



Cartel Criminality: The Mythology and Pathology of Business Collusion

Christopher Harding, Jennifer Edwards

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Anti-competitive business cartels, engaging in practices such as price fixing, market sharing, bid rigging and restrictions on output, are now subject to strong official censure and rigorous legal control in a large number of jurisdictions across the world. The longstanding condemnation under the US Sherman Act of 1890 has been taken up (although in a rather different form) during the last thirty years in the EC/EU and in European national jurisdictions in particular, but also in a range of countries outside North America and Europe. Legal control has not only extended geographically but has intensified, as a number of jurisdictions have moved beyond administrative regulation and penalties to embrace enforcement through civil liability and (most significantly in terms of policy and rhetoric) the methods of criminal law. It is therefore timely to consider critically this development of legal control and assess its achievement to date and its future prospects. But such an exercise requires an understanding of the reasons and need for such regulation, based on a clear appreciation of the nature and extent of the economic and social malaise which is its subject. What, more exactly, are such business cartels, why do they come into existence and persist, why are they regarded as being so bad, and what are the objectives within this increasingly complex and multi-level phenomenon of legal control? By seeking to answer such fundamental questions, this book sets a research agenda for a pathology, aetiology and criminology of business cartels, and probes more accurately their nature, operation, endurance and perceived delinquency.

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