

revival pursued by a number of thinkers to bring U.S. antitrust policies closer to the core equity-based (read "populist") concerns of individualist antitrust.⁶⁰

4.2.4 The U.S. exports antitrust

Prior to the rise and subsequent revision of Chicago anti-structuralism, the U.S. had been exporting both its individualistic competitive philosophy, and its competition laws.⁶¹ The next two sections examine how these two individualistic constructs fared in regimes less motivated by individualism.

5. Japan

5.1 Pre-occupation competition

5.1.1 Communitarian competition

The essence of the Japanese market is communitarian. Relationships are key factors in society and business in Japan. For example, the earliest commercial groups, *zaibatsu*, were family-based structures. Other important factors mentioned by some commentators are the homogeneity of Japan's "race", Japan's resource scarcity and its insularity.

⁶⁰E.M. Fox, "Antitrust, Trade and the Twenty First Century - Rounding the Circle", *The Handler Lecture*, New York, May 26, 1993; E.M. Fox, *The Modernization of Antitrust: A New Equilibrium*, 66 *Cornell Law Review* (1981), 1140; E. Fox, "The Politics of Law and Economics in Judicial Decision Making: Antitrust as a Window", 61 *New York University Law Review* (1986), 554; K.G. Elzinga, "The Goals of Antitrust: Other than Competition and Efficiency, What Else Counts?", 125 *University of Pennsylvania Law Review*, 1191; R. Lande, "Chicago's False Foundation: Wealth Transfers (Not just Efficiency) Should Guide Antitrust", 58, *Antitrust Law Journal*, 631.

⁶¹Timberg, *op.cit.*, p. 131:

Since W.W.II, the U.S. has been exporting an intangible...the competitive philosophy, together with the rich and practical experience accumulated in seventy years on applying the Sherman Act and other antitrust laws. The process began when the U.S....as the military occupiers and governors of Germany and Japan...adopted detailed decartelization measures, patterned upon U.S. models, for those countries.