LUIZ FELIPE ROSA RAMOS

ANTITRUST AND COMPETITION

CONVERGENCE AND DIVERGENCE IN THE TROPICAL MIRROR

PH.D. THESIS (TESE DE DOUTORADO)

Supervisor: Professor Dr. Celso Fernandes Campilongo (University of Sao Paulo).
Co-supervisor: Professor Dr. Tobias Werron (University of Bielefeld).

UNIVERSIDADE DE SÃO PAULO
FACULDADE DE DIREITO

SÃO PAULO - SP

2019

LUIZ FELIPE ROSA RAMOS

ANTITRUST AND COMPETITION

CONVERGENCE AND DIVERGENCE IN THE TROPICAL MIRROR

Submitted to the Examination Board of the Graduate Program in Law at the University of São Paulo (USP), in partial fulfillment of the requirements for the Ph.D. in Law, in the concentration area of Philosophy and General Theory of Law, under supervision of Prof. Dr. Celso Fernandes Campilongo and co-supervision of Prof. Tobias Werron (University of Bielefeld).

UNIVERSIDADE DE SÃO PAULO
FACULDADE DE DIREITO

SÃO PAULO-SP

2019

Ficha catalográfica

Cataloging in Publication

Library and Documentation Service

University of São Paulo Law School

ROSA RAMOS, Luiz Felipe.

Antitrust and Competition: Convergence and Divergence in the Tropical Mirror.

279 fls.

Tese de Doutorado.

Faculdade de Direito da Universidade de São Paulo

São Paulo – SP

2019

LUIZ FELIPE ROSA RAMOS

ANTITRUST AND COMPETITION

CONVERGENCE AND DIVERGENCE IN THE TROPICAL MIRROR

Submitted to the Examination Board of the Graduate Program in Law at the University of São Paulo (USP), in partial fulfillment of the requirements for the Ph.D. in Law, in the concentration area of Philosophy and General Theory of Law, under supervision of Prof. Dr. Celso Fernandes Campilongo and co-supervision of Prof. Tobias Werron (University of Bielefeld).

Aprovado em: ____________________

Banca Examinadora:

Prof. Dr.__________________________ Instituição:_________________________

Julgamento:______________________ Assinatura:_________________________

Prof. Dr.__________________________ Instituição:_________________________

Julgamento:______________________ Assinatura:_________________________

Prof. Dr.__________________________ Instituição:_________________________

Julgamento:______________________ Assinatura:_________________________

Prof. Dr.__________________________ Instituição:_________________________

Julgamento:______________________ Assinatura:_________________________

Prof. Dr.__________________________ Instituição:_________________________

Julgamento:______________________ Assinatura:_________________________

Para Bia, minha irmã.

“In this manner, they endeavored to endow the market system with economic legitimacy. But, by the same token, they sacrificed the sociological legitimacy (…)*”* Albert O. Hirschmann, 1982.

“My rules for research: 1. Listen to the Gentiles (…)*”* Paul Krugman, 2008.

ACKNOWLEDGMENTS

One of the learnings from writing this thesis on competition was that significant things cannot be done without cooperation and exchange. Any list containing the names of those who cooperated and exchanged thoughts with me would be incomplete. I hope to be fair at least with the ones who were directly relevant for completion of this thesis. Any errors that remain are, of course, my sole responsibility.

When I first presented, in 2015, the research proposal that originated this thesis, my supervisor Professor Celso Campilongo said I had a "rough diamond" in my hands. I thank him not only for helping me lapidating it in so many ways, but also for that shine in his eyes that decisively stimulated my research. I am not sure I have arrived at the precious stone Professor Campilongo was looking for, but his support surely gave me the energy of a digger.

My co-supervisor Professor Tobias Werron was crucial for the definition of the methods and several references used in this work. Regarding Professor Tobias, I could only update the words someone else has written about a very different character: "*he depends for his results not all upon pedagogical fireworks but rather upon a quiet manner and a remorseless logic. He gives the impression of absolute intellectual integrity, a very rare quality and so immensely impressive when encountered*"[1].

In São Paulo, I discussed a former version of the present ideas with Professor Nadya Guimarães, Professor Calixto Salomão Filho, Professor Roberto Pfeiffer, Professor Philip Steiner, Professor Samuel Barbosa and Professor Rodrigo Broglia Mendes. I am also thankful to all participants of the Nucleus of Studies on Competition and Society (NECSO-USP) and to its co-founder Guilherme Misale. An embryo of the thesis was discussed with Carlos Eduardo in a meeting set by Professor Campilongo.

In Bielefeld, I had inspiring discussions with Professor Elena Esposito, Professor André Kieserling, Jelena Brankovic and Leopold Ringel. I am also indebted to all participants of the *Recht und Regulierung Kolloquium*, especially to Professor Alfons Bora and Professor Michael Huber, who opened the doors of the colloquium to debate one chapter of my thesis. I also need to thank Linda Heiken, Karsten Pieper and Katharina Braunsmann

[1] Adapted from Robert H. Bork, *The Antitrust Paradox: a Policy at War with Itself* (1978; 1993), New York, The Free Press, xv (about Aaron Director).

for the generous welcome at Bielefeld University. I was supported by a scholarship from CAPES during the months of studies in Germany.

In New Haven, I have benefitted from meetings and/or classes with Professor George Priest, Professor Henry Hansmann, Professor Monica Bell, Professor Calixto Salomão Filho, Professor Fiona Scott, Professor Bruce Ackerman, Professor Daniel Markovits, Professor Douglas Melamed and Professor Guido Calabresi. I am in debt to Gilad Abiri and to all participants of the Doctoral Workshop at Yale Law School for reading a shorter version of these ideas. I am also thankful to the Fox International Fellowship at Yale University and to the 2017-2018 Fox Fellows.

I have also benefitted immensely from comments and criticism received at several conferences where I presented parts of this work. Such conferences include Abrasd (Fortaleza, 2016), Law and Society (New Orleans, 2016), IVR World Congress (Lisbon, 2017), Law and Society (Toronto, 2018) and Abrasd (São Paulo, 2018). I especially thank Edvaldo Moita, Marco Loschiavo, Gabriel da Fonseca and Lucas Amato for commenting on my work in such events.

I am glad to have had a group of colleagues and friends reading and commenting an advanced version of the thesis: Ademir Pereira Júnior, Mario Cabral, Osny da Silva Filho and Yan Vieira. I also had stimulating conversations in the final moments with Guilherme Palu and Fabricio Bloisi. Francisco Cruz and Lilian de Melo helped me adjusting the formal aspects of the thesis before submission. I thank Eva Rocha for pushing me to improve my English writing in some passages. I am also thankful to Adriano Oliveira for the English classes years ago and for reviewing grammar mistakes in chapters I to III. Finally, thanks are also due to all members of Advocacia José Del Chiaro (AJDC).

Family and friends were important in different moments of my life, including those periods of a Ph.D. candidate's existence that only resemble a life. I will just add here those who were closer in a special moment: Amadeus Orleans, Arthur Marim, Bianca Tavolari, Igor Rolemberg, Marcelo Almeida, Murilo Vannucci and Vitoria Croda. Without the love and support from Eliana, Luiz Roberio, Ana Beatriz and João Gabriel (parents, sister and brother) this work would just have been impossible.

More than academically elevating, the last years were quite transformative. I can only feel blessed to have had my great love, Eva, walking by my side all along.

ABSTRACT

ROSA RAMOS, L. F. *Antitrust and competition: convergence and divergence in the tropical mirror.* 2019. 279 pages. Thesis (Ph.D. in Law, concentration area: Philosophy and General Theory of Law) – Law School, University of São Paulo, São Paulo, 2019.

The debate on antitrust goals is a rich, century-old dispute that seems to admit more than one approach. This thesis seeks to develop a historical-sociological approach by looking at such debate through the following question: What does it mean to protect competition as an objective of antitrust? In order to address such question, the dissertation recovers, in a first step, historical moments of the discussion and institutionalization of various antitrust goals. Although the focus is on the Brazilian case of society, even international contributions to such debate generally fail to semantically consolidate a concept of competition. It means antitrust agencies have struggled to find, in doctrine, definitions of competition that may be applicable to various decisions. In order to pursue alternative definitions, the dissertation observed how competition has been described by sociological studies. The observation of the encounters and incongruities between such "sociology of competition" and the emerged contributions in antitrust field has intrinsic value, that is, to illuminate the limits and latencies demarcated by antitrust when building its notions of competition. Nevertheless, the scope of the thesis is broadened by a suggestion that an approach capable of coupling sociology of competition and antitrust doctrine potentially offers a legally coherent and socially adequate concept for antitrust competition.

Keywords: antitrust, antitrust goals, competition, sociology of competition, systems theory.

RESUMO

ROSA RAMOS, L. F. *Antitrust and competition: convergence and divergence in the tropical mirror.* 2019. 279 p. Tese (Doutorado em Direito, área de concentração: Filosofia e Teoria Geral do Direito) – Faculdade de Direito, Universidade de São Paulo, São Paulo, 2019.

O debate sobre os objetivos do antitruste é um debate rico e centenário, que parece admitir mais de uma abordagem. Esta tese procura desenvolver uma abordagem histórico-sociológica, observando esse debate a partir da seguinte pergunta: o que significa proteger a concorrência como um objetivo do antitruste? Para endereçar essa questão, são recuperados, em um primeiro passo, momentos históricos da discussão e institucionalização dos diversos objetivos do antitruste. Embora o foco seja o caso brasileiro da sociedade, sugere-se que mesmo contribuições internacionais a esse debate falham, de maneira geral, em consolidar semanticamente um conceito de concorrência. Significa dizer que autoridades antitruste têm tido dificuldade em encontrar, na doutrina, definições de concorrência que possam ser aplicáveis a diversas decisões. A fim de buscar definições alternativas, a tese se dedica a observar como a concorrência foi descrita por trabalhos sociológicos. A observação dos encontros e desencontros dessa "sociologia da concorrência" com as contribuições surgidas no âmbito do antitruste possui valor intrínseco, qual seja, iluminar os limites e latências demarcados pelo antitruste ao construir suas noções de concorrência. Não obstante, em uma ampliação do seu escopo, o trabalho sugere também que uma abordagem capaz de acoplar sociologia da concorrência e doutrina antitruste potencialmente oferece um conceito juridicamente coerente e socialmente adequado para a concorrência do antitruste.

Palavras-chave: Antitruste, objetivos do antitruste, concorrência, sociologia da concorrência, teoria dos sistemas.

ZUSAMMENFASSUNG

ROSA RAMOS, L. F. *Antitrust and competition: convergence and divergence in the tropical mirror.* 2019. 279 S. Dissertation (Promotion in Rechtswissenschaften, Philosophie und Allgemeine Rechtslehre) – Fakultät für Rechtswissenschaft, Universität São Paulo, São Paulo, 2019.

Die Debatte über die Ziele des Wettbewerbsrechts ist eine reichhaltige, jahrhundertealte Debatte, die mehr als einen Ansatz zulässt. Diese Arbeit entwickelt einen historisch-soziologischen Ansatz, der diese Debatte mit folgender Frage konfrontiert: Was bedeutet es, den Wettbewerb als Ziel des Wettbewerbsrechts zu schützen? Um diese Frage zu beantworten, rekonstruiert die Dissertation in einem ersten Schritt historische Momente der Diskussion und Institutionalisierung verschiedener Ziele des Wettbewerbsrecht. Obwohl der Schwerpunkt auf dem brasilianischen Fall der Gesellschaft liegt, haben auch internationalen Beiträgen zu dieser Debatte das Konzept des Wettbewerbs in der Regel nicht semantisch konsolidiert. Das bedeutet, dass es die Kartellämter schwergefallen ist, in der Lehre Definitionen des Wettbewerbs zu finden, die auf verschiedene Entscheidungen angewendet werden können. Um alternative Definitionsvorschläge zu entwickeln, untersuch die Dissertation sodann, wie der Wettbewerb in der soziologischen Literatur beschrieben wurde. Die Beobachtung von Parallelen und Differenzen zwischen der „Soziologie der Konkurrenz" und der Literatur zum Wettbewerbsrecht hat einen inneren Wert, d.h. die vom Wettbewerbsrecht abgegrenzten Grenzen und Latenzen beim Aufbau seiner Wettbewerbsvorstellungen zu beleuchten. Dennoch wird der Umfang der Arbeit durch einen Vorschlag erweitert, dass ein Ansatz, der in der Lage ist, die Soziologie der Konkurrenz und mit der Dogmatik des Wettbewerbsrecht zu verknüpfen, potenziell ein rechtlich kohärentes und sozial angemessenes Konzept für den Wettbewerb bietet.

Stichworte: Wettbewerbsrecht, Wettbewerbsrechtliche Ziele, Konkurrenz, Soziologie der Konkurrenz, Systemtheorie.

SUMMARY

INTRODUCTION 19

I – ANTITRUST GOALS AND COMPETITION 24

I.I. THREE SNAPSHOTS OF THE "ANTITRUST GOALS" DEBATE 24

I.I.I. ANTITRUST GOALS IN THE ORIGINS OF ANTITRUST 24

I.I.II. A "PARADOX", A "WINDY CITY" AND A MEANING OF "COMPETITION" 33

I.I.III. A CONTEMPORARY DEBATE 43

I.II. ANTITRUST AND COMPETITION IN BRAZILIAN LEGAL DISCOURSE 54

I.II.I. IS THERE AN ANTITRUST DOGMATICS? THREE CHALLENGES 54

I.II.II. GOALS AND COMPETITION IN BRAZILIAN ANTITRUST DOCTRINE. 63

I.II.III. GOALS AND COMPETITION IN CADE'S CASE LAW 76

I.III. "EXTERNAL" SOURCES 84

I.III.I. WEALTH MAXIMIZATION: FROM POLITICAL PHILOSOPHY TO ECONOMIC ANALYSIS 84

I.III.II. SCARCITY: FROM ECONOMIC ANALYSIS TO LAW AND ECONOMICS 91

I.III.III. COMPETITION: FROM LAW AND ECONOMICS TO LAW AND SOCIETY 100

II – COMPETITION AS A SOCIAL PHENOMENON 108

II.I. A CONCURRENT DISCOURSE ABOUT COMPETITION 108

II.I.I. CLASSICS OF POLITICAL ECONOMY AND PIONEERS OF A SOCIOLOGY OF COMPETITION 108

II.I.II. THE 1940S: ONE "MISSING LINK" AND TWO INFLUENTIAL WORKS 118

II.I.III. THE LAST FORTY YEARS: SOCIOLOGICAL APPROACHES TO ECONOMICS 125

II.II. COMPETITION IN THE BRAZILIAN SOCIAL THOUGHT 134

II.II.I. SINCE COLONIAL TIMES? MONOPOLIES AND THE "OTHER SIDE" 134

II.II.II. THE PHENOMENON OF COMPETITION: A "MYTH" IN THE TROPICS? 141

II.II.III. SOCIAL FORMS IN BRAZILIAN SELF-DESCRIPTIONS 149

II.III. FUNCTIONAL METHOD AND TRIADIC COMPETITION 158

II.III.I. CAUSALITY, FUNCTIONAL APPROACH AND SYSTEMS THEORY 158

II.III.II. FROM THE ENVIRONMENT'S STRUCTURE TO THE MULTIVALUED FUNCTION 166

II.III.III. TRIADIC COMPETITION, INDIRECT AUDIENCE AND THE BRAZILIAN MIRROR 177

III - BRINGING COMPETITION TO ANTITRUST **186**

III.I. THREE CASES: BREAD, HOSPITAL AND TAXES **186**

III.I.I. COLLUSION AND TRIADIC COMPETITION **186**

III.I.II. MERGERS AND INTERMEDIATES **195**

III.I.III. EXCLUSIONARY CONDUCT AND THE STATE-THIRD **205**

III.II. THEORETICAL IMPLICATIONS **215**

III.II.I. FOR ANTITRUST: PROTECTING COMPETITIVE BEHAVIOR BEYOND PSYCHOLOGY **215**

III.II.II. FOR LEGAL DOCTRINE: PRODUCING SOCIALLY ADEQUATE DIFFERENCES **225**

III.II.III. FOR LEGAL SOCIOLOGY: THE LAUGHING THIRD IN NOBODY'S LAND **236**

FINAL REMARKS **243**

REFERENCES **252**

INTRODUCTION

In 2016, the Nucleus of Studies on Competition and Society (NECSO-USP) conducted an exploratory research on the perception of competition in the Brazilian case of society. Questionnaires were applied to entrepreneurs, executives and employees related to companies of various sizes in different business sectors. The professionals were asked about their understandings regarding competition, their knowledge on antitrust and the specificities of competition in Brazil. The answers obtained by the group, among which we now pick a few examples, anticipated some of the issues that will be discussed on the present thesis[2].

Competition came out of the responses as a multifaceted and ambiguous phenomenon. A bakery owner expressed his view on competition as “the other bakeries in the neighborhood that sometimes make a point of coming here to see the price of products and lower a few cents”. “The problem”, he said, “is that some shopkeepers make unfair competition, fighting over cents in the price of some products and selling goods that have nothing to do with their store”. For example, “a clothing store on the street started selling ice cream, which is disloyal to my bakery that also sells ice cream because it sells other food products but does not sell clothes”.

The partner of a medium-sized food retail chain, in turn, described competition as “a much broader concept than mere rivalry between firms”, as it is determined by “the strength of buyers, the strength of suppliers, the potential for new entrants into the [market] sector, and the number of substitute products to this sector”. Competition would be beneficial both for consumers, “because it could create a price war and the consequent collapse of prices”, and firms, which will always have to “maintain the quality of their products and services, so as not to lose market presence”.

The managing partner of a high-income financial consultancy also responded to our questionnaire. In his answer, competition means “the freedom to dispute the market with the main existing players, as long as in an ethical and fair manner”. A firm that “wins the competition” shows that it is “alive” in the market and can become a “reference” in its activity. Nonetheless, in order to “beat its competitors by conquering the market”, there will be need for “investments in the company (in people, method and process)”.

[2] See https://necsousp.com/. Although such responses were used only for internal discussion, they served as a prototype for a further research project whose results were presented at the 23rd International Seminar of the Brazilian Institute for Competition, Consumer and International Trade Studies (IBRAC, 2017).

The level of knowledge regarding antitrust regulation also varied among the responses. The bakery owner had on the counter a placard from a cigarette manufacturer saying that it "supports competition" – an obligation resulting from an antitrust investigation – but he does not know what competition compliance policies "are about". The partner of the food retail chain argued that law has an important role in the "merger of two companies that can greatly alter competition in a sector, even turning it into a monopoly", but his business does not have formal policies for competition compliance either. The partner of the financial consultancy said that his company "follows the rules required by regulatory agencies (…), in addition to internal policies of good practices" that maintain "excellent internal relationship and enormous credibility with customers".

With regards to the specificities of competition in Brazil, the bakery owner alleged that "small shopkeepers already have a lot of competition to face" and do not need further incentive to compete, whereas the culture of competition is necessary for big firms, "such as Car Wash's [a Brazilian corruption investigation] constructors". The food retail entrepreneur also stated that "sectors involving smaller enterprises are mostly characterized by extreme competition, while sectors with large firms are characterized mostly by duopolies", but he added that competition has no need "to become cultural in society", since it is a "concept of the business world" whose distance to "disunity" is "very small". The investment partner declared that there is "monopoly of some sectors" which prevents "development" of the nation, because of "protectionism and accommodation". As to the "culture of competition", he complemented, "we need to learn a lot from the big ones in each sector".

In our small sample, there seems to be no consensus around what competition actually means and on who benefits from it. There is also doubt about which parties would need a greater culture of competition in Brazil: whether only large firms, the entire economic sector, or even other spheres of society beyond the business world. Finally, the impact of the notions of competition as constructed by Brazilian antitrust agency (the CADE) seems to remain limited, although it apparently varies by company size. Even if they are intended to make no empirical proof, such results are a fine illustration of the problems and the hypothesis addressed by the present work.

The main problem from which our research stems is that competition has not been semantically consolidated as a goal of antitrust. People usually know antitrust as a "competition policy", antitrust agencies claim to foster a "competitive process", antitrust

attorneys call themselves "competition lawyers" – but only a few scholars have dedicated their works to decrypt what competition could possibly mean as an autonomous drive for antitrust. As far as one can see through the tropical mirror, this is an international issue. "*Both judicial and non-judicial writing manipulates the terminology and concepts*", argue the authors of an eminent treatise, "*often without penetrating the underlying substance*". As to competition, the same treatise observes:

> "*In passing the antitrust laws, 'Congress was dealing with competition, which is sought to protect, and monopoly, which it sought to prevent'. While rhetorically reassuring, this simple formulation is hardly self-defining, and it conceals a diversity of possible objectives*"[3].

Indeed, such "rhetorically reassuring" formulation has not prevented the concern with competition in antitrust from overflowing to the broader public discourse in the last few years. The media[4], the political system[5] and non-specialized publications[6] have been reflecting the call for "more competition". Antitrust scholars started to take the problem seriously and different nuances of the debate are showing up[7]. In Brazil, two of the most important antitrust scholars have recognized a "disappointment" or even a "paralysis" in the realm of antitrust[8].

---

[3] Phillip E. Areeda, Herbert Hovenkamp, *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (2013), New York, Wolters Kluwer, xix and 3. Referring to the disagreement among antitrust practitioners and theorists on the meaning of competition as a "scandal", Oliver Black, *Conceptual foundations of antitrust* (2005), Cambridge, University Press, 6.

[4] See "The Economist", *The University of Chicago worries about a lack of competition* (Apr 12, 2017). Before, "The Economist", *Too much of a good thing* (Mar 26, 2016).

[5] See Democrats, *A Better Deal: Cracking Down on Corporate Monopolies and the Abuse of Economic and Political Power* (2017), available at https://www.democrats.senate.gov/imo/media/doc/2017/07/A-Better-Deal-on-Competition-and-Costs-1.pdf

[6] For instance, Jonathan Tepper, Denise Hearn, *The myth of capitalism: monopolies and the death of competition* (2019), New Jersey, Hoboken.

[7] See, among many, Carl Shapiro, *Antitrust in a Time of Populism* (2018), International Journal of Industrial Organization, available at SSRN: https://ssrn.com/abstract=3058345; Lina Khan, *Amazon's Antitrust Paradox* (2017), 126 Yale Law Journal 710; and generally the debate on the "New Brandeis School". In the European context, see Oles Andriychuk, *The Normative Foundations of European Competition Law* (2017), Cheltenham, Edward Elgar (arguing that the main constitutional importance of competition lies in the ethical value it represents for society).

[8] See Calixto Salomão Filho, *A paralisia do Antitruste,* in *Revista do IBRAC – Direito da Concorrência, Consumo e Comércio Internacional* (2009), vol. 16, 305-323 (referring to a loss of "theoretical density" in antitrust) and Paula Forgioni, *Os Fundamentos do Antitruste* (1998; 9th ed. 2017), São Paulo, Revista dos Tribunais, 128 (identifying, despite the advances, that Brazilian antitrust agency has focused almost exclusively on mergers, which rarely present relevant competition problems).

This thesis is not directly concerned with the current competitive structure of Brazilian markets, nor does it deliver a critique of a comprehensive set of CADE's decisions. We are interested in such topics as long as they help us better assessing our main research object: antitrust doctrine. Antitrust doctrine is a privileged arena for observing the discussion on antitrust goals, including competition, and the concepts thereby associated. Scholars have been discussing the goals of antitrust without the need to defend a specific party nor the pressure to decide a singular case. Although our primary focus is Brazilian antitrust, we accept it as being deeply tangled with the international debate. As will be made clear throughout this work, the "tropical mirror" reflects both the viewer and its context.

Our fundamental hypothesis is that antitrust doctrine has not consolidated a concept of competition that is both (i) legally coherent (with antitrust statutes and decisional criteria) and (ii) socially adequate (to competition empirical manifestation and its modern imaginary). Despite the efforts and advances, they have not resulted in a concept of competition that is consistently applied by agencies and perceived by the public as a specific antitrust goal. We also suppose that the supremacy of economic theory as a source of antitrust doctrine has contributed to such failure. If we are right in such outlooks, the supporters of competition as an antitrust goal could benefit from a socio-legal approach which incorporates other sources, such as the sociology of competition. As much as presumptions and definitions are made explicit, critics will also gain from enhanced transparency in the debate.

The strategy chosen to address such issues is essentially three-phased, each phase corresponding to one chapter of this thesis. The first step asks: "*What has been tried?*". It retrieves important moments of the debate on antitrust goals to understand how competition has been differentiated from other goals. The same concern illuminates our assessment of Brazilian antitrust doctrine and its eventual impacts in CADE's practice. Closing the first chapter, we explore non-dogmatic sources of antitrust, such as political philosophy, economic analysis, law and economics and a promising law and society approach.

The second step asks: "*What has been missing?*". It tells an alternative story about competition that is centered on sociological works. Essentially, we look at social forms and potentially addressed social problems. The Brazilian nuances of such story are also outlined, as well as imbrications with the country's economic structure. The purpose of this chapter is to build a concept of competition that corresponds to its modern imaginary and emergence

in tropical contexts. Such task is ultimately endeavored based on the works of Niklas Luhmann, Tobias Werron, Harrison White and classics of Brazilian social thought.

Finally, the last step inquires: *"What could be tried?"*. It thoroughly analyses three antitrust cases in Brazil so as to identify the criteria used by the antitrust agency. We test whether the concept built in the precedent chapter could be compatible with antitrust reasoning in each of its main branches: cartels, mergers and exclusionary conducts. Such exercise is made with a view of current tendencies of antitrust analysis, so as to cope with its evolution. The chapter ends with theoretical considerations on the possible impacts of such an approach for antitrust, for legal doctrine and for legal sociology.

The method underlying our strategy is unavoidably multiple and cannot be coupled with a single theory. It is only so because of the complexity of our research object and due to the paths implied in the problems here addressed. As it happened to come out of the responses to NECSO's questionnaires, competition can be seen as a mere rivalry between bakeries, as investing to "win the market" or as a structure that includes buyers, suppliers, potential entrants and substitute products. Competition's effects are often ambiguously evaluated, and though there seems to be a tendency of its dissemination, one can still cast doubts at its real extension in the economy and at its need "to become cultural in society". Agencies maintain the job of spreading the competitive word, but placards supporting competition do not necessarily lead to compliance with antitrust-specific views, and even those who follow the policies of "good practice" are eager to learn with the "big ones".

All things considered, this thesis is partially a history of ideas' enterprise, as we are concerned with the historical construction of competition both in antitrust and in sociology. Partly, it is also sociological work, since we develop a second-order observation of the legal system and outline a social form of competition in the Brazilian context. Finally, and mostly in the last chapter, we will take a step that is usually done by legal doctrine: working on a concept based on distinctions adopted in antitrust decisions. The work that derives from the above-mentioned problems, hypothesis, strategies and methods is nothing but an*other* story about antitrust. It can nevertheless interest someone who is not only longing to see oneself in the other, but prone to find "*the other in oneself*"[9].

---

[9] Viveiros de Castro, *Prefácio* in Beatriz Azevedo, *Antropofagia: Palimpsesto selvagem* (2016), São Paulo, Sesi SP, 16.

FINAL REMARKS

"It is not far-fetched to view antitrust as a microcosm in which larger movements of our society are reflected and perhaps, in some small but significant way, reinforced or generated".[766] The phrase from Bork's classic book could have worked well as an introduction to a research agenda, but it seems to have remained an insight that has not been fully developed. Neither Bork himself nor many antitrust authors were curious enough to approach competition as a social phenomenon, besides describing it as an economically inspired legal construct. Facing antitrust from a legal-sociological perspective, this thesis is among the outsiders in such landscape.

It began by observing that the Sherman Act (1890) in the United States brought innovations that went beyond the common law. Such freshness gave its framers an occasion to formulate the goals of antitrust policy, but the formulators seem to have believed the goals of opportunity, efficiency, competition, fair distribution and political freedom were consistent. The existing notion of competition implicitly reflected an emergent neoclassicism: voluntary price-fixing agreement was anti-competitive not because anyone's freedom to act was restrained, but because market opportunities were lost. Taft's *Addyston Pipe* opinion fused the neoclassical economics with the classical doctrine, creating the illusion common law had always been concerned with competition neoclassically defined.

In 1978, Bork's Antitrust Paradox stated that the goal of antitrust was to improve allocative efficiency without impairing productive efficiency in such a way that no gain or a net loss was produced in consumer welfare. Correspondingly, competition was understood as a term of art designating any state of affairs in which consumer welfare cannot be increased by judicial decree. Maximization of consumer welfare, in this reasoning, was conceived as the best practicable approximation to a constantly moving economic "equilibrium point". Such statements make clear, as Posner puts it, that the effort of Chicago School was to replace forays into sociology and psychology by the "rational" definitions and "logical" structure of economic theory.

The current international debate on antitrust goals includes dispute on the concept of consumer welfare, attempts to develop the goal of consumer welfare at its margins and suggestions of alternative goals. At the end of the day, the debate consolidates no

[766] Robert H. Bork, *The Antitrust Paradox: A Policy at War with Itself* (1978; 1993), New York, The Free Press, 10.

comprehensive meaning of competition. In the earlier years of antitrust, competition had been negatively defined as an *absence* (the neoclassical absence of market coercion). Chicago School made it a *derivation* of another goal (a shorthand phrase for consumer welfare maximization). In its turn, the recent debate carries a high degree of *indetermination*: competition appears as a "lost goal", a "complex system" or the "contrary of monopoly".

In Brazil, the scholars who addressed the issue of antitrust goals had to face three challenges posed by antitrust. First, the antitrust legal duty to observe potential effects seems to require some intimacy with a (conceptually uncertain) future – whereas legal dogmatics usually deals only with conditional programs. Second, the dialogue with economics brings models that were not produced by a legally controlled decision and were meant to present only probably correct answers for most of the cases – while legal dogmatics traditionally works between positive law and the prohibition of denial of justice. Finally, many of antitrust criteria were created by judges in a Common Law environment inspired by a "rule of reason" – whereas legal dogmatics is expected to consolidate concepts applied across decisions. Brazilian scholars are aware of the challenges. In view of both its potentialities and difficulties, this thesis referred to Brazilian antitrust "dogmatics" as a legal *doctrine*.

Since the early years of such doctrine – aided by a statute that, differently from the original Sherman Act, expressly mentioned the word – there were attempts to define competition as a goal. In the origins of antitrust in Brazil, competition was conceptualized as "limited" competition, as an "absence" (of monopolies harmful to popular economy) or as "free" competition (necessary to industrial development). During the so-called conversion of Brazilian antitrust in "modern antitrust", at least one author tried to overcome the pathological angle, which faces competition only as an economic illicit. Finally, the current debate depicts competition as an "instrument", a "protection" of the market dispute or as effective "possibility of choice". All things considered, there is a Brazilian lineage explicitly approaching competition as a nuanced concept, which in different contexts included authors such as Ferreira de Souza, Isabel Vaz and Salomão Filho.

Brazilian antitrust doctrine is only moderately reflected at CADE's practice. In our empirical assessment of the materials produced by the antitrust agency, competition appears as the most frequently pursued goal. Yet, the lack of support on a semantically consolidated concept results in a case law that is plentiful on references to "competition", and at the same time silent or obscure as to its conceptual delineation. In at least one case, an economic

approach rivaled with a legal-dogmatic view, while a sociological input was briefly suggested. The door was open to a multiplicity of sources, but the passage between the (legal) "interior" and the (economic, sociological, etc.) "exterior" was only timidly traversed.

Exploring the "external" sources of antitrust was the next step of our work. We initially observed a debate on Chicago School's claim that *wealth maximization* provides a basis for a normative theory of law in general. The proposal of reducing political philosophy to economics had to present itself in philosophical terms, and the School's expansion to new legal fields raised complexities that remained latent in the taken-for-granted world of antitrust. The boundaries of the wealth maximization morality, for example, became explicit, as well as its incapacity in playing a "foundational" role. Once justifications based on efficiency lose attractiveness in public discourse, one must contemplate other reasons for the persistence of economically inspired legal approaches.

We found such reason in the idea of *scarcity*. Basic microeconomics holds that under conditions of scarcity one should perform an action if and only if its benefits exceed its costs. On the one hand, neoclassical economics derives its views on competitive and monopolized markets from such assumption of rationality. On the other hand, legal procedures distribute scarcity by deciding who is entitled to disputed resources. In an "Economic Analysis of Law" approach, one could use economic models to criticize contemporary decisions as "irrational". But one can also observe that access – the other side of scarcity – is influenced by concrete relations that can be *regulated* (besides modelled with game theory). The bilateral interchange between law *and* economics in the treatment of scarcity makes Calabresi suggest an approach which can result in changes in economic theory rather than in the way legal reality is described.

An example of a relation that influences access is precisely *competition*, which both produces and results from scarcity. But in addition to being legally regulated and economically modelled, competition emerges as a social phenomenon. Such feature recommends a combination of various disciplines, including economics, to grasp the emerging phenomenon: a "Law and Society" approach. In the history of antitrust, such comprehensive insights were attempted by authors like Louis Brandeis and Thurman Arnold. The former's "passion for facts" isolated market coercion from effect upon prices. The latter's realist background favored to treat, in antitrust policies, organizations as individuals (the "folklore"). Nonetheless, a specific sociological approach on competition would only

be tried by Stern's forgotten article in 1971. In Brazil, the frequency of legal sociologists working with antitrust suggests a more welcoming environment for alternative views.

We started to build our alternative view based on the pioneers of sociology of competition. After the second half of the 19th century, a concurrent discourse on competition was favored by the recognition of competition's ambivalent effects and of its emergence in areas that are not strictly economic. Authors like Cooley and Simmel published works that were not primarily dedicated to draw links between competition and economic effects. Cooley viewed competition as a selective process capable of defining the position of an individual in society – a process that allows one to see in the opponent "a man like himself" and his own life "from a new point of view". Simmel characterized "pure competition" as an indirect contest in which participants seek favors, attention or material sources from a third party. In such contest, competitors produce objective values and are inspired to discover the deepest desires of the third "even before he becomes aware of them".

In the 1940s, sociology of competition met two influential authors and a missing link. Polanyi avoided the strict separation between themes of economic and of sociological research. In his description of the "great transformation" after which social relations would end up embedded in the economic system, antitrust legislation opposed the needs of a self-regulating market to the demands of laissez-faire. Hayek' criticism of the theory of perfect competition comprised the remark that the theory had excluded "all personal relationships existing between the parties". In its place, the author suggests a competitive *process* whose achievements should be judged in comparison to the situation as it would exist if competition were prevented from operating. Finally, the overlooked work from Geiger is dedicated to the nuances of competition as a social relation instead of normatively supporting it as a principle.

The sociological approaches produced after the 1970s connected to the 1940s as conceptual developments of Polanyi's insights, as latent links to Geiger's nuanced view or as reactions to the policies alleged inspired by the practical utility of Hayek's ideas. Among the "founding fathers" of the New Economic Sociology, White perceives the role of competition in the reproducibility of markets. Producers observe each other, not consumers, in the mirror. Thus, they are able to reproduce existing structures without the information required for maximizing of efficient behavior. An attempt to provide a more general approach – one that combines the sociology of competition with a theory of modern society – is offered by Bourdieu. Present in different fields, in economy competition involves

conducts that can present themselves *publicly* as having the aim of maximizing individual profit. Such pervasive feature of competition in modern society led authors to refine the diagnostic of an "economization" of society through the use of sociology of competition.

But how far would competition have spread in the economic context itself? And what would be the lessons to be learned therefrom? An influential interpretation of Brazilian economic history holds that the country's economy and society were organized with an external objective: the interests of European commerce. A development of such view observes that, beyond external dependence, the status of colony created internal power structures: monopolies with "triple draining" effects. Reading such diagnosis through the lens of methodological caveats from economic historiography, we suggested to look at the "other side" of monopolies. Competition in Brazil could have evolved within a social project of archaism, one that aimed at reproducing a highly differentiated hierarchy through relations of power based on slavery.

Although free competition, among other principles of liberalism, reverberated into Brazilian political commitments since the 1830s, it was only partially reflected in social relations. The defense of "free-exchange" came along usurpation of public lands by well-connected individuals; "individualism" was defended by farmers who organized measures to avoid competition in the railway sector; "liberalism" was advocated while a few banks dominated a financial sector with formal and informal links to the government. At a time when liberal ideas were being challenged in many ways, Ferreira de Souza published a book in 1939 sustaining that free competition is only one of competition's modalities or historical forms. Whereas free competition is regarded as a "myth" in the tropics, "limited" competition can be controlled by law for the sake of public interest.

Moving away from a normative support of competition as a principle, Brazilian social thought captured interesting traits of the competitive social phenomenon in the country. With Freyre, we noticed that competition in Brazil emerged as a low-energized struggle within boundaries that excluded the former inhabitants of *senzalas.* With Buarque de Holanda, we observed that competitive indirect dispute was tensioned in the country by person-to-person relations and by an emotive background. Faoro enabled us to see Brazilian competition as an aristocratic and state-determined social phenomenon. Lazzarini provides a contemporary diagnosis based on empirical data where competition appears constrained by relationship networks ("ties") and by strategies on political contacts.

Both the recapitulation of sociology of competition and the observation of its Brazilian delineation brought sufficient material to work on a concept of competition. But we still needed to specify the perspective through which we would do so. Despite its controversial character in the realm of both natural and social sciences, we decided to rely on a functional approach that has solid backgrounds and optimistic contemporary endeavors in legal functionalism. Embedded in such functionalist tradition, our approach could not be subsumed to any of its manifestations: away from causality, from indistinct teleology and from theoretical monolithism, we accepted Luhmann's early critiques of previous sociological methods and did not fully adhere to his preferred attitude.

In Luhmann's systemic construction, the phenomenon of competition was observed mainly with reference to the economic system. Competition was presented as a structure of economic environment which structures risk by enabling competitors to observe each other's strategies through a doubly contingent relation. The embraced method referred to a specific problem (uncertainty in market orientation) and compared different performances (competition, interactional conflicts, cooperation/exchange). We found that the particularities of competitive phenomenon – its social pervasiveness and its inability to form systems – justified a reversal: instead of analyzing *equivalent performances* based on a referential problem, one could heuristically compare *the multiple problems* addressed by competition. Not only does such multivalued function (and dysfunctions) help to explain the pervasive emergence of competition in modern society, but it also helps to justify the protection of competition as an autonomous goal of antitrust.

Indeed, competition has such a strong presence in education, sports or science not only because of its alleged economic effects, but due to the social problems it addresses. Competition enables sociability in scarcity; complexity, moralization and avoidance of conflicts; reproducibility and objective values within uncertainty, etc. While doing so, it also creates problems: it disrupts cooperation; produces isomorphism and heteronomy; naturalizes exclusion, etc. Such multivalued competition is not an idealized principle, nor a "but-for" (negative) concept: it is a specific and historically-situated social form. Based on Werron's insights and on Brazilian social thought, we described it as a doubly indirect triadic dispute for the favors of consumers – a form that can be stressed by personal relations, by the incentives of a State-third and by social barriers that reproduce hierarchies.

In the last chapter, the thesis inquired about the convergences and divergences of such form with the distinctions produced in Brazilian antitrust cases. While the second-order observations made in the preceding chapters stand on their own, the third chapter expands their scope and asks whether they could impact an exercise traditionally done by legal doctrine. We noticed that an agreement on prices among competing bakeries risks to transform the most basic feature of competition's social form – its triadic structure – into a dyadic one, even if its economic effects are most likely neutral. Other antitrust distinctions are also inspired by the protection of the indirect triadic form: hardcore cartel/diffuse cartel, exchange of sensitive information/agreement on competitive issues, parallel behavior/collusive behavior. Although the complexity of the analysis tends to raise with technology (e.g. with the use of softwares and algorithms to collude), the preservation of triadic social forms remains a compelling explanation for several criteria in cartel cases.

Something similar could be said about merger control. Using the doubly indirect social form of contemporary competition, we noticed that the discovery of an intermediated relation between patients, oncology hospital/clinics and non-oncologist doctors changed the result of a merger analysis. As non-oncologist doctors observe, compare and evaluate the offerings of oncology services and articulate expectations of patients, CADE decided for remedies that potentially restored the objectivity of doctors' intermediate role, even though market shares indicated no antitrust concern. With advancements in technology and interconnectivity, the kind of intermediate that has been receiving growing attention by competition researchers and antitrust community are the public communication processes that allow observation accessible to both competitors and their audience. We briefly explored the impacts to antitrust analysis stemming from the acknowledgment of such intermediated social forms in cases involving rankings, platforms, market analysts and big data.

Antitrust analysis of exclusionary conduct also reflect concern with the social form of competition, specially bearing in mind the stressing factors that often accompany such form. In a Query made to CADE about the so-called "tax war" between Brazilian states, the agency observed competitive dynamics moved from a dispute for the resources of a consumer-third to a struggle for the favors of a state-third. Since antitrust is a strong component of the public discourse on competition in modern society, it could adopt measures to protect the social form of competition even if there is technically no exclusionary conduct. If an antitrust decision-maker does so, the weakening of social forms of competition might be sufficient to recommend an affirmative covenant as a case solution.

Protection of competition, thus, can be an autonomous goal of antitrust, which fits to the idea that multivalued competition addresses social problems regardless of economic effects. The theoretical implication for antitrust deriving from such attitude is twofold: (i) first, one needs a definition for competition, (ii) second, one needs to lose the fear of paradoxes, since competition will eventually clash with other antitrust goals. As to the former, we detected how the recent rise of an explicit defense of competition goal still struggles to overcome antitrust traditional notions of competition. The empirical approach of behavioral antitrust, in its turn, is theoretically deficient in its consideration of competition as a matter of independent cognitions. With regards to the emergence of paradoxes, distinctions need to be consolidated in order to enable and control decision-making.

And this is classically a task for legal doctrine, the second impacted area according to the last sections of this thesis. In order to accomplish its duty of deciding mergers and conducts, antitrust does not require one to rationalize decisions basing them on an indistinguishable process, to justify goals, or to stablish the supremacy of only one goal. It needs only to find distinctions that exclude, discriminate and thus allow decision-making even though the rule of reason is not good at balancing. Based on the legacy of Orlando Gomes, we suggested that antitrust could benefit from a legal doctrine that is both careful with legal distinctions and attentive to the need of social adequacy. Such doctrine would identify the differences that make a difference in a case, develop concepts based on the recurrence of such differences across several cases and accommodate tensions between economic goals and competitive relations in view of multivalued triadic forms.

Finally, the approach developed in this thesis presented a potential impact for legal sociology. The legal sociologist could become a *tertius gaudens* that benefits from the dispute between law and sociology (a dispute particularly noticeable in Brazilian historical context) without necessarily provoking a conflict. It suffices to discern the qualitative dualism between legal dogmatics and sociological knowledge in order to deal with different systemic rationalities and harmonize high social complexity with the need for legal consistency. To some extent, such legal sociology (also a kind of peripheral doctrine) is *both* law and sociology, since it requires serious immersion in each of the fields before offering its third-like perspective. But it is also *none* of them, as it never loses the double-colored hat with which it walks along the border between the fields.

***

In a nutshell, the descriptive part of this thesis found that negative notions (absence of market coercion, but-for world), ideal principles (free competition, equilibrium point) and indeterminate processes – all strategies attempted by antitrust doctrine to grasp competition – did not produce a recursive use of such concept in antitrust practice. We confirmed and specified the hypothesis that antitrust doctrine has not consolidated a concept of competition that is both legally coherent and socially adequate. Instead, based on sociological works, competition could alternatively be viewed as a multivalued doubly indirect social form that emerges and pervades modern society.

If antitrust agencies and statutes are certain that protecting competition is a goal of competition policy, the doctrinal part of our work offers a possible route. It suggests that a socially adequate concept of competition could help identifying the protected competitive phenomenon and avoiding social problems resulting from its unthought-of promotion. Notwithstanding convergences and divergences, part of Brazilian antitrust doctrine and cases are headed in such direction: competition policies can be designed to help protecting competition. Such conclusion might sound too simple or too obvious, but this is not necessarily a bad thing according to John McNaughton[767]: "*An outside idea has a chance to influence government policy only if it has two characteristics. First, it can be stated in a simple declarative sentence. Second, once stated it is obviously true*".

[767] A former assistant secretary of defense of the United States, quoted by Emily Parker, *To Be Read by All Parties* (2012) The New York Times Book Review, 27 [February 19], available at https://www.nytimes.com/2012/02/19/books/review/the-impact-of-books-on-washington-policy.html?pagewanted=1&_r=1. Also quoted by Robert Lande, *A Traditional and Textualist Analysis of the Goals of Antitrust: Efficiency, Preventing Theft from Consumers, and Consumer Choice* in *The Goals of Antitrust* (2013) 81 Fordham Law Review, 2403.

REFERENCES

ANTITRUST CASES[768]

Abrabe and Cervejaria Kaiser v. Ambev (2012), CADE, 08012.006439/2009-65;

ABRIVE v. Several Insurance Companies (2013), CADE, 08012.008224/1998-38;

ABTA v. ECAD and others (2013), CADE, 08012.003745/2010-83;

American Needle, Inc. v. National Football League (2010) Supreme Court of the United States, 560 U.S. 183;

ANFAPE v. Volkswagen, Fiat and Ford (2018), CADE, 08012.002673/2007-5;

ANP and MPF/SP v. Several gas stations (2013), CADE, 08012.004472/2000-12;

ANS v. HC Lagos Hospital das Clínicas (2012), CADE, 08012.005969/2009-96;

ANS v. Unimed Araruama (2013), CADE, 08012.011935/2008-50;

ANS v. Unimed de Ibitinga (2013), CADE, 08012.009534/2006-78;

ANS v. Unimed Maceió (2013), CADE, 08012.008143/2008-06;

ANS v. Unimed Nordeste RS (2013), CADE, 08012.009866/2008-14;

ANS v. Unimed Pato de Minas (2013), CADE, 08700.003447/2008-11;

APEC v. Unimed Presidente Prudente (2013), CADE, 08012.006253/2005-82;

Aspen Skiing Co. v. Aspen Highlands Skiing Corp. (1985) Supreme Court of the United States. 472 U.S. 585.

Associação Hospital de Caridade Ijuí v. Unimed Ijuí (2013), CADE, 08012.002440/2005-97;

Associated Press v. United States (1945) Supreme Court of the United States, 326 U.S.1;

Atl. Richfield Co. v. USA Petroleum Co. (1990), 495 U.S. 328;

Board of Trade of City of Chicago v. United States (1918) 246 U.S. 231;

Broadcom Corp. v. Qualcomm, Inc. (2007) United States Court of Appeals, Third Circuit. 501 F.3d 297;

Brooke Group v. Brown & Williamson Tobacco (1993) Supreme Court of the United States;

Brown Shoe Co. v. United States (1962) 370 U.S. 294;

CAA/DF v. Livraria do Advogado and others (2013), CADE, 08012.012420/1999-61;

CADE v. Arcal Consultoria and SIPROCFC/MG (2013), CADE, 08012.003874/2009-38;

[768] The law firm where I worked during part of the PhD (AJDC) represented clients in some of the following cases. Opinions and views expressed in this thesis are the author's own and do not represent any client's position.

CADE v. Independent Aftermarket (several firms) (2016), CADE, 08012.006386/2016-53;

CADE v. Unimed do Brasil (2013), CADE, 08012.001305/2003-62;

CDC v. Devanlay Ventures Comércio, Importados, Exportação e Participações Ltda. (2011), CADE, 08012.002764/2009-59;

CIEFAS v. SOBED-CE and Sociedade Cearense de Radiologia (2011), CADE, 08000.011516/1994-72;

Continental T.V., Inc. v. GTE Sylvania Inc. (1977) Supreme Court of the United States, 433 U.S;

Copperweld Corp. v. Independence Tube Corp. (1984) Supreme Court of the United States, 467 U.S. 752;

DECOM-PI and MP/PI v. SINDIPETRO/PI and José Duarte Saraiva (2013), CADE, 08700.000547/2008-95;

DPC/PR v. several gas stations (2013), CADE, 08012.011668/2007-30;

*Eastman Kodak Co. v. Image Technical Services, Inc***.** (1992) Supreme Court of the United States, 504 U.S. 451;

E-Commerce v. Google (ongoing), CADE, 20108012.010483/2011-94;

Fashion Originators' Guild of America v. Federal Trade Commission (1941) Supreme Court of the United States. 312 U.S. 457;

Federal Trade Commission v. Procter & Gamble Co. (1967), 386 U.S. 568;

Fernando A. Dulce, Conegundes P. Moreira and others v. Unimed de Barbacena, Bebedouro e Santos Dumont/MG (2013), CADE, 08012.001046/2003-70;

Grupo Executivo para Modernização dos Portos do Ministério da Marinha v. SINDAMAR and others (2013), CADE, 08000.009391/1997-17;

GVT and others v. Americel and others (2013), CADE, 08012.008501/2007-91;

Hosp. e Maternidade Jardim América Ltda. v. Unimed Goiânia (2013), CADE, 08012.003368/2004-34;

Hospital de Caridade Dr. Astrogildo de Azevedo v. Unimed Santa Maria (2013), CADE, 08012.003035/2008-39;

IG, Telemar, Ongoing (2012), CADE [merger], 08012.005394/2012 -15;

Image Technical Services, Inc. v. Eastman Kodak Co. (1997) United States Court of Appeals, Ninth Circuit. 125 F.3d 1195;

In re Text Messaging Antitrust Litigation (2015) United States Court of Appeals, Seventh Circuit. 782 F.3d 867;

International Distribution Centers v. Walsh Trucing Co. (1987), 812 F.2d 786 2d Circuit;

Jefferson Parish Hospital District No. 2 v. Hyde (1984) Supreme Court of the United States, 466 U.S. 2;

Juizo de Direito da 3ª VC – RS v. Several gas stations in Caxias do Sul (2013), CADE, 08012.010215/2007-96;

Leegin Creative Leather Products, Inc. v. PSKS, Inc. (2007) Supreme Court of the United States, 551 U.S. 877;

Leistung Comércio e Serviços Ltda. v. Siemens Engenharia e Service Ltda (2011), CADE, 08012.000478/1998-62;

Marimex Despachos Transportes e Serviços Ltda. v. Rodrimar S/A Transportes, Equipamentos Industriais e Armazéns Gerais (2016), CADE, 08012.001518/2006-37;

Med Life Saúde v. Unimed de Araraquara e Região (2013), CADE, 08012.001792/2007-97;

Monsanto Co. v. Spray–Rite Service Corp (1984) Supreme Court of the United States. 465 U.S;

MP Pará v. Unimed Sul do Pará (2013), CADE, 08012.008031/2008-47;

MP RS v. Gas Stations (2013), CADE, 08012.007149/2009-39;

MP/CE and DECOM v. Sindipostos and others (2012), CADE, 08012.000998/1999-83;

MP/GO v. Sindiposto/GO and others (2012), CADE, 08012.000444/2002-98;

MP/PI v. SINDIPETRO/PI (2013), CADE, 08012.007301/2000-38;

MP/Pilar do Sul v. Bakeries (2004), CADE, 08012.006539/1997-97;

MP/RS v. Auto Abastecedora Visentin and others (2011), CADE, 08012.005495/2002-14;

MP/RS v. Gas stations (2013), CADE, 08012.004573/2004-17;

MP/SP v. Associação dos despachantes de Santa Bárbara D'Oeste (2016), CADE, 08012.011791/2010-56;

MP/SP v. Hidrópolis Engenharia Ltda. and others (2011), CADE, 08012.0006768/2000-78;

MP/SP v. SINCOPETRO and others (2011), CADE, 08012.000921/2000-53;

MPF Amazonas v. AMAZONPETRO and others (2013), CADE, 08012.002959/1998-11;

National Society of Professional Engineers v. United States (1978) Supreme Court of United States. 435 U.S. 679;

Northern Securities Co v. United States (1904), 193 U.S. 197;

Northwest Wholesale Stationers, Inc. v. Pacific Stationery & Printing Co. (1985**)** Supreme Court of the United States, 472 U.S. 284;

Pepsico v. Recofarma and Spal (2013), CADE, 08012.006450/2000-97;

PNBE (1999), CADE [query] n. 0038/99;

Polícia Civil do DF v Several bakeries (2013), CADE, 08012.004039/2001-68;

Polygram Holding, Inc. v. Federal Trade Commission (2005) United States Court of Appeals, District of Columbia Circuit. 416 F.3d 29;

Pró Genéricos v. Janssen Cilag Farmacêutica Ltda. (2013), CADE, 08012.000841/2011-51;

Procon-SP v. *SKF do Brasil Ltda.* (2011), CADE, 08012.001271/2001-44;

Rambus Inc. v. FTC (2008) United States Court of Appeals, District of Columbia Circuit. 522 F.3d;

Rede D'Or, Acreditas Oncologia (2013) CADE [merger], 08700.0044151/2012-01;

Reiter v. Sonotone Corp. (1979) Supreme Court of the United States 442 U.S. 330;

SDE and SEAE v. TAM, Varig, Vasp, Transbrasil (1999), CADE, 08012.000677/99-70;

SDE v. ABAV RJ (2013), CADE, 08012.006923/2002-18;

SDE v. Associação Paranaense dos Produtores de Cal (2013), CADE, 08012.009834/2006-57;

SDE v. ATPC (2014), CADE, 08012.002028/2002-24;

SDE v. Fecombustíveis; Luiz Gil Siuffo Pereira (2011), CADE, 08012.006431/1997-31;

SDE v. KLM and others (2013), CADE, 08012.011027/2006-02;

SDE v. Peróxidos do Brasil and others (2012), CADE, 08012.004702/2004-77;

SDE v. Santher and others (2011), CADE, 08012.006059/2001-73;

SDE v. Sindipedras and others (2002), CADE, 08012.002127/2002-14;

SDE v. Unimed Angra dos Reis (2013), CADE, 08012.006748/2009-35;

SDE v. Unimed Caçador (2013), CADE, 08012.006762/2009-39;

SDE v. Unimed Campina Grande (2013), CADE, 08012.008736/2007-83;

SDE v. Unimed de Bauru (2013), CADE, 08012.008733/2007-40;

SDE v. Unimed de Ilhéus (2013), CADE, 08012.008740/2007-41;

SDE v. Unimed de Londrina (2013), CADE, 08012.008737/2007-28;

SDE v. Unimed Divinópolis (2013), CADE, 08012.003884/2010-15;

SDE v. Unimed Frutal (2013), CADE, 08012.006755/2009-37;

SDE v. Unimed Itajubá (2013), CADE, 08012.003779/2010-78;

SDE v. Unimed Itatiba (2013), CADE, 08012.007204/2009-91;

SDE v. Unimed Nordeste Goiano (2013), CADE, 08012.007205/2009-35;

SDE v. Unimed Norte do Mato Grosso (2013), CADE, 08012.007203/2009-46;

SDE v. Unimed Poços de Caldas (2013), CADE, 08012.008741/2007-96;

SDE v. Unimed Porto Alegre (2013), CADE, 08012.008735/2007-39;

SDE v. Unimed Regional de Maringá (2013), CADE, 08012.008738/2007-72;

SDE v. Unimed São Carlos (2013), CADE, 08012.004596/2004-21;

SDE v. Unimed Vale do Caí (2013), CADE, 08012.011124/2008-59;

SDE v. Unimed Vales do Taquari (2013), CADE, 08012.010576/2009-02;

SDE v. Unimed Vitória (2013), CADE, 08012.004993/2009-16;

SDE, Lucia Curti Guedes v. Petrocoque Indústria e Comércio S.A (2011), CADE, 08012.004520/1999-50;

SINAMGE v. Unimed da Caçapava – Cooperativa de Trabalho Médico (2013), CADE, 08012.006271/2009-98;

Sindeprestem v. Tática, Sellan and others (2011), CADE, 08012.000792/1999-16;

Sindicato dos Empregados em Estabelecimentos Bancários de Araxá/MG v. Unimed Araxá (2013), CADE, 08012.002112/200-88;

Sindicato dos Estivadores nos Portos do Estado de Pernambuco and others vs. Tecon Suape S.a and Suape (2015), CADE, 08012.006504/2005-29;

Sindicato Nacional das Empresas de Medicina de Grupo v. Unimed de Taubaté (2013), CADE, 08012.007885/2008-14;

Sindicato Rural de Presidente Prudente and others v. SUDAN and others (2011), CADE, 08001.000852/99-21;

SINOG v. Uniodonto de Lençóis Paulista (2013), CADE, 08012.001503/2006-79;

SITEL v. Telma (2013), CADE, 08700.000783/2001-35;

Smart Rio v. SINDACAD/RJ and Ricardo Marques de Abreu (2013), CADE, 08012.005524/2010-40;

Spectrum Sports, Inc. v. McQuillan (1993) Supreme Court of the United States, 506 U.S. 447.

Standard Fashion Co. v. Magrane-Houston Co. (1922) United States Supreme Court. 258 U.S.

Standard Oil Co. of New Jersey v. United States (1911) Supreme Court of the United States, 221 U.S. 1.

Standard Oil Co. of New Jersey v. United States (1911) Supreme Court of the United States, 221 U.S. 1.

Steel Placas Indústria e Comércio Ltda. v. Comepla Indústria e Comércio Ltda and others (2012), CADE, 08012.001099/1999-71;

Swift & Co. v. United States (1905) 196 U.S. 375;

Tampa Electric Co. v. Nashville Coal Co. (1961), Supreme Court of the United States. 365 U.S.

Telefonica, Phorm (2011), CADE [merger], 08012.010585/2010-29;

TFWS, Inc. v. Schaefer (2001), F.3d 198 4th Circuit;

T-Mobile Netherlands BV v. Raad van bestuur van de Nederlandse Mededingingsautoriteit (2009), European Court Reports;

Union Carbide v. Alipio Gusmão and others (2011), CADE, 08012.007412/1999-93;

United States v. Addyston Pipe & Steel Co. (1898) Circuit Court of Appeals of the United States, Sixth Circuit, 85 F. 271, affirmed, 175 U.S. 211

United States v. Aluminum Co. of America (1945) United States Court of Appeals for the Second Circuit, 148 f.2d 416.

United States v. American Express Co. (2016) United States Court of Appeals, Second Circuit. 838 F.3d

United States v. American Tobacco Company (1911), Supreme Court of the United States, 221 U.S. 106.

United States v. AMR Corp., American Airlines Inc. (2003) United States Court of Appeals, Tenth Circuit. 335 F.3d 1109

United States v. Andreas (2000) United States Court of Appeals, Seventh Circuit, 216 F.3d 645

United States v. Apple, Inc (2015) United States Court of Appeal, Second Circuit, 791 F.3d 290.

United States v. *Arnold, Schwinn & Co*. (1967) 388 U.S. 365.

United States v. Brown University (1993) United States Court of Appeals, Third Circuit. 5 F.3d

United States v. E.I. du Pont de Nemours & Co. (1956) Supreme Court of the United States, 351 U.S. 377

United States v. Microsoft Corp. (2001) United States Court of Appeals, District of Columbia Circuit. 253 F.3d 34.

United States v. Socony-Vacuum Oil Co. (1940) Supreme Court of the United States, 310 U.S. 150

United States v. Topco Associates, Inc., 405 U.S. 596, 610 (1972).

United States v. Trans–Missouri Freight Association (1897) Supreme Court of the United States, 166 U.S. 290

United States v. Trenton Potteries Co. (1927) Supreme Court of the United States, 273 U.S. 392.

United States v. Visa U.S.A., Inc., et al. (2003) United States Court of Appeals, Second Circuit. 344 F.3d 229.

Verizon Communications v. Law Offices of Curtis V. Trinko (2004) Supreme Court of the United States. 540 U.S. 398

Viação Oliveira Torres v. Empresa Valadares de Transporte Coletiva Ltda. and others (2011), CADE, 08012.005610/2000-81;

INSTITUTIONAL MATERIAL

CADE, *Guia de Análise de Atos de Concentração Horizontal* (2016), available at http://www.cade.gov.br/acesso-a-informacao/publicacoes-institucionais/guias_do_Cade/guia-para-analise-de-atos-de-concentracao-horizontal.pdf;

CADE, Guia Remédios Antitruste (2018) available at http://www.cade.gov.br/acesso-a-informacao/publicacoes-institucionais/guias_do_Cade/copy_of_GuiaRemdios.pdf;

CADE, *Guidelines for Cease and Desist Agreement for cartel cases* ("TCC") (2016), 29-30, available at http://www.cade.gov.br/acesso-a-informacao/publicacoes-institucionais/guias_do_Cade/guidelines_tcc-1.pdf;

CADE, *Guidelines for the Analysis of Previous Consummation of Merger Transactions* (2016), 7, available at http://www.cade.gov.br/acesso-a-informacao/publicacoes-institucionais/guias_do_Cade/guideline-gun-jumping-september.pdf;

Commissioner Margrethe Vestager, *Commission fines Google €2.42 billion for abusing dominance as search engine by giving illegal advantage to own comparison shopping service* (2017) European Commission, Press release, Brussels;

Democrats, *A Better Deal: Cracking Down on Corporate Monopolies and the Abuse of Economic and Political Power* (2017), available at https://www.democrats.senate.gov/imo/media/doc/2017/07/A-Better-Deal-on-Competition-and-Costs-1.pdf;

Federal Trade Commission and Department of Justice, *Antitrust Guidelines for Collaborations Among Competitors* (2000), available at https://www.ftc.gov/sites/default/files/documents/public_events/joint-venture-hearings-antitrust-guidelines-collaboration-among-competitors/ftcdojguidelines-2.pdf;

Federal Trade Commission *In the Matter of Google Inc* (2013) Statement regarding Google's Search Practices, January 3. FTC File Number 111-0163;

https://necsousp.com/;

International Competition Network, *Competition Enforcement and Consumer Welfare — setting the agenda 14* (2011), available at http://www.internationalcompetitionnetwork.org/uploads/library/doc857.pdf;

International Competition Network, Report on the Objectives of Unilateral Conduct Laws, Assessment of Dominance/Substantial Market Power, and State-Created Monopolies 9 (2007), available at http://www.internationalcompetitionnetwork.org/uploads/library/doc353.pdf;

OECD, *Summary of Discussion of the Roundtable on Algorithms and Collusion,* available at https://one.oecd.org/document/DAF/COMP/M(2017)1/ANN2/FINAL/en/pdf;

U.S. Department of Justice and the Federal Trade Commission, *Horizontal Merger Guidelines* (2010);

DICTIONARIES

AULETE, Caldas. *Dicionário Contemporâneo da Língua Portuguesa* (1958), Rio de Janeiro, Delta;

AULETE, Caldas. *Dicionário Contemporâneo da Língua Portuguesa* (1964), Rio de Janeiro, Delta;

AULETE, Caldas. *Dicionário Contemporâneo da Língua Portuguesa* (1970), Rio de Janeiro, Delta;

DA CUNHA, Antônio Geraldo. *Vocabulário histórico-cronológico do Português Medieval* (1984), Fundação Casa de Rui Barbosa;

DE FIGUEIREDO, Cândido. *Dicionário da Língua Portuguesa* (1949) Livraria Bertrand;

DE HOLANDA FERREIRA, Aurelio Buarque. *Dicionário da Língua Portuguesa* (1980), Editora Nova Fronteira;

DE HOLANDA FERREIRA, Aurelio Buarque. *Novo Dicionário da Língua Portuguesa* (2nd ed. 1986), J.E.M.M. Editores Ltda;

DE MORAIS, Orlando Mendes. *Dicionário de Sinônimos* (1944) Rio de Janeiro, Editora Getulio Costa;

NASCENTES, Antenor. *Dicionario Ilustrado da Língua Portuguesa* (1972), Academia Brasileira de Letras, Rio de Janeiro, Bloch Editores;

Novo Dicionario da Lingua Portuguesa (5a ed. 1939), W. M. Jackson, Rio de Janeiro;

SILVEIRA BUENO, Francisco da. *Dicionário Escolar da Língua Portuguesa* (1965), Saraiva;

TORRINHA, Francisco. *Novo Dicionário da Língua Portuguesa* (1946), Porto, Rua de Oliveira Monteiro.

REPORTS

MOURA, Eduardo. *Crise das redes Saraiva e Cultura expõe problemas de gestão no setor livreiro* (2018), Folha de São Paulo [November 2], available at https://www1.folha.uol.com.br/ilustrada/2018/11/crise-das-redes-saraiva-e-cultura-expoe-problemas-de-gestao-no-setor-livreiro.shtml

PARKER, Emily. *To Be Read by All Parties* (2012) The New York Times Book Review [February 19], available at https://www.nytimes.com/2012/02/19/books/review/the-impact-of-books-on-washington-policy.html?pagewanted=1&_r=1.

The Sugar Trust Illegal (1890), New York Times, available at http://query.nytimes.com/mem/archive-free/pdf?res=990DEFD6123BE533A25756C2A9609C94619ED7CF.

“The Economist”, The University of Chicago worries about a lack of competition (Apr 12, 2017).

“The Economist”, *Too much of a good thing* (Mar 26, 2016).

ARTICLES AND BOOKS

ACKERMAN, Bruce. *Law, Economics, and the Problem of Legal Culture* (1986) in Duke Law Journal, vol. 1986, n. 6;

ACKERMAN, Bruce. *Reconstructing American Law* (1984), Cambridge, Harvard University Press;

ALCHOURRÓN, Carlos E.; BULYGIN, Eugenio. *Introducción a la metodologia de las ciências jurídicas y sociales* (1975, 3rd reprint 1998), Buenos Aires, Astrea;

ALENCASTRO, Luis Felipe de. *O trato dos viventes. Formação do Brasil no Atlântico Sul* (2000), São Paulo, Companhia das Letras;

ALEXY, Robert. *Theorie der Juristischen Argumentation* (1983; 1991), Frankfurt am Main, Suhrkamp Verlag;

AREEDA, Philipp; TURNER, Donald. *Predatory Pricing and Related Practices under Section 2 of the Sherman Act* (1975), Harvard Law Review vol. 88, n. 4;

AREEDA, Phillip; HOVENKAMP, Herbert. *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (2013), New York, Wolters Kluwer;

ARNOLD, Thurman. *The Bottlenecks of Business* (1940), New York, Reynal & Hitchcock;

ARNOLD, Thurman. *The Folklore of Capitalism* (1937), Washington, Yale University Press;

ARRUDA DE ANDRADE, José Maria. *Economicização do Direito Concorrencial* (2014), São Paulo, Quartier Latin;

ARRUDA DE ANDRADE, José Maria. *Reflexões sobre o* more economic approach *no direito concorrencial europeu* in Celso Campilongo, Roberto Pfeiffer, *A evolução do antitruste no Brasil* (2018), São Paulo, Singular;

ASSOCIATION, American Bar. *The rule of reason* (1999), Section of Antitrust Law, Monograph 23;

AZAR, José; SCHMALZ, Martin; TECU, Isabel. *Anti-Competitive Effects of Common Ownership* (2018), The Journal of the American Finance Association vol. 73, issue 4;

AZEVEDO PALU, Guilherme Augusto. *Grundrechte, Spielräume und Kompetenzen: Eine Untersuchung formeller Prinzipien vor dem Hintergrund der Prinzipientheorie* (2017), PhD Dissertation at Heidelberg University;

BACHUR, João Paulo. *Inclusão e exclusão na teoria dos sistemas sociais: um balanço crítico* (2014), Revista Brasileira de Informação Bibliográfica em Ciências Sociais – BIB, São Paulo, n. 73;

BAKER, Jonathan B. *Economics and Politics: Perspectives on the Goals and Future of Antitrust in The Goals of Antitrust* (2013) 81 Fordham Law Review;

BASTIAT, Fréderic. *Harmonies économiques* (1850) translated by W. Hayden Boyers, *Economic Harmonies* (1996), New York, Foundation for Economic Education;

BEARD, Charles. Introduction in Alfred Lief (org.) *The Social and Economic Views of Mr. Justice Brandeis* (1996), Florida, Gaunt.

BECKERT, Jens. *The Great Transformation of Embeddedness. Karl Polanyi and the New Economic Sociology* (2007), MPIfG Discussion Paper 07/1, Cologne, Max Planck Institute for the Study of Societies Cologne;

BELLO, Carlos Alberto. *Autonomia frustrada: o Cade e o poder econômico* (2005), São Paulo, Boitempo Editorial;

BLACK, Oliver. *Conceptual foundations of antitrust* (2005), Cambridge, University Press.

BLAIR, Roger; SOKOL, Daniel. *Welfare Standards in U.S. and E.U. Antitrust Enforcement in The Goals of Antitrust* (2013) 81 Fordham Law Review;

BOBBIO, Norberto. *Dalla struttura alla funzione. Nuovi studi di teoria del diritto* (1977), Milano, Edizioni di Comunità. Bork seems to ascribe here a repressive role for antitrust;

BORK, Robert H. *Legislative Intent and the Policy of the Sherman Act* (1966), The Journal of Law & Economics, vol. 9;

BORK, Robert H. *The Antitrust Paradox: a Policy at War with Itself* (1978; 1993), New York, The Free Press;

BOURDIEU, Pierre. *Actes de la Recherche en Sciences Sociales* (1997), translated by Suzana Cardoso and Cécile Raud-Mattedi, *Política & Sociedade* (2005), v. 4, n. 6.

BOURDIEU, Pierre. *Le champ économique* in *Actes de la Recherche en Sciences Sociales* (1997), translated by Suzana Cardoso and Cécile Raud-Mattedi, *Política & Sociedade* (2005), v. 4, n. 6.

BOURDIEU, Pierre. *Le marché des biens symboliques* (1971) translated by Sergio Miceli, *A economia das trocas simbólicas* (1987), Rio de Janeiro, Ed. Perspectiva;

BRANDEIS, Louis. *An Interview* in Osmond Fraenkel, Clarence Lewis, *The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *Competition,* in Osmond Fraenkel, Clarence Lewis, *The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *Dissenting Opinion* (Liggett Company vs. Lee - 1933) in Osmond Fraenkel, Clarence Lewis, *The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *Dissenting Opinion* (New State Ice Company vs. Liebmann) in Osmond Fraenkel, Clarence Lewis, *The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *Manufacturers in Cooperation in Alfred Lief (org.) The Social and Economic Views of Mr. Justice Brandeis* (1996), Florida, Gaunt;

BRANDEIS, Louis. *Shall we Abandon the Policy of Competition? In Osmond Fraenkel, Clarence Lewis, The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *The Democracy of Business* in Osmond Fraenkel, Clarence Lewis, *The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANDEIS, Louis. *The Living Law* (1916), Illinois Law Review, February;

BRANDEIS, Louis. *The Solution of the Trust Problem in Osmond Fraenkel, Clarence Lewis, The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis* (1935), New York, The Viking Press;

BRANKOVIC, Jelena; RINGEL, Leopold; WERRON, Tobias. *How rankings produce competition. The case of global university rankings* (2018), Zeitschrift für Soziologie 47(4): 270-288;

BUARQUE DE HOLANDA, Sergio. *Raízes do Brasil* (1936, 2016), São Paulo, Companhia das Letras;

BURT, Ronald S. *Structural Holes: The Social Structure of Competition* (1992), Cambridge, Harvard University Press;

BUSS, Eugen. *Der Wettbewerb: eine rechtssoziologische Untersuchung* (1973), Tübingen, J.C.B. Mohr.

CABRAL, Mario André Machado. *Estado, Concorrência e Economia: Convergência entre Antitruste e Pensamento Econômico no Brasil* (2016), PhD Dissertation, University of São Paulo;

CALABRESI, Guido. *The Future of Law and Economics: Essays in Reform and Recollection* (2016), Yale University Press, New Haven;

CALLON, Michel. *Introduction: the embeddedness of economic markets in economics* (1998) in The Sociological Review (Special Issue: Sociological Review Monograph Series: The Laws of the Markets), Ed. vol. 46: S1;

CAMPILONGO, Celso Fernandes. *O direito na sociedade complexa* (2000, 2nd 2011), São Paulo, Saraiva;

CAMPILONGO, Celso Fernandes. *Ruptura com mitos e superação de obstáculos: direito, economia e mercado (Prefácio)* in Fernando Herren Aguillar, *Direito Econômico: do direito nacional ao direito supranacional* (3rd. 2012), São Paulo, Editora Atlas;

CAMPILONGO, Celso Fernandes. *Prefácio* in Antônio Maristrello Porto, Patrícia Sampaio, *Direito e economia em dois mundos: doutrina jurídica e pesquisa empírica* (2014), Rio de Janeiro, Editora GV

CAPELATO, Maria Helena. *Os Arautos do Liberalismo: Imprensa Paulista* 1920-1945 (1989) Editora Brasiliense;

CARR, Edward. *What is history?* (1961) translated by Lúcia Maurício de Alverga, *Que é historia?* (3. ed 1982) São Paulo, Paz e Terra;

CARVALHO FILHO, Irineu; COLISTETE, Renato. *Education performance: was it all determined 100 years ago? Evidence from São Paulo, Brazil* (2010), MPRA Papers;

CASTILHO MISSALI, Guilherme Teno; VIEIRA, Yan Villela. *Why (not) talk about the sociology of competition?* (2017) available at https://www.competitionpolicyinternational.com/wp-content/uploads/2017/08/Why-we-should-not-talk-about-sociology-of-competition.pdf;

CASTRO Dinorah; PINHEIRO JR, Francisco. *Idéias filosóficas na Faculdade de Direito da Bahia* (1997), Salvador, Ufba;

COASE, Ronald. *The Nature of the Firm* (1937), Economica, New Series, Vol. 4, N. 16;

COASE, Ronald. *The Problem of Social Cost* (1960), Journal of Law and Economics, vol.3;

COHEN, Felix. *The Problems of a Functional Jurisprudence* (1937) Modern Law Review 1.1;

COLEMAN, Jules L. *Efficiency, Utility, and Wealth Maximization* (1980), Hofstra Law Review vol. 8;

COMPARATO, Fábio Konder. *Função social da propriedade dos bens de produção* in Revista de Direito Mercantil, Industrial, Econômico e Financeiro (1986) 63;

COMPARATO, Fábio Konder. *Funções e disfunções do resgate acionário in Direito Empresarial: Estudos e Pareceres* (1995), São Paulo, Saraiva;

Congressional Record Senate (1890), available at https://www.govinfo.gov/.

COOLEY, Charles. *Personal Competition: Its Place in the Social Order and Effect Upon Individuals; With Some Considerations on Success in Sociological Theory and Social Research: Being Selected Papers of Charles Horton Cooley* (1894), Economic Studies 4, No. 2;

COOLEY, Charles. *Social Process* (1918), New York, Charles Schriber's Sons;

COSER, Lewis. *The Functions of Social Conflict* (1964), New York, The Free Press;

DE CARVALHO, Vinicius Marques. *Defesa da concorrência: estudos e votos* (2015), São Paulo, Singular;

DE CASTRO, Viveiros. *Prefácio* in Beatriz Azevedo, *Antropofagia: Palimpsesto selvagem* (2018), São Paulo, Sesi SP;

DE GIORGI, Raffaele. *Argomentazione giuridica a partire dalla Costituzione* in Temi di filosofia del diritto vol. 2 (2015), Lecce, Pensa MultiMedia Editore;

DE GIORGI, Raffaele. *Scienza del diritto e legitimazione* (1979; 1998), Bari, Pena Multimedia;

DENNIS, Kenneth. '*Competition' in the History of Economic Thought* (1975), Oxford, Faculty of Social Studies, 1-53;

DEVLIN, Alan; JACOBS, Michael. *Antitrust Error* (2010) 52 William & Mary Law Review 75;

DI LORENZO, Thomas J. *The Origins of Antitrust: An Interest-Group Perspective* (1985) 5 International Review. Law & Economics 73;

DIEKMANN, Andreas, VOSS, Thomas. *Die Theorie rationale Handelns. Stand und Perspectiven in Rational-Choice-Theorie in den Sozialwissenschaften. Anwendungen und Probleme* (2004), Munich, Oldenbourg;

DUARTE, José. *A Constituição brasileira de 1946* vol. 3 (1947) Rio de Janeiro;

DUARTE, Nestor. *Direito, noção e norma* (1933), Salvador, Oficina dos Dois Mundos;

DUGUIT, Léon. *Les transformations genérales du droit privé depuis le code Napoléon* (1912), Paris, Félix Alcan;

DURET, Pascal. *Sociologie de la compétition* (2009), Armand Colin;

DWORKIN, Ronald. *Is Wealth a Value?* In Symposium, 9 J. Leg. Stud. 191-253 (1980): essays by Dworkin and Kronman, response by Posner;

DWORKIN, Ronald. *Taking Rights Seriously* (1977, 1978) Massachusetts, Harvard University Press;

EDGEWORTH, Francis Y. *Competition and Regulation* in Robert Palgrave, *Dictionary of Political Economy* (1910), London, 378-380;

EHRLICH, Eugen. *Grundlegung der Soziologie des Rechts* (1913), translated by René Ernani Gertz and revised by Vamireh Chacon, *Fundamentos da Sociologia do Direito* (1986), Brasília, Editora da UNB;

ENGERMAN, Stanley L.; SOKOLOFF, Kenneth L. *Factor Endowments, Inequality, and Paths of Development among New World Economies* (2002), Cambridge, New World Economies;

EVANS, David S. *Trustbusting Goes Global* (2009), available at SSRN: https://ssrn.com/abstract=1430659;

EVANS, David; SCHMALENSEE, Richard. *The Antitrust Analysis of Multi-sided Platform Businesses* (2012), Coase-Sandor Institute for Law & Economics Working Paper n. 623;

EZRACHI, Ariel. *Eu Competition Law Goals and The Digital Economy* (2018), Oxford Legal Studies Research Paper No. 17/2018, available at https://ssrn.com/abstract=3191766.

FAORO, Raymundo. *Os donos do poder: formação do patronato político brasileiro* (1958, 5a ed. 2012), São Paulo, Globo;

FARIA, José Eduardo; CAMPILONGO, Celso Fernandes. *A Sociologia Jurídica no Brasil* (1991) Porto Alegre, Sergio Antonio Fabris;

FARIA, José Eduardo. *Juristas fora da curva: três perfis* (2016), Revista Direito GV vol 12, n. 2;

FERNANDES, Florestan. *A integração do negro na sociedade de classes: vol.1 o legado da "raça branca"* (1964, 5th ed. 2008), São Paulo, Globo;

FERRAZ JR., Tercio Sampaio. *Direito da concorrência: sua função social nos países desenvolvidos e em desenvolvimento in João Grandino Rodas, Direito econômico e social: atualidades e reflexões sobre direito concorrencial, do consumidor, do trabalho e tributário* (2012), São Paulo, Revista dos Tribunais;

FERRAZ JR., Tercio Sampaio. *Função social da dogmática jurídica* (1980), São Paulo, Revista dos Tribunais;

FERREIRA DE SOUZA, Jose. *Uniões de Emprezas Concorrentes* (1939), Rio de Janeiro;

FIRST, Harry; WALLER, Spencer Weber. *Antitrust's Democracy Deficit* in *The Goals of Antitrust* (2013) 81 Fordham Law Review;

FISCHER, Joachim. Der lachende Dritte in V.V.a.a, Die Figur des Dritten: Ein kulturwissenschafliches Paradigma (2010), Berlin, Suhrkamp Verlag;

FISHLOW, Albert. *Origens e consequências da substituição de importações no Brasil* (1972), Estudos Econômicos v. 2 n. 6;

FOGEL, Robert William. *The Specification Problem in Economic History* (1967), Volume XXVII, number 3;

FORGIONI, Paula. *Os Fundamentos do Antitruste* (1998; 9ª ed. 2016), São Paulo, Editora Revista dos Tribunais;

FOUCAULT, Michel. *Naissance de la biopolitique* (1979), translated by Eduardo Brandão, Nascimento da biopolítica (2008), São Paulo, Martins Fontes;

FOX, Eleanor M. *Against Goals* in *The Goals of Antitrust* (2013) 81 Fordham Law Review, 2158;

FOX, Eleanor M. *The Battle for the Soul of Antitrust* (1987) 75 California Law Review 917;

FRAGOSO, João; FLORENTINO, Manolo. *O arcaísmo como projeto. Mercado Atlântico, sociedade agrária e elite mercantil no Rio de Janeiro, c. 1790-1840* (1993), Rio de Janeiro, Diadorim;

FRANCESCHINI, José Inácio Gonzaga. *Introdução ao Direito da Concorrência* (1996) São Paulo, Malheiros Editores;

FRANK, Robert H. *Microeconomics and Behavior* (2006, 9th ed. 2015), New York, McGraw-Hill Education;

FRAZÃO, Ana. Direito da Concorrência: Pressupostos e perspectivas (2017), São Paulo, Saraiva;

FREYRE, Gilberto. *Casa-Grande & Senzala* (1933, 51st ed. 2006), Global, São Paulo;

FRIEDMAN, Milton. *The Methodology of Positive Economics* (1953), in Essays in Positive Economics (1966), Chicago, University of Chicago Press;

FUDENBERG, Drew; TIROLE, Jean. *Non-Cooperative Game Theory for Industrial Organization: An Introduction and Overview* (1989) in Richard Schmalensee, Robert Willig, 1 Handbook of Industrial Organization 259;

FURTADO, Celso. *Formação Econômica do Brasil* (32a ed. 2005), São Paulo, Companhia Editora Nacional;

GEIGER, Theodor. *Konkurrence: en sociologisk analyse* (1940), translated by Gert J. Fode, *Konkurrenz. Eine soziologische Analyse* (2012), Frankfurt am Main, Peter Lang;

GIBSON, Rajna; CALMONTE, Carmen; WAGNER, Alexander. *Preferences for truthfulness: Heterogeneity among and within individuals* (2013) American Economic Review, 103 (1);

GILISSEN, John. *Le problème des lacunes du droit dans l'évolution du droit médiéval et moderne* (1967), in Chaim Perelman, *Le problem des lacunes en droit* (1968), Bruxelles, Établissements Émile Bruylant;

GLASNER, David; SULLIVAN, Sean. *The Logic of Market Definition* (2018), University of Iowa, Legal Studies Research Paper;

GOMES, Orlando. *A casta dos juristas* in *Escritos menores* (1981), São Paulo, Saraiva;

GOMES, Orlando. *A crise do direito* (1945), Salvador, Vera-Cruz;

GOMES, Orlando. *A função social da propriedade* (1984) in Boletim da Faculdade de Direito de Coimbra: estudos em homenagem a A. Ferrer-Correia 2 (1989);

GOMES, Orlando. *As classes sociais na formação do direito*, in *A crise do direito* (1945), Salvador, Vera-Cruz;

GOMES, Orlando. *Novas Considerações sôbre alguns conceitos jurídicos*, in Direito privado (novos aspectos) (1961), Rio de Janeiro, Freitas Bastas;

GOMES, Orlando. *O problema da natureza jurídica da convenção coletiva de trabalho, in Transformações gerais do direito das obrigações* (1967), São Paulo, Revista dos Tribunais;

GOMES, Orlando. *Relações entre o direito e a economia*, in *Direito econômico e outros ensaios* [1975], Salvador, Distribuidora de Livros Salvador;

GRANDY, Christopher. *Original Intent and the Sherman Antitrust Act: A Re-examination of the Consumer-Welfare Hypothesis* (1993), The Journal of Economic History vol. 53, n. 2;

GRANOVETTER, Mark. *Economic Action and Social Structure: The Problem of Embeddedness* (1985) in Mark Granovetter, Richard Swedberg, *The Sociology of Economic Life* (2011), Westview Press.

GREEN, Edward; PORTER, Robert. *Non-cooperative Collusion under Imperfect Price Information* (1984), Econometrica, Vol. 52, n. 1;

GUIMARÃES, Nadya Araujo, VERETA-NAHOUM, André. *Apresentação: Explorando os sentidos sociais da economia* (2017) Tempo Social v. 29, Universidade de São Paulo;

GURVITCH, George. *Sociology of Law* (1942), translated by Djacir Menezes, *Sociologia jurídica* (1946), Rio de Janeiro, Kosmos;

HARRINGTON JR., Joseph. *How Do Hub-and-Spoke Cartels Operate? Lessons from Nine Case Studies* (2018), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3238244;

HART, Herbert. *Concept of Law* (1961), translated by Antônio de Oliveira Sette-Câmara, *O Conceito de Direito* (2009), São Paulo, Martins Fontes;

HAYEK, Friedrich von. *The Use of Knowledge in Society* (1945), The American Economic Review Vol. XXXV, n. 4;

HAYEK, Friedrich von. *Individualism and Economic Order* (1948), Chicago, University of Chicago Press;

HAYEK, Friedrich von. *Wettbewerb als Entdeckungsverfahren* (1968), Kiel, Institut für Weltwirtschaft;

HECK, Philipp. *Begriffsbildung und Interessenjurisprudenz* (1932), Tübingen, Mohr;

HIRSCHMAN, Albert O. *Rival Interpretations of Market Society: Civilizing, Destructive, or Feeble?* In Journal of Economic Literature (December 1982), Vol. XX.;

HOLZHAUSER, Nicole. *Konkurrenz als Erklärungsansatz im Werk Theodor Geigers: Untersucht am Beispiel der sozialen und wirtschaftlichen Konkurrenz als*

Triebfeder des Strukturwandels der Öffentlichkeit (2015), available at https://www.researchgate.net/publication/270584779;

HOVENKAMP, Erik. *Platform Antitrust* (2019 forthcoming), Journal of Corporation Law;

HOVENKAMP, Herbert. *Implementing Antitrust's Welfare Goals in The Goals of Antitrust* (2013) 81 Fordham Law Review;

HOVENKAMP, Herbert. *Is Antitrust's Consumer Welfare Principle Imperiled?* (2018) Faculty Scholarship at Penn Law. 1985;

HOVENKAMP, Herbert. *The Antitrust Enterprise: Principle and Execution* (2005), Cambridge, Harvard University Press;

HOVENKAMP, Herbert. *The Sherman Act and the Classical Theory of Competition* (1989), 74 Iowa Law Review;

HUBERLANT, Charles. *Les Mecanismes intitués pour combler les lacunes de la loi* (1964) in Chaim Perelman, *Le problem des lacunes en droit* (1968), Bruxelles, Établissements Émile Bruylant, 54-55;

HYLTON, Keith; DENG, Fei. *Antitrust around the World: an Empirical Analysis of the Scope of Competition Laws and their Effects* (2007), Antitrust Law Journal, Vol. 74, n. 2,

HYMAN, David A; KOVACIC, *William E. Institutional Design, Agency Life Cycle, and the Goals of Competition Law in The Goals of Antitrust* (2013) 81 Fordham Law Review;

JHERING, Rudolf von. *Der Zweck im Recht* (1877, 3. 1904), Leipzig, Breittopf und Gärtel;

JHERING, Rudolf von. *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung* (1883) translated by José Ignacio Coelho Mendes Neto, *A dogmática jurídica* (2013), São Paulo, Ícon;

JIA, Kai; KENNEY, Martin; ZYSMAN, John. *Global Competitors? Mapping the Internationalization Strategies of Chinese Digital Platforms* (2018), available at http://dx.doi.org/10.2139/ssrn.3220936;

JOHNSON, Harold. *The Portuguese Settlement of Brazil, 1500-1580* in Leslie Bethell, *The Cambridge History of Latin America* vol. 1 (1984) Cambridge, Cambridge University Press;

JOLIET, René. *The rule of reason in antitrust law: American, German and Common Market laws in comparative perspective* (1967), Liège, Faculté de Droit;

JOSKOW, Paul; KLEVORICK, Alvin. *A Framework for Analyzing Predatory Pricing Policy* (1979), Yale Law Journal 213;

JUNQUEIRA, Eliane Botelho. *A Sociologia do Direito no Brasil: introdução ao debate atual* (1993), Rio de Janeiro, Lumen Juris;

KALMAN, Laura. *Legal Realism at Yale 1927-1960* (2001), New Jersey, The Lawbook Exchange Ltda;

KAPLOW, Louis. *On the Choice of Welfare Standards in Competition Law in Daniel Zimmer, The Goals of Competition Law* (2012), Edward Elgar, Cheltenham;

KAPLOW, Louis. *Why (Ever) Define Markets?* (2010) 124 Harvard Law Review 437;

KELSEN, Hans. *Reine Rechtslehre* (1934, 2nd ed. 1960) translated by João Baptista Machado, *Teoria Pura do Direito* (1985; 7a ed. 2006), São Paulo, Martins Fontes;

KHAN, Lina. *Amazon's Antitrust Paradox* (2017), 126 Yale Law Journal 710;

KINCAID, Harold. *Assessing Functional Explanations in the Social Sciences* (1990), in Contributed Papers to proceedings of the Biennial Meeting of the Philosophy of Science Association, The University of Chicago Press;

KIRKWOOD, John B. *The Essence of Antitrust: Protecting Consumers and Small Suppliers from Anticompetitive Conduct in The Goals of Antitrust* (2013) 81 Fordham Law Review;

KIRKWOOD, John B.; LANDE, Robert H. *The Fundamental Goal of Antitrust: Protecting Consumers, Not Increasing Efficiency* (2008) 84 Notre Dame Law Review 191.

KITCH, Edmund W. *The Fire of Truth: A Remembrance of Law and Economics at Chicago, 1932-1970* (1983), 26 Journal of Law & Economics;

KOSCHORKE, Albrecht. *Ein neues Paradigma der Kulturwissenschaften in V.V.a.a, Die Figur des Dritten: Ein kulturwissenschafliches Paradigma* (2010), Berlin, Suhrkamp Verlag;

KOVACIC, William. *Module 1: Origins and Aims of Competition Policy* (2011), International Competition Network, available at http://www.icnblog.org/ftc/ftc-1-module-4-28-11/player.html;

KRAAKMAN ET. AL, Reinier. *The Anatomy of Corporate Law: A Comparative and Functional Approach* (2nd ed. 2009), New York, Oxford University Press;

KRONMAN, Anthony. *Wealth Maximization as a Normative Principle* in Symposium, 9 J. Leg. Stud. 191-253 (1980): essays by Dworkin and Kronman, response by Posner;

LANDE, Robert H; AVERITT, Neil W. *Using the 'Consumer Choice' Approach to Antitrust Law* (2007), Antitrust Law Journal, vol. 74;

LANDE, Robert H. *A Traditional and Textualist Analysis of the Goals of Antitrust: Efficiency, Preventing Theft from Consumers, and Consumer Choice* in *The Goals of Antitrust* (2013) 81 Fordham Law Review;

LANDE, Robert H. *Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged* (1982) 34 Hastings Law Journal 65.

LARENZ, Karl. *Methodenlehre der Rechtwissenschaft* (1965, 3. 1995), Berlin, Springer Verlag;

LAUTERPACHT, Hersch. *Some observations on the prohibition of* 'Non Liquet' *and the completeness of the law* (1958) in *International Law: Collected Papers* (1975), vol. 2, part 1, Cambridge, University Press;

LAZZARINI, Sérgio. *Capitalismo de Laços: os Donos do Brasil e suas Conexões* (2011, 2nd ed. 2018), São Paulo, Bei Comunicação;

LEFF, Nathaniel. *Economic Retardation in Nineteenth-Century Brazil* (Aug., 1972), in The Economic History Review, vol. 25, n. 3;

LEIFER, Eric M, WHITE, Harrison C. *A Structural Approach to Markets* in M. Schwartz, M. Mizruchi (1988), New York, Cambridge University Press;

LEME DE BARROS, Marco Antonio Loschiavo. *Sociedade, Direito e Concorrência: reflexões sociológicas sobre o sistema brasileiro de defesa da concorrência* (2018), Juruá, Curitiba;

LEOPOLDINO DA FONSECA, João Bosco. *Lei de proteção da concorrência* (2001), Rio de Janeiro, Forense;

LETWIN, William. *Law and Economic Policy in America: the Evolution of the Sherman Antitrust Act* (1965; 1981), Chicago, The University of Chicago Press;

LIMA, Heitor Ferreira. *História do pensamento econômico no Brasil* (1976), São Paulo, Companhia Editora Nacional;

LIMA LOPES, José Reinaldo; FREITAS FILHO, Roberto. *Law and Society in Brazil at the Crossroads: A Review* (2014), The Annual Review of Law and Social Science 10, 91-103.

LUHMANN, Niklas. "*Was ist Kommunikation?*" in *Soziologische Aufklärung 6* (1995), Wiesbaden, VS Verlag für Sozialwissenschaften;

LUHMANN, Niklas. *Ausdifferenzierung des Rechts. Beiträge zur Rechtssoziologie und Rechtstheorie* (1999), Frankfurt am Main, Suhrkamp;

LUHMANN, Niklas. *Das Recht der Gesellschaft* (1993) Frankfurt am Main, Suhrkamp Verlag;

LUHMANN, Niklas. *Die Gesellschaft der Gesellschaft* (1997), Frankfurt a.M, Suhrkamp;

LUHMANN, Niklas. Die Rückgabe des zwölften Kamels (1985; publicado em 2000) translated by Dalmir Lopes Jr. *A restituição do décimo segundo camelo: do sentido de uma análise sociológica do direito in Niklas Luhmann: Do sistema social à sociología jurídica* (2004), Rio de Janeiro, Editora Lumen Juris;

LUHMANN, Niklas. *Die Wirtschaft der Gesellschaft* (1988), Frankfurt am main, Suhrkamp;

LUHMANN, Niklas. *Die Wirtschaft der Gesellschaft als autopoietisches System* (1984), in Zeitschrift für Soziologie (1984), vol. 13. N. 4;

LUHMANN, Niklas. *Die Wissenschaft der Gesellschaft* (1992), Frankfurt am Main, Suhrkamp Verlag;

LUHMANN, Niklas. *Ebenen der Systembildung – Ebenendifferenzierung* (1975, 2014), Unveröffentlichtes Manuskript;

LUHMANN, Niklas. *Einführung in die Systemtheorie* (2004). Heidelberg, Carl-Auer-Systeme Verlag;

LUHMANN, Niklas. *Funktion und Kausalität*, in Soziologische Aufklärung 1. Aufsätze zur Theorie sozialer Systeme (1970), Opladen, Westdeutscher Verlag;

LUHMANN, Niklas. *Ich sehe das, was Du nicht siehst* in *Soziologische Aufklärung 5* (1990), Opladen, Westdeutscher Verlag;

LUHMANN, Niklas. *Interaktion, Organisation, Gesellschaft. Anwendung der Systemtheorie in Soziologische Aufklärung 2. Aufsätze zur Theorie der Gesellschaft* (1975, 6 ed. 2009), VS Verlag;

LUHMANN, Niklas. *Ist Konkurrenz zu empfehlen?* (-) Unveröffentlichtes Manuskript;

LUHMANN, Niklas. *Kontingenz und Recht* (1971; 2013), Frankfurt, Suhrkamp;

LUHMANN, Niklas. *Legitimation durch Verfahren* (1969; 2nd 1975), Hermann Luchterhand Verlag, Darmstadt;

LUHMANN, Niklas. *Ökologische Kommunikation. Kann die moderne Gesellschaft sich auf ökologische Gefährdungen einstellen?* (1985; 5a ed. 2008), Wiesbaden, VS Verlag;

LUHMANN, Niklas. *Organisation und Gesellschaft in Organisation und Entscheidung* (2000), Opladen, Wiesbaden;

LUHMANN, Niklas. *Probleme mit operativer Schliessung* in *Soziologische Aufklärung 6* (1995), Wiesbaden, VS Verlag für Sozialwissenschaften;

LUHMANN, Niklas. *Rechtssystem und Rechtsdogmatik* (1974) Stuttgart, Kohlhammer Urban-Taschenbücher;

LUHMANN, Niklas. *Soziale Systeme: Grundriß einer allgemeinen Theorie* (1984) Frankfurt am Main, Suhrkamp;

LUHMANN, Niklas. *Soziologie des Risikos* (1991) Berlin-New York, de Gruyter;

LUHMANN, Niklas. *Soziologische Aufklärung 1* (1970; 6 ed. 1991), Opladen, Westdeutscher Verlag GmbH;

LUHMANN, Niklas. *Vorbemerkungen zu einer Theorie sozialer System* in Soziologische Aufklärung 33. Soziales System, Gesellschaft, Organisation (1981), Westdeutscher Verlag;

MACHADO NETO, Antônio Luís. *Contribuição baiana à filosofia jurídica e à sociologia do direito* (1966), in Revista da Faculdade de Direito da Universidade de São Paulo 61;

MACKENZIE, Donald; MILLO, Yuval. *Constructing a Market, Performing Theory: The Historical Sociology of a Financial Derivatives Exchange* (2003), American Journal of Sociology, vol. 109, n. 1;

MANDEVILLE, Bernard. *The fable of the bees or private vices, public benefits* (1732), available at https://ebooks.adelaide.edu.au/m/mandeville/bernard/bees/complete.html;

MANNHEIM, Karl. *Die Bedeutung der Konkurrenz im Gebiet des Geistigen in Verhandlungen des Sechsten Deutschen Soziologentages vom 17. Bis 19. September 1928 in Zürich* (1929), Tübingen, Mohr;

MARTINS, Izabel Andrade. *Monarquia, empreendimentos e revolução: entre o laissez-faire e a proteção à 'indústria nacional' – origens da Revolução Praieira (1842-1848)* in Izabel Andrade Marson, Cecília de S. Oliveira, *Monarquia, Liberalismo e Negócios no Brasil: 1780-1860* (2013), São Paulo, Editora da Universidade de São Paulo;

MATTOON, Robert. Ra*ilroads, coffee, and the growth of big business in São Paulo, Brazil* (1977) Hispanic American Historical Review 7 (2);

MATTOS, Cesar. *A revolução do antitruste no Brasil* (2003), São Paulo, Singular;

MAUSS, Marcel. *Essai sur le don* (1925), translated by Paulo Neves, *Ensaio sobre a dádiva* (2003) Presses Universitaires de France;

MAY, James. *Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880 – 1918* (1989), in Ohio State Law Journal vol. 50 n. 2;

MEESE, Alan J. *Reframing the (False?) Choice Between Purchaser Welfare and Total Welfare* in *The Goals of Antitrust* (2013) 81 Fordham Law Review;

MELAMED, Douglas; PETIT, Nicolas. *Before 'After Consumer Welfare' – A Response to Professor Wu* (2018), CPI's North America Column;

MELAMED, Douglas; PETIT, Nicolas. *The Misguided Assault on the Consumer Welfare Standard in the Age of Platform Markets* (2018), available at https://ssrn.com/abstract=3248140;

MELAMED, Douglas. *Antitrust is not that complicated* responding to Louis Kaplow, *On the Relevance of Market Power* (2017), 130 Harvard Law Review 1303;

MELAMED, Douglas. *Exclusionary Conduct under the Antitrust Laws: Balancing, Sacrifice, and Refusals to Deal* (2005), Berkeley Technology Law Journal, vol. 20, issue 2;

MELAMED, Douglas. *Exclusive Dealing Arrangements and Other Exclusionary Conduct – Are There Unifying Principles?* (2006) 73 Antitrust Law Journal 375;

MERCADANTE, Paulo. *A consciência conservadora no Brasil* (1965) Rio de Janeiro, Editora Saga;

MESTMÄCKER, Ernst-Joachim. *Das Prinzip der Rule of Reason und ähnliche Ausnahmemechanismen im Recht der Wettbewerbsbeschränkungen* in Erich Hoppmann, Ernst-Joachim Mestmäcker, *Normenzwecke und Systemfunktionen im Recht der Wettbewerbsbeschränkungen* (1974), Tübingen, J.C.B. Mohr;

MILL, John Stuart. *Principles of Political Economy with some of their Applications to Social Philosophy* (1848, 7th. 1909), London, Longmans, Green and co;

MILLER, Nathan *Strategic Leniency and Cartel Enforcement* (2009), The American Economic Review vol. 99, n. 3;

MINHOTO, Laurindo Dias; LEITE GONÇALVES, Guilherme. *Nova ideologia alemã? A teoria social envenenada de Niklas Luhmann* (Jul/Dez 2015), São Paulo, Tempo Social, vol. 27, n. 2;

MIOLA, Iagê Zendron. *Law and the Economy in Neoliberalism: the Politics of Competition Regulation in Brazil* (2014), dissertation presented to the "Renato Treves" International PhD Program in Law and Society;

MIRANDA ROSA, Felippe Augusto de. *Sociologia do Direito: O Fenômeno Jurídico como Fato Social* (1970, 5th ed. 1977), Rio de Janeiro, Zahar Editores;

MORAES FILHO, Evaristo de. *O Problema de uma Sociologia do Direito* (1950), São Paulo, Livraria Freitas Bastos S.A;

MOREIRA ALVES, José Carlos. *Orlando Gomes e sua obra* (2009), in Revista Brasileira de Direito Comparado, número especial: o centenário do nascimento de Orlando Gomes;

MOTTA, Massimo. *Competition Policy: Theory and Practice* (2004), Cambridge, UK;

MUSACCHIO, Aldo. *Experiments in financial democracy. Corporate governance and financial development in Brazil, 1882-1950* (2009), Cambridge, Cambridge University Press;

NAVARRETE, Pedro Henrique. *As Origens do Sistema Brasileiro de Defesa da Concorrência: o CADE (1962-1994),* Master Dissertation, Federal University of Rio de Janeiro;

NEUMEYER, Fredrik. *Monopolkontrolle in USA* (1953), Berlin, Duncker & Humblot;

NIEDERLE, Muriel. *Gender* in *Handbook of Experimental Economics* (2015), available at https://web.stanford.edu/~niederle/Gender.Niederle.pdf;

NOWAG, Julian. *When Sharing Platforms Fix Sellers' Prices* (2018 forthcoming) Journal of Antitrust Enforcement (OUP);

OCTAVIANI, Alessandro. *A Bênção de Hamilton na Semiperiferia: Ordem Econômico-Social e os Juros da Dívida Pública Interna, in José Conti; Fernando Scaff, Orçamentos Públicos e Direito Financeiro* (2011), São Paulo, Revista dos Tribunais;

OLIVEIRA MOURÃO, Fernando Emanuel de. *A figura do cidadão no direito da concorrência: uma análise de sociologia jurídica* (2001), Masters Dissertation in Sociology, University of São Paulo;

OLIVEIRA, Gesner; RODAS, João Grandino. *Direito e Economia da Concorrência* (2004), Rio de Janeiro, Renovar;

OLIVER, Alex; SMILEY, Timothy. *Plural Descriptions and Many-valued Functions* (2005) Mind Association, vol. 114;

ONTO, Gustavo. *Ficções Econômicas e Realidades Jurídicas: uma Etnografia da Política de Defesa da Concorrência no Brasil* (2016), PhD dissertation presented to the Museu Nacional, Universidade Federal do Rio de Janeiro;

ORBACH, Barak; REBLING, Grace Campbell. *The Antitrust Curse of Bigness* (2012), Southern California Law Review vol. 85;

ORBACH, Barak. *How Antitrust Lost its Goal* in *The Goals of Antitrust* (2013) 81 Fordham Law Review;

OSTROM, Vincent; OSTROM, Elinor. *Public Goods and Public Choices* (1977) Workshop in Political Theory and Policy Analysis, Indiana University;

PAGE, William. *Ideological Conflict and the Origins of Antitrust Policy* (1991), Tulane Law Review Association vol. 66 n. 1;

PARISI, Francesco. *Positive, Normative and Functional Schools in Law and Economics* (2004), European Journal of Law and Economics, vol. 18, n. 3;

PARRET, Laura. *The multiple personalities of EU competition law: time for a comprehensive debate on its objectives* in Daniel Zimmer, *The Goals of Competition Law* (2012), Edward Elgar, Cheltenham;

PARSONS, Talcott; SMELSER, Neil. *Economy and Society: a Study in the Integration of Economic and Social Theory* (1956) New York, The Free Press;

PELAEZ, Carlos Manuel. *A balança comercial, a grande depressão e a industrialização brasileira* (1968), Revista Brasileira de Economia 2;

PEREIRA JUNIOR, Ademir Antonio. *Infraestrutura, regulação e Internet: a disciplina jurídica da neutralidade das redes* (2018), PhD thesis presented at University of Sao Paulo;

PEREIRA NETO, Caio Mário da Silva; CASAGRANDE, Paulo Leonardo. *Direito Concorrencial: Doutrina, Jurisprudência e Legislação* (2016), São Paulo, Editora Saraiva;

PFEIFFER, Roberto Augusto Castellanos. *Defesa da concorrência e bem-estar do consumidor* (2015), São Paulo, Editora Revista dos Tribunais;

PINTO, Adolpho. *Ensaios de Sociologia do Direito* (1925), Rio de Janeiro, Livraria Francisco Alves;

PITOFSKY, Robert. *The Political Content of Antitrust* (1979) 127 University of Pennsylvania Law Review 1051;

POLANYI, Karl. *The Great Transformation: The Political and Economic Origins of Our Time* (1944), New York, Rinehart & Company;

POSNER, Richard. *Antitrust Law* (1978, 2nd 2001) Chicago, The University of Chicago Press;

POSNER, Richard. *Antitrust Law: An Economic Perspective* (1978) Chicago, The University of Chicago Press;

POSNER, Richard. *Oligopoly and the Antitrust Laws: A Suggested Approach* (1969), 21 Stanford Law Review;

POSNER, Richard. *The Chicago School of Antitrust Analysis* (1979), 127 University of Pennsylvania Law Review 925;

POSNER, Richard. *The Economic Approach to Law* (1975) 53 Texas Law Review;

POSNER, Richard. *The Ethical and Political Basis of the Efficiency Norm* in Common Law Adjudication (1980) 8 Hofstra Law Review 487;

POSNER, Richard. *The Problems of Jurisprudence* (1990), Massachusetts, Harvard University Press;

POSNER, Richard. *The Value of Wealth: a Comment on Dworkin and Kronman* in Symposium, 9 J. Leg. Stud. 191-253 (1980): essays by Dworkin and Kronman, response by Posner;

POSNER, Richard. *Utilitarianism, Economics and Legal Theory* (1979), 8 J. Leg. Stud. 103;

POSSAS, Mario. *Limites normativos da análise econômica antitruste* (2009), Revista do IBRAC, v. 16;

PRADO JR., Caio. *Formação do Brasil contemporâneo: colônia* (1942, 2008), São Paulo, Brasiliense;

PRADO JR., Caio. *História econômica do Brasil*. (1945, 11 ed., 1969) São Paulo, Brasiliense;

PRIEST, George L. *Ronald Coase, Firms and Markets* (2014), Man and the Economy, 1(2), 144;

PRIEST, George L. *The Limits of Antitrust and the Chicago School Tradition* (2009), in Journal of Competition Law & Economics, 00(00);

PROENÇA, José Marcelo Martins. *Concentração empresarial e o direito da concorrência* (2001), São Paulo, Editora Saraiva;

RAMOS, Luiz Felipe; SILVA FILHO, Osny da. *Orlando Gomes* (2015), Rio de Janeiro, Elsevier;

RAMOS, Luiz Felipe; WERRON, Tobias. *Concorrência como um conceito histórico-sociológico: trazendo variação para a "evolução do antitruste"* in Celso Campilongo, Roberto Pfeiffer, *Evolução do antitruste no Brasil* (2018), São Paulo, Singular;

RAMOS, Luiz Felipe. *Por trás dos casos difíceis* (2017), Curitiba, Editora Juruá;

RICARDO, David. *On the Principles of Political Economy and Taxation* (1817/1821, 2001), Ontario, Kitchener;

RIZZO, Mario. *The Mirage of Efficiency* (1980), Hofstra Law Review Vol. 8, Iss. 3;

ROSA, Hartmut. *Wettbewerb als Interaktionsmodus. Kulturelle und sozialstrukturelle Konsequenzen der Konkurrenzgesellschaft*, (2006), Leviathan 34, Nr. 1, S., 91;

ROSS, Edward Alsworth. *The Principles of Sociology* (1920), New York, The Century CO;

SALDANHA, Nelson Nogueira. *Sociologia do Direito* (1970), São Paulo, Editora RT;

SALOMÃO FILHO, Calixto. *A Legal Theory of Economic Power: Implications for Social and Economic Development* (2011), Edward Elgar, Cheltenham;

SALOMÃO FILHO, Calixto. *A paralisia do Antitruste*, in Revista do IBRAC – Direito da Concorrência, Consumo e Comércio Internacional (2009), vol. 16, 305-323;

SALOMÃO FILHO, Calixto. *Direito Concorrencial* (2013), São Paulo, Malheiros;

SALOMÃO FILHO, Calixto. *Monopolies and Underdevelopment: From Colonial Past to Global Reality* (2015), Edward Elgar, Cheltenham;

SALOMÃO FILHO, Calixto. *Teoria crítico-estruturalista do direito comercial* (2015) São Paulo, Marcial Pons;

SALOP, Steven. *Exclusionary Conduct, Effect on Consumers, and the Flawed Profit-Sacrifice Standard* (2006) 73 Antitrust Law Journal;

SALOP, Steven. *Strategy, Predation and Antitrust Analysis* (1981) Federal Trade Commission, Bureau of Economics;

SAMUELSON, Paul. *The Pure Theory of Public Expenditure* (1954), The Review of Economics and Statistics, vol. 36, n. 4;

SAVIGNY, Karl von. *System des heutigen römischen Rechts* (1849), translated by Jacinto Mesía and Manuel Poley, *Sistema del derecho romano actual* (1878), Tomo I, Madrid, F. Góngora y Compañia Editores;

SAUDER, Michael. *Third Parties and Status Systems. How the Structures of Status Systems Matter in Theory and Society 35* (2006) 299-32;

SCAFF, Fernando Facury. *Tributação, concorrência, sonegação e renúncias fiscais* (2018) Conjur, October, available at https://www.conjur.com.br/2018-out-29/tributacao-concorrencia-sonegacao-renuncias-fiscais;

SCHELLING, Thomas. *The Strategy of Conflict* (1980), Cambridge, Harvard University;

SCHUARTZ, Luis Fernando. *A desconstitucionalização do Direito de Defesa da Concorrência* in Cláudio Pereira de Souza Neto; Daniel Sarmento; Gustavo Binenbojm (Org.) *Vinte Anos da Constituição Federal de 1988* (2009), Rio de Janeiro, Lumen Juris;

SCHUARTZ, Luis Fernando. *Quando o bom é o melhor amigo do ótimo. A autonomia do direito perante a economia e a política da concorrência* (2007), Revista de direito administrativo, v. 1, 97.

SCHWARTZ, Louis. "*Justice" and Other Non-Economic Goals of Antitrust* (1979), 127 University of Pennsylvania Law Review;

SCHWARTZ, Stuart. *Plantations and peripheries, c. 1580-c.1750"* in Lesle Bethell, *Colonial Brazil* (1987), Cambridge, Cambridge University Press;

SCHWARZ, Roberto. *As idéias fora do lugar*, in *Ao Vencedor as batatas* (1992), São Paulo, Duas Cidades;

SCHWARZ, Roberto. *Nacional por subtração*, in *Que horas são?* (1987), São Paulo, Companhia das Letras;

SELLA, Emanuele. *La Concorrenza I* (1916), Torino, Fratelli Bocca;

SHAPIRO, Carl. *Antitrust in a Time of Populism* (2018), International Journal of Industrial Organization, available at SSRN: https://ssrn.com/abstract=3058345;

SILBER, Simão Davi. *Política econômica; defesa do nível de renda e industrialização no período 1929/1939* (1973), Master dissertation presented at Fundação Getúlio Vargas, Rio de Janeiro;

SILVA REIS, Luciana. *A modernização crítica do pensamento jurídico brasileiro no século XX: ciência do direito, ensino e pesquisa* (2018), São Paulo, PhD thesis presented at the University of Sao Paulo;

SIMMEL, Georg. *Soziologie der Konkurrenz* (1903), Neue Deutsche Rundschau XIV;

SIMMEL, Georg. *Soziologie. Untersuchungen über die Formen der Vergesellschaftung* (1908; 5 ed. 1968), Berlin, Duncker & Humblot;

SIMON, Herbert. *A Behavioral Model of Rational Choice* (1955), The Quarterly Journal of Economics, Vol. 69, No. 1;

SIMON, Herbert. *Rational choice and the structure of the environment* (1956), Psychological Review, 63 (2);

SIMONSON, Itamar; TVERSKY, Amos. *Choice in Context: Tradeoff Contrast and Extremeness Aversion* (1992) Journal of Marketing Research vol. XXIX;

SMITH, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776; 1905), London, Cannan ed;

SOKOL, Daniel, COMERFORD, Roisin. *Antitrust and Regulating Big Data* (2016), 23 Geo. Mason Law Review;

SOLOW, Robert M. *Economic History and Economics* (1985), The American Economic Review, vol. 75, n. 2;

SOUTO, Claudio; SOUTO, Solange. *Sociologia do Direito* (1981) São Paulo, EDUSP;

SOUZA, Jesse. *A tolice da inteligência brasileira* (2nd ed. 2018), Rio de Janeiro, Leya;

SOUZA, Jesse. *Uma interpretação alternativa do dilema brasileiro,* in *A modernização seletiva* (2000), Brasília, UnB;

STAVROULAKI, Theodosia. *Mind the Gap: Antitrust, Health Disparities and Telemedicine* (2018 forthcoming), American Journal of Law and Medicine available at https://ssrn.com/abstract=3257606;

STEINER, Philippe. *Altruísmo, dons e trocas simbólicas* (2016), São Paulo, Editora Unesp;

STEINER, Philippe. *Altruísmo, egoísmo e solidariedade na Escola Durkheimiana* in Alexandre Masella et alii, *Durkheim 150 anos* (2009), Argumentum Editora.

STEINER, Philippe. *Comte, altruism and the critique of Political Economy* (2015), Gemass Working Paper;

STERN, Louis. *Antitrust Implications of a Sociological Interpretation of Competition, Conflict, and Cooperation in the Marketplace* (1971) 16 Antitrust Bulletin;

STIGLER, George. *Perfect Competition, Historically Contemplated* (1957) 65 The Journal of Political Economy;

STIGLER, George. *The Origin of the Sherman Act* (1985), in The Journal of Legal Studies, Vol. 14, n. 1, 1-12;

STIGLITZ, Joseph. Foreword in Karl Polany, *The Great Transformation: The Political and Economic Origins of Our Time* (1944, 2nd ed 2001), Boston, Beacon Press;

STONE, Julius. *Non Liquet and the function of law in the International Community* (1960), in *The British Year Book of International Law 1959* (1960), Oxford, University Press;

STUCKE, Maurice. *Does the Rule of Reason Violate the Rule of Law?* (2009) 42 University of California Davis Law Review;

STUCKE, Maurice. *New Antitrust Realism* (2009), Global Competition Policy Magazine, 7 and Avishalom Tor, *Understanding Behavioral Antitrust* (2013), 92 Texas Law Review 573;

STUCKE, Maurice. *Reconsidering Antitrust's Goals* (2012), 53 Boston College Law Review 551;

STUCKE, Maurice. *Should Competition Policy Promote Happiness? in The Goals of Antitrust* (2013) 81 Fordham Law Review;

STUCKE, Maurice. *What is competition?* in Daniel Zimmer, *The Goals of Competition Law* (2012), Edward Elgar, Cheltenham;

SUMMERHILL, William. *Order against progress. Government, foreign investment and railroads in Brazil, 1854-1913* (2003). Stanford, Stanford University Press.

SWEDBERG, Richard. *Markets in Society* in N. Smelser, R. Swedberg, *Handbook of Economic Sociology* (2005), Princeton, Princeton University Press, 250, n. 1;

TABOSA PINTO, Agerson. *Sociologia Geral e Jurídica* (2005), Fortaleza, Qualygraf Editora e Gráfica;

TAUSCHEK, Markus. *Kulturen des Wettbewerbs: Formationen kompetitiver Logiken* (2013), Münster, Waxmann;

TEPPER, Jonathan; HEARN, Denise. *The myth of capitalism: monopolies and the death of competition* (2019), New Jersey, Hoboken;

THALER, Richard. *Toward a Positive Theory of Consumer Choice* (1980), Journal of Economic Behavior and Organization 1;

THORELLI, Hans. *The Federal Antitrust Policy: Origination of an American Tradition* (1954), Stockholm, Norstedt & Söner;

TOR, Avishalom. *Understanding Behavioral Antitrust* (2013), 92 Texas Law Review 573;

TROESKEN, Werner. *The Letters of John Sherman and the Origins of Antitrust* (2002), available at http://www.pitt.edu/~troesken/papers/letters.pdf;

TURNER Donald F.. *The Definition of Agreement under the Sherman Act* (1962), 75 Harvard Law Review. 655;

TVERSKY, Amos; KAHNEMAN, Daniel. *The Framing of Decisions and the Psychology of Choice* in Science (1981) 211.

ULHOA COELHO, Fábio. *Direito antitruste brasileiro* (1995), São Paulo, Saraiva;

VARIAN, Hal. *Intermediate Microeconomics: a modern approach* (1987, 8th ed. 2010), W.W. Norton & Company, New York;

VAZ, Isabel. *Direito econômico da concorrência* (1993), Rio de Janeiro, Forense;

VON WIESE, Leopold. *Die Konkurrenz vorwiegend in soziologisch-systematischer Betrachtung in Deutsche Gesellschaft für Soziologie (DGS), Verhandlungen des 6. Deutschen Soziologentages vom 17. bis 19. September 1928 in Zürich: Vorträge und Diskussionen in der Hauptversammlung und in den Sitzungen der Untergruppen* (1929), Tübingen, Mohr Siebeck;

WAKED, Dina I. *Antitrust Goals in Developing Countries: Policy Alternatives and Normative Choices* (2015), in Seattle University Law Review, vol. 38;

WALLER, Spencer Weber. *The Antitrust Legacy of Thurman Arnold* (2004), 78 St. John's Law Review;

WALLER, Spencer Weber. *Thurman Arnold: Biography* (2005), New York University Press, New York;

WARAT, Luis Alberto. *La linguística jurídica, la problemática definitoria y el condicionamiento ideológico del accionar humano,* in Luis Alberto Warat, Antonio Anselmo Martino, *Lenguaje y definicion juridica* (1973), Buenos Aires, Cooperadora de Derecho y Ciencias Sociales;

WEBER, Max. *Die protestantische Ethik und der 'Geist' des Kapitalismus* translated by José Marcos Mariani de Macedo, *A ética protestante e o "espírito" do capitalismo* (2004), São Paulo, Companhia das Letras;

WEBER, Max. *Wirtschaft und Gesellschaft* (1922, 2006), Paderborn, Voltmedia GmbH;

WERDEN, Gregory. *Back to School: What the Chicago School and New Brandeis School Get Right* (2018), available at https://ssrn.com/abstract=3247116;

WERDEN, Gregory. *Identifying Exclusionary Conduct Under Section 2: The 'No Economic Sense' Test* (2006) Antitrust Law Journal 413;

WERDEN, Gregory. *Why (Ever) Define Markets? An Answer to Professor Kaplow* (2013), Antitrust Law Journal vol. 78, n. 3;

WERRON, Tobias; RAMOS, Luiz Felipe. *Why do we believe in (sociology of) competition*? (2017) available at https://necsousp.files.wordpress.com/2016/09/why-do-we-believe-in-sociology-of-competition_necso.pdf;

WERRON, Tobias. *Wettbewerb als historischer Begriff* in Ralph Jessen, *Konkurrenz in der Geschichte* (2014), Frankfurt am Main, Campus Verlag;

WERRON, Tobias. *Why do we believe in competition? A historical-sociological view of competition as an institutionalized modern imaginary* In E. Hartmann & P.F. Kjaer Competition, Special Issue of Distinktion (2015) Scandinavian Journal of Social Theory;

WETZEL, Dietmar J. *Soziologie des Wettbewerbs. Eine kultur- und wirtschaftssoziologische Analyse der Marktgesellschaft* (2013), Wiesbaden, Springer VS;

WHITE, Harrison. *Identity and Control: How Social Formations Emerge* (1992; 2nd ed. 2008), Princeton, Princenton University Press;

WHITE, Harrison. *Where do markets come from?* (1981), American Journal of Sociology, Volume 87, Issue 3, November;

WILDE, Anna, EVANS, Melanie. *The Hidden System That Explains How Your Doctor Makes Referrals* (2018), The Wall Street Journal, available at https://www.wsj.com/articles/the-hidden-system-that-explains-how-your-doctor-makes-referrals-11545926166?mod=hp_lista_pos1;

WILLIAMSON, Oliver. *Economies as an Antitrust Defense: The Welfare Tradeoffs* (1968), 58 American Economic Review 18;

WRIGHT, Joshua; DORSEY, Elyse; KLICK, Jonathan; RYBNICEK, Jan. *Requiem for a Paradox: the Dubious Rise and Inevitable Fall of Hipster Antitrust* (forthcoming 2019), Arizona State Law Journal available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3249524&download=yes;

WRIGHT, Joshua; GINSBURG, Douglas. *The Goals of Antitrust: Welfare Trumps Choice* in *The Goals of Antitrust* (2013) 81 Fordham Law Review;

WRIGHT, Joshua; STONE, Judd. *Misbehavioral Economics: the Case Against Behavioral Antitrust* (2012), Cardozo Law Review, vol. 33, n. 4;

WRIGHT, Larry. *Teleological Explanations: An Etiological Analysis of Goals and Functions* (1976), Berkeley, University of California Press;

WU, Tim. *After Consumer Welfare, Now What? The 'Protection of Competition' Standard in Practice* (2018), CPI Antitrust Chronicle;

WU, Tim. *The Curse of Bigness: Antitrust in the New Guilded Age* (2018), New York, Columbia Global Reports;

YERGIN, Daniel. *The Prize: The Epic Quest for Oil, Money and Power* (1991), available at https://erenow.com/modern/theepicquestforoilmoneyandpower/3.html;

ZANATTA, Rafael. *Desmistificando a Law & Economics: a receptividade da disciplina Direito e Economia no Brasil* (2012), available at https://www.researchgate.net/publication/266344891_Desmistificando_a_Law_Economics_a_receptividade_da_disciplina_Direito_e_Economia_no_Brasil;

ZIMMER, Daniel. *The basic goal of competition law: to protect the opposite side of the market* in Daniel Zimmer, *The Goals of Competition Law* (2012), Edward Elgar, Cheltenham;

ZUCKERMANN, Ezra. *The Categorial Imperative: Securities Analysts and the Illegitimacy Discount in American Journal of Sociology 104* (1999), 1398-1438;