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American Civil Law Origins: Implications for State Constitutions

[Daniel Berkowitz](#) ✉, [Karen Clay](#)

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Abstract

We examine the effect of initial legal traditions on constitutional stability in the American states. Ten states were initially settled by France, Spain, or

Mexico and had developed civil law legal systems at the time of American acquisition. Although Louisiana retained civil law, the remaining nine adopted common law. Controlling for contemporaneous and initial conditions, civil law states have substantially higher levels of constitutional instability at the end of the twentieth century. We speculate that this effect is attributable to instability in property rights caused by the change in national governments and to the legacy of the civil law system.

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