

The Structure-Conduct-Performance Paradigm: A Contemporary Review of its Usability, Value, and Alternatives in Industrial Organization

Section 1: The Structure-Conduct-Performance Paradigm: Foundations and Influence

The study of how firms compete and how markets function, known as Industrial Organization (IO), was once a field of disparate, descriptive inquiries. Before the mid-20th century, economic analysis of industries consisted largely of detailed case studies of specific sectors like utilities, trusts, or agriculture, but lacked a unifying theoretical framework to connect these observations to broader economic principles.¹ This changed dramatically with the emergence of the Structure-Conduct-Performance (SCP) paradigm, a framework that provided the first systematic, theory-grounded, and empirically-testable method for analyzing the vast and complex landscape of real-world industries. The emergence of the SCP framework can be understood as a response to a critical intellectual vacuum; it organized the chaos, providing a common language and methodology where none had previously existed, thereby enabling cumulative research and a coherent basis for public policy discussions.

1.1 The Harvard School and the Birth of a Framework

The intellectual origins of the SCP paradigm are rooted in the academic environment of Harvard University in the 1930s.¹ The publication of Edward Chamberlin's

The Theory of Monopolistic Competition in 1933, alongside Joan Robinson's work on the same topic, was a watershed moment. These works opened a new avenue of economic inquiry by formally modeling markets that existed in the gray area between the theoretical poles of

perfect competition and pure monopoly.¹

It was Edward S. Mason, a tenured professor at Harvard, who began to build a bridge from this abstract theory to the empirical world. Mason advocated for an approach that analyzed firms within their actual market structures rather than relying on a representative firm model, framing market structure as a key determinant of market outcomes.¹ This blend of theory and empirics galvanized a research program at Harvard dedicated to the study of imperfectly competitive markets.

The most influential scholar to emerge from this environment was Joe S. Bain, a student of Mason's who received his Ph.D. from Harvard in 1940. Bain is rightly considered the "undisputed father of modern Industrial Organization Economics" because he took Mason's foundational ideas and pushed them further scientifically and empirically than anyone else.¹ In his landmark 1959 textbook,

Industrial Organization, Bain systematically laid out the SCP framework, solidifying its place as the core of the field for decades.¹ The agenda was further implemented by a younger generation of scholars, most notably Leonard W. Weiss, whose painstaking empirical research provided much of the evidence that supported the paradigm's core tenets.¹ Together, these architects from the "Harvard School" established the intellectual foundation for IO in the United States from the 1940s through the 1970s.

1.2 Core Components: Deconstructing Structure, Conduct, and Performance

The central hypothesis of the SCP paradigm is a simple and powerful causal chain: a market's **Structure** determines the strategic **Conduct** of the firms within it, which in turn determines the market's ultimate **Performance**.¹ This linear relationship, Structure → Conduct → Performance, provided a clear and logical way to organize the analysis of any given industry.

Structure refers to the relatively stable characteristics of the market environment that shape the competitive landscape. The key structural variables identified by the SCP school include ¹:

- **Seller and Buyer Concentration:** This involves the number and size distribution of firms and buyers in the market. High seller concentration, where a few large firms dominate, was believed to make collusion easier.
- **Product Differentiation:** This describes the degree to which consumers perceive the products of competing firms as substitutes, ranging from homogenous commodities (e.g., wheat) to highly differentiated goods (e.g., automobiles).
- **Conditions of Entry:** This refers to the height of barriers that impede new firms from

entering a market and competing with incumbents. Barriers can include economies of scale, patents, large capital requirements, or brand loyalty built through advertising.

- **Other Structural Factors:** These include the underlying cost structures of firms, the degree of vertical integration (i.e., whether a firm controls multiple stages of production), and the available technology.

Conduct encompasses the behavior and strategies that firms adopt within the constraints of their market structure. This includes ¹:

- **Pricing Strategies:** Firms may compete aggressively on price, leading to outcomes close to the competitive ideal, or they may engage in explicit or tacit collusion to set prices at monopolistic levels.
- **Product and Advertising Strategies:** This includes decisions on product quality, design, and the level of advertising and marketing investment.
- **Research and Development (R&D):** Firms' decisions on how much to invest in innovation and new technology.
- **Exclusionary or Predatory Tactics:** Actions designed to discipline or drive out rivals, such as predatory pricing or strategic capacity expansion.

A crucial point, acknowledged by Bain himself, was the inherent difficulty in observing and measuring conduct directly. Firm strategies are often confidential, and inferring them from market data is challenging. As a result, much of the empirical work in the SCP tradition treated conduct as an unobserved "black box," focusing instead on the more easily measurable statistical link between structure and performance.¹

Performance refers to the normative evaluation of market outcomes, judged by how well they serve the public interest. Key performance metrics include ¹:

- **Allocative Efficiency:** This is achieved when prices are equal or close to marginal costs, ensuring that resources are allocated to their most valued uses. High price-cost margins are a sign of poor allocative efficiency.
- **Profitability:** The level of industry profits. Under perfect competition, firms earn only a "normal" rate of return, while monopoly power allows for sustained "excess" profits.
- **Technical Efficiency and Progress:** This relates to whether firms are producing at the lowest possible cost and whether the industry is innovative and adopting new technologies over time.
- **Product Quality and Variety:** The extent to which the market provides high-quality goods and a range of choices that satisfy diverse consumer preferences.

The following table provides a practical guide for applying these structural concepts, translating the theory into measurable variables that can be used to analyze a specific industry.

Table 1: Key Structural Variables in Market Analysis

Structural Variable	Common Metrics	Hypothesized Effect on Competition (SCP View)
Seller Concentration	Four-Firm Concentration Ratio (CR4); Herfindahl-Hirschman Index (HHI)	Higher concentration facilitates tacit or explicit collusion, leading to higher prices and profits.
Barriers to Entry	Capital requirements; Patents; Economies of scale; Advertising intensity	Higher barriers protect incumbent firms from new competition, allowing them to sustain super-normal profits over the long run.
Product Differentiation	Advertising-to-sales ratios; Number of brands/models	Can soften price competition as firms compete on features rather than price. Can also act as an entry barrier by creating brand loyalty.
Vertical Integration	Percentage of inputs produced internally	Can create efficiencies but may also be used to foreclose markets to non-integrated rivals, raising entry barriers.
Buyer Concentration	Number and size of buyers	High buyer concentration (monopsony or oligopsony) can exert downward pressure on seller prices and profits.

1.3 The Empirical Evidence: Bain's Cross-Industry Studies and Key Findings

The SCP paradigm was not merely a theoretical construct; its influence stemmed from its

strong empirical focus. Bain's primary goal was to take the hypotheses of price theory and test them against real-world data.¹ The chosen methodology was the cross-sectional study, which involved collecting data on structure and performance variables across a wide range of industries at a single point in time and searching for statistical relationships.¹ As data sources like the US Census became more available and econometric techniques like multivariate regression became more widespread, this research grew in sophistication.¹

This empirical program yielded several landmark findings that became the bedrock of SCP's policy influence:

- **The Concentration-Profits Relationship and the "Critical" Threshold:** Bain's most famous finding was that the relationship between concentration and profitability was not linear. Instead, he identified a critical threshold: industries in which the eight largest firms controlled 70% or more of the market exhibited "substantially higher rates of excess profit" than less concentrated industries. The average profit rate in the high-concentration group was 11.8%, compared to just 7.5% in the low-concentration group. Below this threshold, profitability and concentration appeared unrelated.¹ This finding was powerful because it suggested a clear, quantifiable line for policymakers: concentration above this critical level was a strong indicator of a breakdown in competition.
- **The Independent Effect of Entry Barriers:** Bain also found that industries with "very high" barriers to entry had "distinctly higher average profit rates" than those with lower barriers. Crucially, he argued that this effect was separate and distinguishable from the influence of seller concentration.¹ This meant that even a moderately concentrated industry could perform poorly if it was protected by high entry barriers.
- **The Role of Product Differentiation:** Bain observed that the industries with the highest average profit rates—such as automobiles, liquor, and cigarettes—were also those with a very high degree of product differentiation.¹ In the SCP view, this was not seen as a benign outcome of firms better serving consumer tastes, but rather as a structural feature that could facilitate tacit collusion or erect barriers to entry, thus harming performance.

1.4 From Academia to Policy: SCP's Impact on Mid-Century Antitrust

The empirical findings of the SCP school had direct and profound policy implications. The primary prescription was clear: to preserve and create market structures that were no more than moderately concentrated, as high concentration appeared to lead to poor performance without clear offsetting benefits.¹ This academic consensus quickly translated into policy, and from the 1950s through the 1970s, SCP was the dominant analytical framework for antitrust enforcement at both the Department of Justice (DOJ) and the Federal Trade Commission

(FTC).¹

Willard F. Mueller, Chief Economist of the FTC from 1961 to 1968, later recalled that his agency relied primarily on "Professor Joe Bain's market structure-conduct-performance paradigm, his cross-sectional empirical method, and his analyses of barriers to entry".¹ Similarly, Donald F. Turner, the first Ph.D. economist to head the DOJ's Antitrust Division (1965-1968), was a product of the Harvard environment and worked to bring more systematic economic reasoning to bear on antitrust enforcement.¹

The most tangible legacy of this influence was the **1968 Merger Guidelines**. This was the first time an antitrust agency had issued a clear, public set of rules outlining its enforcement intentions. The guidelines were a direct translation of SCP principles into administrable policy, focusing on simple structural indicators, most importantly market shares and concentration ratios, to identify problematic mergers.¹

Beyond merger policy, the SCP school also mounted a critique of the existing legal framework. Bain argued that the Sherman Act was a "conduct oriented" law, meaning that to attack a monopoly, prosecutors had to prove that the firm had engaged in specific predatory or exclusionary acts. This was often a difficult, lengthy, and expensive process. The SCP perspective suggested that the problem was the monopolistic *structure* itself, regardless of how it was achieved. This led to influential proposals, most notably in the 1959 book *Antitrust Policy* by Carl Kaysen and Donald Turner, for legislative changes that would make monopolistic market structures illegal in their own right, with dissolution being the standard remedy.¹

It is a common modern caricature to portray the SCP paradigm as being simplistically anti-business or hostile to efficiency. This view is historically inaccurate. The founders of the paradigm were, in fact, deeply concerned with promoting economic efficiency and were often critical of government interventions that stood in its way. Joe Bain, for instance, devoted considerable space in his textbook to praising the "real gain in efficiency" brought about by the rise of large supermarket chains, which lowered costs and prices for consumers.¹ He was simultaneously scathing in his critique of government regulations like the Robinson-Patman Act, which he argued protected inefficient small, independent retailers from their more efficient chain-store competitors, thereby reducing "the overall vigor and effectiveness of price competition".¹ Leonard Weiss, similarly, argued that merger policy must involve a trade-off, weighing the social losses from potential collusion against the social gains from increased concentration, which could reduce "suboptimal capacity" by allowing firms to achieve greater economies of scale.¹ The SCP view was not that concentration was inherently bad, but that it became a policy problem when it led to poor performance—such as monopolistic pricing—without being justified by corresponding efficiency gains. This nuanced perspective is critical for a fair assessment of the paradigm's intellectual contribution.

Section 2: The Intellectual Counter-Revolution: Critiques and the Waning of a Paradigm

By the late 1970s, the dominance of the Structure-Conduct-Performance paradigm began to erode under the weight of a powerful intellectual counter-revolution. The assault came on two fronts: a sustained theoretical and empirical challenge from the Chicago School of economics, and the emergence of a new theoretical toolkit—game theory—that exposed the conceptual limitations of SCP's simple causal model. The paradigm that had defined the field for a generation was, by the early 1980s, largely superseded at the frontiers of economic research.

2.1 The Chicago School's Challenge: Price Theory and the Efficiency Defense

The post-World War II "Second Chicago School" developed a worldview that was fundamentally at odds with the interventionist implications of SCP. Built on a deep faith in the power of market mechanisms, its core tenets were that markets naturally tend toward competitive and efficient equilibria, that monopoly power is usually fleeting unless propped up by government regulation, and that antitrust intervention often does more harm than good.¹

The Chicago School's attack on SCP was, first and foremost, theoretical. Scholars like Richard Posner, Robert Bork, and Aaron Director argued that the SCP framework was "untheoretical, descriptive, 'institutional,' and even metaphorical," and that it "regularly advanced propositions that contradicted economic theory".¹ The remedy, in their view, was a "rigorous application of price theory".¹ Using the lens of neoclassical price theory, they argued that many of the business practices that concerned SCP scholars—such as predatory pricing, tying, and vertical integration—were, in fact, irrational for a profit-maximizing firm or were motivated by efficiency considerations. For example, they contended that predatory pricing (selling below cost to drive out a rival) was an irrational strategy because the predator would incur greater losses than the prey and could not be certain of recouping those losses with future monopoly profits.¹

This theoretical critique was coupled with a powerful alternative narrative: the efficiency defense. The central Chicago argument was that a positive correlation between market concentration and high profits was not evidence of collusion or market power, but rather a

sign of superior efficiency. In this view, firms become large and profitable because they are better than their rivals—they innovate more, manage their costs better, and serve consumers more effectively. High market share and high profits are therefore not a social problem to be remedied by antitrust, but a just reward for success in a competitive marketplace.¹ This reframing completely inverted the policy implications of SCP's core empirical finding.

The victory of the Chicago School was not merely a matter of superior economic logic; it was also a triumph of rhetoric and simplicity. The Chicago narrative—that markets work, efficiency is the goal, and government should stay out of the way—was simple, powerful, and internally consistent. It offered clear, bright-line rules for policymakers and judges who were often struggling with the more nuanced, case-by-case, and data-dependent assessments required by the SCP framework.⁸ The Chicago prescription to worry only about explicit price-fixing and horizontal mergers to monopoly provided a very narrow and manageable agenda for antitrust enforcement, giving it a significant advantage in the marketplace of ideas, particularly within legal and policy circles.¹

2.2 Unpacking the Endogeneity Problem: Did Performance Cause Structure?

The most devastating critique of the SCP paradigm was empirical, striking at the heart of its cross-industry regression methodology. In a seminal 1973 article, Harold Demsetz argued that the SCP school had the direction of causality backward.¹ The observed correlation between structure and performance did not mean that concentration

caused high profits. Instead, Demsetz argued, it was superior performance that *caused* high concentration.

The logic of this causality reversal is straightforward and aligns perfectly with the Chicago efficiency narrative. The argument proceeds as follows: in any given industry, some firms are simply better managed, more innovative, or more efficient than others. These superior firms will have lower costs and/or better products, allowing them to earn higher profits and attract more customers. Over time, these successful firms will naturally grow and gain market share, while their less efficient rivals will shrink or exit the market. The result is an industry that is both highly concentrated and highly profitable. In this scenario, the arrow of causation runs from Performance (superior efficiency) → Structure (high concentration), not the other way around.¹

This critique of "endogeneity"—the idea that structure is not an independent, external variable but is itself determined by the performance of firms within the system—fundamentally undermined the entire empirical basis of the SCP program. A simple

regression of profits on concentration became impossible to interpret. The positive correlation that Bain and others had documented could no longer be taken as *prima facie* evidence of collusive behavior or a breakdown in competition. It could just as easily reflect a healthy, dynamic competitive process that was rewarding the most efficient firms. This ambiguity rendered SCP's primary empirical tool inconclusive and cast serious doubt on its core policy prescription of deconcentration.¹

2.3 Methodological and Theoretical Shortcomings

Beyond the grand critiques of the Chicago School, the SCP paradigm also suffered from more specific methodological and theoretical weaknesses that became increasingly apparent over time.

One major issue was its reliance on accounting data, particularly profits, as a primary measure of market performance. This problem was starkly illustrated during the landmark antitrust case *U.S. v. IBM*, which ran from 1969 to 1982. The government's expert witnesses, including Leonard Weiss, used classic SCP arguments, pointing to IBM's high market share and sustained high profitability as evidence of monopoly power.¹ However, IBM's primary economic expert, Franklin M. Fisher, mounted a devastating critique of this approach. Fisher argued that using accounting rates of return to draw conclusions about monopoly profits was a "totally misleading enterprise".¹ Accounting costs, he pointed out, do not reflect economic costs (such as the opportunity cost of capital), and depreciation is often calculated arbitrarily. Furthermore, economic theory only predicts that profits will be driven to zero in a long-run competitive

equilibrium. In a dynamic, innovative industry like computing, high profits could simply be a short-run return on successful innovation and risk-taking, not evidence of a lack of competition.¹

The *U.S. v. IBM* case serves as a perfect microcosm of the paradigm shift in industrial organization. It demonstrates both the peak influence of SCP—it was the shared analytical language used by the economists on *both* sides of the case—and its ultimate unraveling. Both the government and IBM framed their arguments in terms of structure, conduct, and performance. This showed the paradigm's dominance. However, Fisher's winning arguments systematically dismantled the simplistic application of SCP to a dynamic, high-technology industry. He contended that in an environment of rapid technological change, market share is a poor and fleeting proxy for market power, and that high profits are the necessary reward for innovation, not a sign of illegal monopolization. The case thus became a real-world, high-stakes demonstration of the Chicago and methodological critiques in action, signaling

the end of an era.

The final element contributing to SCP's decline was the rise of game theory in the 1970s. Game theory provided a set of formal, rigorous mathematical tools for modeling strategic interaction—the very essence of "conduct" in oligopolistic markets.¹ The SCP framework had largely treated conduct as a black box, assuming it was a simple, deterministic outcome of market structure. Game theory demonstrated that this was a profound oversimplification. Firm behavior was not a passive response to structure but a complex game of strategy, beliefs, and expectations about rivals' actions. This new approach, which came to be known as the "New Industrial Organization," offered a far richer and more sophisticated way to understand firm behavior, making the simple, linear SCP model appear theoretically naive and obsolete.

Section 3: The Modern Synthesis: Leading Methodologies in Contemporary Industrial Organization

The decline of the Structure-Conduct-Performance paradigm did not create an intellectual void. Instead, it spurred the development of more sophisticated methodologies that sought to address its shortcomings directly. The contemporary field of Industrial Organization is now dominated by two interrelated movements: the "New IO," which uses game theory to build rigorous models of firm strategy, and the "New Empirical IO" (NEIO), which employs advanced econometric techniques to estimate these models using detailed industry-level data. These modern approaches represent a fundamental shift in focus away from SCP's broad cross-industry correlations and toward a deep, theoretically-grounded analysis of conduct and causality within specific markets.

3.1 The "New IO": How Game Theory Remodeled Strategic Interaction

The theoretical foundation of modern Industrial Organization is game theory.¹ Game theory is the mathematical study of strategic decision-making, where the payoff for one agent (or "player") depends on the choices made by other agents. This is a perfect description of competition in an oligopoly, where a firm's pricing, output, or advertising decisions directly affect the profits of its rivals, and vice versa.

Where SCP largely inferred conduct from structure, the New IO explicitly models it as the

equilibrium outcome of a strategic game. Foundational models like the Cournot (quantity competition), Bertrand (price competition), and Stackelberg (leader-follower) games provide precise predictions about firm behavior and market outcomes under different assumptions about the competitive environment.¹³ This approach allows economists to analyze a wide range of strategic behaviors—such as entry deterrence, R&D races, collusion, and product differentiation—with a high degree of theoretical rigor.¹⁵

Perhaps the most significant contribution of game theory was its ability to formally model situations of imperfect and asymmetric information. This provided a crucial theoretical breakthrough. The Chicago School had used simple price theory, which implicitly assumes perfect information, to argue that many anticompetitive behaviors like predatory pricing (pricing below cost to drive out a rival) or limit pricing (an incumbent setting a low price to deter entry) were irrational. Game theory models with asymmetric information (where, for example, an incumbent firm knows its own costs but a potential entrant does not) demonstrated that these strategies could be perfectly rational. An incumbent might rationally price below its short-run profit-maximizing level to signal to potential entrants that it is a low-cost firm, thereby deterring entry and preserving long-run monopoly profits.¹

This development created a fascinating intellectual turn. The New IO, with its sophisticated and rigorous game-theoretic tools, ended up rehabilitating many of the original concerns of the "Old IO" of the SCP school. SCP scholars had long worried about predatory and exclusionary conduct based on industry case studies and intuition, but they lacked the formal tools to model it convincingly. The Chicago School dismissed these concerns because their simpler theoretical models could not explain such behavior as rational. The New IO finally provided the right tools, demonstrating that under more realistic assumptions about information, many of the anticompetitive strategies that concerned the SCP school could indeed be rational, profit-maximizing behavior. This vindicated the original SCP intuitions on a much stronger and more rigorous theoretical foundation.¹

3.2 The "New Empirical IO" (NEIO): From Broad Correlations to Deep Industry Analysis

Concurrent with the theoretical revolution in game theory was an empirical revolution that came to be known as the New Empirical IO (NEIO). This approach represented a complete departure from the cross-industry regression methodology of the SCP paradigm. Instead of searching for general relationships that hold across the entire economy, NEIO focuses on the detailed econometric analysis of a *single industry* or market.¹

The core objective of NEIO is to estimate parameters that directly measure firm conduct and

the degree of market power, rather than relying on accounting profits as a proxy for performance.¹⁷ A typical NEIO study involves specifying and estimating a system of equations representing supply and demand for a particular industry. By analyzing how prices and quantities respond to shifts in demand and costs, researchers can infer the nature of competition. For example, they can test whether firms are behaving as perfect competitors (setting price equal to marginal cost), as a joint monopolist (colluding to maximize industry profits), or somewhere in between, as in a Cournot or Bertrand oligopoly.

This methodology was specifically designed to overcome the key flaws of the SCP paradigm:

- **It avoids the profit-concentration link:** NEIO studies typically do not use accounting profit data, thus sidestepping the host of measurement and interpretation problems identified by critics like Franklin Fisher.¹⁷ Instead, market power is inferred directly from price and quantity data.
- **It addresses the endogeneity critique:** The SCP approach was criticized for assuming a one-way causal link from structure to performance. NEIO models, by contrast, are typically specified as systems of simultaneous equations that explicitly account for the fact that price and quantity are determined jointly, thereby addressing the endogeneity of market outcomes.¹⁸
- **It opens the "black box" of conduct:** Where SCP left conduct largely unobserved, NEIO aims to estimate it directly. Researchers can estimate parameters that capture the intensity of competition or the degree of collusion, providing a direct measure of firm behavior.¹⁸

This shift in methodology reflects a broader change in the field of economics. There is a fundamental trade-off between the generality sought by SCP and the specificity achieved by NEIO. The SCP school was searching for universal laws of market behavior that could be applied across the entire economy. NEIO, in contrast, abandons this search for grand, generalizable laws in favor of a deep, precise, and context-specific understanding of a single market. This reflects a modern skepticism that a single, simple model can adequately explain competition in industries as diverse as software, airlines, and cement. The contemporary approach is to build a bespoke model tailored to the institutional details of each industry, a method that is more accurate and robust but inherently less generalizable.

3.3 Structural Estimation: A Primer on Inferring Behavior from Data

The primary tool of the New Empirical IO is a technique known as **structural estimation**. For a non-technical audience, structural estimation can be understood as a form of economic detective work. It begins with the development of a formal economic model that acts as a theory of how the industry works. This model specifies the key actors (e.g., firms, consumers),

their objectives (e.g., firms maximize profits, consumers maximize utility), and the environment in which they interact.¹⁹

The process generally involves three steps²¹:

1. **Model Specification:** The researcher builds a mathematical model of the industry based on game theory and microeconomic principles. For example, the model might describe how a set of oligopolistic firms set prices, taking into account consumer demand and their own and their rivals' costs.
2. **Estimation:** The researcher then takes this theoretical model to the data. Using real-world data on observable variables—such as prices, quantities sold, and product characteristics—and advanced econometric techniques, they estimate the "deep" or "structural" parameters of the model. These are the underlying parameters that govern behavior but are not directly observed, such as firms' marginal costs, the price elasticity of demand, or a parameter measuring the degree of collusion.
3. **Counterfactual Analysis:** The true power of structural estimation lies in this final step. Once the model's parameters have been estimated, the researcher has a fully specified, working model of the industry. They can then use this model as a laboratory to simulate the effects of "counterfactuals"—that is, events that did not happen. For example, an antitrust authority could use an estimated structural model to predict what would happen to prices if two firms in the market were allowed to merge. This ability to simulate the effects of policy changes is a key reason why structural estimation has become central to modern antitrust analysis.

This approach is not without its limitations. Structural estimation is highly demanding in terms of both data requirements and the technical skill of the researcher. More fundamentally, its conclusions are only as valid as the underlying theoretical model. If the model is a poor representation of reality, the results of the estimation and counterfactual simulations will be unreliable.¹⁹ Despite these challenges, structural estimation represents the state of the art in empirical IO, offering a powerful framework for integrating economic theory directly with empirical evidence.

3.4 A Comparative Overview

The intellectual evolution of Industrial Organization can be summarized by comparing the core tenets of these three major schools of thought. The following table provides a concise, high-level comparison, highlighting the key differences in their assumptions, methodologies, and policy implications.

Table 2: Comparison of Major IO Paradigms

Dimension	SCP (Harvard School)	Chicago School	New IO (Game Theory / NEIO)
Core Assumption	Market structure is the primary determinant of firm conduct and market performance.	Markets are generally efficient and tend toward competitive outcomes.	Firms behave strategically, and market outcomes are the equilibrium of their interactions.
Primary Methodology	Cross-industry empirical studies; statistical correlation of structure and performance variables.	Rigorous application of neoclassical price theory; theoretical analysis.	Game-theoretic modeling; single-industry econometrics (NEIO); structural estimation.
View on Market Power	Generally harmful; arises from high concentration and entry barriers, leading to collusion.	Typically transient and self-correcting; often reflects superior efficiency rather than a competitive problem.	Can be persistent; arises from strategic interaction, entry deterrence, and other complex behaviors.
Key Policy Implication	Proactive antitrust policy; deconcentration and structural remedies to promote competitive market structures.	Laissez-faire; antitrust should focus only on explicit price-fixing and mergers to monopoly.	Case-by-case analysis; focus on identifying and remedying specific anticompetitive conduct and its effects.
Treatment of "Conduct"	Largely treated as an unobserved "black box"; inferred from market structure.	Most forms of supposedly "bad conduct" (e.g., predatory pricing) are dismissed as irrational and not a	The central object of both theoretical and empirical analysis; modeled and estimated

		concern.	directly.
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Section 4: Re-evaluating SCP: Usability, Value, and Lasting Legacy

Although the Structure-Conduct-Performance paradigm has been superseded at the frontiers of academic research, it would be a mistake to dismiss it as a mere historical artifact. The framework's greatest weakness from a research perspective—its simplicity—is now its greatest strength as a pedagogical and analytical tool. For business students, managers, and policymakers who are not training to be professional econometricians, SCP continues to offer immense value as an accessible organizing framework for understanding the competitive landscape. Its concepts remain the essential building blocks of market analysis, and its influence is still deeply felt in the field of business strategy.

4.1 The Pedagogical Value of SCP: A Foundational Tool for Business Students

The primary modern value of the SCP paradigm is pedagogical. For students first encountering the complexities of industrial organization and competitive strategy, its simple, linear causal narrative provides an intuitive and powerful mental map.² The framework gives students a structured checklist of fundamental questions to ask when analyzing any industry:

- Who are the main competitors and how concentrated is the market? (Structure)
- How difficult is it for new players to enter? (Structure)
- Are the products similar or highly differentiated? (Structure)
- How do firms in this industry typically compete—on price, quality, or innovation? (Conduct)
- Is this an industry where firms are highly profitable? (Performance)

This straightforward approach makes the often-abstract concepts of economic theory tangible and applicable. The core concepts that form the heart of the SCP paradigm—concentration, barriers to entry, and product differentiation—remain the indispensable vocabulary and conceptual toolkit for any form of market analysis, even within the most sophisticated modern frameworks.¹ Teaching SCP first provides students with these

essential building blocks before they move on to more complex ideas.

Furthermore, studying the rise and fall of the SCP paradigm offers a valuable lesson in how economic thought evolves. It presents a compelling narrative of a scientific process in action: a powerful theory is proposed, it is subjected to rigorous empirical testing, it faces powerful critiques that expose its limitations, and it is eventually superseded by new theories and methods that build upon its foundations.¹ This historical perspective is crucial for developing critical thinking and an appreciation for the provisional nature of scientific knowledge.

4.2 SCP as an Organizing Heuristic in Modern Analysis and Policy Screening

While SCP is no longer used to generate dispositive conclusions in academic research or antitrust litigation, its spirit lives on as a valuable organizing heuristic and a preliminary screening tool. Antitrust agencies around the world still begin their analysis of a merger or a market by examining structural factors. A proposed merger in a highly concentrated market will automatically trigger a higher level of scrutiny than one in a fragmented market, even if high concentration is no longer considered a per se violation of antitrust law.²⁴ In this sense, SCP provides the initial "red flags" that guide deeper investigation.

The very language of the paradigm—structure, conduct, performance—has proven remarkably durable because it provides an exhaustive and logical classification of the elements of any market analysis. Even the most complex NEIO structural model is, at its core, an attempt to understand precisely how specific structural features of a market (e.g., the number of firms, the nature of demand), through the channel of strategic firm conduct (e.g., pricing behavior), affect performance outcomes (e.g., prices, consumer welfare, and firm profits).¹ The framework, if not the original simple causal model, remains an indispensable way to organize one's thinking.

Recognizing the limitations of the original static model, some have proposed a "dynamic SCP" framework. This modern adaptation acknowledges that the causal arrows do not flow in only one direction. Firm conduct (such as aggressive R&D investment) can alter market structure, and market performance (such as high profits) can induce new entry, which also changes the structure.²⁶ This revised model, with its feedback loops, is more realistic and allows strategists to consider how their own actions can shape the industry environment over time.

The enduring legacy of the SCP paradigm is not its specific answers, but the fundamental questions it taught economists and policymakers to ask. It was the first framework to force a systematic inquiry into the core elements of market competition. The questions it posed—How concentrated is the market? What are the barriers to entry? How are firms behaving? What

are the outcomes for consumers?—are now so deeply embedded in any analysis of competition that they are taken for granted. It was the SCP paradigm that first organized these questions into a coherent intellectual agenda, an agenda that the New IO and NEIO are still pursuing today, albeit with far more sophisticated tools.¹

4.3 From SCP to Five Forces: The Lingering Influence on Business Strategy

Perhaps the most visible and influential legacy of the SCP paradigm outside of economics is in the field of business strategy. There is a direct intellectual lineage from the work of Joe Bain and the Harvard School to Michael Porter's "Five Forces" framework, arguably the most famous and widely taught tool in business strategy education.²⁶

Porter's framework is, in essence, a brilliant translation and extension of SCP's core structural concepts for a managerial audience. It instructs strategists to analyze the structure of their industry by examining five competitive forces that collectively determine industry profitability:

1. **Threat of New Entrants:** This is a direct application of SCP's concept of "conditions of entry" or "barriers to entry."
2. **Bargaining Power of Buyers:** This corresponds to SCP's analysis of "buyer concentration."
3. **Bargaining Power of Suppliers:** This is the logical inverse of buyer power, applying the same structural logic to the input side of the market.
4. **Threat of Substitute Products or Services:** This relates to SCP's analysis of "product differentiation" and the availability of substitutes.
5. **Rivalry Among Existing Competitors:** This is determined by other structural factors, most notably "seller concentration."

By analyzing these five structural forces, a manager can understand the underlying profitability of their industry and develop a strategy to position their firm to best defend against these competitive pressures. The immense and enduring popularity of the Five Forces framework in business schools and boardrooms around the world is a testament to the lasting power and intuitive appeal of the SCP paradigm's fundamental insight: that market structure is a critical determinant of profitability and competitive success. This direct connection makes the SCP paradigm an essential starting point for any business management course on strategy or economics.

Section 5: Applying the Frameworks: Insights from

Contemporary Antitrust

The intellectual journey from the structural presumptions of SCP to the conduct-focused analysis of the New IO is not merely an academic debate; it is directly reflected in the evolution of antitrust enforcement. Examining contemporary, high-profile antitrust cases reveals how the focus of competition policy has decisively shifted. Today's landmark cases against dominant technology platforms are not primarily about their size or market share (structure) but about their specific business practices (conduct) that are alleged to unlawfully maintain their monopoly power.

5.1 Beyond Structure: The Focus on Conduct in Big Tech Monopolization Cases

The modern approach to monopolization cases, particularly in the technology sector, is a clear departure from the SCP era's emphasis on market structure. The central question is no longer simply "Is this firm a monopoly?" but rather "Does this firm *illegally maintain* its monopoly through exclusionary conduct?".²⁷ This shift places firm strategy and behavior—the "conduct" element that SCP found so difficult to analyze—at the very center of the inquiry. This modern focus is a vindication of the importance of conduct, requiring a game-theoretic mindset to understand how specific actions strategically disadvantage rivals and harm the competitive process.

Case Study: DOJ v. Google

The U.S. Department of Justice's successful monopolization cases against Google are prime examples of this conduct-based approach. The government's arguments did not center on a simple claim that Google's ~90% market share in search is illegal. Instead, the cases detailed a series of specific exclusionary practices that Google allegedly used to lock in its dominance and prevent rivals from competing on the merits.²⁸ The key challenged conducts included:

- **Exclusive Default Agreements:** Google pays billions of dollars annually (reportedly around \$20 billion to Apple alone) to be the preset, default search engine on web browsers and mobile devices.²⁹ The DOJ successfully argued that these agreements unlawfully locked up the most important channels for reaching consumers, effectively denying rival search engines the scale necessary to compete.²⁸
- **Anticompetitive "Ad Tech" Manipulation:** In a separate case, the DOJ alleged that Google used a series of acquisitions and anticompetitive auction manipulations to monopolize the "ad tech stack"—the complex set of tools that website publishers use to

sell advertising space. This conduct allegedly neutralized or eliminated competitors, harming publishers and advertisers.³²

These are classic conduct allegations. They focus on exclusionary contracts and strategic manipulation of a platform, which fit squarely within a modern, game-theoretic understanding of raising rivals' costs and foreclosing competition. The remedies imposed by the court—such as prohibiting Google from entering exclusive distribution contracts and requiring it to share certain data with rivals—are designed to stop the illegal conduct and pry open the market to competition.²⁸

Case Study: *FTC v. Amazon*

Similarly, the Federal Trade Commission's ongoing lawsuit against Amazon focuses on a set of interlocking business practices that allegedly allow the company to illegally maintain its monopoly power in the online superstore market. The FTC's complaint is not about Amazon's size per se, but about the specific strategies it employs.³³ The alleged anticompetitive conducts include:

- **"Anti-Discounting Measures":** The FTC alleges that Amazon punishes sellers who offer their products for a lower price on other websites (e.g., their own direct-to-consumer site). If Amazon's bots detect a lower price elsewhere, it will suppress the seller's product in Amazon's search results, making it nearly impossible for them to make sales. This effectively forces sellers to keep their prices high everywhere, leading to higher prices for consumers across the web.³³
- **Coercive Tying of Services:** The complaint alleges that Amazon conditions sellers' ability to obtain "Prime" eligibility—which is essential for success on the platform—on their use of Amazon's expensive logistics and delivery service, Fulfillment By Amazon (FBA). This tying arrangement allegedly makes it prohibitively expensive for sellers to use alternative fulfillment services or to offer their products on other platforms, thus locking them into Amazon's ecosystem.³³
- **Search Result Manipulation:** The FTC also claims that Amazon has degraded the customer experience by replacing relevant, organic search results with a clutter of paid advertisements and by biasing its search algorithm to preference Amazon's own private-label products over those of third-party sellers.³³

Each of these allegations targets a specific form of conduct—price parity clauses, tying, and self-preferencing—that is alleged to harm competition and consumers. The case demonstrates the modern antitrust focus on analyzing the complex, strategic behavior of dominant digital platforms.

5.2 Analyzing Nascent Markets: The Limits of Traditional Frameworks

in the AI Sector

The challenge of applying traditional antitrust frameworks is even more acute in "nascent" markets—those that are still in the early stages of development, like Artificial Intelligence. In such dynamic and rapidly evolving sectors, static measures of market structure like market share are often meaningless, as today's innovator could be tomorrow's obsolete technology.

The UK's Competition and Markets Authority (CMA) has been at the forefront of grappling with this challenge, launching a series of investigations into partnerships and investments between large incumbent technology firms and leading AI startups, such as Microsoft's partnership with OpenAI and its "acqui-hire" of key staff from Inflection AI, as well as Amazon's and Google's investments in Anthropic.³⁷

The CMA's approach in these cases highlights the limitations of a simple structural analysis. Its concern is not about the current market shares of these AI firms, which may be small or non-existent. Instead, the focus is on how this "interconnected web of partnerships" could shape the *future* structure of the AI market. The fear is that by controlling access to key inputs—such as computing power, vast datasets, and top engineering talent—the incumbent tech giants could foreclose competition and ensure that the nascent AI market "tips" in their favor before it ever has a chance to become truly competitive.³⁷ This forward-looking analysis of "dynamic competition" requires a sophisticated understanding of firm strategy and ecosystem control that goes far beyond the traditional SCP or even the Chicago School frameworks.

This focus on future market structure and dynamic competition connects back to a broader debate in antitrust policy. The Chicago School's revolution successfully narrowed the goal of antitrust to a focus on "consumer welfare," which in practice often meant a narrow analysis of short-term price and output effects.³⁹ However, a growing intellectual movement, sometimes called the "New Brandeisian" school, is challenging this consensus. Proponents of this view argue that antitrust should be concerned with a broader set of goals, including the protection of economic liberty, the promotion of fairness for small businesses, and a general distrust of concentrated private power, whether economic or political.³⁹ This re-introduces performance goals that were implicit in the earlier SCP era's concern with the power of big business, which manifested in its proposals for structural dissolution.¹ The current policy debate can thus be seen as a potential cyclical return to the broader, multi-faceted definition of "performance" that was displaced by the Chicago revolution, placing the entire intellectual history of the field into a new and evolving context.

Section 6: Conclusion and Recommendations for

Teaching

The intellectual journey of Industrial Organization over the past century—from the rise of the Structure-Conduct-Performance paradigm, through the Chicago School counter-revolution, to the modern synthesis of game theory and advanced econometrics—is a compelling story of scientific progress. The field has moved from a simple, deterministic causal chain to a sophisticated, data-intensive, and theoretically complex toolkit for understanding firm strategy and market outcomes. While the specific methodologies have evolved dramatically, the fundamental questions first systematically posed by the SCP school—about the nature of market structure, the behavior of firms, and the resulting economic performance—remain at the very heart of the discipline. For educators tasked with introducing these concepts to business management students, this history provides a rich foundation for a curriculum that is both intellectually rigorous and practically relevant.

6.1 Synthesizing the Evolution: From a Simple Causal Chain to a Complex Toolkit

The SCP paradigm offered a powerful, intuitive, and empirically-grounded framework that dominated economic thought and antitrust policy for a generation. Its central insight—that the structure of a market profoundly influences its outcomes—remains a cornerstone of economic and strategic analysis. However, its simple, linear model proved vulnerable to powerful critiques. The Chicago School compellingly argued that high performance could cause high concentration, not the other way around, while the game-theoretic revolution of the New IO demonstrated that firm conduct was a far more complex strategic variable than SCP had allowed.

The result is the modern toolkit of Industrial Organization. It is less focused on finding universal laws and more dedicated to the careful, context-specific analysis of individual industries. It uses the language of game theory to model strategic behavior and the tools of the New Empirical IO, particularly structural estimation, to measure market power and simulate the effects of business strategies and public policies. This modern approach is more realistic, more rigorous, and more powerful than its predecessors, but it is also far more complex and technically demanding.

6.2 A Recommended Approach for Teaching Industrial Organization to

Business Students

Given this evolution, the challenge for an instructor is to convey the core insights of the field in a way that is accessible and useful for business students who need practical analytical tools, not just abstract theory. A highly effective pedagogical approach would be to structure the course to mirror the historical evolution of the field itself.

- **1. Start with SCP as the Foundational Framework:** The course should begin with a thorough grounding in the Structure-Conduct-Performance paradigm. Its simplicity and clear, linear logic make it the ideal entry point for students.² It provides an immediate and intuitive way to organize their thinking about any industry. The student project of applying a framework to a specific sector should be explicitly based on the SCP model. The checklist of structural variables (as outlined in Table 1) provides a clear, actionable, and feasible research agenda for an undergraduate or MBA-level project.
- **2. Connect SCP Directly to Business Strategy:** The link between SCP and Michael Porter's Five Forces framework should be made explicit and central to the course.²⁶ For business students, this connection is the "killer app" of the SCP paradigm. Showing them how the abstract economic concepts of concentration and entry barriers translate directly into the strategic analysis of rivalry and the threat of new entrants makes the theory immediately relevant and powerful.
- **3. Introduce the Critiques as Layers of Sophistication:** Once students have a firm grasp of the basic SCP model, the Chicago School and game theory should be introduced as successive layers of nuance and critique. The Chicago School's efficiency defense can be used to teach students to question the simple assumption that "big is bad" and to consider how market leadership can be a result of superior performance. Game theory can then be introduced to show *why* a simple structural analysis is often insufficient, demonstrating how strategic interaction can lead to complex and sometimes counter-intuitive outcomes.
- **4. Use Modern Antitrust Cases to Illustrate Conduct:** The course should culminate in an analysis of contemporary antitrust cases, such as those against Google and Amazon. These cases serve as perfect capstone examples to bring the entire intellectual history to life. They demonstrate in a tangible, high-stakes context how modern analysis has shifted its focus to strategic conduct—exclusive contracts, tying, self-preferencing—thereby illustrating the real-world relevance of the game-theoretic concepts introduced earlier. This approach answers the crucial "so what?" question, showing students how these economic frameworks are being used today to shape the most important markets in the global economy.

By following this structured approach, an instructor can guide students on a journey that begins with a simple, powerful organizing idea, progressively adds layers of critical thinking and theoretical sophistication, and concludes with a clear understanding of how these tools

are applied to the pressing business and policy challenges of the 21st century.

Works cited

1. SocArXiv Papers _ The Rise, Fall, and Legacy of the Structure-Conduct-Performance Paradigm.pdf
2. The SCP Paradigm - Structure drives Conduct which drives ..., accessed on September 8, 2025,
<https://www.mbaknol.com/managerial-economics/the-scp-paradigm-structure-drives-conduct-which-drives-performance/>
3. Propaedeutics in the theory of the industrial organisation: the SCP (structure, conduct, performance) model - Cairn, accessed on September 8, 2025,
<https://shs.cairn.info/revue-journal-of-innovation-economics-2016-2-page-197?lang=fr>
4. (PDF) Structure Conduct and Performance in Industrial Organization: A Contemporary Examination of Causal Relationships - ResearchGate, accessed on September 8, 2025,
https://www.researchgate.net/publication/382001870_Structure_Conduct_and_Performance_in_Industrial_Organization_A_Contemporary_Examination_of_Causal_Relationships
5. Propaedeutics in the theory of the industrial organisation: the SCP (structure, conduct, performance) model | Cairn.info, accessed on September 8, 2025,
<https://shs.cairn.info/revue-journal-of-innovation-economics-2016-2-page-197?lang=en>
6. The Rise, Fall, and Legacy of the Structure-Conduct-Performance Paradigm, accessed on September 8, 2025,
https://ipl.econ.duke.edu/seminars/system/files/seminars/3754_paper.pdf
7. Structure Conduct Performance Model - Explained - TheBusinessProfessor, accessed on September 8, 2025,
<https://thebusinessprofessor.com/structure-conduct-performance-model-explained/>
8. The Chicago School and the Forgotten Political Dimension of Antitrust Law, accessed on September 8, 2025,
<https://lawreview.uchicago.edu/print-archive/chicago-school-and-forgotten-political-dimension-antitrust-law>
9. Overshot the Mark? A Simple Explanation of the Chicago School's Influence on Antitrust, accessed on September 8, 2025,
<https://competitionpolicyinternational.com/assets/Od358061e11f2708ad9d62634c6c40ad/WrightExtended.pdf>
10. UNIVERSITY OF PENNSYLVANIA LAW REVIEW, accessed on September 8, 2025,
https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3115&context=faculty_scholarship
11. Industrial organization - Wikipedia, accessed on September 8, 2025,
https://en.wikipedia.org/wiki/Industrial_organization
12. Game Theory and Industrial Organization - ResearchGate, accessed on

September 8, 2025,

https://www.researchgate.net/publication/249839451_Game_Theory_and_Industrial_Organization

13. Game theory - Wikipedia, accessed on September 8, 2025,
https://en.wikipedia.org/wiki/Game_theory
14. Game Theory in Economics and Beyond, accessed on September 8, 2025,
<https://pubs.aeaweb.org/doi/10.1257/jep.30.4.107>
15. Applications of Game Theory in Modern Economic Policy Design, accessed on September 8, 2025,
<https://internationalpubs.com/index.php/cana/article/download/4733/2628/8276>
16. An Introduction to Game Theory for Antitrust Lawyers - ResearchGate, accessed on September 8, 2025,
https://www.researchgate.net/publication/228799576_An_Introduction_to_Game_Theory_for_Antitrust_Lawyers
17. PowerPoint Presentation - TAU, accessed on September 8, 2025,
<https://www.tau.ac.il/~gandal/lecture11.ppt>
18. Visiting an old battleground in empirical industrial organization: SCP ..., accessed on September 8, 2025,
<https://www.tandfonline.com/doi/pdf/10.1080/13504851.2014.887187>
19. Structural Estimation in Social Science : Department Research, accessed on September 8, 2025, <https://www.sas.rochester.edu/psc/research/structural.html>
20. Structural estimation - Wikipedia, accessed on September 8, 2025,
https://en.wikipedia.org/wiki/Structural_estimation
21. Structural Estimation in Urban Economics* - Real Estate Faculty, accessed on September 8, 2025,
https://real-faculty.wharton.upenn.edu/wp-content/uploads/~duranton/Duranton_Papers/Handbook/Structural_estimation_in_urban_economics.pdf
22. Introduction to Structural Estimation in Corporate Finance, accessed on September 8, 2025,
http://finance-faculty.wharton.upenn.edu/luket/wp-content/uploads/sites/10/2017/04/Structural_estimation_2017.pdf
23. SCP, NEIO and Beyond, accessed on September 8, 2025,
<https://www.agi.or.jp/media/publications/workingpaper/WP2007-05.pdf>
24. Beyond the SCP paradigm: Merger control for the twenty-first century, accessed on September 8, 2025,
<https://www.hausfeld.com/what-we-think/competition-bulletin/beyond-the-scp-paradigm-merger-control-for-the-twenty-first-century>
25. Structure–Conduct–Performance (Chapter 2) - Estimating Market Power and Strategies, accessed on September 8, 2025,
<https://www.cambridge.org/core/books/estimating-market-power-and-strategies/structureconductperformance/0AFBD6AF79181C94389B4DC55401DF46>
26. Enduring Ideas: The SCP Framework - McKinsey, accessed on September 8, 2025,
<https://www.mckinsey.com/capabilities/strategy-and-corporate-finance/our-insights/enduring-ideas-the-scp-framework>
27. Structure–Conduct–Performance: An Earlier Generation of Antitrust ..., accessed

- on September 8, 2025,
<https://conversableeconomist.com/2025/02/11/structure-conduct-performance-a-n-earlier-generation-of-antitrust/>
28. Department of Justice Wins Significant Remedies Against Google, accessed on September 8, 2025,
<https://www.justice.gov/opa/pr/department-justice-wins-significant-remedies-against-google>
 29. ETtech Explainer: Google vs US in search monopoly case, accessed on September 8, 2025,
<https://economictimes.indiatimes.com/tech/technology/ettech-explainer-google-vs-us-in-search-monopoly-case/articleshow/123700072.cms>
 30. How Google Chrome ruling may be 'good news' for Apple despite end of 'exclusive' agreements, accessed on September 8, 2025,
<https://timesofindia.indiatimes.com/technology/tech-news/how-google-chrome-ruling-may-be-good-news-for-apple-despite-end-of-exclusive-agreements/articleshow/123680932.cms>
 31. Google antitrust ruling: Court says Google can keep Android and Chrome but will have to, accessed on September 8, 2025,
<https://timesofindia.indiatimes.com/technology/tech-news/google-antitrust-ruling-court-says-google-can-keep-android-and-chrome-but-will-have-to/articleshow/123672479.cms>
 32. Office of Public Affairs | Department of Justice Prevails in Landmark ..., accessed on September 8, 2025,
<https://www.justice.gov/opa/pr/department-justice-prevails-landmark-antitrust-case-against-google>
 33. FTC v. Amazon.com | TechPolicy.Press, accessed on September 8, 2025,
<https://www.techpolicy.press/tracker/ftc-v-amazoncom/>
 34. FTC v. Amazon - Wikipedia, accessed on September 8, 2025,
https://en.wikipedia.org/wiki/FTC_v._Amazon
 35. The Federal Antitrust Case Against Amazon, accessed on September 8, 2025,
<https://ilsr.org/wp-content/uploads/2023/03/ILSR-AmazonFTCLawsuitExplainer.pdf>
 36. Amazon.com, Inc. (Amazon eCommerce) | Federal Trade Commission, accessed on September 8, 2025,
<https://www.ftc.gov/legal-library/browse/cases-proceedings/1910129-1910130-amazoncom-inc-amazon-ecommerce>
 37. The rise of 'intelligent' partnerships - Linklaters, accessed on September 8, 2025,
<https://www.linklaters.com/en/insights/publications/platypus/platypus-uk-merger-control-analysis/twenty-fourth-platypus-post---the-rise-of-intelligent-partnerships>
 38. Key themes emerging from the UK CMA's review of AI partnerships under its merger control rules | Herbert Smith Freehills Kramer, accessed on September 8, 2025,
<https://www.hsfkramer.com/notes/crt/2024-posts/key-themes-emerging-from-the-uk--cma-s-review-of-ai-partnerships-under-its-merger-control-rules>

39. The Chicago School, the Post-Chicago School, and the New Brandeisian School of Antitrust: Who is Right in Light of Modern Economics? - The George Mason Law Review, accessed on September 8, 2025,
https://lawreview.gmu.edu/print__issues/the-chicago-school-the-post-chicago-school-and-the-new-brandeisian-school-of-antitrust-who-is-right-in-light-of-modern-economics/