concerned with fair distribution.[25] The law's essence is in resolving disputes based on rights; this focus reveals its individualistic bent.

- **Competition policy protects political freedoms**

Competition policy is also politically motivated: it protects the democratic right to be free from control.

In controlling dominance and ensuring that markets remain competitive, competition policy has political benefits. Competitive markets are a corollary of democracy.[26] Dominance in a market skews the dispersal of power and control in society. Indeed, democracy is practically meaningless if economic power is concentrated in the hands of a few individuals or firms.[27]

This is an eminently individualistic view. The desire for freedom from control, or the desire that control be limited to institutions which the individual understands and can participate in, represents the political underpinning of

[25]Sullivan, *op.cit.*, 199, pp. 1240-1:

> In choosing among alternative antitrust rules, effects on goals like economic efficiency and such social amenities as wider ranges of opportunity or choice for individuals would be of interest, but the ultimate goal of analysis might be to identify not the rule most conducive to such maximization of these values, but the rule most consistent with their just distribution.... It may not be enough to ask which rule yields the greatest efficiency or even which rule maximizes individual opportunity. It may be necessary, in addition, to ask who is benefited, and in what degree and to consider the justice of that distribution.

[26]Jorde and Teece, "Introduction", in **Antitrust, Innovation and Competitiveness**, Oxford University Press, 1992, p. 5:

> Open and competitive systems are...often seen as a corollary of democracy. Indeed, in part, it was concern about the political power of the trusts that motivated the passage of the Sherman Act in the first place.

[27]McGowan, "Competition Policy in the European Union: A 1990s Perspective", a paper presented to the conference on National Competition Policy Institutions in a Global Market, Ottawa, 1994, p. 4.