## Contents

List of Abbreviations		xvii
1.	Law, Competition, and Global Markets	1
	A. Law and Global Competition	2
	B. Protecting and Embedding Competition:	
	Roles for Competition Law	4
	C. Beyond the Jurisdictional Regime:	
	Reconsidering Competition Law for Global Markets	6
	D. Convergence and Commitment as Strategies?	9
	E. Some Objectives	10
	F. Plan	11
	PART I. SOVEREIGNTY AS THE FRAMEWORK FOR GLOBAL COMPETITION	
2.	Global Competition Law: A Project	
	Conceived and Abandoned	19
	A. Setting the Stage: Law and Competition in the 1920s	21
	B. A Global Competition Law Project Emerges: the World	
	Economic Conference of 1927	24
	C. Shaping a Global Response to International Cartels	31
	D. Initial Successes Followed by Depression and War	36
	E. The Project Revived and Abandoned: the Havana	
	Charter Episode	38
	F. Looking Forward: the Legacies of a Twice Abandoned Project	52
3.	Sovereignty as a Solution: Extending the Reach of	55
	National Laws	55
	A. Jurisdiction and the Sovereignty System: Basic Components	57
	B. Competition Law and the Extension of Sovereignty	60
	C. Responding to US Jurisdictional Assertiveness	66
	D. Unilateralism and Self-restraint	68
	E. Sovereignty, Jurisdiction, and Power	74

xiv Contents

4.	Giobalization and Competition Law: Connict,	
	Uncertainty, and the Promise of Convergence	79
	A. The Market Turn: National and Global Dimensions	81
	B. Domestic Responses: Competition Law (Almost) Everywhere	85
	C. Proliferating Competition Laws: Uncertainty,	
	Conflicts, and Paradoxes	89
	D. Dimensions of the Scissors Paradox: Europe, the US, and	
	the GE/Honeywell Conflict	95
	E. The WTO and Multilateral Coordination: Another 'Failure?'	101
	F. Bilateral and Regional Coordination	108
	G. Settling for Convergence as a Strategy	111
	H. Global Competition and the Limits of Sovereignty	116
	PART II. DOMESTIC EXPERIENCE AND	
	GLOBAL COMPETITION LAW	
5.	US Antitrust Law: Model and Lens	121
	A. Foundations of US Antitrust Law	122
	B. The 'Classical' Antitrust System (Before 1975)	124
	C. Transforming US Antitrust: the Law and	
	Economics Revolution	139
	D. Looking at US Antitrust: US Antitrust as a Model	151
	E. US Antitrust Experience as a Lens: a Leader's Perspective	156
	F. Power and Uniqueness: the Ironies of US	
	Antitrust Leadership	158
6.	Competition Law in Europe: Market, Community,	
	and Integration	159
	A. Distorted Images of European Competition Law Experience	162
	B. The Early Development of Competition Law in Europe	163
	C. National Competition Law and the Evolution of a	
	European Model: 1945–2004	165
	D. Competition Law and European Integration: 1958–2004	181
	E. 'Modernizing' European Competition Law:	105
	Institutions, Ideas, and Power	187
	F. Substantive Modernization: Towards a	100
	'More Economic Approach'	192
	G. Relating the Two Forms of Modernization	198
	H. European Experience and Global Competition Law Development	202
	Law Develophicht	202

Contents	VV
CULLETINS	AV

7.	Globalization, Development, and 'Other Players':	
	Widening the Lens	205
	<ul><li>A. Competition Law and the Developmental State: Japan</li><li>B. Competition Law and Development: the</li></ul>	208
	South Korean Variant	219
	C. Competition Law and China's Socialist Market Economy	223
	D. Latin America: Power, Ideologies, and the	
	Competition Law Idea	236
	E. Developing Country Themes: Sub-Saharan Africa	248
	F. Canada and Australia: Bridges and Models	258
	G. Varieties of Competition Law: Goals, Norms,	
	Languages, and Experience	262
	H. 'Other Players' and Global Competition Law	
	Development: the Value of Widening the Lens	269
	PART III. COMPETITION LAW AS A	
	TRANSNATIONAL PROJECT	
8.	Convergence as Strategy: Scope and Limits	273
	A. Deep Globalization as Context: Deeper, Broader, and	a <b></b> /
	More Complex Competition	274
	B. Implications for Transnational Competition	270
	Law Development	279
	C. Convergence: Definitions and Dimensions	281
	D. Convergence Mechanisms: Predicting the	202
	Voluntary Decisions of National Actors	283
	E. Convergence as a Global Competition Law Strategy	286
	F. Convergence and the Limits of Unilateral Jurisdictionalism	290
	G. Convergence: Potential and Roles	292
9.	Reconceiving Competition Law for Global Markets:	293
	Agreements, Commitments, and Pathways	
	A. The Potential Value of Multilateral Agreement	295
	B. Forms and Dimensions of Multilateral Agreement	298
	C. Maximizing the Potential Value of Obligations	300
	D. Time and Commitment: a Commitment Pathway?	304
	E. The Commitment Pathway Idea and Global	215
	Competition Law Debates	315
	F. Prospects: Sources of Support and Resistance	321
	G. Potentials and Opportunities of Multilateral Agreement	324

xvi Contents

10.	. Global Competition and Law: Trajectories and Promi	ses 327
	A. Global Competition Law: Interwoven Trajectories	328
	B. Developing Global Competition Law: Impetus and	Obstacles 334
	C. Adapting Competition Law to Deep Globalization	339
	D. Constitutional Choices: Competition, Community the Potential of Commitment	, and 342
	E. Concluding Comments: Law, Competition, and Bo	rders 344
	bliography	347
Ind	der	391