

Ernst-Joachim Mestmäcker

## Wettbewerb in der Privatrechtsgesellschaft

Erweiterte Fassung der 1. Franz-Böhm-Vorlesung am 19. September 2017 in Freiburg

[Competition in Private Law Society. Extended Edition of the Böhm Lecture held on the 19<sup>th</sup> of September 2017 in Freiburg.]

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The legal scholar Franz Böhm joins the eminent economists Walter Eucken and F. A. von Hayek in the yearly memorial lectures sponsored by the Walter Eucken Institute. Together these three explored the founding and legitimizing principles of the market economy as a system for free and equal citizens within a democracy. Ernst-Joachim Mestmäcker illustrates how Franz Böhm established the theory of economic constitution, encompassing competition and the private law society, and showing that free societies are dependent on rules to facilitate peaceful cooperation, the most important of which are the non-utilitarian rules of private law. Since John Locke, it is known that these protect the individual rights of citizens and legally ensure that they are able to fulfill their own life plans. Böhm's theory reinforces these insights and in the light of current criticism of market economies, confirms the present political relevance of ordoliberal theory.

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