

## L'ORDINE DELLA LIBERTÀ. STATO E MERCATO NELLA PROSPETTIVA ORDOLIBERALE

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**Abstract.** The article is concerned with Ordoliberalism; a liberal theory developed in early XXth century Germany by the economist Walter Eucken and the jurist Franz Böhm - founders of the Freiburg School of Law and Economics and of the review "Ordo" Jahrbuch für die Ordnung von Wirtschaft und Gesellschaft – together with the sociologist pair Alexander Rüstow and Wilhelm Röpke. Ordoliberalism is best described as a rationalistic liberal theory based on the rejection of the laissez faire capitalism as well as the collectivistic totalitarianism. The Freiburg School sought to revise classical liberalism. Ordoliberals focused on the normative (juridical, ethical and socio-anthropological) framework of a well-functioning market economy. They also developed a particular form of market-compatible social policy. What follows, then, will highlight the most relevant features of Ordoliberalism. The historical, philosophical and epistemological premises of ordoliberal theory will, therefore, need to be considered. Following this, the ordoliberal concepts of Ordnungstheorie, Ordnungspolitik and Vitalpolitik will be broadly outlined. In conclusion the most relevant interpretations of ordoliberal tradition will be outlined.

In stark contrast to the Schmoller's German Historical School of Economics, ordoliberals (Eucken) have overseen the development of a phenomenological-rationalistic and truth-oriented approach to the problems of political and economic order. According to ordoliberal theorists the market economy has to be intended as a privilege-free and consumer-oriented competitive order (Leistungswettbewerbsordnung). Market economy, on the one hand, is thought to be the only economical order compatible with a social and political system based on individual rights (Rechtsstaat). At the centre of ordoliberal theory lies a vehement criticism of private monopolistic economical power. An important role is assigned to the state and the law in the construction of a privilege-free

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and competitive market-order. Ordoliberals, in fact, conceived of the Wettbewerbsordnung as the product of a political-juridical constitution of economy (Wirtschaftsverfassung), and of a framework- (not process-) regulation policy (Ordnungspolitik). Both concepts were intended to avoid the private monopolistic exploitation of the free market-economy, and the consequent "re-feudalisation" of society. On the other hand, ordoliberals also thought that market economy is a partial order, connected to other important (juridical, ethical, religious, sociological) dimensions of human life. Correspondingly, the economical constitution has to be intended as a part of the global political constitution of a nation (Böhm). In order to guarantee the conditions of an effective market-economy, and to realize the de-proletarianisation of society (Rüstow, Röpke), the state has to take market-compatible social measures for realizing equal starting conditions; for instance in educational policy. At the same time, however, the state must promote individual responsibility by fostering state- and market-independent social dimensions and subsidiary orders (such as family /community / free associations). The aim is to balance the anonymity of the market mechanism and to avoid the unlimited growth of public welfare and state bureaucracy. The very crucial aims of the so-called ordoliberal Vitalpolitik are, therefore: the deconstruction of state (process-) interventionism as well as that of big-sized capitalism; the realization of the widest diffusion of private property along with the creation of a decentralized institutional and economical order against state monopolism and large multi-national big corporations.