

# 4.2 — Consequences & Sources of Power

ECON 306 • Microeconomic Analysis • Spring 2021

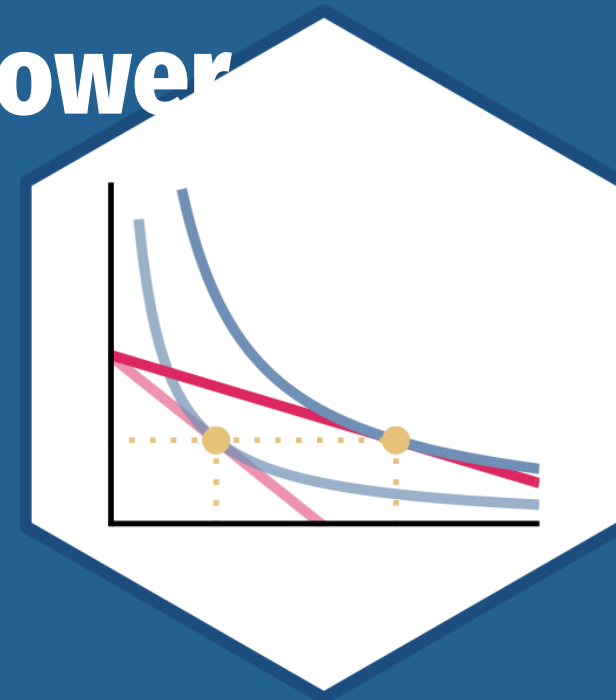
Ryan Safner

Assistant Professor of Economics

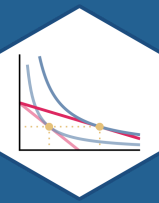
[✉ safner@hood.edu](mailto:safner@hood.edu)

[🔗 ryansafner/microS21](https://github.com/ryansafner/microS21)

[🌐 microS21.classes.ryansafner.com](https://microS21.classes.ryansafner.com)



# Outline



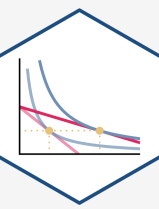
The Social Harm of Market Power

What Is a Monopoly?

What If You're *Just Better?*

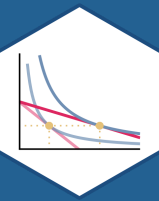
The *Ugly* of Market Power: Rent-Seeking

# Market Power: The Good, the Bad, and the Ugly



- No market is perfectly competitive, but that does not necessarily imply market failure
- Monopoly & market power are *interesting*
  - Most firms clearly have *some* market power
  - Market power  $\neq$  bad, necessarily!
- Today, we'll examine what I call “**the good, the bad, and the ugly**” of market power
  - (but not necessarily in that order)

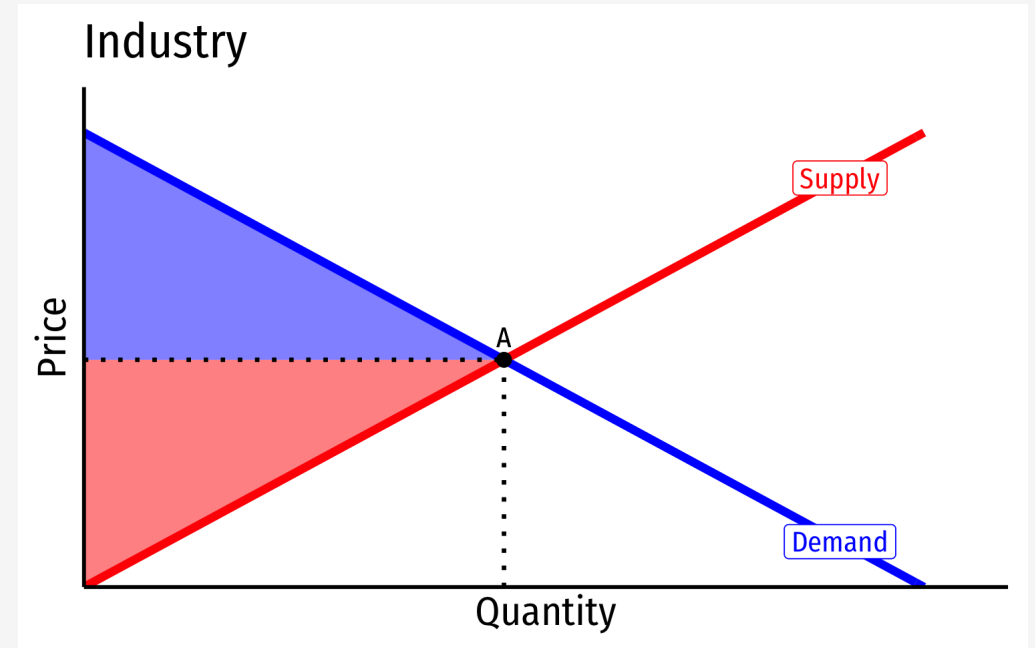
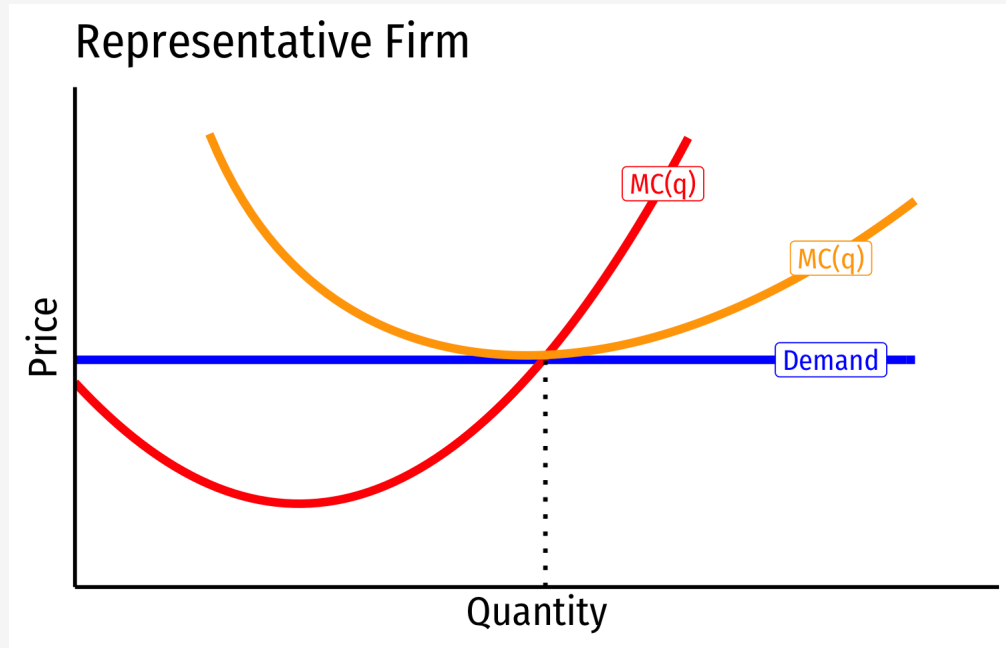
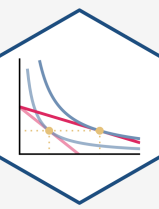




# The Social Harm of Market Power

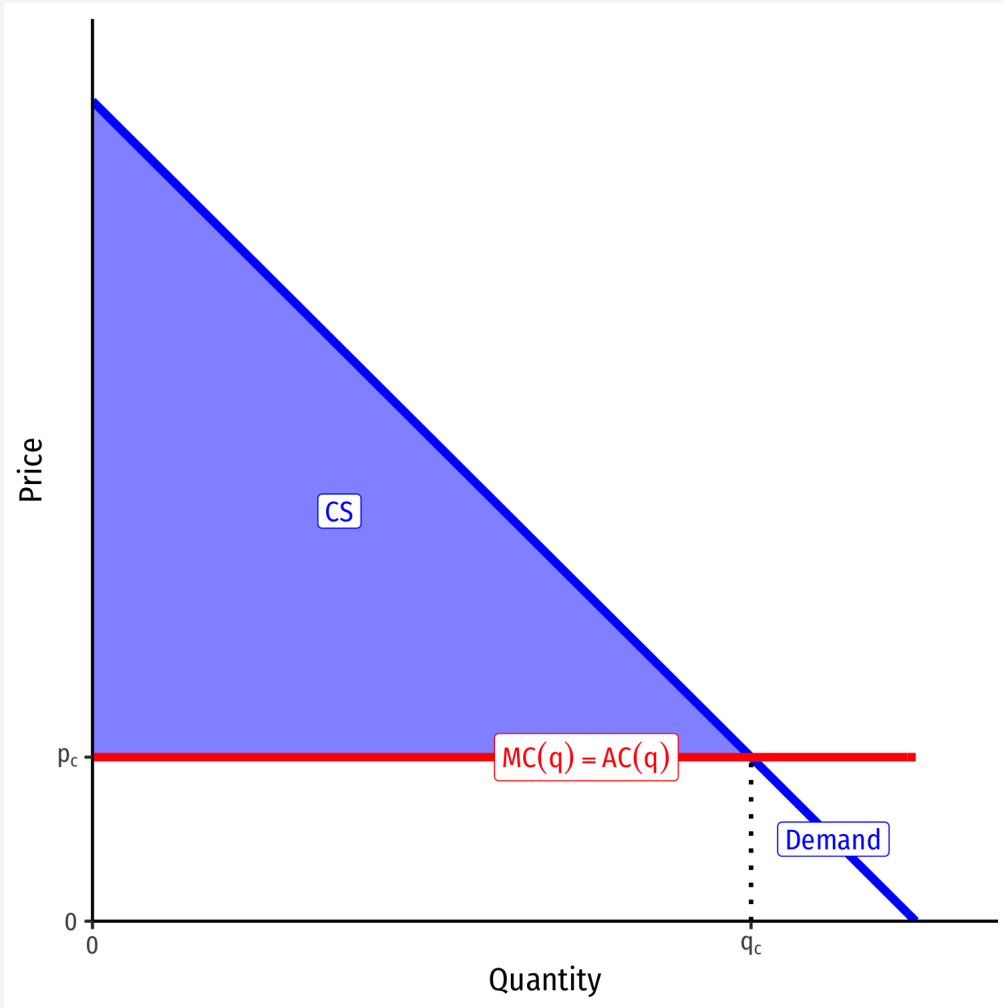
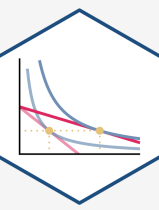


# Perfectly Competitive Market



- In a **competitive market** in **long run equilibrium**:
  - **Economic profit** is driven to \$0; resources (factors of production) optimally allocated
  - **Allocatively efficient**:  $p = MC(q)$ , maximized **CS** + **PS**
  - **Productively efficient**:  $p = AC(q)_{min}$  (otherwise firms would enter/exit)

# The Bad of Monopoly: DWL I

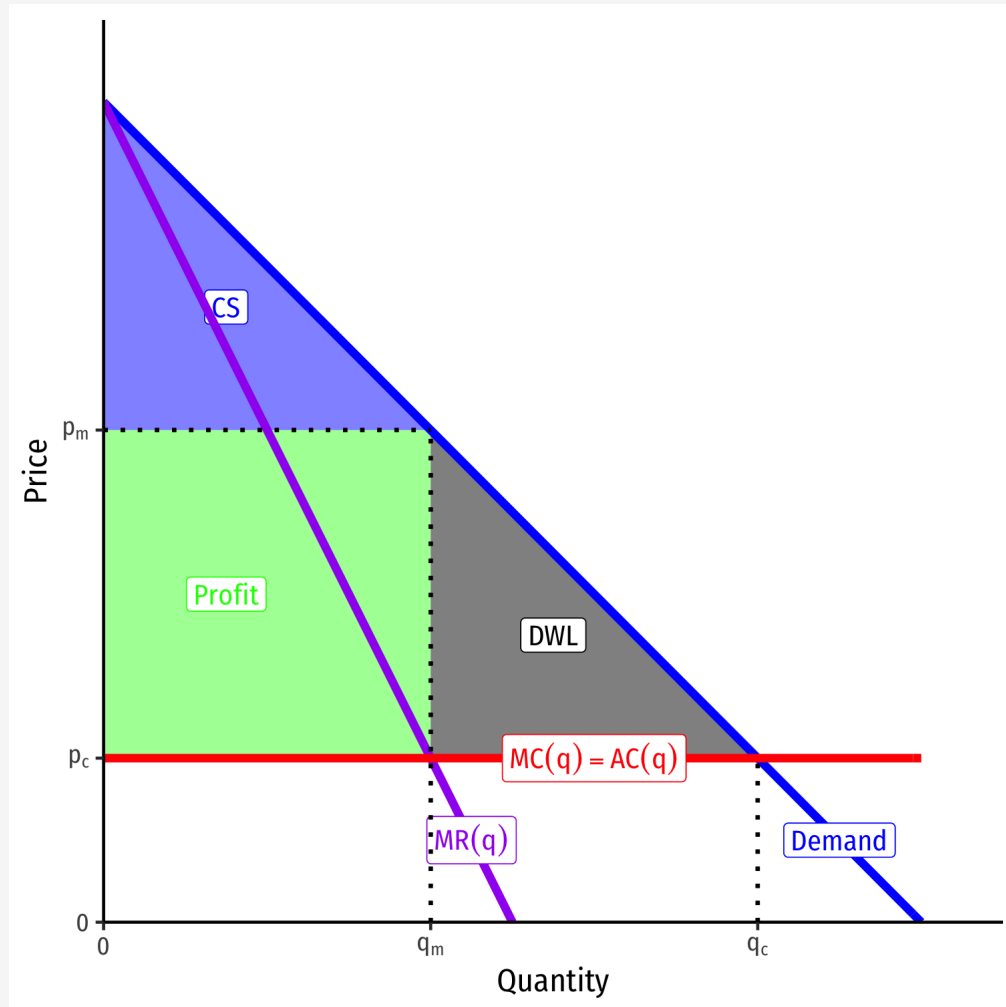
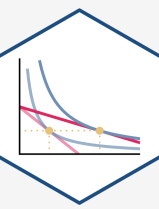


- Consider a market with some simplified cost assumptions:

$$C(q) = cq$$

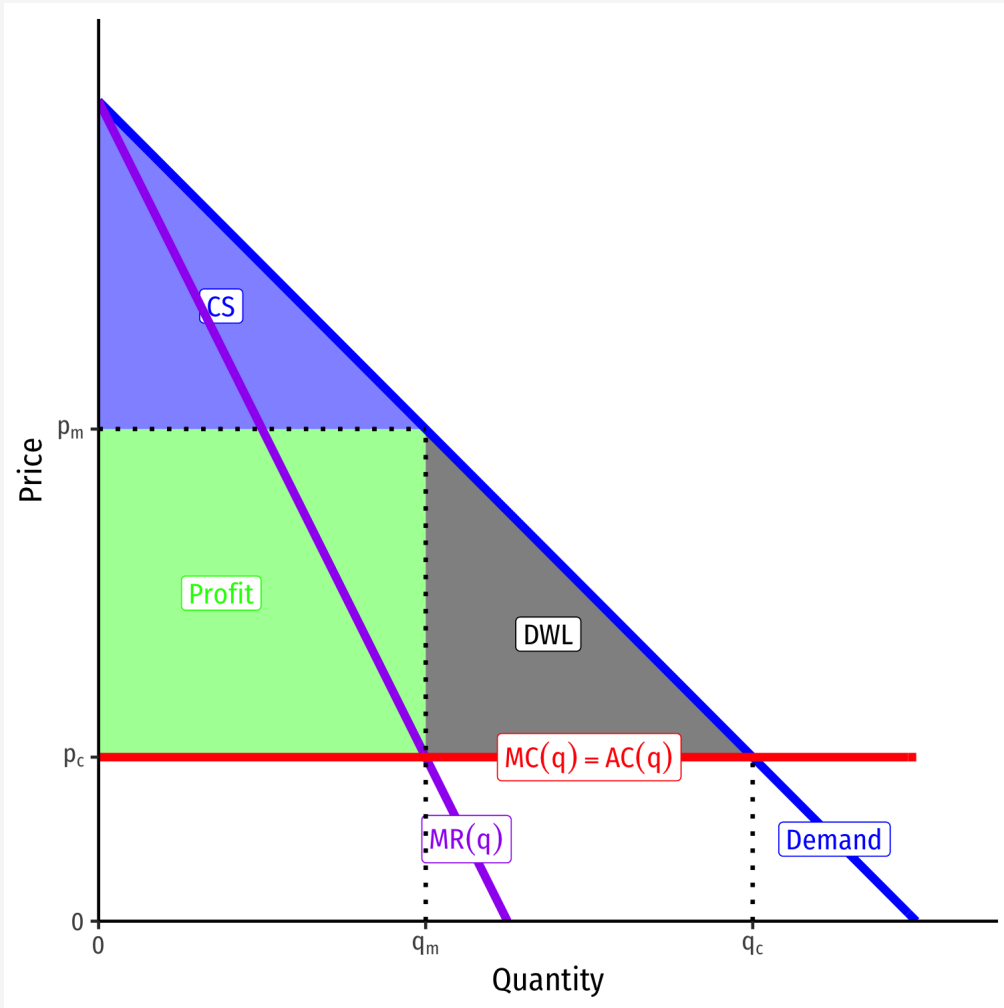
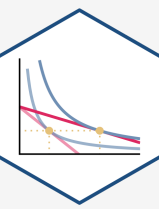
- No fixed costs, constant VC(q) of  $cq$ , MC of  $c$
- implies  $MC(q) = AC(q)$
- If this was a *competitive* market, firms would set  $p_c = MC(q)$  and (collectively), industry would produce  $q_c$ 
  - **Consumer surplus** maximized

# The Bad of Monopoly: DWL II



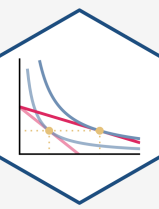
- A **monopolist** faces the *entire* market demand and sets  $(q_m, p_m)$ :
  - Sets  $MR(q) = MC(q)$  at  $q_m$
  - Raises price to **max. WTP (Demand)**:  
 $p_m$
- **Restricts output and raises price**, compared to competitive market
- Earns **monopoly profits** ( $p > AC$ )
- Loss of **consumer surplus**

# The Bad of Monopoly: DWL III



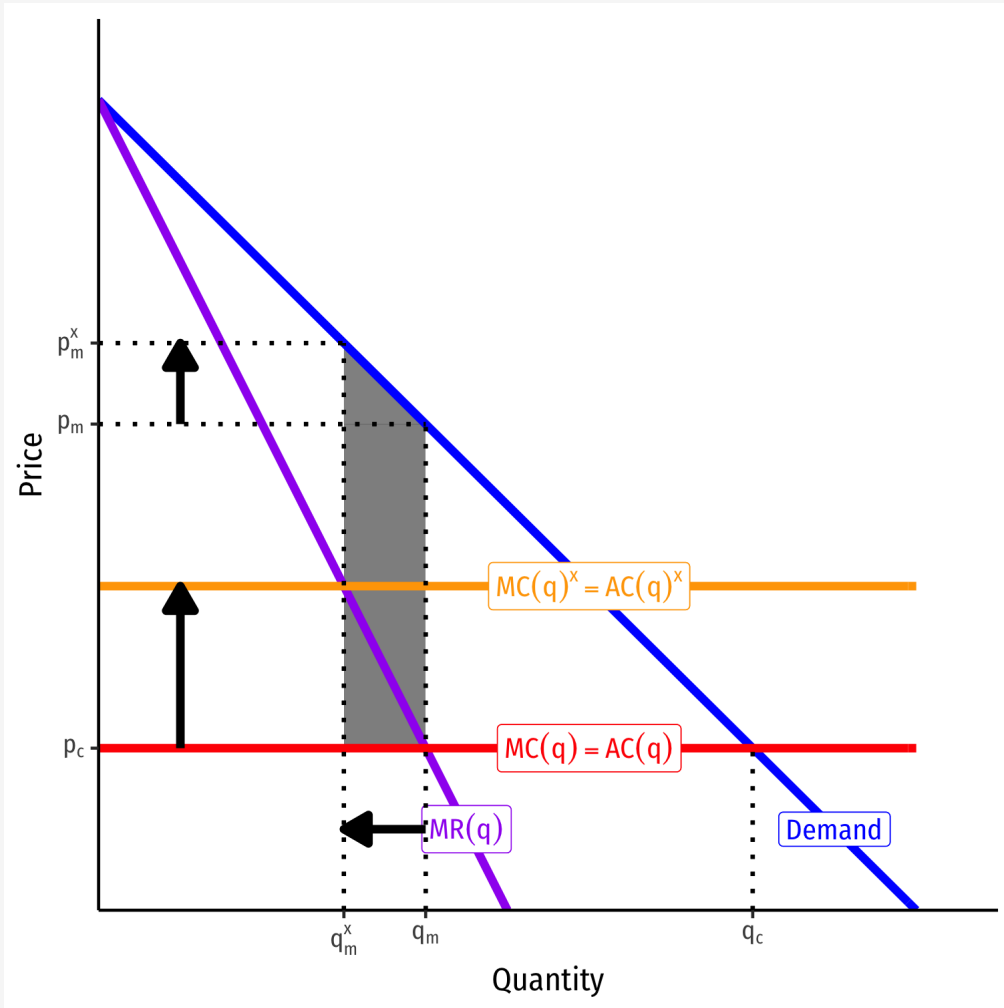
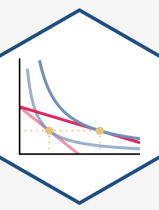
- **Deadweight loss** of surplus destroyed from lost gains from trade
  - Consumers willing to buy more than  $q_m$ , if the monopolist would lower prices!
  - Monopolist *would* benefit by accepting lower prices to sell more than  $q_m$ , but this would yield *less* than *maximum* profits
    - main problem is that monopolist must lower price on all units sold

# The Bad of Monopoly II



- **Deadweight loss** of surplus destroyed from lost gains from trade
  - Consumers willing to buy more than  $q_m$ , if the monopolist would lower prices!
  - Monopolist *would* benefit by accepting lower prices to sell more than  $q_m$ , **but this would yield less than maximum profits**
    - main problem is that monopolist must lower price on all units sold

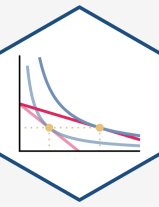
# The Bad of Monopoly: X-Inefficiency

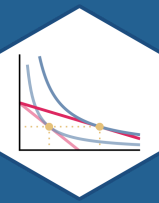


“The best of all monopoly profits is a quiet life” - Sir John Hicks

- Monopoly may generate **“X-inefficiency”**
- Lack of competition causes monopoly to be **complacent** or **lazy**
  - May inefficiently **raise costs** of production
- Creates **further distortions** (lost surpluses)

# In General

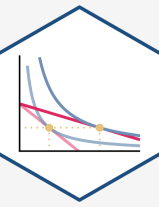




# What Is a Monopoly?



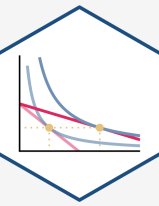
# What Is a Monopoly?



- Everyone (economists & the public alike) generally agree that monopoly is bad
- **But what *is* a monopoly?**
- A surprisingly difficult question to answer!



# In Ye Olde Days



Lord Edward Coke

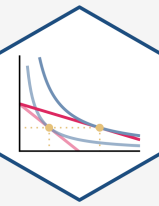
1552—1634

Chief Justice (King's Bench)

“A monopoly is an institution or allowance by the king, by his grant, commission, or otherwise...to any person or persons, bodies politic or corporate, for the sole buying, selling, making, working, or using of anything, whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty that they had before, or hindered in their lawful trade,” (181).

Coke, Edward, 1648, *Institutes of the laws of England*, Part 3

# In Ye Olde Days

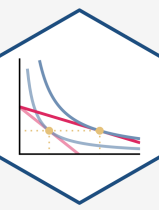


"[A man lives] in a house built with monopoly bricks, with windows...of monopoly glass; heated by monopoly coal (in Ireland monopoly timber), burning in a grate made of monopoly iron...He washed himself in monopoly soap, his clothes in monopoly starch. He dressed in monopoly lace, monopoly linen, monopoly leather, monopoly gold thread...His clothes were dyed with monopoly dyes. He ate monopoly butter, monopoly currants, monopoly red herrings, monopoly salmon, and monopoly lobsters. His food was seasoned with monopoly salt, monopoly pepper, monopoly vinegar...He wrote with monopoly pens, on monopoly writing paper; read (through monopoly spectacles, by the light of monopoly candles) monopoly printed books," (quoted in Acemoglu and Robinson 2011, pp.187-188).

Hill, Christopher, (1961), *The Century of Revolution*

Acemoglu, Daron and James A Robinson, 2013, *Why Nations Fail*

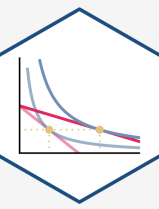
# Isn't a Single Seller a Monopolist?



- Isn't the only seller of something a monopolist?
  - A new inventor?
  - An artist?
  - LeBron James?
  - First-mover?
  - The only hardware store in town?
  - The only seafood restaurant?

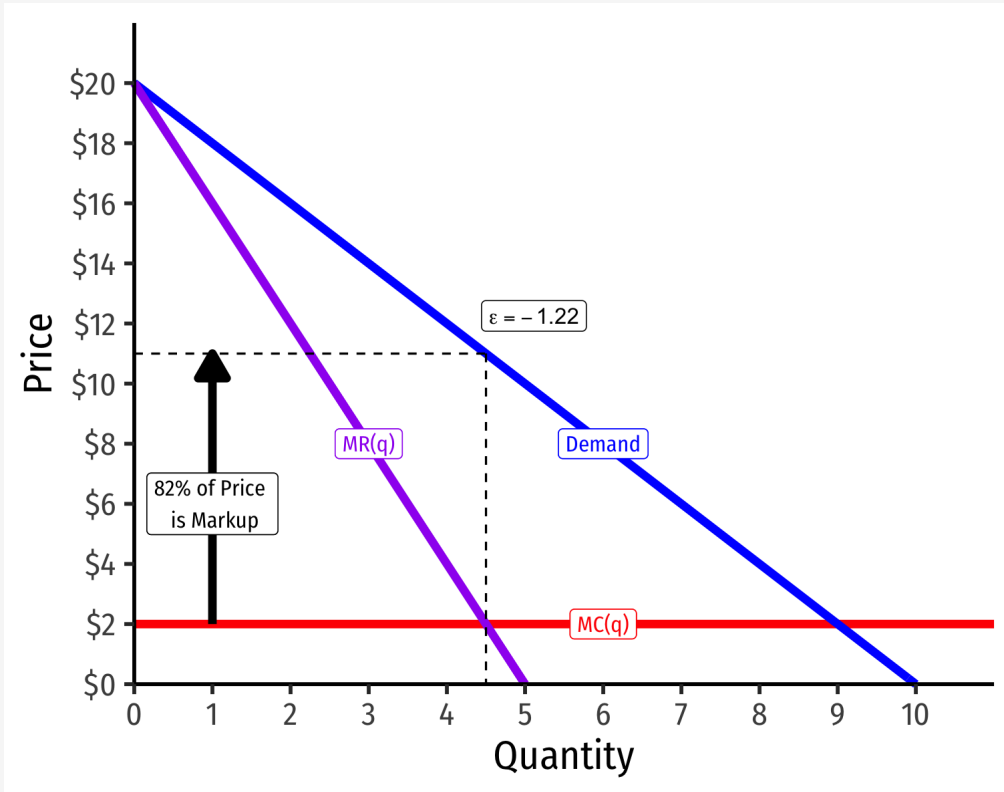


# Maybe...Depends on the Price Elasticity!

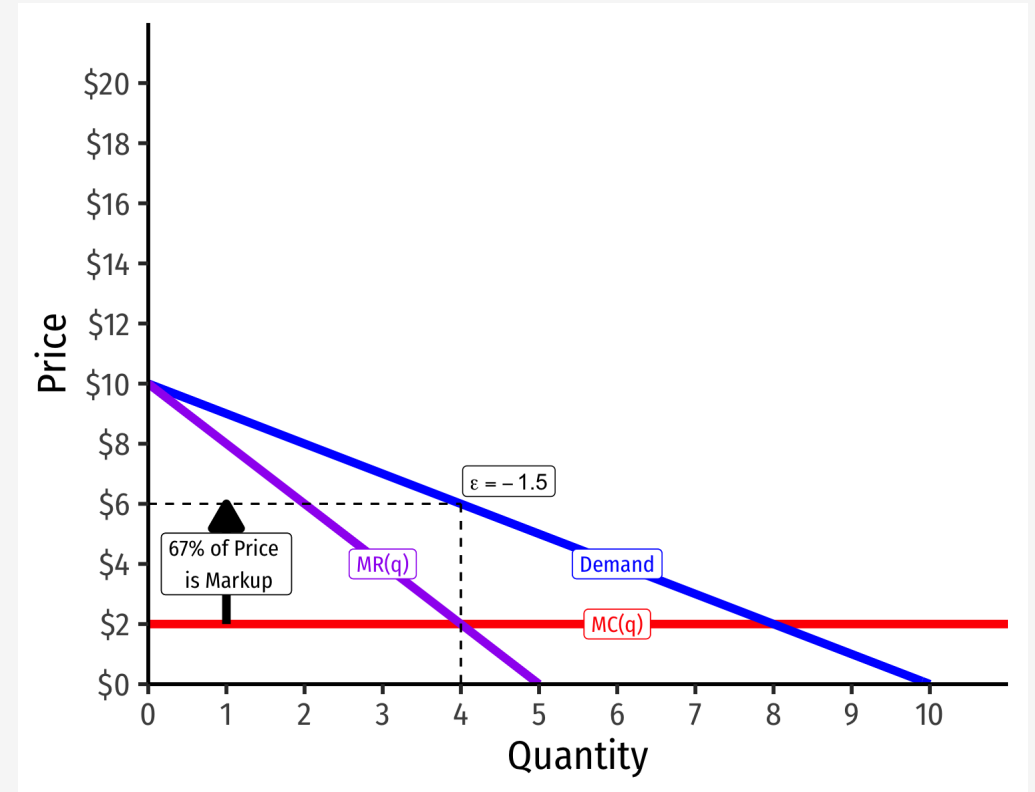


The more (less) elastic a good, the less (more) market power:  $L = \frac{p - MC(q)}{p} = -\frac{1}{\epsilon}$

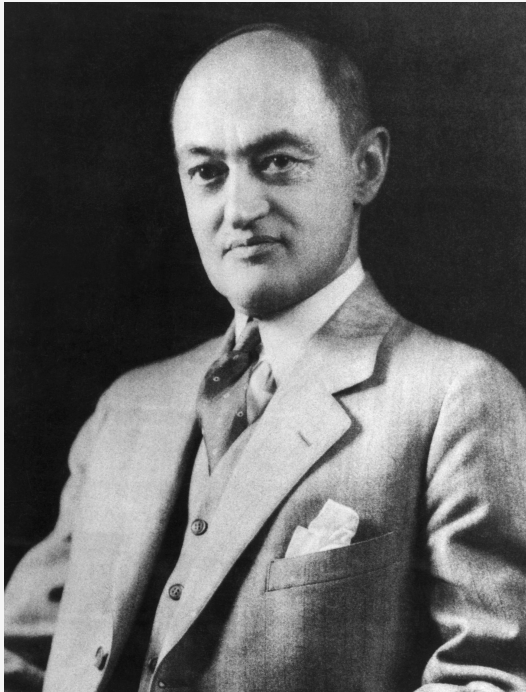
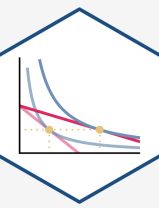
Demand *Less* Elastic at  $p^*$



Demand *More* Elastic at  $p^*$



# Markets as an Evolutionary Process



Joseph Schumpeter

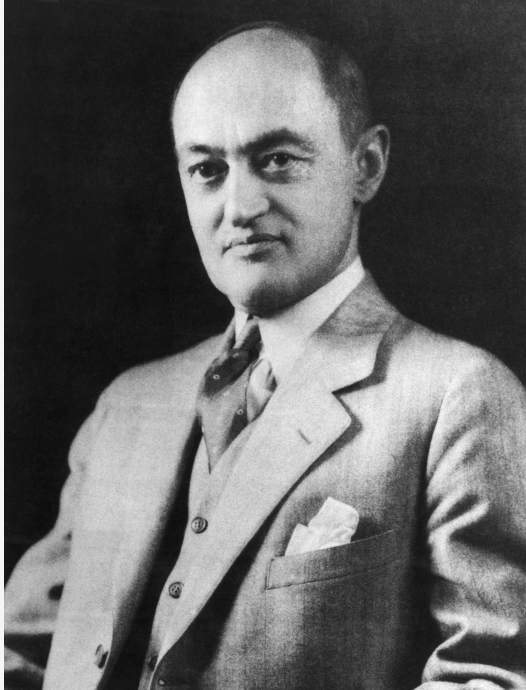
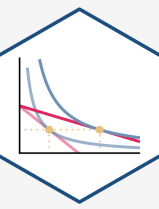
1883-1950

"Capitalism...is by nature a form of economic change and not only never is but never can be stationary...The essential point to grasp is that in dealing with capitalism we are dealing with an **evolutionary process.**" (pp.82).

"[I]n capitalist reality as distinguished from its textbook picture, it is not that kind of competition which counts but the competition from the new commodity, the new technology, the new source of supply, the new type of organization...**competition** which commands a decisive cost or quality advantage **which strikes not at the margins of the profits and the outputs of the existing firms but at their foundations and their very lives.**" (p.132).



# Creative Destruction



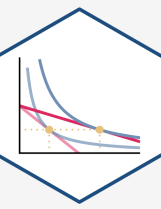
Joseph Schumpeter

1883-1950

"Industrial mutation—if I may use that biological term—that **incessantly revolutionizes the economic structure from within**, incessantly destroying the old one, incessantly creating a new one. This **process of Creative Destruction is the essential fact about capitalism**. It is what capitalism consists in and what every capitalist concern has got to live in" (p.83).

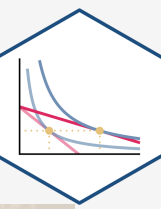
Schumpeter, Joseph A, (1947), *Capitalism, Socialism, and Democracy*

# Creative Destruction: Examples

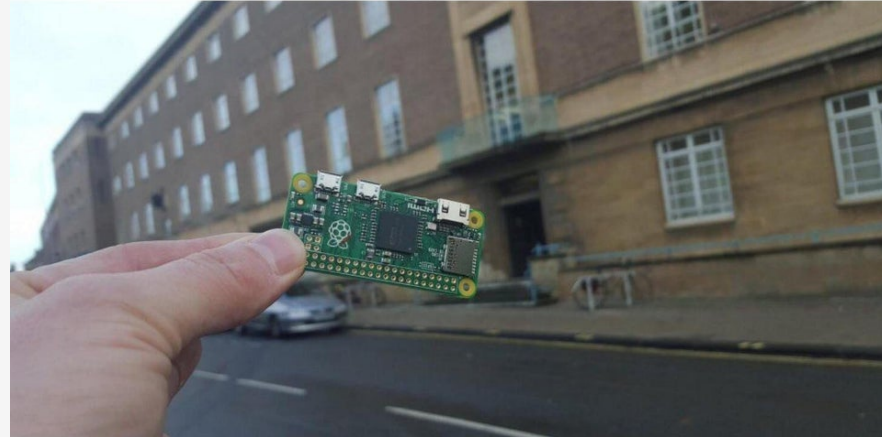
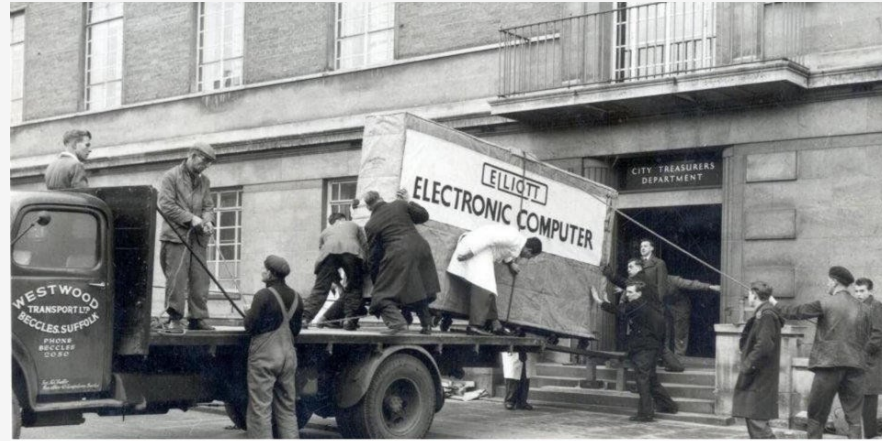
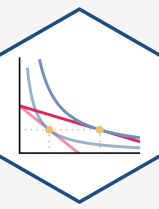




# Creative Destruction: Example II

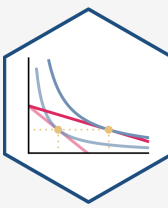


# Creative Destruction: Example III



59 years of progress

# No Corporate Monolith Lasts Forever (On Its Own)



**Guardian**

News Opinion Sport Culture Lifestyle

## Will MySpace ever lose its monopoly?

Victor Keegan

Thu 8 Feb 2007 07:41 EST

# Nokia

**ONE BILLION CUSTOMERS—  
CAN ANYONE  
CATCH THE  
CELL PHONE KING?**

HOW **YAHOO!** WON THE SEARCH WARS

BY RANDALL E. STROSS

Once upon a time, Yahoo! was an internet search site with mediocre technology. Now it has a market cap of \$2.8 billion. Some people say it's the next America Online.

**TECHNEWSWORLD**

OPINION

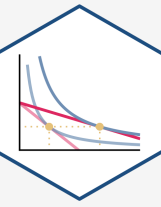
## MySpace Is a Natural Monopoly

By John Barrett  
Jan 17, 2007 4:00 AM PT

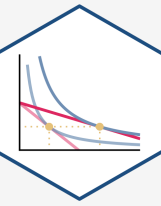
**E**conomics teaches that the market for some goods and services are "natural" monopolies.

Take telephone service, for example. A telephone service is only really valuable if any person with a phone can be connected to any other person with a phone. For this reason, the market will "naturally" coalesce around a single, monopoly provider unless the government

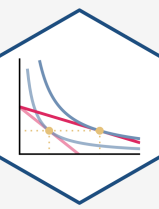
# No Corporate Monolith Lasts Forever (On Its Own)



# No Corporate Monolith Lasts Forever (On Its Own)



# Monopoly *Persists* Because of Entry Barriers

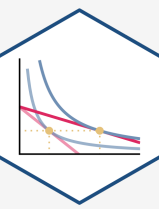


- Monopoly exists, and persists, because of **barriers to entry**
  - otherwise, profits would get competed away by new entrants
- **How easy is it to enter and compete with existing firm?**





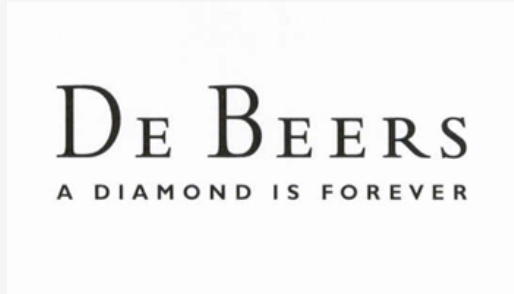
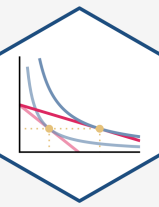
# Monopoly Exists Because of Entry Barriers



- Some possible types of entry barriers:
  - Control over key resource
  - Technological superiority
    - Name/brand recognition, high fixed/sunk costs, economies of scale, network externalities
  - Government regulation
    - Intellectual property rights, occupational licensing, public franchises, burdensome compliance, rent-seeking
- “Natural” vs. “artificial” barriers to entry
  - “open” vs. “closed” monopoly

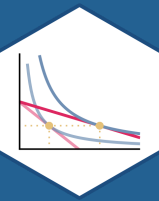


# Control Over a Key Resource



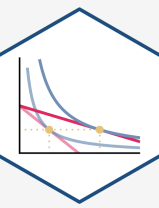
- Aluminum Company of America (Alcoa) once controlled 90% of the market for bauxite (used to create aluminum), and produced 63% of world aluminum supply
- De Beers once owned 85% of the world's diamond supply



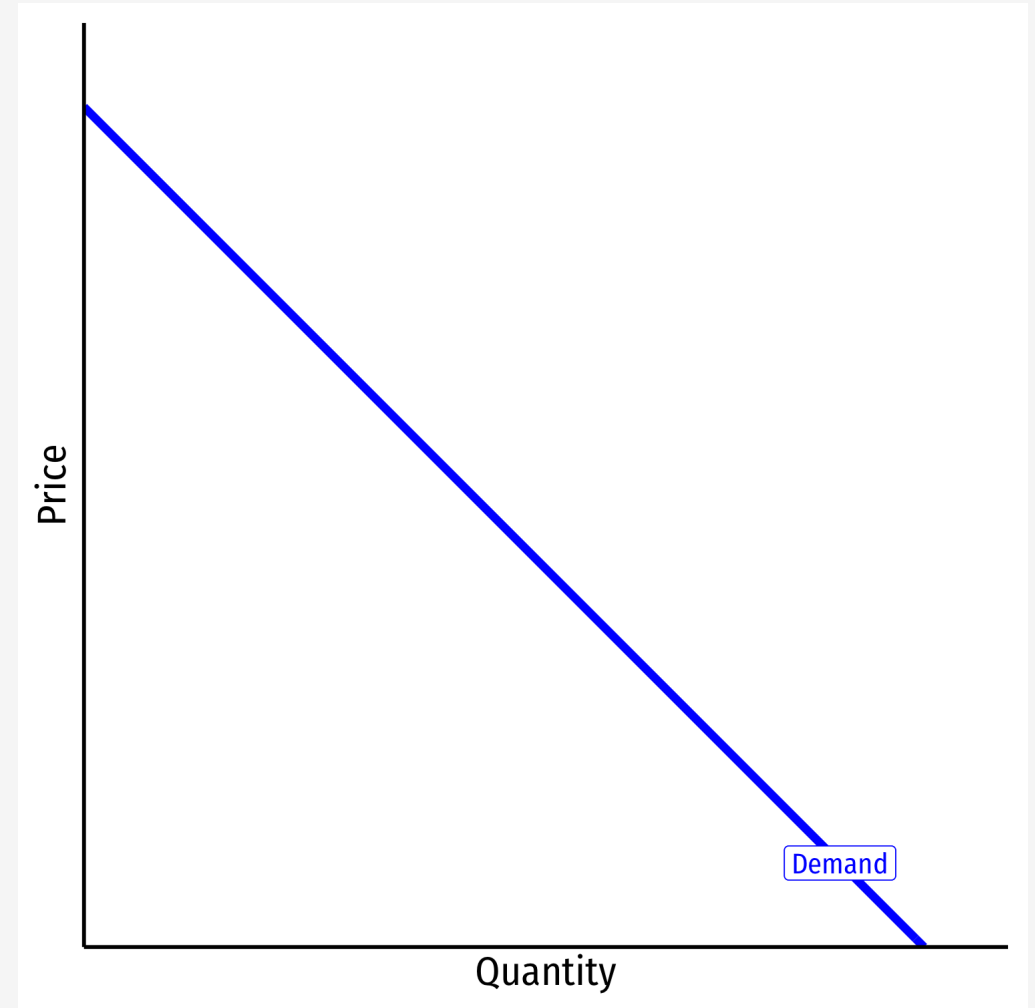


**What If You're Just *Better*?**

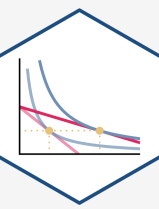
# Economies of Scale and Natural Monopoly I



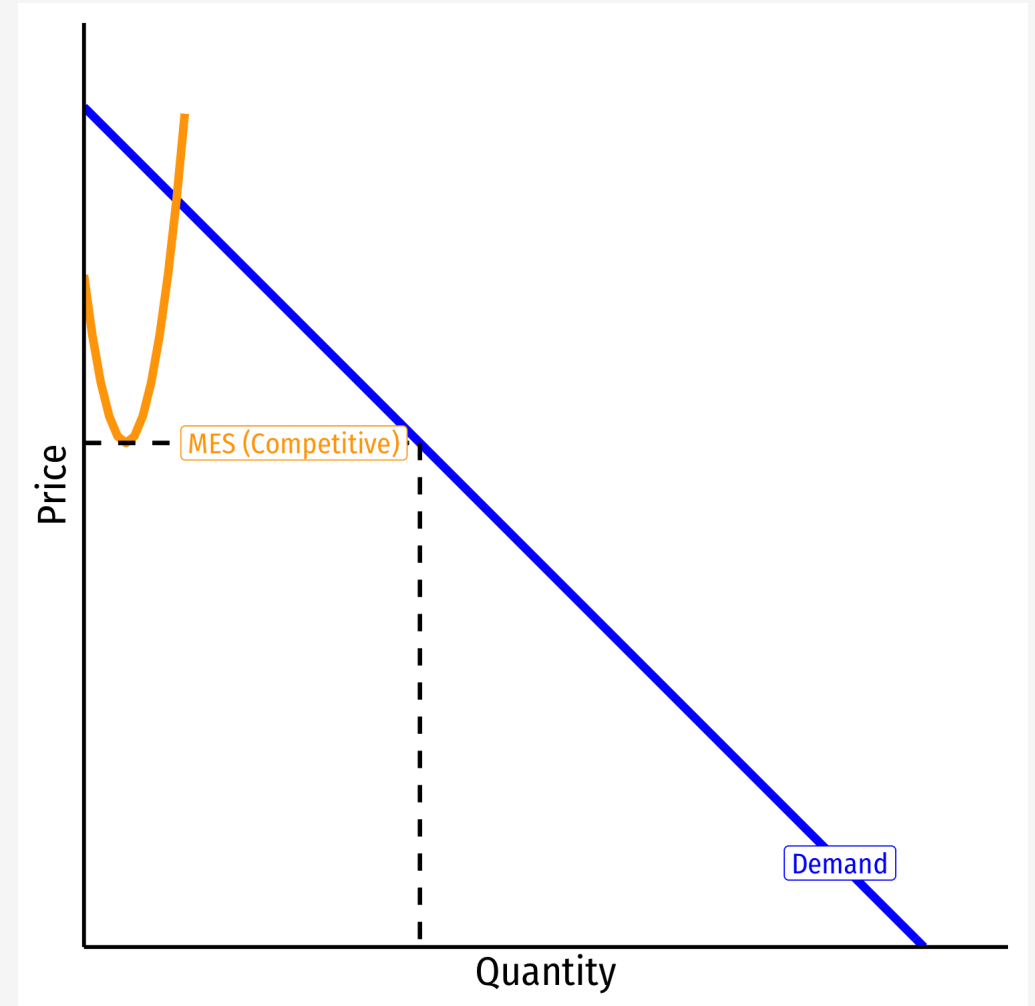
- Recall: **economies of scale**: as  $\uparrow q$ ,  
 $\downarrow AC(q)$
- **Minimum Efficient Scale (MES)**:  $q$  with the  
lowest  $AC(q)$



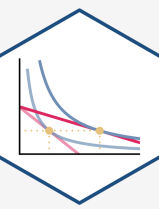
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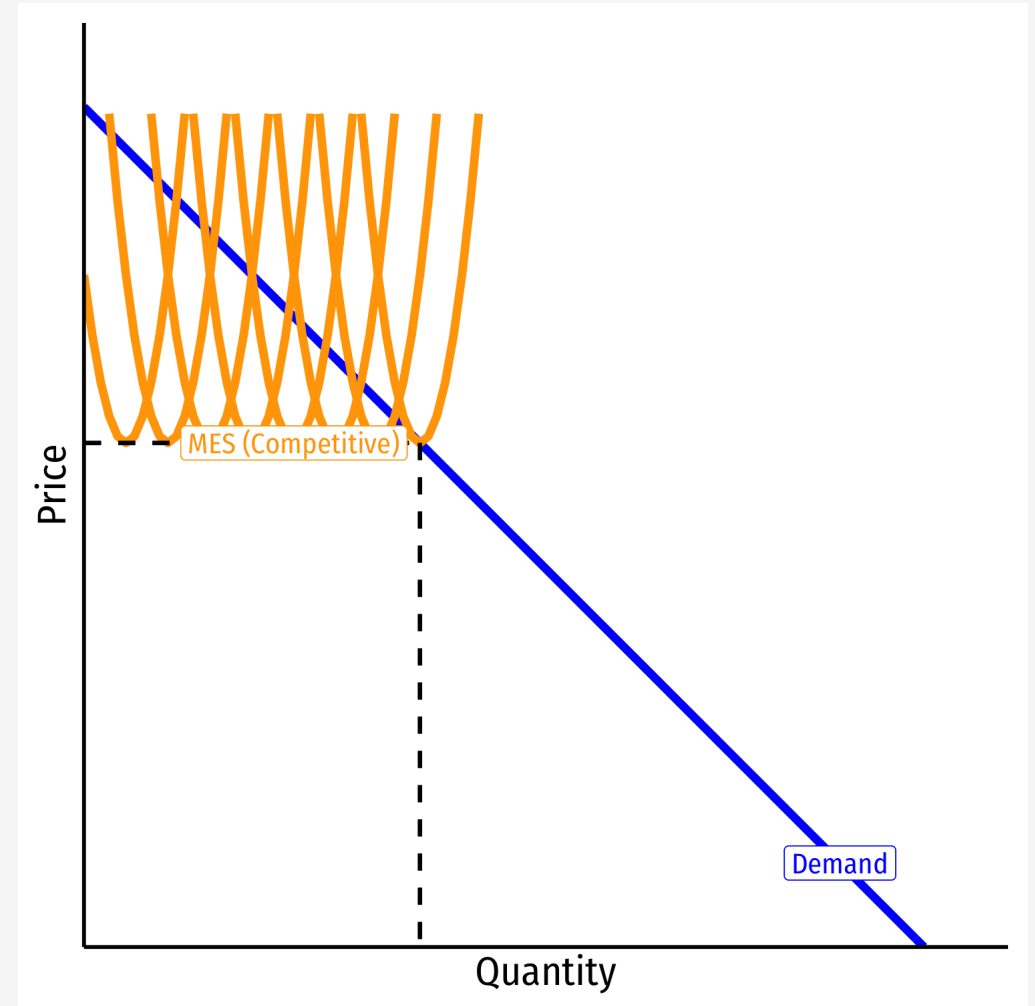
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- **Minimum Efficient Scale (MES)**:  $q$  with the lowest  $AC(q)$
- If MES is small relative to market demand...
  - **AC** hits **Market demand** during **diseconomies of scale**...



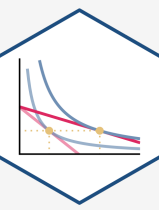
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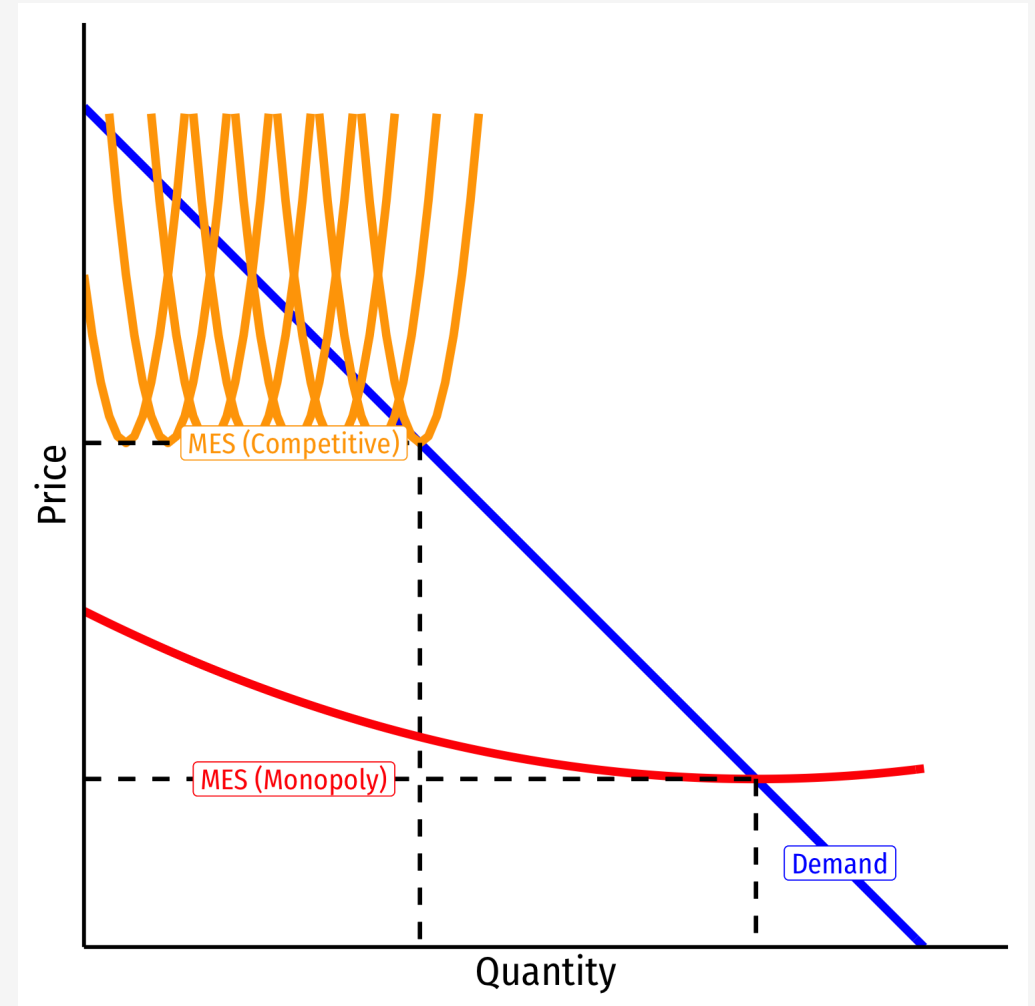
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- If MES is small relative to market demand...
  - **AC** hits **Market demand** during **diseconomies of scale**...
  - ...can fit more identical firms into the **industry!**



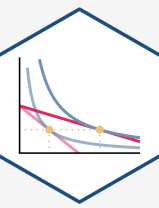
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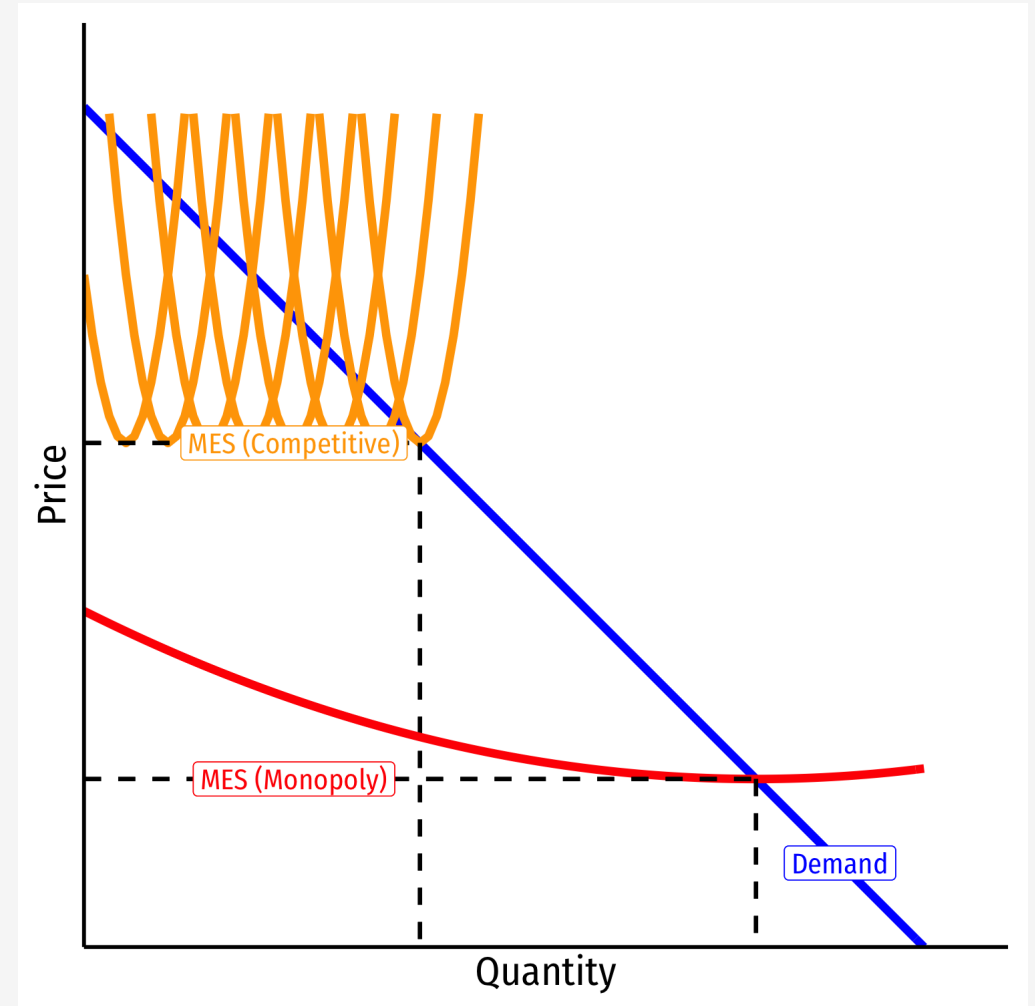
- If MES is *large* relative to market demand...
  - AC hits Market demand during **economies of scale...**
  - likely to be a single firm in the industry!



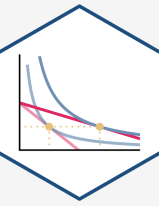
# Economies of Scale and Natural Monopoly I



- If MES is *large* relative to market demand...
  - **AC** hits **Market demand** during **economies of scale...**
  - **likely to be a single firm in the industry!**
- A **natural monopoly** that can produce higher  $q^*$  and lower  $p^*$  than a competitive industry!



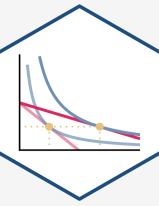
# Economies of Scale and Natural Monopoly II



**Example:** Imagine a single isolated condo complex with 1,000 units far from any other buildings or telco infrastructure

- **Fixed costs:** laying fiber optics to the complex is \$100,000
- **Marginal costs:** connecting each unit: \$0

# Economies of Scale and Natural Monopoly II

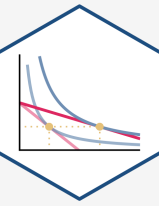


- Suppose **10 providers** split the complex, each laying down their own cables, and each serving 100 units:

$$AC(100) = \frac{\$100,000}{100} = \$1,000/\text{subscriber}$$



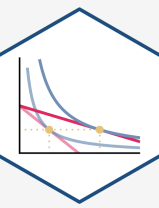
# Economies of Scale and Natural Monopoly II



- Suppose **1 provider** serves the complex serving all 1,000 units:

$$AC(1,000) = \frac{\$100,000}{1000} = \$100/\text{subscriber}$$

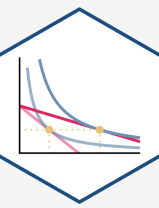
# Regulating Natural Monopolies



- Governments avoid "wasteful duplication" of competition, grant **exclusive franchises**, a single monopolist allowed in geographic region
- Provider made a **common carrier**: monopolist must provide universal service to all
- **Rate of return regulation**: gov't and monopolist agree on a price to guarantee a "modest return on capital" (i.e. some  $\pi > 0$ )



# Are Big Tech Firms Monopolies?



## Tech companies lead in R&D spending (billions of USD)

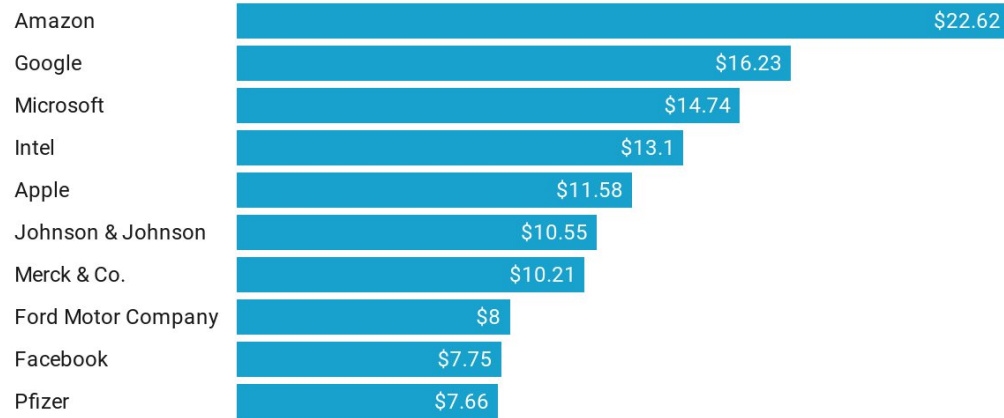


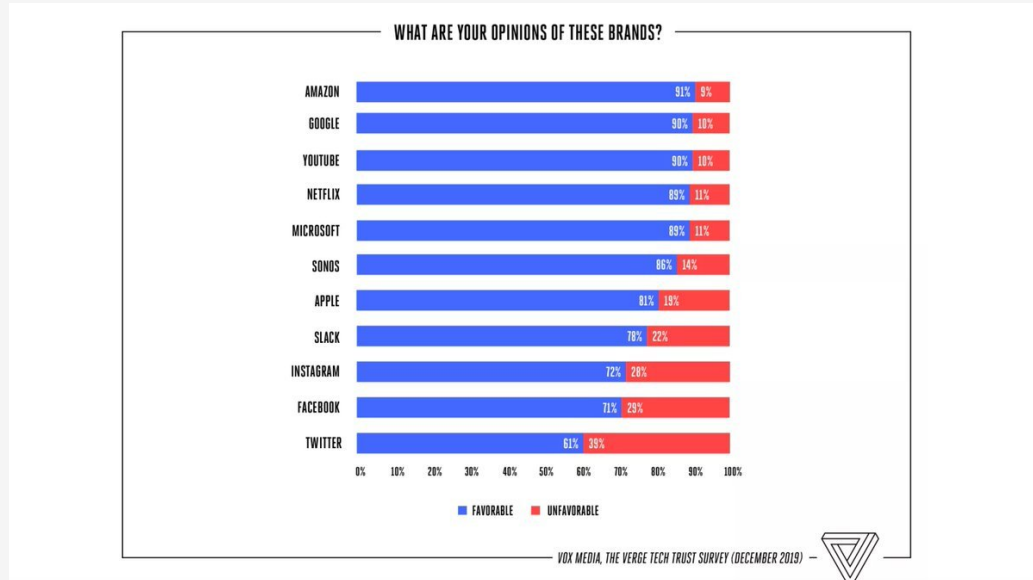
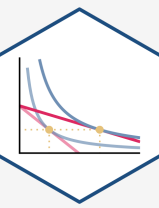
Chart: Alec Stapp (PPI) • Source: ideatovalue.com • Created with Datawrapper

TABLE 5: NON-ENERGY U.S. INVESTMENT HEROES: TOP 25 NONFINANCIAL COMPANIES BY ESTIMATED U.S. CAPITAL EXPENDITURE\*

	COMPANY	ESTIMATED 2018 U.S. CAPITAL EXPENDITURES (MILLIONS USD)
1	ALPHABET	20,188
2	AT&T	19,209
3	AMAZON.COM	15,577
4	VERIZON COMMUNICATIONS	14,912
5	MICROSOFT	11,469
6	COMCAST	10,890
7	FACEBOOK	10,763
8	CHARTER COMMUNICATIONS	9,125
9	WALMART	7,683
10	INTEL	7,426
11	APPLE	7,129
12	FORD MOTOR	6,513
13	GENERAL MOTORS	5,756
14	FEDEX	5,255
15	DELTA AIR LINES	5,168

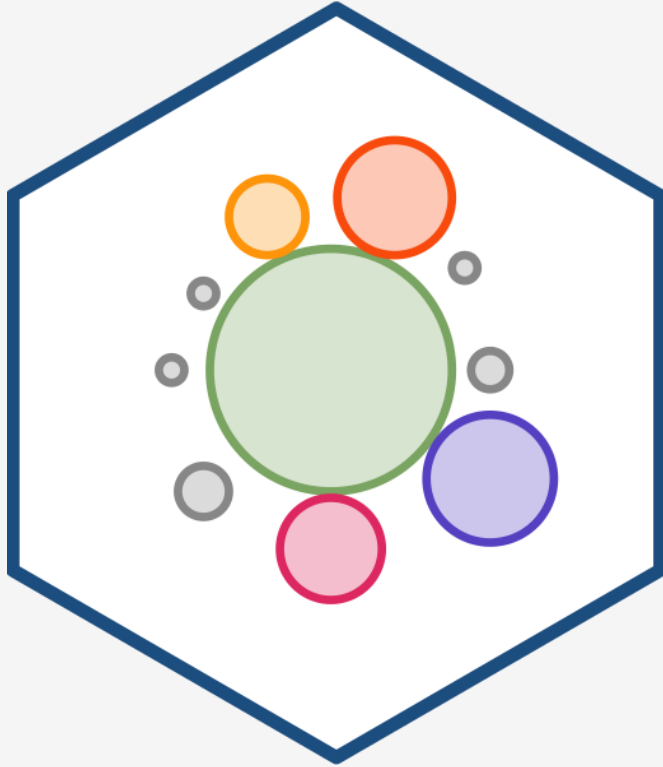
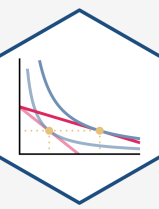
- Complacent monopolists would rather restrict output and raise profits to shareholders
- But big tech firms invest enormous amounts in capital & innovation! Worried about competition!

# Are Big Tech Firms Monopolies?



- Politicians may say one thing, but people like big tech companies, they provide an enormous amount of consumer surplus!

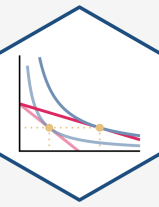
# Are Big Tech Firms Monopolies?



We tackle these questions more in my Industrial Organization course:

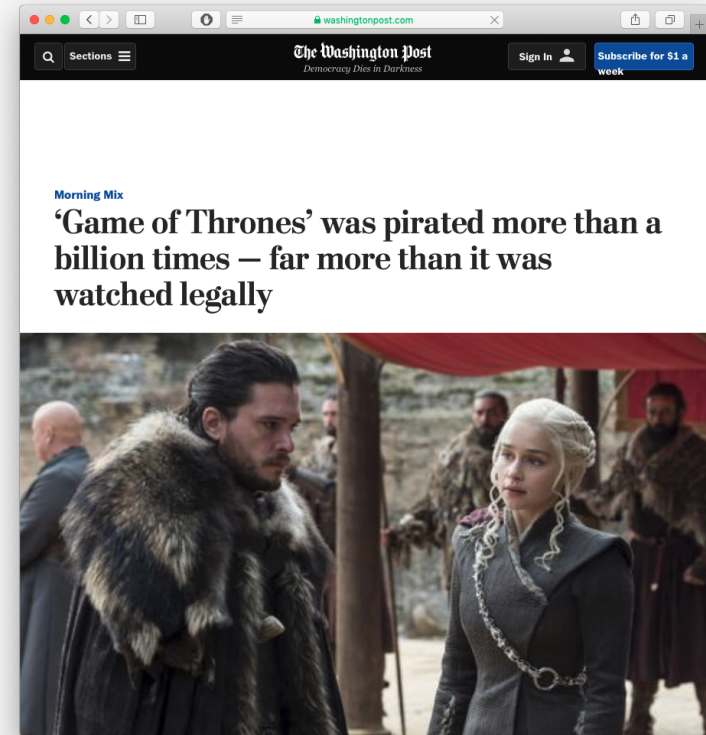
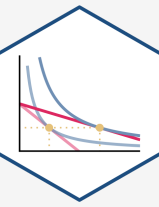
- [Lecture 4.4: Antitrust III: Big Tech & Hipster Antitrust](#)
- [Lecture 4.5: Natural Monopoly Regulation](#)

# Intellectual Property I



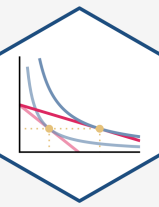


# Intellectual Property II

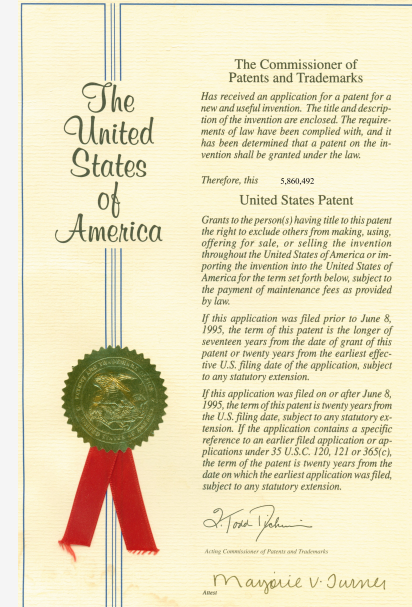


Source: [Washington Post \(Sept 8, 2017\)](#)

# Intellectual Property III

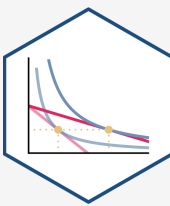


- For these economic reasons, **patent** (for ideas and inventions) and **copyright** (for expressions) laws exist
- Grant *temporary* monopoly to recover fixed costs & provide incentive to undertake (risky and expensive) research/creativity
- A *tradeoff* between incentives & access
- See my intellectual property [lecture](#) from Economics of the Law for more





# Intellectual Property IV



**United States Patent** [19] **Patent Number:** **6,004,596**  
**Kretchman et al.** [45] **Date of Patent:** **Dec. 21, 1999**

[54] **SEALED CRUSTLESS SANDWICH** 5,853,778 12/1998 Mayfield ..... 426/89

[75] Inventors: **Len C. Kretchman**, Fergus Falls, Minn.; **David Geske**, Fargo, N. Dak.

[73] Assignee: **Menusaver, Inc.**, Orrville, Ohio

[21] Appl. No.: **08/986,581**

[22] Filed: **Dec. 8, 1997**

[51] Int. Cl.<sup>6</sup> ..... **A21D 13/00**

[52] U.S. Cl. .... **426/94; 426/274; 426/275; 426/297**

[58] Field of Search ..... **426/94, 274, 275, 426/297, 138**

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

3,083,651	4/1963	Cooper	426/275
3,690,898	9/1972	Partyka	426/275
3,767,823	10/1973	Wheeler et al.	426/275
3,769,035	10/1973	Kleiner et al.	426/275
3,862,344	1/1975	Zobel	426/244
4,382,768	5/1983	Lifshitz et al.	426/275

**10 Claims, 4 Drawing Sheets**

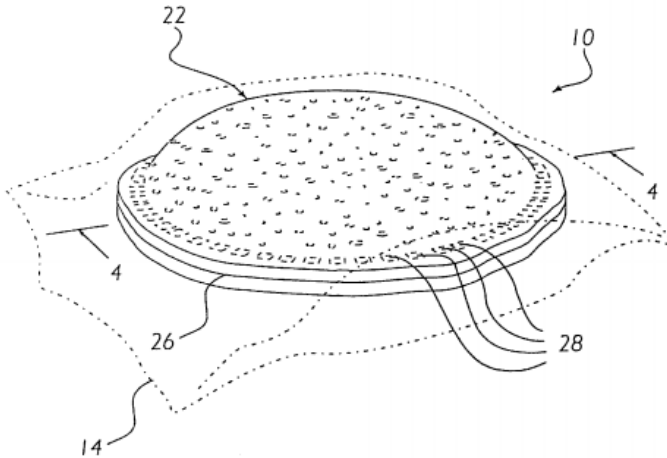
**OTHER PUBLICATIONS**

"50 Great Sandwiches", Carole Handslip, pp. 81-84, 86, 95, 1994.

*Primary Examiner*—Lien Tran  
*Attorney, Agent, or Firm*—Vickers, Daniels & Young

[57] **ABSTRACT**

A sealed crustless sandwich for providing a convenient sandwich without an outer crust which can be stored for long periods of time without a central filling from leaking outwardly. The sandwich includes a lower bread portion, an upper bread portion, an upper filling and a lower filling between the lower and upper bread portions, a center filling sealed between the upper and lower fillings, and a crimped edge along an outer perimeter of the bread portions for sealing the fillings therebetween. The upper and lower fillings are preferably comprised of peanut butter and the center filling is comprised of at least jelly. The center filling is prevented from radiating outwardly into and through the bread portions from the surrounding peanut butter.



**United States Patent** [19] **Patent Number:** **5,443,036**  
**Amiss et al.** [45] **Date of Patent:** **Aug. 22, 1995**

[54] **METHOD OF EXERCISING A CAT**

[76] Inventors: **Kevin T. Amiss**, 255 S. Fickett St., #301, Alexandria, Va. 22304; **Martin H. Abbott**, 10549 Assembly Dr., Fairfax, Va. 22030

[21] Appl. No.: **144,473**

[22] Filed: **Nov. 2, 1993**

[51] Int. Cl.<sup>4</sup> ..... **A01K 29/00**

[52] U.S. Cl. .... **119/707**

[58] Field of Search ..... **119/702, 707, 174, 905; 446/485**

[56] **References Cited**

**U.S. PATENT DOCUMENTS**

3,877,171	4/1975	Sloop et al.	446/485
4,208,701	6/1980	Schock	
4,231,077	10/1980	Joyce et al.	
4,757,515	7/1988	Hughes	
4,761,715	8/1988	Brooks	
4,926,438	5/1990	Maes et al.	
4,985,029	1/1991	Hoshino	
5,056,097	10/1991	Meyers	

5,194,007 3/1993 Marshall et al. .

**OTHER PUBLICATIONS**

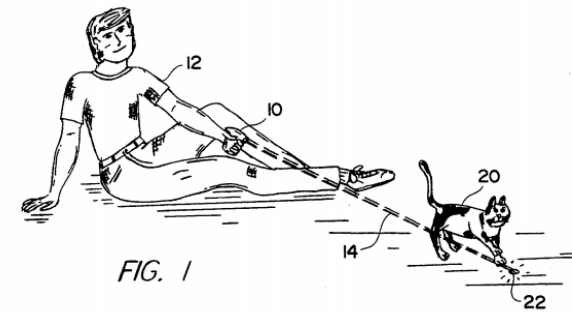
Carayan et al., "Effects of tianeptine on the Performance of a reaching movement in a cat", *Psychopharmacology*, vol. 104, Issue 3, Berlin, 1991, pp. 328-336.  
 Levesque et al., "Visual 'cortical-recipient' and tectal-recipient pontine zones play distinct roles in cat visuomotor performance", *Behavioral Brain Research*, vol. 39, Netherlands, 1990, pp. 157-166.

*Primary Examiner*—Todd E. Manahan

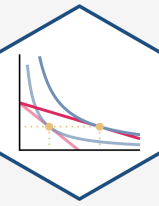
[57] **ABSTRACT**

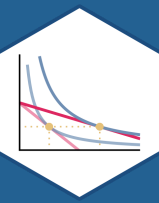
A method for inducing cats to exercise consists of directing a beam of invisible light produced by a handheld laser apparatus onto the floor or wall or other opaque surface in the vicinity of the cat, then moving the laser so as to cause the bright pattern of light to move in an irregular way fascinating to cats, and to any other animal with a chase instinct.

**4 Claims, 1 Drawing Sheet**



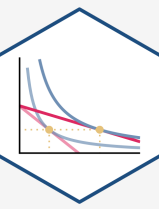
# Intellectual Property V





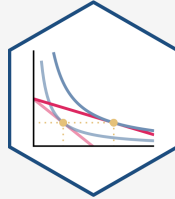
# The *Ugly* of Market Power: Rent-Seeking

# Legal Prohibitions

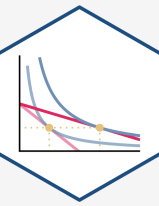


- The United States Postal Service is the only provider of first class mail allowed by order of the government
- Starting another business that delivers mail is **illegal**
- Note: FedEx and UPS deliver *express packages*, can *not* deliver mail or use USPS mailboxes

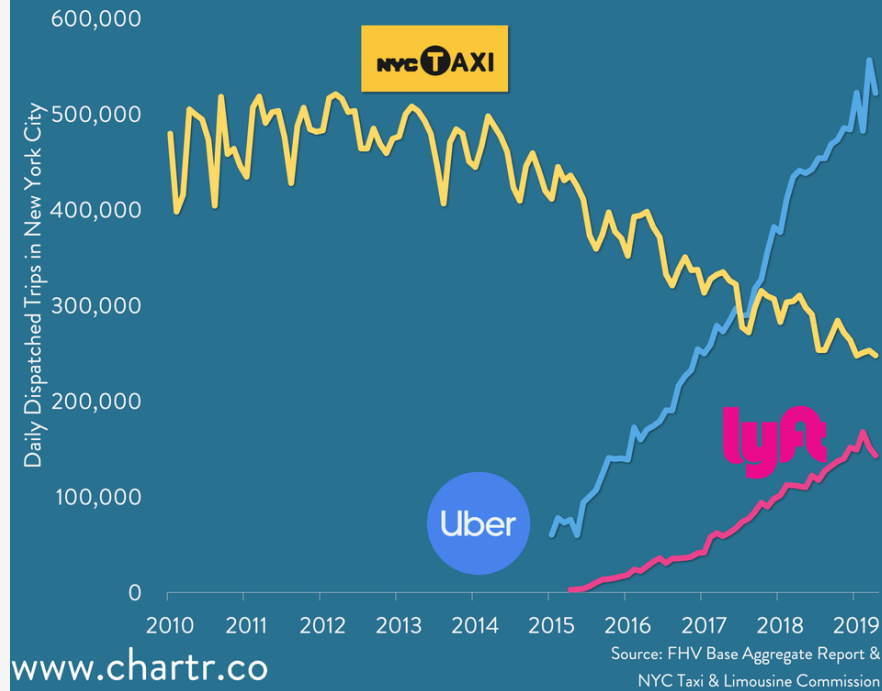
# Taxis I



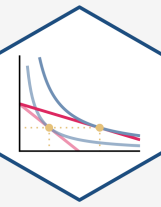
# Taxis II



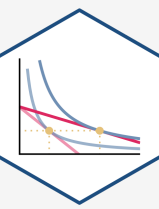
## Uber & Lyft Have Decimated New York's Yellow Taxis



# Taxis III



# Occupational Licensing I



**Figure 2: Share of Workers with a State Occupational License**

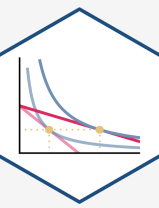


Sources: The Council of State Governments (1952); Greene (1969); Kleiner (1990); Kleiner (2006); and Kleiner and Krueger (2013), Westat data; CEA Calculations.

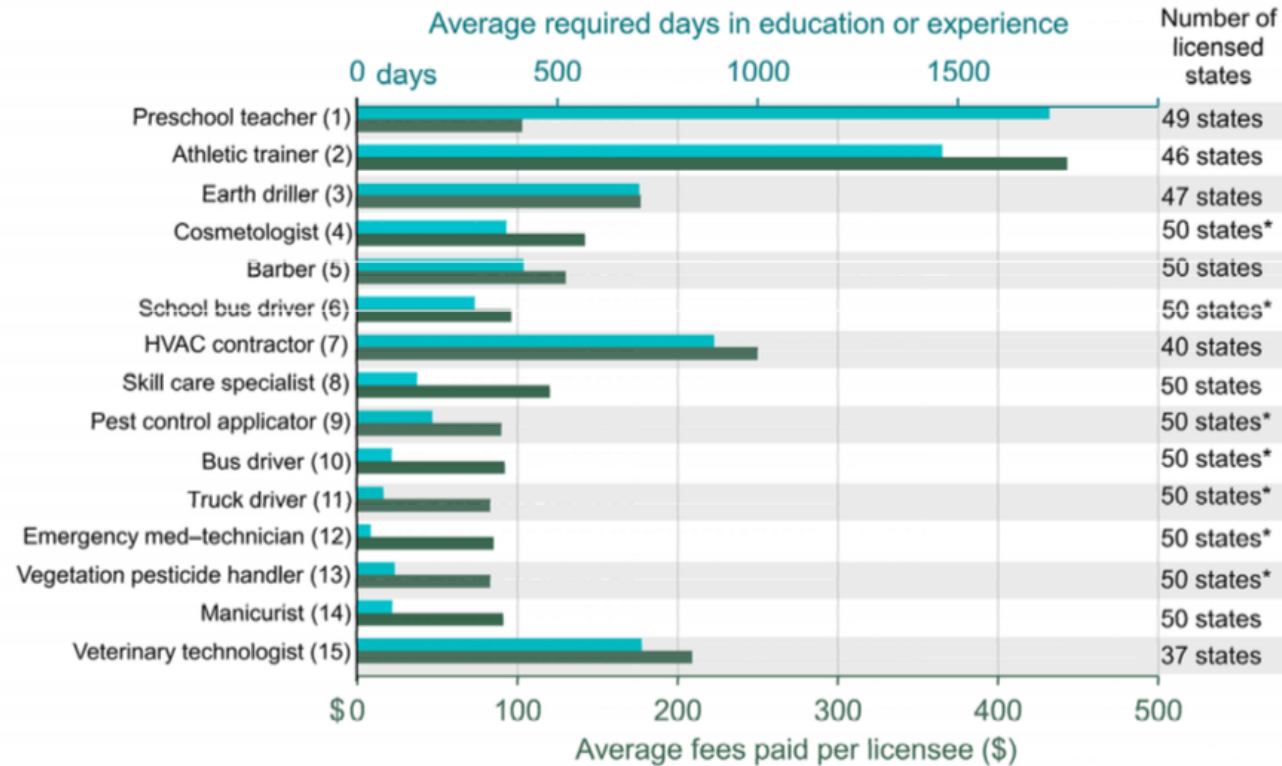
In 1950, 1 in 20 jobs required a license. Today it's 1 in 4. Source: [Obama White House \(2015\): Occupational Licensing: A Framework for Policymakers](#)



# Occupational Licensing II

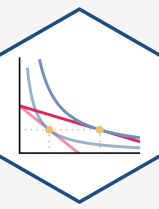


Low-Income Occupations Ranked by Number and Burden of Licensing



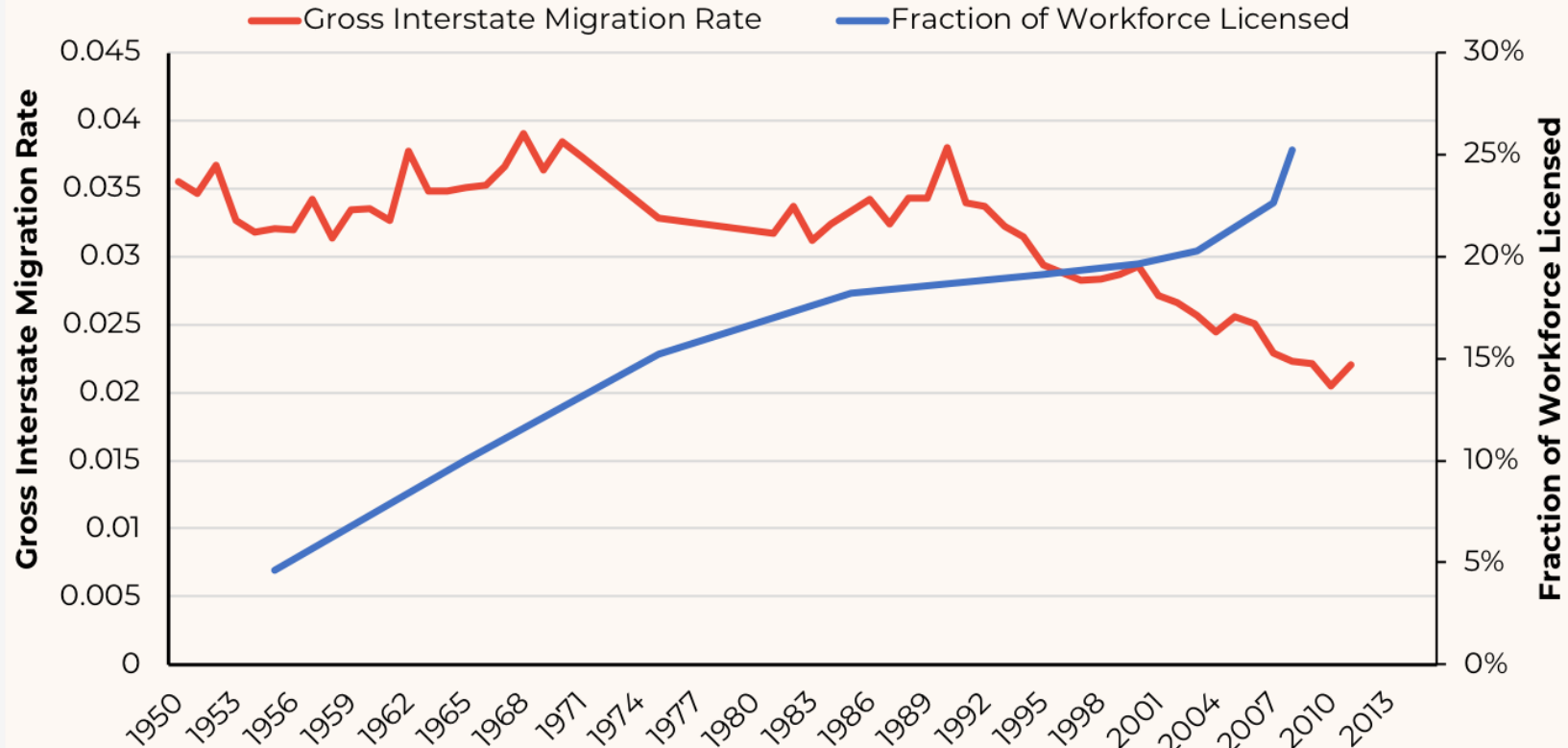
\*Also includes the District of Columbia.  
 Note: Rankings based on average fees combined with education or experience requirements.  
 Source: Dick Carpenter et al., "License to Work: A National Study of Burdens from Occupational Licensing,"  
 Institute for Justice Research Report (2012), <http://ij.org/licensetowork>.  
 Produced by Veronique de Rugy and Rizqi Rachmat, Mercatus Center at George Mason University.

# Occupational Licensing III



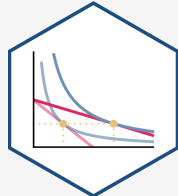
## Interstate Migration Rates and Occupational Licensure

Interstate migration has declined as a greater share of the workforce became licensed.

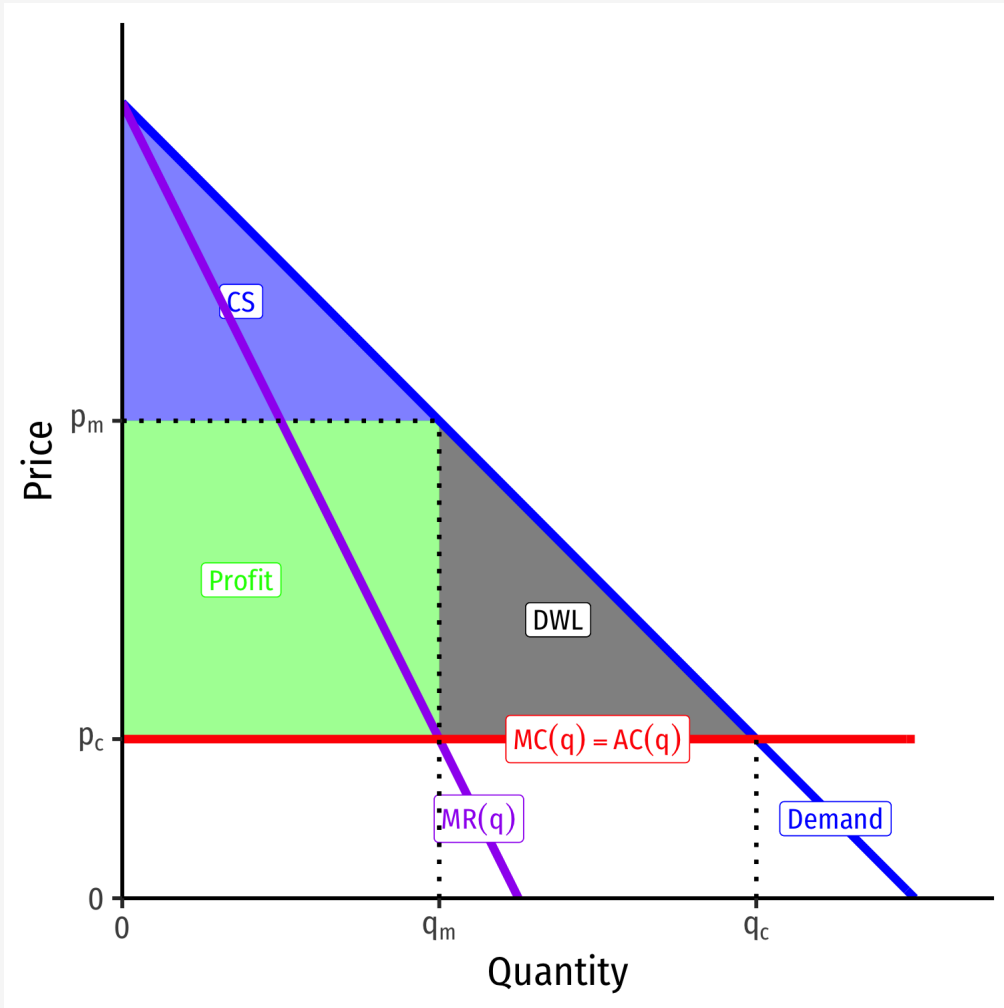
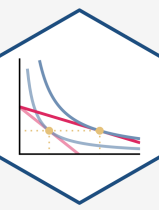


Source: Janna E. Johnson and Morris M. Kleiner, "Is Occupational Licensing a Barrier to Interstate Migration," National Bureau of Economic Research Working Paper no. 24107, December 2017.

# Occupational Licensing IV

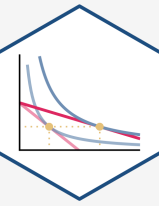


# The *Ugly* of Market Power: Rent-Seeking I

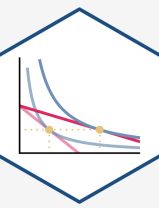


- The **monopoly profits** earned with market power are an **economic rent**
  - Comes from restricting entry & competition
- This is the **“prize”** of market power

# The *Ugly* of Market Power: Rent-Seeking II

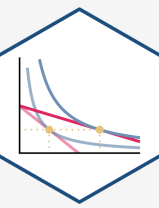


# Government Intervention Creates Rents I



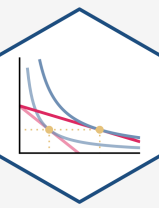
- Political authorities intervene in markets in various ways that benefit some groups at the expense of everyone else
  - subsidies to groups (often producers)
  - regulation of industries
  - tariffs, quotas, and special exemptions from these
  - tax breaks and loopholes
  - conferring monopoly and other privileges
- See Mitchell (2013) in [today's readings](#) for examples

# Government Intervention Creates Rents I



- These interventions create **economic rents** for their beneficiaries by restricting competition
- This is a transfer of wealth from consumers/taxpayers to politically-favored groups
- The promise of earning a rent breeds **competition over the rents** (**rent-seeking**)
  - investments of resources to lobby political officials

# Rent-Seeking II



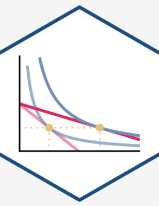
Gordon Tullock

1922-2014

“The rectangle to the left of the [Deadweight loss] triangle is the income transfer that a successful monopolist can extort from the customers. **Surely we should expect that with a prize of this size dangling before our eyes, potential monopolists would be willing to invest large resources in the activity of monopolizing. ... Entrepreneurs should be willing to invest resources in attempts to form a monopoly** until the marginal cost equals the properly discounted return,” (p.231).

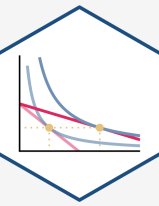


# Tax Preparation?



The screenshot shows a web browser window with the URL [propublica.org](http://propublica.org). The page features a navigation bar with links for ProPublica, Illinois, Local Reporting, Electionland, and Data Store. Below this is the ProPublica logo and a secondary navigation bar with links for Graphics & Data, Newsletters, and About. A search bar is located at the bottom right of the navigation area. The main content area displays the article title and a sub-headline: "THE TURBOTAX TRAP" followed by "Filing Taxes Could Be Free and Simple. But H&R Block and Intuit Are Still Lobbying Against It." The article text begins with: "The makers of TurboTax and other online systems spent millions lobbying last year, much of it directed toward a bill that would permanently bar the government from offering taxpayers prefilled filings."

Source: [ProPublica \(Mar 20, 2017\)](#).



nytimes.com

EAT

## The New York Times

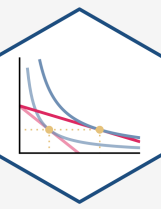
SUBSCRIBE NOW LOG IN

### Got Almond Milk? Dairy Farms Protest Milk Label on Nondairy Drinks

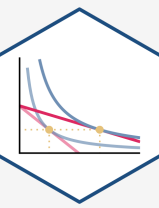
Subscribe for \$1 a week. Ends tomorrow. SUBSCRIBE

Source: [New York Times \(Feb 13, 2017\)](#)

# If You Look at the World Long Enough...



# Regulation has a Dark Side



George Stigler

1911-1991

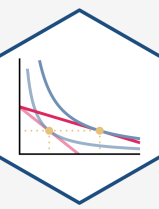
Economics Nobel 1982

“[A]s a rule, regulation is acquired by the industry and is designed and operated primarily for its benefits,”  
(p.3).

“[E]very industry or occupation that has enough political power to utilize the state will seek to control entry. In addition, the regulatory policy will often be so fashioned as to retard the rate of growth of new firms,”  
(p.5).

Stigler, George J, (1971), “The Theory of Economic Regulation,” *Bell Journal of Economics and Management Science* 3:3-21

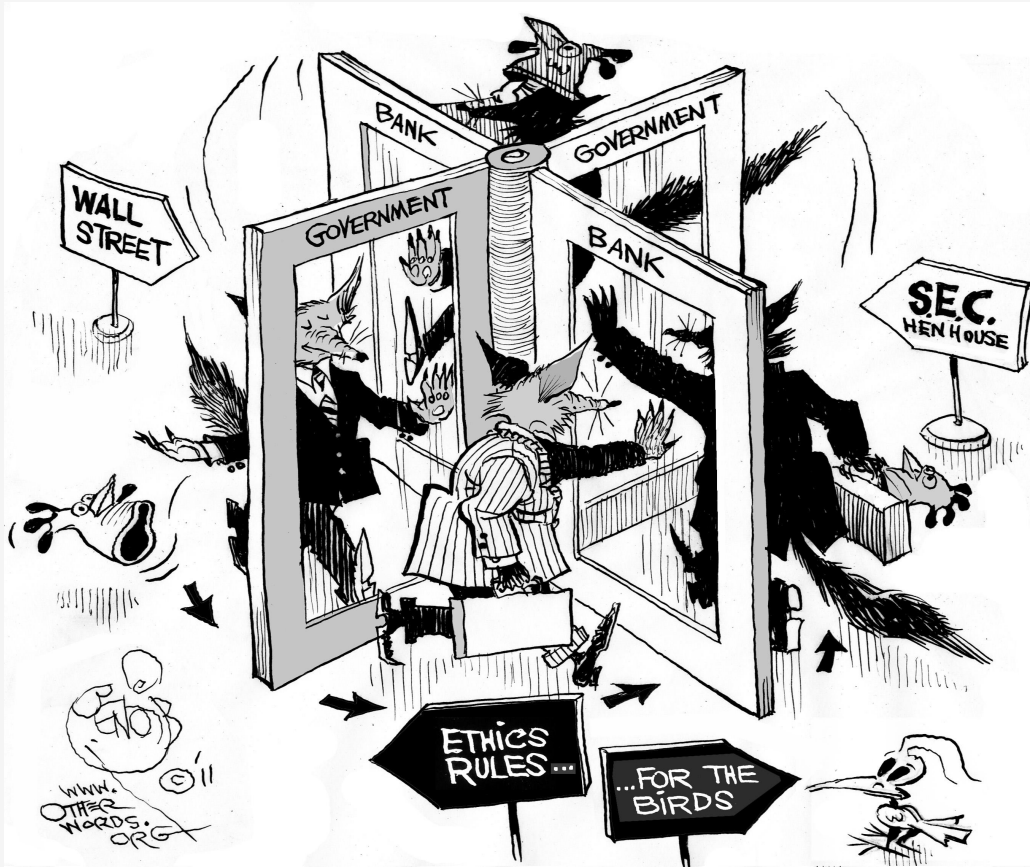
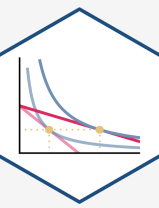
# Regulation has a Dark Side



- **Regulatory capture:** a regulatory body is “**captured**” by the very industry it is tasked with regulating
- Industry members use agency to further their own interests
  - Incentives for firms to design regulations to harm competitors
  - Legislation & regulations written by lobbyists & industry-insiders

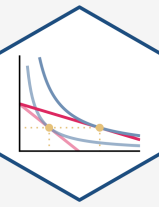


# Regulation has a Dark Side



- One major source of capture is the **“revolving door”** between the public and private sector
- Legislators & regulators retire from politics to become highly paid consultants and lobbyists for the industry they had previously “regulated”

# No Easy Solutions, Only Trade Offs!

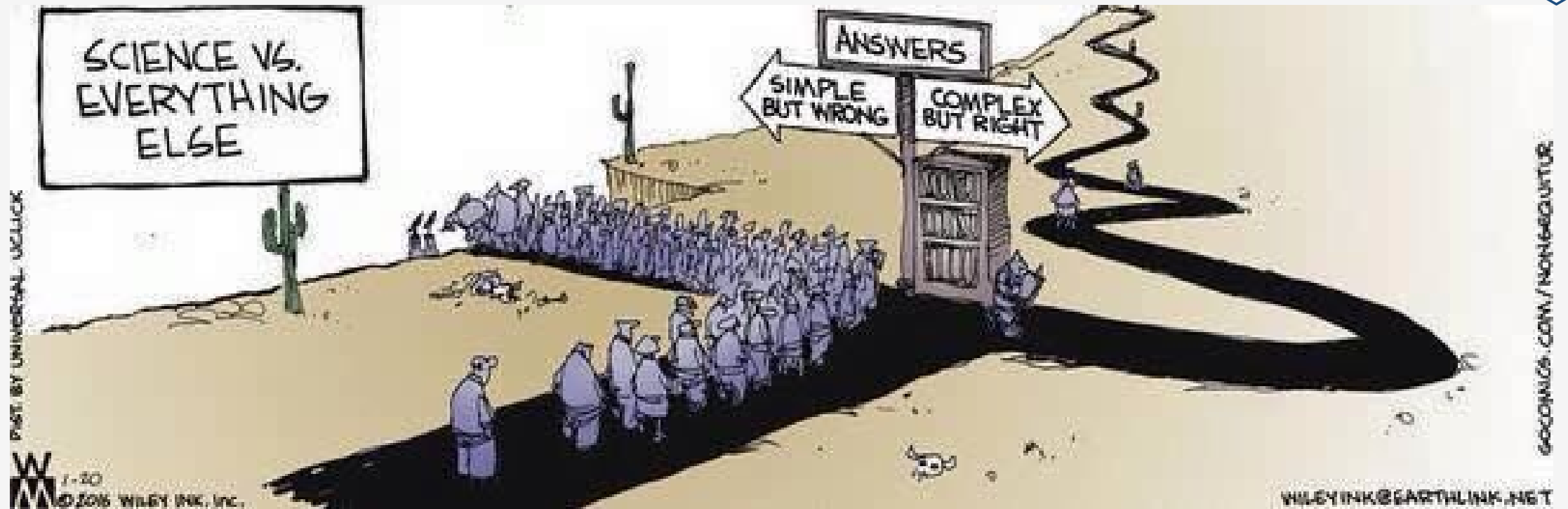
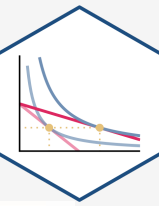


Thomas Sowell

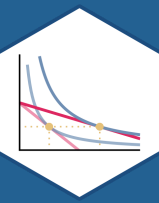
1930—

“[In economics] there are no solutions, there are only tradeoffs.”

# No Easy Solutions, Only Trade Offs!

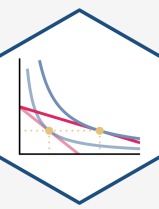






# Antitrust

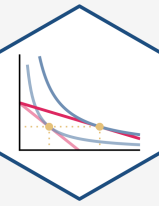
# Antitrust and Competition Law I



- Aren't monopolies illegal in the U.S.?
- **Yes:** engaging in anticompetitive practices in the U.S. is illegal under **antitrust laws**
  - Laws intended to promote economic competition and reduce excessive market power
  - enforced by DOJ (criminal) and FTC (civil)

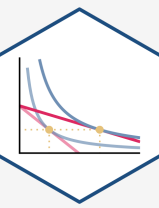


# Antitrust and Competition Law II



- Aren't monopolies illegal in the U.S.?
- **No**: most monopolies exist *because* of explicit or implicit government-backing
  - Some markets actually work *better* as a monopoly (“**the good**”, **natural monopoly**, patents, etc.)
  - Some markets and regulators are **captured** via **rent-seeking** firms to block competition (“**the ugly**”)

# Antitrust and Competition Law III

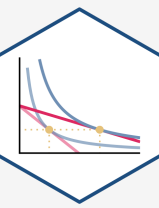


## Sherman Antitrust Act (1890)

§ 1: "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal."

§ 2: "Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony [...]"

# Antitrust and Competition Law IV




DJIA 28014.16 0.50% ▲ S&P 500 3129.96 0.63% ▲ U.S. 10 Yr 1/32 Yield 1.759% ▲ Euro 1.1009 -0.11% ▼

THE WALL STREET JOURNAL

## Federal Judge Blocks Aetna-Humana Merger on Antitrust Grounds

Judge rules that proposed health-insurance merger is anticompetitive



Signage on the exterior of the Humana Inc. office building in Louisville, Kentucky, last year. PHOTO: BLOOMBERG NEWS

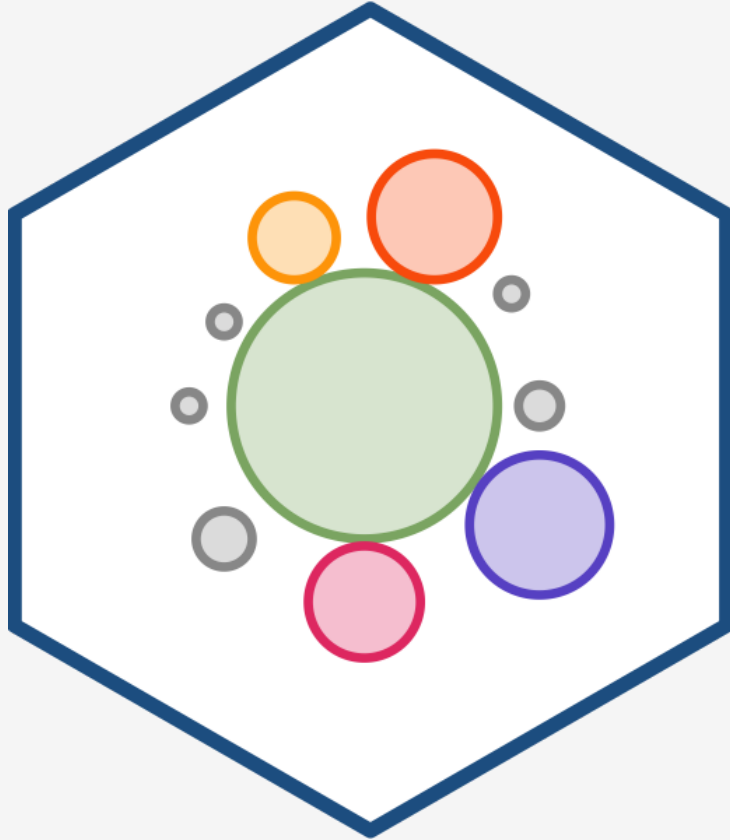
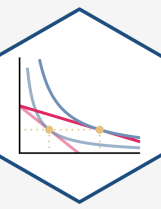
By [Brent Kendall](#) and [Anna Wilde Mathews](#)  
Updated Jan. 23, 2017 12:08 pm ET

SAVE SHARE AA TEXT 102

WASHINGTON—A federal judge Monday blocked the proposed merger of health insurers [Aetna Inc.](#) and [Humana Inc.](#) [HUM 1.31% ▲](#) on antitrust grounds, a potentially fatal blow to the [\\$34 billion deal](#) and a capstone victory for Justice Department antitrust chief under former President Barack Obama.

- Mergers, acquisitions, and major corporate activities are scrutinized by DOJ and FTC on antitrust grounds

# Antitrust



- More about antitrust in my Industrial Organization course: (Classes [4.1-4.3](#))