than equity. By prohibiting direct participation of private parties in the legal process a duly licensed representative “who has to abide by tight standards of professional conduct and is subject to close supervision,” the sovereign also raises the level of control over the judicial process. This may serve to advance the sovereign goals as well as to prevent subversion, since a lawyer would not allow their client’s improper appeals before the judge when their professional license is at stake.

Second, many countries mandate the use of **written as opposed to oral presentation** at various stages of the procedure. This preference for written over oral presentation raises accountability and facilitates sovereign control over the judicial process. When every piece of evidence must be presented in court with a lawyer’s memo, with a copy of such memo signed and sealed by the clerk, and when every motion, exception, or piece of evidence must be accepted or rejected by the judge in writing and signed, the entire procedure can be reproduced and subject to a thorough review by an independent third party. A written record with multiple copies prevents a biased judgment based on the sudden disappearance of a key piece of evidence or of the entire file.

Third, many countries require **legal justification of civil complaints as well as judicial decisions** – a clear attack on the informality of the neighbor model. The reasons are again clear: the sovereign pursuing his interests and preventing subversion wants judges ruling according to his law rather than exercising discretion inherent in informality. Decisions motivated by religious, racial or other prejudices of a judge can be avoided by demanding full justification of judgments on specific articles of the law and legal reasons open to review.

Fourth, every country regulates the **manner in which evidence is gathered and presented** or banned in court. To prevent biased selection, judges are banned from rejecting evidence requested by the parties. Hearsay is prohibited because it cannot be controverted in open court. Mandatory pre‑ qualification of questions by the judge and prohibition of partisan interrogation prevent harassment of witnesses. Rules on authenticity and weight of evidence intend to preclude biased or unfounded assessments of facts. In all these and other ways, the regulation of evidence can serve to achieve the state’s goals and reduce the dangers of subversion.

Fifth, many countries rely on **comprehensive appeal procedures and extensive superior review** of trial court’s decisions. Written records are complementary with appeals; without a record, the appeal must be limited or a trial must be held *de novo*. More generally, both written records and appeals are part of sovereign control of dispute resolution, used to assess, evaluate, and reverse judicial decisions should the superior court so desire. Both the pursuit of sovereign goals and the protection of judges from subversion are promoted through such arrangements.

Sixth, all countries regulate **how and when a party can be considered bound** by the court proceedings through engagement formalities. These include rules of notification and other procedures, such as mandatory pre‑trial reconciliation, that must be used before a party can be brought to court. These rules are justified by the need to guarantee the defendant’s right to defend. “The most elementary requirement of due notice is that each party should receive notice of the other side’s case. This is the province of that complex bundle of rules, often very technical, concerning ‘service’ of writs and other formal procedural documents. These rules are intended to provide a safe and verifiable means of giving each party proper notice of proceedings.”

Finally, many countries have very detailed regulations that **control the proceedings step by step**. Many of these steps can be best understood from the perspective of controlling errors as well as subversion: they are intended to ensure that a party cannot gain advantage in a trial by unfairly manipulating the process. For example, a certain number of days must elapse between one action and the next to ensure that the affected party has had enough opportunity to respond.

How can we measure formalism in dispute resolution in different countries? Does it vary systematically among legal origins? And is the variation systematically related to the quality of the legal system? Ultimately, the optimal level of formalism is an empirical question. Below, we describe our approach to the measurement of formalism and the evaluation of its consequences.

**III. Methodology.**

***Data Collection Procedures***

The data used in this paper are derived from questionnaires answered by attorneys at Lex Mundi and Lex Africa member firms. Lex Mundi and Lex Africa are international associations of law firms, which include as their members law firms with offices in 115 countries. Of the 115 countries, Lex Mundi members in six did not accept our invitation to join the project, and these six jurisdictions (Burkina Faso, Cambodia, Nicaragua, Northern Ireland, Scotland, St. Kitts and Nevis) were removed from the sample. We have received and codified data from all the others.

The 109 cooperating law firms received a questionnaire designed by the authors with the advice of practicing attorneys from Argentina, Belgium, Botswana, Colombia, Mexico, and the United States. The questionnaire covered the step‑by‑step evolution of an eviction and a check collection procedure before local courts in the country’ largest city. In presenting the cases, we provided the respondent firm with significant detail, including the amount of the claim, the location and main characteristics of the litigants, the presence of city regulations, the nature of the remedy requested by the plaintiff, the merit of the plaintiff’s and the defendant’s claims, and the social implications of the judicial outcomes. Furthermore, to understand how courts work, we specified that there is no settlement.

Our approach is preferred to just a general reading and codification of laws, where comparability across countries might not be achieved with similar precision. Moreover, the focus on two distinct cases – eviction and check collection – allowed us to deal with different types of procedures in sample countries, and thus provided a robustness check for our indices of regulation of dispute resolution. Finally, we have discovered that even the largest law firms in most countries employed individuals familiar with eviction and check collection procedures, generally because they have worked on such cases for their clients.

The questionnaires provided to law firms were divided into two parts: (1) description of the procedure of the hypothetical case step by step, and (2) multiple choice questions. The following aspects of the procedure were covered: (1) step by step description of the procedure, (2) estimates of the actual duration at each stage, (3) indication of whether written submissions were required at each stage, (4) indication of specific laws applicable at each stage, (5) indication of mandatory time limits at each stage, (6) indication of the form of the appeal, and (7) the existence of alternative administrative procedures. Multiple‑choice questions were used both to collect additional information and to check the presentations and the uniformity of concepts used at the initial stage.

[The authors the describe how the ensured their questionnaire was complete and filled out with care. They describe how the answers were coded, checked for consistency, and corrected when necessary.]

***The Variables***

We wish to measure the regulation of dispute resolution relative to Shapiro’s (1981) hypothetical benchmark of a neighbor resolving a dispute among two others. Comparative law textbooks and manuals of civil procedure point to several areas where the laws of different countries regulate such dispute resolution differently.

We focus on seven areas of formalism, and codify the answers provided by Lex Mundi firms from the perspective of the neighbor model. The exact definitions of the variables are contained in Table 1 [summarized below].

[The authors the describe the reasons they believe their 7 variables, and the factors for each, capture the difference between a formal state dispute-resolution model and Shapiro's neighbor model.]

In the idealized neighbor model, there would be only three procedural actions: (1) a claimant would request the judge’s intervention, (2) the judge and the claimant would together meet the defendant and the judge would issue a decision following a discussion, and (3) the judgment would be enforced. As the evidence below shows, in some countries, checks can be collected and tenants evicted in just 8 or 9 steps, while in others it takes 40 to 45 steps -- a far cry from the neighbor model. We aggregate these counts into an index of “independent procedural actions” and normalize the index to fall between zero and one based on the minimum and the maximum number of actions among countries.

Having assembled the data, we combine the seven sub‑indexes into the index of formalism. We scale each subindex to fall between zero and 1, so the formalism index falls between 0 and 7, with 7 representing, according to our conception, the greatest distance from the neighbor model. The exact method of the construction of the formalism index is not crucial, since the various sub‑indices generally point in the same direction as to which countries regulate adjudication more heavily.

Our data also enable us to provide some information on the quality of dispute resolution. One measure of quality is an estimate “in calendar days “of duration of the process of dispute resolution by the lawyers who completed the questionnaires. Duration is measured as the number of calendar days counted from the moment the plaintiff files the lawsuit in court, until the moment of actual repossession (eviction) or payment (check). This measure includes both the days where actions take place and waiting periods between actions. The participating firms make separate estimates of the average duration until the completion of service of process, the issuance of judgment (duration of trial), and the moment of payment or repossession (duration of enforcement). To the extent that we are interested in the ability of an ordinary person to use the legal system, these estimates of duration are highly relevant for efficiency.

In addition to the data from the questionnaires, we use data from surveys of business people on the quality of the legal system. Some standard surveys we rely on include measures of the efficiency of the judicial system, law enforcement quality, equality of access to non‑discriminatory justice, human rights, and corruption. In addition, we use information from small firm assessments of various aspects of the quality of the legal system, including consistency, honesty, and fairness, contained in the World Business Environment Survey. These data will be used to shed light on the crucial question: does formalism secure justice?

**IV. Procedural formalism.**

Table 2A [presents our data on procedural formalism for evictions, with sub‑indices and the overall index,] Table 2B for check collection. The countries are arranged by legal origin, and the tables report the means and the medians by legal origin. Some examples illustrate the data.

***Eviction procedures***

In New Zealand, the eviction of a non‑paying tenant is handled by a specialized limited jurisdiction housing court, the “Tenancy Tribunal”. The cases are decided by lay judges called “adjudicators”, some of which do not even hold a law degree. Attorneys are not prohibited but strongly discouraged, so the overwhelming majority of cases are handled without the assistance of a lawyer. The proceedings are conducted orally, and most cases are decided in a single hearing. The presentation of the complaint, the opposition, the evidence, and the arguments, all take place at the hearing. The judgment is normally announced in court at the end of the hearing. The complaint is an informal document that briefly describes the facts and controversy in layperson’s language. Legal reasoning and justification in specific articles of the law are neither required nor expected. The judgment may be motivated on either law or equity, as long as written reasons are provided. Evidence is scarcely regulated; it need not be on oath, it can be oral or written, and it is not bound by strict rules on administration and evaluation. The tenant and the landlord are both entitled to attend and be heard, to call evidence and to examine and cross‑examine witnesses. The Tenancy Tribunal may call for and receive as evidence any statement, document, information, matter or thing that in its opinion may assist to deal effectively with the case before it. Appeal of first instance judgments is available, but only a tiny fraction of the decisions are appealed and it does not automatically suspend the enforcement of judgment. Interlocutory appeals are prohibited. Notifications are normally by mail, without formalities or mandatory intervention of judicial officers. The entire procedure only takes ten Independent Procedural Actions from filing to actual enforcement of judgment. The formalism index for eviction in New Zealand is 1.25.

In Portugal, in contrast, evictions are handled by a professional judge at a civil district court, the “Tribunal de Comarca.” The landlord needs to appoint a lawyer. The proceedings are mostly conducted in written form and most of the interaction among the parties and the judge is through written documents filed before the court. The complaint, the answer to the complaint, the answer to the opposition and to every motion filed by the parties must be in writing. The complaint must comply with formal requirements specified by law, and it must be expressly motivated in law and in facts. The court must verify compliance with formal requirements before admitting the lawsuit. Judgment is rendered in writing and fully justified in law and facts. Judgment must be motivated exclusively on legal grounds (not on equity). The judge takes the main responsibility for gathering and sifting the evidence, and he must pre‑qualify the questions before they are asked of the witnesses. Appeal is comprehensive and it automatically suspends enforcement of judgment. Interlocutory appeals are broadly allowed. Notifications are mostly by mail. Finally, the procedure takes at least 22 Independent Procedural Actions from filing to enforcement. The formalism index for eviction in Portugal is 4.54.

***Bounced check procedures***

Consider next check collection, shown in Table 2B. In the United Kingdom, the procedure for the collection of a bounced check is in most cases dismissed without a trial because the claimant obtains a summary judgment on the basis that the defendant has no real prospect of defending the claim. In most cases parties act without legal representation. The proceedings are conducted at an oral hearing attended by the parties and the judge. The claim is filed in writing, albeit informally. Judgment is normally given immediately after the hearing. Legal justification of claims is neither required not expected. Allocation questionnaires, explained in layperson’s language, are sent to both parties to assess the expected burden and duration of the proceedings, so that the court can plan accordingly. Written reasons for judgment are not generally given, unless one party wishes to appeal. Judgment may be motivated on law or on equity grounds. Evidence is mostly gathered and presented by the parties and freely weighted by the judge. It is not mandatory to have a written record of all evidence introduced at trial. The right to appeal is not automatic; permission to appeal must be requested before the judge and is frequently denied. The claim is notified to the defendant by mail and service is deemed effective on the second day after posting. The defendant must file an acknowledgment of service to prevent a default judgment. Judgment is normally notified in court. Finally, the procedure takes 12 Independent Procedural Actions from filing to actual enforcement. The formalism index for check collection in the United Kingdom is 2.58.

The collection of a bounced check in Austria is tried before a regular commercial court. Legal representation is very common in all cases and mandatory beyond certain limit (US$3,500). The proceedings are mostly conducted in written form and most of the interaction among the parties and the judge is through written documents filed before the court. As a matter of principle, the judgment shall be announced orally immediately at the end of the final hearing, which is not the practice, though. If orally pronounced, it must be drawn in writing within four weeks. The claim must be fully justified and it must comply with formal requirements to be admissible. It is not mandatory but very common to include specific articles of the law. In the case of legal representation a qualified attorney must sign the complaint. The judgment must contain a detailed description of the proceedings, including particulars of the parties/attorneys, competent court, reference number, name of judge, date of decision, relief sought, motions by both parties, results of evidence, reasons, applicable law, decision, and an instruction on parties’ right to appeal. By law, there must be a written or magnetic record of all evidence introduced at trial. Appeal is filed before the court of first instance and it automatically suspends enforcement. Notifications are heavily regulated. The complaint must be personally delivered to the defendant’s residence together with a payment order containing legal instructions on the defendant’s right to oppose. After a second unsuccessful attempt of delivery, a notice of deposit is affixed to the defendant’s dwelling. Finally, at least 20 Independent Procedural Actions are required to complete the procedure. The formalism index for check collection in Austria is 3.52.

***Overview of results***

More generally, as Table 2 shows, for both check collection and eviction, the data clearly reveal that common law countries have least formalized, and French civil law countries most formalized dispute resolution, with other legal origins in the middle. For eviction, the differences hold for all sub‑indices, but are stronger in some areas (legal justification, number of independent procedural actions) than in others (evidence, superior review). The differences in formalism among civil law countries (French, German, socialist and Scandinavian) are less pronounced, and typically not as statistically significant (except that German and Scandinavian origin countries regulate less heavily than Socialist and French ones). For check collection, the pattern of results is similar, except that one of the sub‑indices is lower in French civil law countries than in common law countries. We return to this evidence more systematically in the regression analysis presented in Table 5, but note that the findings are broadly consistent with the thrust of the comparative law literature.

Table 3 [not included here] examines the statistical consistency of this evidence across the various sub‑indices measuring alternative aspects of procedural formalism, as well as across the two cases. The evidence presents a clear picture of consistency. The various sub‑indices are positively correlated with the overall index within each case. Moreover, across the two types of cases, the same sub‑indices are strongly positively correlated with each other. **The correlation of the formalism index between check collection and eviction is 0.83.**

Table 4 asks whether the differences in formalism among countries are also a consequence of the level of economic development. Economic historians have argued that poor institutions are a consequence of underdevelopment, and only development itself brings about improved institutions, including the legal system. Table 4 compares formalism among countries divided into quartiles of per capita income. We find lower formalism in the richest countries, but no difference between the poorest countries and the middle 50 percent. Table 4 also shows that the richest countries have the lowest levels of formalism both within common law and within the French civil law countries.

In Table 5 [not included here], we examine the determinants of formalism looking at the sub‑indices and the overall index. Panel A looks at eviction, and Panel B at check collection. The omitted dummy is common law legal origin. Using the regressions that hold legal origin constant, the result that **richer countries have lighter regulation of adjudication** holds both for the eviction of a tenant and the check collection procedures. At the same time, the R‑squared from using (the logarithm of) per capita income as the explanatory variable is only 4% for eviction and 8% for check collection.

 The data for most sub‑indices and the overall index also show that dispute resolution in socialist and French civil law countries is more formalized than it is in common law countries, even holding per capita income constant. Perhaps most remarkably in Table 5, incremental R‑squared in explaining the formalism index from the legal origin dummies is 40%: nearly half of the residual variation in formalism (holding per capita income constant) is explained by the legal tradition.

These results provide striking evidence in favor of the hypothesis from the comparative law literature that there are systematic differences in legal procedure across legal families, and, more specifically, civil law countries have more formal dispute resolution than do common law countries. [We also consider the hypothesis that the influence of Catholicism, with its protection of creditors, shapes judicial formalism. Although the percentage of a country’s population that is catholic is a statistically significant determinant of formalism, this variable becomes insignificant in a horse‑race with legal origin, which remains important.] The next question is whether these differences in formalism matter for the quality of adjudication.

**V. Consequences of formalism.**

In the next several tables, we turn to the consequences of formalism for the quality of the legal system. Table 6 [summarized in Tables 2A and 2B] presents the raw information, by country, on the estimated duration of dispute resolution. As in Table 2, countries are arranged by legal origin. A striking aspect of Table 6 is the extraordinary length of time it takes, on average, to pursue either claim in court. The worldwide average time for accomplishing an eviction is 254 (median of 202) calendar days, and for collecting a check 234 (median of 197) calendar days. With all the other costs, this number suggests why individuals in most countries choose not to use the formal legal system to resolve their disputes.

There is tremendous variation in the estimated duration of each procedure among countries Eviction is estimated to take 49 days in the U.S., 547 in Austria and 660 in Bulgaria. Check collection is estimated to take 60 in New Zealand, 527 in Colombia, and 645 in Italy. The comparison by legal origin for eviction puts common law and Scandinavian legal origin countries on top (shortest duration) and socialist and French legal origin countries at the bottom. Interestingly, and consistent with earlier work on creditor rights in Germany (La Porta et al. 1997), **German legal origin countries are comparatively more efficient at check collection than at eviction.** But the bottom line of Table 6 is the higher expected duration in civil law countries.

Table 7 [not included here] is based on the World Business Environment Survey (WBES) conducted by the World Bank in 2000. The questionnaire, which was answered by managers of small firms (below 50 employees), was designed to cover various dimensions of efficiency and quality of the judicial system. Although there is no specific question about the accuracy of the judicial system, respondents are asked whether it is fair and impartial and whether it is consistent “both partly reflections of accuracy. The results show that common law countries are perceived to have fairer, more honest, faster, more affordable, and more consistent judicial systems than French and Socialist legal origin countries. Respondents had higher confidence in the legal system and felt that court decisions were better enforced in common law countries.

Table 8 [not included here] presents the regression results of the determinants of judicial quality, using per capita income and our index of formalism as explanatory variables. Panel A focuses on eviction, and panel B on check collection. For both procedures, expected duration is not related to the level of per capita income in a statistically significant way. In contrast, expected duration is highly correlated with procedural formalism. Countries with higher formalism, not surprisingly, have longer expected times of using the judicial system to evict a non‑paying tenant or to collect a check. This result has important implications: **it suggests that legal structure, rather than the level of development, shapes this crucial dimension of judicial efficiency.**

Some examples illustrate the findings of Table 8. Malawi is a low‑income common law country, with per capita income of $180. It has a formalism index of 3.14 for eviction, and expected duration of only 35 days. It also has a formalism index of 2.95 for check collection, and expected duration of 108 days. By comparison, Mozambique is a low‑income French legal origin country, with per capita income of $220. It has one of the highest formalism indices of 5.15 for eviction, and expected duration of 540 days. For check collection, its formalism index is 4.49, and expected duration is 540 days. The same pattern emerges if we compare middle income countries (e.g., New Zealand versus Portugal), as well as rich countries (e.g., United Kingdom versus Austria).

These striking results on expected duration raise the crucial question: does procedural formalism, at the cost of longer proceedings, buy higher quality justice controlling for differences in levels of economic development? The answer suggested by Table 8 is NO.

**VII. Conclusion**

We present an analysis of legal procedures triggered by resolving two specific disputes – eviction of a non‑paying tenant and the collection of a bounced check – 109 countries. The data come from detailed descriptions of these procedures by Lex Mundi member law firms. For each country, the analysis leads to an index of formalism – a measure of the extent to which its legal procedure differs from the hypothetical benchmark of a neighbor informally resolving a dispute between two other neighbors. We then ask whether formalism varies systematically across countries, and whether it shapes the quality of the legal system.

Consistent with the literature on comparative law, we find that judicial formalism is systematically greater in civil law countries, and especially French civil law countries, than in common law countries. We also find lower formalism in the richest countries. The expected duration of dispute resolution is often extraordinarily high, suggesting significant inefficiencies. The expected duration is systematically higher in countries with more formalized proceedings, but is independent of the level of development. Perhaps more surprisingly, formalism is nearly universally associated with lower survey measures of the quality of legal system, including judicial efficiency, access to justice, honesty, consistency, impartiality, fairness, and even human rights.

There are two broad views of this evidence. According to the first, greater formalism is efficient in some countries, for a number of possible reasons. It can reduce error, it can advance benign political goals, or it can protect the judicial process from possible subversion by powerful interests. On this view, the various regulatory steps, such as reliance on professional judges and collection of written evidence, are there to secure a fair judicial process. Put differently, while heavily formalized adjudication appears problematic on some measures, adjudication would be even more problematic without the regulation.

According to the second view, many developing countries accepted the formalism in adjudication they now have as part of the transplantation of their legal system from their colonizers. On this view, there is no presumption that the transplanted system is efficient. Although heavy procedural formalism has theoretically plausible reasons for its existence, the reality it brings is extreme costs and delays, unwillingness by potential participants to use the court system, and ultimately injustice. At least some of the burdens of formalism may therefore be unnecessary, and could be relieved through reform, especially for simple disputes.

We believe that the evidence in this paper supports the second theory. Specifically, the evidence points to extremely long expected duration of dispute resolution, suggesting that courts are not an attractive venue for resolving disputes. Furthermore, we find no offsetting benefits of formalism, even when looking at a variety of measures of the perception of fairness and justice by the users of the legal system. Moreover, legal origin itself appears to determine judicial quality, other things equal, suggesting that formalism is unlikely to be part of a benevolent design.

The evidence suggests that the systems of dispute resolution in many countries may be inefficient “at least as far as simple disputes are concerned. In particular, one cannot assume in economic analysis, especially as applied to developing countries, that contract enforcement is costless thanks to the functioning of courts. Indeed, in light of our evidence, it is probably safer to assume that most simple contracts cannot be enforced in courts at all and that economic agents must find alternative strategies of contracting and contract enforcement. At the theoretical level, this analysis suggests that the incomplete contracting models of Grossman and Hart (1986) are a useful way to think about reality. At the empirical level, the analysis suggests that at least some institutional features of developing countries, such as financial underdevelopment, integration of firms into groups, and the importance of family businesses, might constitute a response to the difficulties of using courts to resolve disputes.

**Table 1: Formalism measures**

[The following 7 factors produce a higher "formalism score" while their absence produces a lower score. The overall index is a sum of the 7 factors (highest score = 7, lowest score = 0).]

**#1 Professionals vs. laymen**

* general jurisdiction court
* professional judge
* legal representation mandatory

**#2 Written vs. oral elements**

* written complaint
* written service of process
* written answer
* written evidence
* final arguments written
* written judgment
* notification of judgment written
* enforcement by written court order

**#3 Legal justification**

* complaint must be legally justified
* judgment must state legal justification
* yudgment on law only

**#4 Statutory regulation of evidence**

* judge cannot request evidence
* judge cannot admit irrelevant evidence
* out‑of‑court statements inadmissible
* pre‑qualification of questions mandatory
* oral interrogation only by judge
* documents must be original, certified
* authenticity defined by the law
* recording of evidence mandatory

**#5 Control of Superior Review**

* enforcement suspended pending appeal
* appeal comprehensive law/fact review
* interlocutory appeals allowed

**#6 Engagement formalities**

* mandatory pre‑trial conciliation required
* service of process only by judicial officer
* notification of judgment only by judicial officer

**#7 Independent procedural actions**

* many procedures to commence process
* many procedures for trial and judgment
* many procedures to notice and enforce judgment

**Formalism index** (sum of individual indices, each from 0-1).

**Table 2A: Eviction of a tenant**

[This table classifies countries by legal origin and shows the 7 formalism scores for the a judicial proceeding for the eviction of a tenant. The next-to-last column shows the overall "formalism" score for each country (7 highest, 0 lowest)

[The last column shows the total duration in days for eviction -- including completion of service of process, duration of the trial, and enforcement of the judgment.]

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **English legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Anguilla | 0.67 | 0.88 | 0.67 | 0.13 | 1.00 | 0.67 | 0.28 | 4.28 | 91 |
| Australia | 0.00 | 0.57 | 0.33 | 0.25 | 0.67 | 0.00 | 0.17 | 1.99 | 44 |
| Bahrain | 0.33 | 0.63 | 1.00 | 0.38 | 1.00 | 0.33 | 0.25 | 3.92 | 385 |
| Bangladesh | 0.33 | 0.63 | 0.67 | 0.13 | 1.00 | 0.33 | 0.28 | 3.36 | 390 |
| Barbados | 0.67 | 0.50 | 0.00 | 0.25 | 0.67 | 0.00 | 0.25 | 2.33 | 92 |
| Belize | 0.00 | 0.38 | 0.67 | 0.38 | 0.67 | 0.00 | 0.00 | 2.08 | 59 |
| Bermuda | 0.33 | 0.38 | 0.00 | 0.25 | 0.33 | 0.00 | 0.03 | 1.32 | 50 |
| Botswana | 0.67 | 0.75 | 0.67 | 0.38 | 0.67 | 0.67 | 0.28 | 4.07 | 63 |
| BVI | 0.67 | 0.50 | 0.33 | 0.38 | 0.67 | 0.00 | 0.33 | 2.88 | 58 |
| Canada | 0.00 | 0.75 | 0.33 | 0.38 | 0.33 | 0.33 | 0.19 | 2.32 | 43 |
| Cayman | 0.67 | 0.63 | 0.67 | 0.25 | 0.67 | 0.33 | 0.39 | 3.60 | 180 |
| Cyprus | 0.67 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.17 | 3.50 | 360 |
| Ghana | 0.67 | 0.50 | 0.00 | 0.50 | 0.33 | 0.33 | 0.36 | 2.69 | 250 |
| Gibraltar | 0.67 | 0.75 | 0.33 | 0.13 | 0.33 | 0.00 | 0.31 | 2.51 | 224 |
| Grenada | 0.33 | 0.38 | 0.67 | 0.38 | 0.67 | 0.33 | 0.11 | 2.86 | 180 |
| Hong Kong | 0.33 | 0.75 | 1.00 | 0.13 | 0.67 | 0.00 | 0.25 | 3.13 | 192 |
| India | 0.33 | 0.75 | 1.00 | 0.38 | 0.33 | 0.33 | 0.39 | 3.51 | 212 |
| Ireland | 0.67 | 0.71 | 0.33 | 0.13 | 1.00 | 0.00 | 0.36 | 3.20 | 121 |
| Israel | 0.67 | 0.88 | 1.00 | 0.50 | 0.67 | 0.00 | 0.19 | 3.90 | 410 |
| Jamaica | 0.67 | 0.38 | 0.33 | 0.25 | 0.67 | 0.00 | 0.08 | 2.38 | 105 |
| Kenya | 0.33 | 0.75 | 0.33 | 0.38 | 0.67 | 0.00 | 0.39 | 2.85 | 255 |
| Malawi | 0.33 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.14 | 3.14 | 35 |
| Malaysia | 0.67 | 0.63 | 0.33 | 0.50 | 0.67 | 0.00 | 0.42 | 3.21 | 270 |
| Namibia | 0.67 | 0.63 | 0.67 | 0.38 | 1.00 | 0.33 | 0.19 | 3.86 | 118 |
| New Zealand | 0.00 | 0.50 | 0.33 | 0.00 | 0.33 | 0.00 | 0.08 | 1.25 | 80 |
| Nigeria | 0.33 | 0.63 | 0.33 | 0.38 | 1.00 | 0.00 | 0.42 | 3.08 | 366 |
| Pakistan | 0.67 | 0.63 | 0.67 | 0.25 | 1.00 | 0.00 | 0.53 | 3.74 | 365 |
| Singapore | 0.67 | 0.63 | 0.33 | 0.38 | 0.67 | 0.00 | 0.44 | 3.11 | 60 |
| SouthAfrica | 0.67 | 0.50 | 0.67 | 0.38 | 1.00 | 0.33 | 0.14 | 3.68 | 209 |
| SriLanka | 0.67 | 0.63 | 1.00 | 0.38 | 1.00 | 0.00 | 0.22 | 3.89 | 730 |
| St.Vincent | 0.67 | 0.50 | 0.67 | 0.38 | 0.67 | 0.67 | 0.31 | 3.85 | 335 |
| Swaziland | 0.67 | 0.63 | 1.00 | 0.25 | 1.00 | 0.00 | 0.19 | 3.74 | 40 |
| Tanzania | 0.33 | 0.63 | 0.33 | 0.50 | 0.67 | 0.33 | 0.11 | 2.90 | 217 |
| Thailand | 0.67 | 0.88 | 1.00 | 0.38 | 0.67 | 0.33 | 0.33 | 4.25 | 630 |
| Trinidad & Tobago | 0.67 | 0.63 | 0.00 | 0.25 | 0.33 | 0.00 | 0.28 | 2.15 | 192 |
| Turks & Caicos | 0.67 | 0.63 | 0.00 | 0.38 | 0.67 | 0.00 | 0.47 | 2.81 | 174 |
| UAE | 0.00 | 0.50 | 0.33 | 0.00 | 0.00 | 0.33 | 0.28 | 1.44 | 285 |
| Uganda | 0.00 | 1.00 | 0.33 | 0.38 | 0.67 | 0.00 | 0.14 | 2.51 | 20 |
| United Kingdom | 0.67 | 0.75 | 0.33 | 0.00 | 0.33 | 0.00 | 0.14 | 2.22 | 115 |
| **USA** | **0.33** | **0.63** | **1.00** | **0.13** | **0.67** | **0.00** | **0.22** | **2.97** | **49** |
| Zambia | 0.67 | 0.50 | 0.33 | 0.38 | 0.67 | 0.33 | 0.19 | 3.07 | 111 |
| Zimbabwe | 0.33 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.11 | 3.11 | 197 |
| **Mean** | **0.48** | **0.63** | **0.52** | **0.30** | **0.67** | **0.17** | **0.25** | **3.02** | **199** |
| **Median** | **0.67** | **0.63** | **0.50** | **0.38** | **0.67** | **0.00** | **0.25** | **3.10** | **180** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Socialist legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Bulgaria | 0.67 | 0.88 | 1.00 | 0.25 | 1.00 | 0.33 | 0.39 | 4.51 | 660 |
| China | 0.67 | 0.75 | 0.33 | 0.38 | 1.00 | 0.00 | 0.28 | 3.40 | 180 |
| Croatia | 0.67 | 0.63 | 1.00 | 0.25 | 0.67 | 0.00 | 0.22 | 3.43 | 330 |
| Czech Republic | 0.67 | 0.38 | 1.00 | 0.25 | 1.00 | 0.00 | 0.25 | 3.54 | 330 |
| Estonia | 0.67 | 0.75 | 1.00 | 0.38 | 1.00 | 0.67 | 0.28 | 4.74 | 305 |
| Georgia | 0.67 | 0.63 | 0.67 | 0.25 | 1.00 | 0.00 | 0.31 | 3.51 | 180 |
| Hungary | 0.67 | 0.75 | 1.00 | 0.13 | 0.67 | 0.00 | 0.25 | 3.46 | 365 |
| Kazakhstan | 0.67 | 0.63 | 0.67 | 0.38 | 1.00 | 0.00 | 0.67 | 4.00 | 120 |
| Latvia | 0.67 | 0.63 | 1.00 | 0.38 | 1.00 | 0.00 | 0.19 | 3.86 | 79 |
| Lithuania | 0.67 | 0.75 | 1.00 | 0.38 | 1.00 | 0.00 | 0.42 | 4.21 | 150 |
| Poland | 0.67 | 0.75 | 1.00 | 0.50 | 1.00 | 0.00 | 0.17 | 4.08 | 1080 |
| Romania | 0.67 | 0.75 | 1.00 | 0.50 | 1.00 | 0.00 | 0.56 | 4.47 | 273 |
| Russia | 0.67 | 0.50 | 0.67 | 0.38 | 1.00 | 0.00 | 0.11 | 3.32 | 130 |
| Slovenia | 0.67 | 0.75 | 1.00 | 0.38 | 1.00 | 0.00 | 0.47 | 4.26 | 1003 |
| Ukraine | 0.67 | 0.75 | 0.33 | 0.63 | 1.00 | 0.00 | 0.22 | 3.60 | 224 |
| Vietnam | 0.67 | 0.50 | 0.00 | 0.25 | 1.00 | 0.00 | 0.42 | 2.86 | 150 |
| **Mean** | **0.67** | **0.67** | **0.79** | **0.35** | **0.96** | **0.06** | **0.32** | **3.83** | **347** |
| **Median** | **0.67** | **0.75** | **1.00** | **0.38** | **1.00** | **0.00** | **0.28** | **3.73** | **248** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **French legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Argentina | 1.00 | 1.00 | 1.00 | 0.13 | 1.00 | 0.67 | 0.69 | 5.49 | 440 |
| Belgium | 0.67 | 0.75 | 0.33 | 0.25 | 0.67 | 0.33 | 0.17 | 3.17 | 120 |
| Bolivia | 1.00 | 1.00 | 0.67 | 0.25 | 1.00 | 0.67 | 0.53 | 5.11 | 94 |
| Brazil | 1.00 | 0.63 | 1.00 | 0.38 | 0.67 | 0.00 | 0.17 | 3.83 | 120 |
| Chile | 1.00 | 0.88 | 0.67 | 0.50 | 0.67 | 0.67 | 0.42 | 4.79 | 240 |
| Colombia | 0.67 | 1.00 | 1.00 | 0.25 | 0.00 | 0.33 | 0.69 | 3.94 | 500 |
| Costa Rica | 0.67 | 0.86 | 1.00 | 0.50 | 1.00 | 0.67 | 0.36 | 5.05 | 140 |
| Cote D'Ivoire | 0.67 | 0.50 | 0.67 | 0.25 | 0.67 | 0.67 | 0.22 | 3.64 | 130 |
| Dominican Republic | 0.33 | 0.63 | 1.00 | 0.38 | 1.00 | 0.67 | 0.36 | 4.36 | 210 |
| Ecuador | 0.67 | 0.88 | 1.00 | 0.63 | 0.67 | 0.33 | 0.47 | 4.64 | 118 |
| Egypt | 0.67 | 0.63 | 1.00 | 0.50 | 0.33 | 0.33 | 0.14 | 3.60 | 232 |
| El Salvador | 0.33 | 1.00 | 0.67 | 0.75 | 0.67 | 0.67 | 0.17 | 4.25 | 150 |
| France | 0.33 | 0.75 | 1.00 | 0.13 | 0.67 | 0.67 | 0.06 | 3.60 | 226 |
| Greece | 1.00 | 1.00 | 1.00 | 0.50 | 0.00 | 0.67 | 0.14 | 4.31 | 247 |
| Guatemala | 1.00 | 1.00 | 1.00 | 0.75 | 1.00 | 0.67 | 0.36 | 5.78 | 280 |
| Honduras | 0.67 | 1.00 | 1.00 | 0.63 | 0.67 | 0.33 | 0.39 | 4.68 | 75 |
| Indonesia | 0.33 | 0.88 | 0.67 | 0.50 | 0.67 | 0.33 | 0.50 | 3.88 | 225 |
| **Italy** | **1.00** | **1.00** | **0.67** | **0.13** | **0.67** | **0.67** | **0.11** | **4.24** | **630** |
| Jordan | 0.67 | 0.63 | 0.67 | 0.50 | 0.00 | 0.33 | 0.58 | 3.38 | 137 |
| Kuwait | 0.33 | 0.88 | 1.00 | 0.25 | 1.00 | 1.00 | 0.14 | 4.60 | 93 |
| Lebanon | 1.00 | 0.88 | 1.00 | 0.50 | 1.00 | 0.67 | 0.53 | 5.57 | 973 |
| Luxembourg | 0.33 | 0.86 | 0.67 | 0.50 | 1.00 | 0.00 | 0.31 | 3.66 | 380 |
| Malta | 0.67 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.08 | 3.42 | 730 |
| Mexico | 0.33 | 0.88 | 1.00 | 0.50 | 0.67 | 0.67 | 0.78 | 4.82 | 170 |
| Monaco | 0.33 | 0.63 | 0.67 | 0.25 | 0.33 | 0.67 | 0.06 | 2.93 | 119 |
| Morocco | 0.67 | 1.00 | 0.67 | 0.63 | 1.00 | 0.67 | 0.17 | 4.79 | 745 |
| Mozambique | 1.00 | 0.75 | 1.00 | 0.38 | 1.00 | 0.67 | 0.36 | 5.15 | 540 |
| Netherlands | 0.33 | 0.63 | 0.67 | 0.13 | 0.67 | 0.33 | 0.25 | 3.00 | 52 |
| NetherlandsAntilles | 0.67 | 0.63 | 0.33 | 0.25 | 0.67 | 0.67 | 0.42 | 3.63 | 105 |
| Panama | 1.00 | 1.00 | 1.00 | 0.25 | 1.00 | 0.67 | 1.00 | 5.92 | 134 |
| Paraguay | 0.67 | 0.86 | 1.00 | 0.63 | 0.67 | 0.67 | 0.61 | 5.09 | 202 |
| Peru | 1.00 | 0.88 | 1.00 | 0.38 | 1.00 | 0.67 | 0.50 | 5.42 | 246 |
| Philippines | 1.00 | 1.00 | 1.00 | 0.50 | 0.33 | 0.67 | 0.50 | 5.00 | 164 |
| Portugal | 1.00 | 0.75 | 1.00 | 0.38 | 1.00 | 0.00 | 0.42 | 4.54 | 330 |
| Senegal | 0.67 | 0.63 | 0.33 | 0.63 | 0.67 | 0.67 | 0.31 | 3.89 | 155 |
| Spain | 0.67 | 0.88 | 1.00 | 0.63 | 0.67 | 0.67 | 0.31 | 4.81 | 183 |
| Tunisia | 0.67 | 0.75 | 0.67 | 0.25 | 0.67 | 0.67 | 0.22 | 3.89 | 33 |
| Turkey | 0.67 | 0.63 | 1.00 | 0.75 | 0.00 | 0.00 | 0.44 | 3.49 | 300 |
| Uruguay | 1.00 | 0.50 | 0.67 | 0.13 | 0.67 | 0.33 | 0.69 | 3.99 | 330 |
| Venezuela | 1.00 | 1.00 | 1.00 | 0.50 | 1.00 | 0.67 | 0.64 | 5.81 | 360 |
| **Mean** | **0.72** | **0.81** | **0.83** | **0.42** | **0.69** | **0.53** | **0.38** | **4.38** | **266** |
| **Median** | **0.67** | **0.87** | **1.00** | **0.44** | **0.67** | **0.67** | **0.36** | **4.33** | **206** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **German legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Austria | 0.67 | 0.86 | 1.00 | 0.13 | 0.67 | 0.00 | 0.31 | 3.62 | 547 |
| Germany | 0.33 | 0.88 | 1.00 | 0.50 | 0.67 | 0.00 | 0.39 | 3.76 | 331 |
| Japan | 0.67 | 1.00 | 1.00 | 0.25 | 0.67 | 0.00 | 0.14 | 3.72 | 363 |
| Korea | 0.67 | 0.88 | 0.33 | 0.13 | 0.67 | 0.33 | 0.33 | 3.33 | 303 |
| Switzerland | 0.67 | 0.63 | 1.00 | 0.25 | 1.00 | 0.33 | 0.08 | 3.96 | 266 |
| Taiwan | 0.67 | 0.50 | 0.67 | 0.38 | 0.67 | 0.00 | 0.17 | 3.04 | 330 |
| **Mean** | **0.61** | **0.79** | **0.83** | **0.27** | **0.72** | **0.11** | **0.24** | **3.57** | **367** |
| **Median** | **0.67** | **0.87** | **1.00** | **0.25** | **0.67** | **0.00** | **0.24** | **3.67** | **331** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Scandinavian legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Denmark | 0.67 | 0.75 | 0.67 | 0.13 | 1.00 | 0.00 | 0.39 | 3.60 | 225 |
| Finland | 0.33 | 0.50 | 0.67 | 0.25 | 0.67 | 0.00 | 0.11 | 2.53 | 120 |
| Iceland | 0.67 | 0.38 | 1.00 | 0.38 | 0.67 | 0.33 | 0.06 | 3.47 | 64 |
| Norway | 0.67 | 0.75 | 0.67 | 0.13 | 1.00 | 0.33 | 0.17 | 3.71 | 365 |
| Sweden | 0.67 | 0.75 | 0.33 | 0.25 | 1.00 | 0.00 | 0.31 | 3.31 | 160 |
| **Mean** | **0.60** | **0.63** | **0.67** | **0.23** | **0.87** | **0.13** | **0.21** | **3.32** | **187** |
| **Median** | **0.67** | **0.75** | **0.67** | **0.25** | **1.00** | **0.00** | **0.17** | **3.47** | **160** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Overall formalism** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| **Mean for all countries** | **0.58** | **0.71** | **0.68** | **0.33** | **0.71** | **0.27** | **0.31** | **3.68** | **254** |
| **Median for all countries** | **0.67** | **0.75** | **0.67** | **0.38** | **0.67** | **0.33** | **0.28** | **3.63** | **202** |

**Table 2B : Collection of a check**

[This table classifies countries by legal origin and shows the 7 formalism scores for the case of collection of a check. The next-to-last column shows the overall "formalism" score for each country (7 highest, 0 lowest).

The last column shows the total duration in days for eviction -- including completion of service of process, duration of the trial, and enforcement of the judgment.]

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **English legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Anguilla | 0.00 | 0.38 | 0.33 | 0.13 | 1.00 | 0.00 | 0.13 | 1.96 | 38 |
| Australia | 0.00 | 0.50 | 0.33 | 0.25 | 0.67 | 0.00 | 0.05 | 1.80 | 320 |
| Bahrain | 0.33 | 0.75 | 1.00 | 0.75 | 1.00 | 0.33 | 0.24 | 4.40 | 368 |
| Bangladesh | 0.67 | 0.63 | 0.67 | 0.13 | 1.00 | 0.00 | 0.16 | 3.24 | 270 |
| Barbados | 0.33 | 0.38 | 0.33 | 0.25 | 0.67 | 0.33 | 0.08 | 2.37 | 111 |
| Belize | 0.00 | 0.38 | 0.00 | 0.38 | 0.67 | 0.00 | 0.00 | 1.42 | 60 |
| Bermuda | 0.33 | 0.38 | 0.00 | 0.25 | 0.33 | 0.33 | 0.16 | 1.78 | 125 |
| Botswana | 0.67 | 0.75 | 0.67 | 0.38 | 0.67 | 0.67 | 0.29 | 4.08 | 77 |
| BVI | 0.33 | 0.38 | 0.00 | 0.38 | 1.00 | 0.33 | 0.11 | 2.52 | 183 |
| Canada | 0.33 | 0.50 | 0.00 | 0.38 | 0.67 | 0.00 | 0.21 | 2.09 | 421 |
| Cayman | 0.67 | 0.63 | 0.33 | 0.25 | 0.67 | 0.00 | 0.21 | 2.75 | 120 |
| Cyprus | 0.67 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.34 | 3.68 | 360 |
| Ghana | 0.67 | 0.50 | 0.00 | 0.50 | 0.33 | 0.33 | 0.32 | 2.65 | 90 |
| Gibraltar | 0.67 | 0.75 | 0.33 | 0.13 | 0.33 | 0.00 | 0.18 | 2.39 | 224 |
| Grenada | 0.33 | 0.38 | 0.67 | 0.38 | 0.67 | 0.33 | 0.05 | 2.80 | 128 |
| Hong Kong | 0.00 | 0.63 | 0.00 | 0.00 | 0.00 | 0.00 | 0.11 | 0.73 | 61 |
| India | 0.67 | 0.63 | 1.00 | 0.38 | 0.33 | 0.00 | 0.34 | 3.34 | 106 |
| Ireland | 0.67 | 0.57 | 0.33 | 0.13 | 0.67 | 0.00 | 0.26 | 2.63 | 130 |
| Israel | 0.33 | 0.88 | 0.67 | 0.50 | 0.67 | 0.00 | 0.26 | 3.30 | 315 |
| Jamaica | 0.67 | 0.38 | 0.33 | 0.25 | 0.67 | 0.00 | 0.05 | 2.34 | 202 |
| Kenya | 0.67 | 0.63 | 0.33 | 0.38 | 0.67 | 0.00 | 0.42 | 3.09 | 255 |
| Malawi | 0.67 | 0.63 | 0.33 | 0.25 | 0.67 | 0.33 | 0.08 | 2.95 | 108 |
| Malaysia | 0.33 | 0.50 | 0.00 | 0.50 | 0.67 | 0.00 | 0.34 | 2.34 | 90 |
| Namibia | 0.67 | 0.63 | 0.67 | 0.38 | 1.00 | 0.33 | 0.16 | 3.82 | 118 |
| New Zealand | 0.00 | 0.50 | 0.33 | 0.00 | 0.67 | 0.00 | 0.08 | 1.58 | 60 |
| Nigeria | 0.33 | 0.63 | 0.33 | 0.38 | 0.67 | 0.33 | 0.53 | 3.19 | 241 |
| Pakistan | 0.67 | 0.63 | 0.67 | 0.25 | 1.00 | 0.00 | 0.55 | 3.76 | 365 |
| Singapore | 0.33 | 0.38 | 0.00 | 0.50 | 0.67 | 0.33 | 0.29 | 2.50 | 47 |
| South Africa | 0.00 | 0.38 | 0.33 | 0.25 | 0.67 | 0.00 | 0.05 | 1.68 | 84 |
| Sri Lanka | 0.67 | 0.86 | 0.67 | 0.38 | 1.00 | 0.00 | 0.21 | 3.78 | 440 |
| St. Vincent | 1.00 | 0.43 | 0.67 | 0.38 | 0.67 | 0.33 | 0.16 | 3.63 | 35 |
| Swaziland | 0.67 | 0.63 | 1.00 | 0.25 | 1.00 | 0.00 | 0.16 | 3.70 | 40 |
| Tanzania | 0.67 | 0.86 | 0.67 | 0.50 | 0.67 | 0.33 | 0.13 | 3.82 | 127 |
| Thailand | 0.33 | 0.50 | 0.67 | 0.38 | 0.67 | 0.33 | 0.26 | 3.14 | 210 |
| Trinidad & Tobago | 0.33 | 0.63 | 0.00 | 0.25 | 0.33 | 0.00 | 0.26 | 1.80 | 194 |
| Turks & Caicos | 0.00 | 0.25 | 0.00 | 0.38 | 1.00 | 0.00 | 0.24 | 1.86 | 74 |
| UAE | 1.00 | 0.88 | 1.00 | 0.13 | 0.33 | 0.00 | 0.47 | 3.81 | 559 |
| Uganda | 0.00 | 0.71 | 0.67 | 0.38 | 0.67 | 0.00 | 0.18 | 2.61 | 99 |
| United Kingdom | 0.67 | 0.71 | 0.33 | 0.13 | 0.67 | 0.00 | 0.08 | 2.58 | 101 |
| **USA** | **0.33** | **0.75** | **0.33** | **0.13** | **1.00** | **0.00** | **0.08** | **2.62** | **54** |
| Zambia | 0.00 | 0.57 | 0.33 | 0.38 | 0.67 | 0.00 | 0.18 | 2.13 | 188 |
| Zimbabwe | 0.33 | 0.63 | 0.67 | 0.38 | 0.67 | 0.33 | 0.11 | 3.11 | 197 |
| **Mean** | **0.43** | **0.58** | **0.42** | **0.31** | **0.68** | **0.13** | **0.20** | **2.76** | **176** |
| **Median** | **0.33** | **0.63** | **0.33** | **0.38** | **0.67** | **0.00** | **0.18** | **2.64** | **126** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Socialist legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Bulgaria | 0.67 | 0.88 | 1.00 | 0.25 | 1.00 | 0.33 | 0.45 | 4.57 | 410 |
| China | 0.67 | 0.75 | 0.33 | 0.38 | 1.00 | 0.00 | 0.29 | 3.41 | 180 |
| Croatia | 0.67 | 0.75 | 1.00 | 0.25 | 0.67 | 0.00 | 0.29 | 3.62 | 330 |
| Czech Republic | 0.67 | 0.83 | 1.00 | 0.38 | 1.00 | 0.00 | 0.18 | 4.06 | 270 |
| Estonia | 0.67 | 0.75 | 1.00 | 0.38 | 1.00 | 0.33 | 0.24 | 4.36 | 305 |
| Georgia | 0.67 | 0.63 | 0.67 | 0.25 | 0.67 | 0.00 | 0.21 | 3.09 | 180 |
| Hungary | 0.67 | 0.75 | 0.67 | 0.13 | 1.00 | 0.00 | 0.21 | 3.42 | 385 |
| Kazakhstan | 0.67 | 0.75 | 0.67 | 0.50 | 1.00 | 0.33 | 0.84 | 4.76 | 120 |
| Latvia | 0.67 | 0.63 | 1.00 | 0.38 | 1.00 | 0.00 | 0.26 | 3.93 | 189 |
| Lithuania | 0.67 | 0.75 | 1.00 | 0.50 | 1.00 | 0.00 | 0.55 | 4.47 | 150 |
| Poland | 0.67 | 0.88 | 1.00 | 0.38 | 1.00 | 0.00 | 0.24 | 4.15 | 1000 |
| Romania | 0.67 | 0.75 | 1.00 | 0.50 | 1.00 | 0.00 | 0.50 | 4.42 | 225 |
| Russia | 0.67 | 0.50 | 0.67 | 0.38 | 1.00 | 0.00 | 0.18 | 3.39 | 160 |
| Slovenia | 0.67 | 0.75 | 1.00 | 0.50 | 1.00 | 0.00 | 0.34 | 4.26 | 1003 |
| Ukraine | 0.67 | 0.75 | 0.33 | 0.63 | 1.00 | 0.00 | 0.29 | 3.66 | 224 |
| Vietnam | 0.67 | 0.50 | 0.33 | 0.25 | 1.00 | 0.00 | 0.50 | 3.25 | 120 |
| **Mean** | **0.67** | **0.72** | **0.79** | **0.38** | **0.96** | **0.06** | **0.35** | **3.93** | **327** |
| **Median** | **0.67** | **0.75** | **1.00** | **0.38** | **1.00** | **0.00** | **0.29** | **3.99** | **224** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **French legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Argentina | 1.00 | 1.00 | 1.00 | 0.13 | 1.00 | 0.67 | 0.61 | 5.40 | 300 |
| Belgium | 0.33 | 0.75 | 0.33 | 0.13 | 0.67 | 0.33 | 0.18 | 2.73 | 120 |
| Bolivia | 1.00 | 1.00 | 0.67 | 0.38 | 1.00 | 1.00 | 0.71 | 5.75 | 464 |
| Brazil | 0.33 | 0.50 | 1.00 | 0.38 | 0.67 | 0.00 | 0.18 | 3.06 | 180 |
| Chile | 1.00 | 0.75 | 0.67 | 0.50 | 0.67 | 0.67 | 0.32 | 4.57 | 200 |
| Colombia | 0.67 | 1.00 | 1.00 | 0.38 | 0.00 | 0.33 | 0.74 | 4.11 | 527 |
| Costa Rica | 1.00 | 1.00 | 1.00 | 0.50 | 1.00 | 0.67 | 0.32 | 5.48 | 370 |
| Cote D'Ivoire | 0.67 | 0.63 | 0.67 | 0.13 | 0.67 | 0.67 | 0.24 | 3.65 | 150 |
| Dominican Republic | 0.33 | 0.75 | 0.67 | 0.38 | 1.00 | 0.67 | 0.29 | 4.08 | 215 |
| Ecuador | 1.00 | 1.00 | 0.67 | 0.63 | 0.67 | 0.33 | 0.63 | 4.92 | 333 |
| Egypt | 1.00 | 0.75 | 1.00 | 0.50 | 0.00 | 0.33 | 0.21 | 3.79 | 202 |
| El Salvador | 0.33 | 0.88 | 1.00 | 0.88 | 0.67 | 0.67 | 0.18 | 4.60 | 60 |
| France | 0.33 | 0.75 | 1.00 | 0.13 | 0.33 | 0.67 | 0.03 | 3.23 | 187 |
| Greece | 0.67 | 1.00 | 1.00 | 0.50 | 0.00 | 0.67 | 0.16 | 3.99 | 315 |
| Guatemala | 1.00 | 1.00 | 1.00 | 0.75 | 1.00 | 0.67 | 0.26 | 5.68 | 220 |
| Honduras | 0.67 | 1.00 | 1.00 | 0.63 | 0.67 | 0.33 | 0.61 | 4.90 | 225 |
| Indonesia | 0.33 | 0.88 | 0.67 | 0.50 | 0.67 | 0.33 | 0.53 | 3.90 | 225 |
| **Italy** | **0.67** | **0.86** | **1.00** | **0.00** | **0.67** | **0.67** | **0.18** | **4.04** | **645** |
| Jordan | 0.67 | 0.75 | 0.67 | 0.50 | 0.00 | 0.33 | 0.61 | 3.52 | 147 |
| Kuwait | 0.67 | 0.88 | 0.67 | 0.13 | 0.67 | 0.67 | 0.21 | 3.88 | 357 |
| Lebanon | 1.00 | 0.75 | 0.67 | 0.63 | 1.00 | 0.33 | 0.47 | 4.85 | 721 |
| Luxembourg | 0.33 | 0.71 | 0.67 | 0.50 | 1.00 | 0.00 | 0.34 | 3.56 | 210 |
| Malta | 0.00 | 0.63 | 0.33 | 0.38 | 0.67 | 0.33 | 0.11 | 2.44 | 545 |
| Mexico | 0.33 | 0.88 | 1.00 | 0.50 | 0.67 | 0.33 | 1.00 | 4.71 | 283 |
| Monaco | 0.33 | 0.71 | 0.33 | 0.25 | 0.33 | 0.67 | 0.11 | 2.74 | 66 |
| Morocco | 1.00 | 1.00 | 0.67 | 0.50 | 0.67 | 0.67 | 0.21 | 4.71 | 192 |
| Mozambique | 0.67 | 0.75 | 1.00 | 0.50 | 0.67 | 0.67 | 0.24 | 4.49 | 540 |
| Netherlands | 0.33 | 0.63 | 0.67 | 0.13 | 0.67 | 0.33 | 0.32 | 3.07 | 39 |
| Netherlands Antilles | 0.67 | 0.88 | 0.33 | 0.25 | 0.33 | 0.00 | 0.39 | 2.85 | 93 |
| Panama | 1.00 | 1.00 | 1.00 | 0.25 | 1.00 | 0.67 | 0.92 | 5.84 | 197 |
| Paraguay | 1.00 | 1.00 | 1.00 | 0.63 | 0.67 | 0.67 | 0.95 | 5.91 | 222 |
| Peru | 1.00 | 0.88 | 1.00 | 0.38 | 1.00 | 0.67 | 0.68 | 5.60 | 441 |
| Philippines | 1.00 | 1.00 | 1.00 | 0.50 | 0.33 | 0.67 | 0.50 | 5.00 | 164 |
| Portugal | 0.67 | 0.75 | 1.00 | 0.50 | 0.67 | 0.00 | 0.34 | 3.93 | 420 |
| Senegal | 0.67 | 0.88 | 0.67 | 0.63 | 0.67 | 0.67 | 0.55 | 4.72 | 335 |
| Spain | 1.00 | 1.00 | 1.00 | 0.63 | 0.67 | 0.67 | 0.29 | 5.25 | 147 |
| Tunisia | 0.67 | 1.00 | 0.67 | 0.25 | 0.67 | 0.67 | 0.13 | 4.05 | 7 |
| Turkey | 0.00 | 1.00 | 0.67 | 0.63 | 0.00 | 0.00 | 0.24 | 2.53 | 105 |
| Uruguay | 1.00 | 0.50 | 0.67 | 0.13 | 0.67 | 0.33 | 0.76 | 4.05 | 360 |
| Venezuela | 1.00 | 1.00 | 1.00 | 0.50 | 1.00 | 0.67 | 0.84 | 6.01 | 360 |
| **Mean** | **0.68** | **0.85** | **0.80** | **0.42** | **0.63** | **0.49** | **0.41** | **4.29** | **272** |
| **Median** | **0.67** | **0.88** | **0.83** | **0.50** | **0.67** | **0.67** | **0.32** | **4.10** | **221** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **German legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Austria | 0.67 | 0.86 | 1.00 | 0.38 | 0.33 | 0.00 | 0.29 | 3.52 | 434 |
| Germany | 0.33 | 0.88 | 1.00 | 0.50 | 0.67 | 0.00 | 0.13 | 3.51 | 154 |
| Japan | 0.33 | 0.88 | 0.67 | 0.25 | 0.67 | 0.00 | 0.18 | 2.98 | 60 |
| Korea | 0.67 | 0.88 | 0.33 | 0.13 | 0.67 | 0.33 | 0.37 | 3.37 | 75 |
| Switzerland | 0.67 | 0.63 | 0.67 | 0.38 | 0.33 | 0.33 | 0.13 | 3.13 | 224 |
| Taiwan | 0.33 | 0.50 | 0.67 | 0.38 | 0.33 | 0.00 | 0.16 | 2.37 | 210 |
| **Mean** | **0.50** | **0.77** | **0.72** | **0.33** | **0.50** | **0.11** | **0.21** | **3.15** | **193** |
| **Median** | **0.50** | **0.87** | **0.67** | **0.38** | **0.50** | **0.00** | **0.17** | **3.25** | **182** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Socialist legal origin** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| Denmark | 0.33 | 0.63 | 0.00 | 0.13 | 1.00 | 0.33 | 0.13 | 2.55 | 83 |
| Finland | 0.67 | 0.63 | 0.67 | 0.25 | 0.67 | 0.00 | 0.26 | 3.14 | 240 |
| Iceland | 0.67 | 0.63 | 1.00 | 0.38 | 1.00 | 0.33 | 0.13 | 4.13 | 251 |
| Norway | 0.33 | 0.75 | 0.67 | 0.13 | 1.00 | 0.00 | 0.08 | 2.95 | 87 |
| Sweden | 0.67 | 0.75 | 0.33 | 0.25 | 0.67 | 0.00 | 0.32 | 2.98 | 190 |
| **Mean** | **0.53** | **0.68** | **0.53** | **0.23** | **0.87** | **0.13** | **0.18** | **3.15** | **170** |
| **Median** | **0.67** | **0.63** | **0.67** | **0.25** | **1.00** | **0.00** | **0.13** | **2.98** | **190** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Overall formalism score** | **#1** | **#2** | **#3** | **#4** | **#5** | **#6** | **#7** | **Sum** | **Days** |
| **Mean** | **0.57** | **0.71** | **0.64** | **0.36** | **0.70** | **0.25** | **0.30** | **3.53** | **234** |
| **Median** | **0.67** | **0.75** | **0.67** | **0.38** | **0.67** | **0.33** | **0.24** | **3.52** | **197** |

**Table 4: Eviction of a tenant and check collection by legal origin and income level**

This table classifies countries by GNP per capita and shows the formalism index for the eviction of a tenant and the collection of a check.

|  |  |  |  |
| --- | --- | --- | --- |
| **By GNP** **(per capita)** | **All** **countries** | **English legal origin countries** | **French legal origin countries** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Eviction** | **Check** | **Eviction** | **Check** | **Eviction** | **Check** |

|  |
| --- |
| Low income – bottom 25 percentile |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Mean | 3.69 | 3.76 | 3.20 | 3.18 | 4.44 | 4.58 |
| Median | 3.60 | 3.68 | 3.11 | 3.19 | 4.66 | 4.71 |
| Number of countries | 28 | 28 | 13 | 13 | 10 | 10 |

|  |
| --- |
| **Medium income – middle 50 percentile** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Mean | 3.95 | 3.73 | 3.18 | 2.71 | 4.59 | 4.46 |
| Median | 3.91 | 3.93 | 3.35 | 2.45 | 4.54 | 4.57 |
| Number of countries | 54 | 54 | 18 | 18 | 23 | 23 |

|  |
| --- |
| High income – top 75 percentile |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Mean | 3.14 | 2.88 | 2.53 | 2.33 | 3.60 | 3.32 |
| Median | 3.20 | 2.95 | 2.51 | 2.50 | 3.60 | 3.23 |
| Number of countries | 27 | 27 | 11 | 11 | 7 | 7 |

|  |
| --- |
| All countries |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Mean | 3.68 | 3.53 | 3.02 | 2.76 | 4.38 | 4.29 |
| Median | 3.63 | 3.52 | 3.10 | 2.64 | 4.33 | 4.10 |
| Number of countries | 109 | 109 | 42 | 42 | 40 | 40 |

**The World**

Which countries are civil law? Common law?



1. One additional goal we pursue is to examine other determinants of judicial quality, such as the incentives of judges and regulators. Proper incentives and controls, such as mandatory time limits on judges and proper compensation systems for attorneys, have been said to improve quality. We do not find much evidence for the proposition that these factors effect judicial quality. [↑](#footnote-ref-1)