



Regulating the National Pastime: Baseball and Antitrust

Jerold J. Duquette

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Major League Baseball, alone among industries of its size in the United States, operates as an unregulated monopoly. This 20th-century regulatory anomaly has become known as the baseball anomaly. Major League Baseball developed into a major commercial enterprise without being subject to antitrust liability. Long after the interstate commercial character of baseball had been established and even recognized by the Supreme Court, baseball's monopoly remained free from federal regulation. Duquette explains the baseball anomaly by connecting baseball's regulatory status to the larger political environment, tracing the game's fate through four different regulatory regimes. The constellation of institutional, ideological, and political factors within each regulatory regime provides the context for the survival of the baseball anomaly.

Duquette shows baseball's unregulated monopoly persists because of the confluence of institutional, ideological, and political factors which have prevented the repeal of baseball's antitrust exemption to date. However, both the institutional and ideological factors are fading fast. Baseball's owners can no longer claim special cultural significance in defense of their exemption. Nor can they credibly claim that the commissioner system approximates government regulation effectively. Both of these strategies have been discredited by the labor unrest of the 1980s and 1990s. Duquette provides a unique perspective on American regulatory politics, and by explaining a complicated story in comprehensive prose, he has given researchers, policy makers, and fans a fascinating look at the business of baseball.

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