

## Table of Contents

*Boris Gehlen/Günther Schulz*

- National Regulatory Traditions? Introductory Remarks ..... 1

*Mathias Schmoekel*

- Liberty *in or for* the Market? The Legal Response to “Big Business”  
in the United States and Germany ..... 9

*Markus Wagner*

- Legal Perspectives and Regulatory Philosophies on Natural Monopolies  
in the United States and Germany ..... 53

*Andreas Thier*

- Different Paths – Same Direction. Comment on Markus Wagner: “Legal  
Perspectives and Regulatory Philosophies on Natural Monopolies in the  
United States and Germany” ..... 75

*Frank Schorkopf*

- Constitutional Principles and Regulation in Germany ..... 83

*William J. Novak*

- Law and the Social Control of American Capitalism ..... 95

*Markus Patt*

- The Rise and Fall of Regulatory Authorities. A US-German Comparison  
for the late 19<sup>th</sup> Century Railroad Sector. Comment on Frank Schorkopf:  
“Constitutional Principles and Regulation in Germany” and William J.  
Novak: “Law and the Social Control of American Capitalism“ ..... 129

*James W. Ely Jr.*

- Railroad Regulatory Policy in the 19<sup>th</sup> Century ..... 141

*Boris Gehlen*

- Between Regulation and Nationalization: The Influence of Interest Groups  
on Railways, Telecommunications, and Electricity Industry Legislation in  
Germany, 1871–1935 ..... 155

*Roman Michalczyk*

- Regulation or Nationalization – Two Ways to Exercise Regulatory  
Concepts on Monopoly Markets. Comment on James W. Ely: “Railroad  
Regulatory Policy in the Nineteenth Century” and Boris Gehlen: “Between  
Regulation and Nationalization: The Influence of Interest Groups on  
Railways, Telecommunications, and Electricity Industry Legislation in  
Germany, 1871–1935” ..... 181

*Marc Levinson*

- Evasion as a Driving Force in U.S. Transport Deregulation ..... 187

*Katja Fuder*

- Comment on Marc Levinson: “Evasion as a Driving Force in U.S.  
Transport Deregulation” ..... 197

*Alfred C. Mierzejewski*

- Comparing Apples and Oranges: A Comparison of American and  
German Railways ..... 201

*Mark H. Rose*

- Railroads as Legal Regimes. Comment on Alfred C. Mierzejewski:  
“Comparing Apples and Oranges: The Historical Development of  
Railways in the United States and Germany” ..... 225

*Johannes Rüberg*

- A Tale of Fraternal Twins: German vs. U.S. Telecommunications  
in the 20<sup>th</sup> Century ..... 229

*Klaus Ferdinand Gärditz*

- The Creation of Regulated Competition Markets and the Rise of  
Bureaucratic Autonomy in the German Law of Telecommunications ..... 245

*Christian Maurer*

- Comment on Klaus Ferdinand Gärditz: “The Creation of Regulated  
Competition Markets and the Rise of Bureaucratic Autonomy  
in the German Law of Telecommunications” ..... 267

<i>William J. Hausman/John L. Neufeld</i>	
Regulation and Restructuring of the U.S. Electric Utility Industry in the 20 <sup>th</sup> Century .....	273
<i>Alexandra von Künsberg-Langenstadt</i>	
The Powers behind the Thrown – Reasons for the Persistence of the Regulated Electricity Industry in Germany .....	299
<i>Thomas Züll</i>	
Low-Cost or Secure? Questions about the Impact of Political Goals on Regulations of the Electric Utility Industry. Comment on William J. Hausman/John L. Neufeld: “Regulation and Restructuring of the U.S. Electric Utility Industry in the 20th Century” and Alexandra von Künsberg-Langenstadt: “The Powers behind the Thrown – Reasons for the Persistence of the Regulated Electricity Industry in Germany” .....	319
List of Contributors .....	325