

# THE POLITICAL ECONOMY OF THE SHERMAN ACT

*The First  
One Hundred Years*

E. Thomas Sullivan

# Political Economy Of The Sherman Act The First One Hundred Years

**Jingyuan Ma, Mel Marquis**



## **Political Economy Of The Sherman Act The First One Hundred Years:**

**The Political Economy of the Sherman Act** E. Thomas Sullivan, 1991 This book examines the legislative history and the political economy of the Sherman Antitrust Act the main federal statute that regulates economic activity in the United States Tracing the evolution of the antitrust movement in the United States since 1890 this collection of essays examines the role of government in regulating markets and the balance it and its critics seek between the goal of limited government and the protection of free open and competitive markets With markets today being more international in nature and the world economy being globalized Americans need to rethink how

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**Competition Law and Policy in the EU and UK** Barry J. Rodger, Angus Macculloch, 2014-09-19 Competition Law and Policy in the EU and UK provides a focused guide to the main provisions and policies at issue in the EU and UK including topics such as enforcement abuse of dominance anti competitive agreements cartels mergers and market investigations The book's contents are tailored to cover all major topics in competition law teaching and the authors clear and accessible writing style offers an engaging and easy to follow overview of the subject for course use The fifth edition provides a full update for this well established title presenting and contextualising the impact of key cases as well as changes

to enforcement practice and at a legislative and institutional level There are new separate chapters in this edition on private enforcement and UK market investigations to reflect the increasing significance of these key areas of competition law practice Competition Law and Policy in the EU and UK integrates useful pedagogical features to help clarify topics and reinforce important points chapter overviews and summaries highlight the key points to take away from each chapter to structure student learning discussion questions facilitate self testing and seminar discussions of the major issues covered in each chapter to help reinforce understanding of these topics further reading lists additional resources in order to guide research and develop subject knowledge a new glossary provides succinct explanations of competition law terminology ideal for those studying the topic for the first time Clear focused and student friendly this title offers a comprehensive resource for students taking competition law courses and is supported online by updates to the law offered on Angus MacCulloch s blog Who s Competing <http://whoscompeting.wordpress.com>

**Antitrust Law and Intellectual Property Rights** Christopher R. Leslie, 2011 In Antitrust Law and Intellectual Property Rights Cases and Materials Christopher R Leslie describes how patents copyrights and trademarks confer exclusionary rights on their owners and how firms sometimes exercise this exclusionary power in ways that exceed the legitimate bounds of their intellectual property rights Leslie explains that while substantive intellectual property law defines the scope of the exclusionary rights antitrust law often provides the most important consequences when owners of intellectual property misuse their rights in a way that harms consumers or illegitimately excludes competitors Antitrust law defines the limits of what intellectual property owners can do with their IP rights In this book Leslie explores what conduct firms can and cannot engage in while acquiring and exploiting their intellectual property rights and surveys those aspects of antitrust law that are necessary for both antitrust practitioners and intellectual property attorneys to understand This book is ideal for an advanced antitrust course in a JD program In addition to building on basic antitrust concepts it fills in a gap that is often missing in basic antitrust courses yet critical for an intellectual property lawyer the intersection of intellectual property and antitrust law The relationship between intellectual property and antitrust is particularly valuable as an increasing number of law schools offer specializations and LLMS in intellectual property This book also provides meaningful material for both undergraduate and graduate business schools programs because it explains how antitrust law limits the marshalling of intellectual property rights

**Transatlantic Regulation** Susanne Lütz, 2016-03-16 The European and American economies are closely interlinked as mutually important investment and trading partners The growing intensity of economic interdependence has spurred the transatlantic coordination of rules and standards that can lead to the formation of non tariff barriers to transatlantic commerce But despite impressive government to government efforts to eliminate market barriers the E U and the U S have frequently clashed over each other s regulatory policies The aim of this book is to explore the domestic sources of cooperation or conflict in transatlantic regulation The book analyses the role of domestic factors through three theoretical lenses that are

well established in the study of multilevel systems the principal agent approach the two level game metaphor and through a wider concept of institutionalism which emphasises the links between societal interests and regulatory ideas with institutional frameworks The book states that domestic factors embody more obstacles than opportunities for horizontal coordination It is argued that transatlantic relations will likely undergo a double movement of being simultaneously shifted upwards to become part of the global governance architecture and downwards towards broader involvement of legislators in regulatory matters Hence transatlantic regulation might in the near future be shaped more by political leaders rent seeking interest groups and legislators than by networks of technocrats This book was published as a special issue of the Review of International Political Economy

*Competition Law as Regulation* Josef Drexler, Fabiana Di Porto, 2015-10-30 To what extent should competition agencies act as market regulators Competition Law as Regulation provides numerous insights from competition scholars on new trends at the interface of competition law and sector specific regulation By relying on the experiences of a considerable number of different jurisdictions and applying a comparative approach to the topic this book constitutes an important addition to international research on the interface of competition and regulation It addresses the fundamental issues of the subject and contributes to legal theory and practice Topics discussed include foundations of the complex relationship of competition law and regulation new forms of advocacy powers of competition agencies competition law enforcement in regulated industries in general information and telecommunications markets and competition law as regulation in IP related markets Scholars in the two fields of law and economics will find the research aspects of the book to be of interest Officials in competition and regulatory agencies will benefit from the practical relevance of the book

**The Gordian Knot** W. Russell Neuman, Richard Jay Solomon, Lee W. McKnight, 1999-07-26 Veterans of the high definition TV wars of the 1980s the authors social scientists as well as technologists came to see themselves as chroniclers and students of an intriguing and serious techno economic conflict Why they asked did so few understand the rules of the game In a broad account accessible to generalist and specialist alike they address the current national debate about the development of a national information infrastructure locating the debate in a broad historical narrative that illuminates how we got here and where we may be going and outlining a bold vision of an open communications infrastructure that will cut through the political gridlock that threatens this information highway Technical change the authors argue is creating a new paradigm that fits neither the free market nor regulatory control models currently in play They detail what is wrong with the political process of the national information infrastructure policy making and assess how different media systems telecommunications radio television broadcasting were originally established spelling out the technological assumptions and organizational interests on which they were based and showing why the old policy models are now breaking down The new digital networks are not analogous to railways and highways or their electronic forebears in telephony and broadcasting they are inherently unfriendly to centralized control of any sort so the old traditions of common carriage and public trustee regulation and

regulatory gamesmanship no longer apply The authors technological and historical analysis leads logically toward a policy proposal for a reformed regulatory structure that builds and protects meaningful competition but that abandons its role as arbiter of tariffs and definer of public service and public interest

**Does EU Merger Control Discriminate Against Small Market Companies?** Mika Oinonen, 2010-01-01 Although the question posed by the title of this book has generated considerable debate the essential issue remains open and largely blurred While some believe that there is no so called small market problem others discern discrimination against small market companies i e companies with a strong position in their home markets but a modest position in the European and global markets and a consequent need for changes in competition law The author of this enormously helpful work here sets the stage for meaningful discussion by analysing the EC Merger Regulation s objectives economic foundations and application practice to present a reasoned view of the issues that can be considered relevant for such a discussion Considering their effect on the small market problem the author scrutinizes such factors as the following the Commission s methodology for delineating relevant markets in merger assessments unnecessary prohibition caused by overestimation of the market power of small market mergers erroneous approval of cases that should actually be prohibited impact of the so called Harvard and Chicago schools of competition theory and their key policy implications process related alternative views of competition and new synthesizing approaches relevant criteria for a proper analysis of market power concentration measures and market shares barriers to entry price and profitability analyses and product definition v geographic definition of markets In a final chapter the author presents some tentative conclusions normative in nature concerning the problem and the relevant issues relating to it As the first in depth analysis of the issues that are actually involved with its particular diagnosis of the assessment of market power in considering the relevant issues for the problem this study brings into salience the terms of the debate on the problem and thus takes a giant step forward towards defining what needs to be done Competition lawyers policymakers and academics in Europe and elsewhere will find the discussion of great value

*Handbook of Research in Trans-Atlantic Antitrust* Philip Marsden, 2008-01-01 The book is handsomely produced by Edward Elgar The notes contain more than citations and are well worth reading A welcome feature is that after each set of notes there is a list of the most important writings on the topic followed by a list of the most important cases Edward Elgar is well known in economic circles hence the endnotes to which economists are accustomed It has published several books on competition for lawyers over the last years and is a welcome entrant to the lawyers market

Valentine Korah *World Competition* This extremely well done and important book collects writings by more than two dozen academics and practitioners on important topics in competition law This is an excellent book important for research by anyone who is serious about global or comparative competition policy

European Law Review This Handbook assembles a valuable collection of insightful analyses dealing with many cutting edge issues arising in modern antitrust enforcement on both sides of the Atlantic

Philip Lowe European Commission The contributions to this Handbook provide a comprehensive up

to date treatment of antitrust law in the Americas and Europe I would recommend it to anyone who wants to learn about antitrust law and its administration in the major enforcement areas of the world This is bound to become an important reference for antitrust students and experts Keith Hylton Boston University US This comprehensive research Handbook brings together cutting edge legal and economic analysis into antitrust issues by leading experts from Europe the USA Canada Mexico and South America The Handbook of Research in Trans Atlantic Antitrust covers a wide range of areas including the meaning of consumer welfare mergers in monopsony markets unilateral effects private and criminal enforcement implementing competition policy in regulated sectors abuse of intellectual property rights competition remedies international enforcement cooperation complainants rights dominant firm pricing tying and bundling The Handbook also includes discursive consideration of the similarities and differences among the various regimes on either side of the Atlantic as well as a look to future trends and applications in regional and global contexts Offering a comparative view of pressing antitrust issues this Handbook will be of great interest to academics lawyers practitioners and officials

*The Criminalization of European Cartel Enforcement* Peter Whelan, 2014 The challenges facing the criminalization of cartel activity in the EU are threefold theoretical legal and practical This book analyses these crucial challenges so that the complexity of the process of European antitrust criminalization can be accurately understood

*European Competition Law and Economics* Roger van den Bergh, Peter D. Camesasca, 2001 The aim of this book is to explore the economic fundamentals of European competition law

Non-Discrimination in International Trade in Services Nicolas F. Diebold, 2010-10-21 The principle of non discrimination is fundamental to the regulation of international trade in goods and services In the context of trade in goods the concept of like products has become a key element of the legal analysis of whether a trade obstacle violates GATT non discrimination obligations The equivalent concept of like services and service suppliers in GATS rules on non discrimination has received little attention in WTO jurisprudence In light of the remaining uncertainties Nicolas Diebold analyses the legal problems of the GATS like services and services suppliers concept using a contextual and comparative methodology The likeness element is not analysed in isolation but in context with less favourable treatment and regulatory purpose as additional elements of non discrimination The book also explores how far theories from non discrimination rules in GATT NAFTA BITs and EC as well as market definition theories from competition law may be applied to likeness in GATS

*Change of State* Sandra Braman, 2009-08-28 How control over information creation processing flows and use has become the most effective form of power theoretical foundations and empirical examples of information policy in the U S an innovator informational state As the informational state replaces the bureaucratic welfare state control over information creation processing flows and use has become the most effective form of power In *Change of State* Sandra Braman examines the theoretical and practical ramifications of this change of state She looks at the ways in which governments are deliberate explicit and consistent in their use of information policy to exercise power exploring not only such familiar topics as

intellectual property rights and privacy but also areas in which policy is highly effective but little understood Such lesser known issues include hybrid citizenship the use of functionally equivalent borders internally to allow exceptions to U S law research funding census methods and network interconnection Trends in information policy argues Braman both manifest and trigger change in the nature of governance itself After laying the theoretical conceptual and historical foundations for understanding the informational state Braman examines 20 information policy principles found in the U S Constitution She then explores the effects of U S information policy on the identity structure borders and change processes of the state itself and on the individuals communities and organizations that make up the state Looking across the breadth of the legal system she presents current law as well as trends in and consequences of several information policy issues in each category affected Change of State introduces information policy on two levels coupling discussions of specific contemporary problems with more abstract analysis drawing on social theory and empirical research as well as law Most important the book provides a way of understanding how information policy brings about the fundamental social changes that come with the transformation to the informational state

**Eating History** Andrew F. Smith, 2009 Prologue Oliver Evans's automated mill The Erie Canal Delmonico's Sylvester Graham's reforms Cyrus McCormick's reaper A multiethnic smorgasbord Giving thanks Gail Borden's canned milk The homogenizing war The transcontinental railroad Fair food Henry Crowell's Quaker special Wilbur O Atwater's calorimeter The Cracker Jack snack Fannie Farmer's cookbook The Kelloggs corn flakes Upton Sinclair's Jungle Frozen seafood and TV dinners Michael Cullen's super market Earle MacAusland's Gourmet Jerome I Rodale's Organic gardening Percy Spencer's radar Frances Roth and Katharine Angell's CIA McDonald's drive in Julia Child the French chef Jean Nidetch's diet Alice Waters's Chez Panisse TVFN The Flav'r Sav'r Mergers acquisitions and spin offs Epilogue

**The Health Care Revolution** Carl F. Ameringer, 2008-04-09 America's market based health care system unique among the nations of the world is in large part the product of an obscure yet profound revolution that overthrew the medical monopoly in the late 1970s In this lucid balanced account Carl F Ameringer tells how this revolution came into being when the U S Supreme Court and Congress prompted the antitrust agencies of the federal government the Federal Trade Commission and the Justice Department to change the rules of the health care system Ameringer lays out the key events that led up to this regime change explores its broader social political and economic contexts examines the views of both its proponents and opponents and considers its current trajectory

**The Robber Barons and the Sherman Antitrust Act** Tim McNeese, 2009 During the decades following the American Civil War the economy of the United States experienced phenomenal growth At every turn in agriculture shipping merchandizing manufacturing and transportation a new American system of production and distribution was born As the economy grew so did the personal wealth of a handful of intrepid investors dealmakers and Wall Street financiers A new class of business leaders was born dominating their sectors of the nation's ever expanding industrial base To some they were the mighty titans of industry To others they were greedy robber barons As the American people



came to question the robber barons self serving business practices observers called for reform The call was answered in 1890 with the passage of the Sherman Antitrust Act a piece of legislation designed to bring down these controlling interests in the U S economy The Robber Barons and the Sherman Antitrust Act explores the foundations and repercussions of the law that reshaped American business      Confucian Culture and Competition Law in East Asia Jingyuan Ma,Mel Marquis,2022-09-08 Competition law is a significant legal transplant in East Asia where it has come into contact with deeply rooted variants of Confucian culture This timely volume analyses cultural factors in mainland China Japan and Korea focusing on their shared but diversely evolved Confucian heritage These factors distinguish the competition law systems of these countries from those of major western jurisdictions in terms of the goals served by the law the way enforcement is structured and the way subjects of the law respond to it Concepts from cultural studies inform a new and eclectic perspective on these dynamics with the authors also drawing on ideas from law and economics comparative law East Asian studies political science business management and ethics and institutional economics The volume presents a model for cultural analysis of comparative legal topics and contributes to a greater understanding of the challenges to deeper convergence of competition laws between East and West      Self-Governance in Science Stephen M. Maurer,2017-11-16 Commercial and academic communities use private rules to regulate everything from labor conditions to biological weapons This self governance is vital in the twenty first century where private science and technology networks cross so many borders that traditional regulation and treaty solutions are often impractical Self Governance in Science analyzes the history of private regulation identifies the specific market factors that make private standards stable and enforceable explains what governments can do to encourage responsible self regulation and asks when private power might be legitimate Unlike previous books which stress sociology or political science perspectives Maurer emphasizes the economic roots of private power to deliver a coherent and comprehensive account of recent scholarship Individual chapters present a detailed history of past self government initiatives describe the economics and politics of private power and extract detailed lessons for law legitimacy theory and public policy

**Regulating Cartels in Europe** Christopher Harding,Julian Joshua,2003 One of the most contentious and high profile aspects of European Community competition law and policy has been the regulation of what may be described as serious antitrust violations typically involving large and powerful corporate producers and traders operating across Europe if not also in a wider international context Such hard core cartels characteristically engage in practices such as price fixing bid rigging market sharing and limiting production in order to ensure market stability and maintain and increase profits There is little doubt now in terms of competition theory and policy at both international and national levels about the damaging effect of such trading practices on public and consumer interests and such cartels have been increasingly strongly condemned in the legal process of regulating and protecting competition Indeed a number of legal systems are now following the American lead in criminalizing such activity This may therefore be seen as the hard end of the enforcement of competition policy

requiring more confrontational and aggressive methods of regulation yet also presenting considerable challenges to effective enforcement on account of the economic power sophistication and determination of the typical participants in such cartels. The focus of this study is a critical evaluation of the way in which European level regulation has evolved to deal with the problem of anti competitive cartels. It traces the historical development of cartel regulation in Europe comparing the pragmatic and empirical approach traditional in Europe with the more dogmatic and uncompromising American policy on cartels and asks whether a fully fledged criminal proceeding with its attendant level of legal safeguards is the most appropriate approach to legal regulation.

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