

# Beiträge zur Ordnungstheorie und Ordnungspolitik

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1988. VI, 61 pages.

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**Herdzina, Klaus**

## Möglichkeiten und Grenzen einer wirtschaftstheoretischen Fundierung der Wettbewerbspolitik

**Issing, Otmar**

## Stabiles Geld – eine Illusion?

Alternative Währungssysteme – Hayeks Fundamentalkritik – Unabhängigkeit der Notenbanken.  
Erweiterte Fassung der 21. Friedrich A. von Hayek-Vorlesung gehalten am 13. November 2017 in  
Freiburg

Volume 180  
2019. 71 pages.

ISBN 9783161588822  
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Governments are, and always were, a threat to monetary stability; Hayek's currency competition fails to convince: So is stable money just an illusion? The independence of central banks and a clear mandate for maintaining price stability are the best options in this on-going battle, finds Otmar Issing.

**Mestmäcker, Ernst-Joachim**

## Wettbewerb in der Privatrechtsgesellschaft

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

Volume 179  
2019. 63 pages.

ISBN 9783161559112  
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eBook PDF 24,00 €

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.

**Villiger, Kaspar**

## Mit Freiheit und Werten zu Wohlstand

Zwölf Thesen eines Pendlers zwischen Wirtschaft und Politik

Volume 178  
2015. 91 pages.

ISBN 9783161536168  
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ISBN 9783161536175  
eBook PDF 29,00 €

Why does the state not only need the market economy, but the market economy also the state? Why do laws often impact us differently than the lawmaker expects? How does prosperity originate? In 12 theses, Kaspar Villiger gives a summary of his 46 years as a businessman, a member of the administrative board of global groups, minister of defence and finance as well as president of the Swiss confederation, searching for answers to these and other questions. He questions why the economy should also let itself be guided by ethical criteria and how federalism should be structured so that each of the member states accepts its own responsibility. He also analyzes why democracies need a commitment to certain rules of conduct to avoid getting bogged down in debt. In doing so, Villiger substantiates the knowledge based on his own experience with the insights provided by modern economics. His thoughts are a passionate plea for a free social order.

**Mayer, Thomas**

## Die Ökonomen im Elfenbeinturm

Eine »österreichische« Antwort auf die Finanz- und Eurokrise

Volume 177  
2014. 83 pages.

ISBN 9783161528859  
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From the perspective of the Austrian economic school, economic policy is presently following the wrong recipes for resolving the financial crisis and stabilizing the euro. Less constructivism in economic policy, a better framework for the free play of market forces, a link between sovereignty and liability for government finances of EMU member countries and (in EMU and elsewhere) un-political money would be needed. In his Hayek-lecture 2012, Thomas Mayer explains how the insights of the Austrian school into the link between the real economy and the financial sector have been largely ignored by economic policy makers and the academic mainstream, to the detriment of our societies. Unfortunately, no lessons appear to have been learned from this. The trend is towards even more constructivism, more government, mutualization of debt in the EMU and to the politicization of money.

Weede, Erich

## Freiheit und Verantwortung, Aufstieg und Niedergang

Volume 176  
2012. 55 pages.

ISBN 9783161518331  
paper 29,00 €

ISBN 9783161520914  
eBook PDF 29,00 €

This is the printed version of Erich Weede's 'Hayek lecture' given in November 2011. It is divided into three parts: The introduction deals with incentives, freedom and responsibility; it is based on the findings of Smith, Mises and Hayek. The author then examines the effects of a liberal economic order and uses this to explain how Europe was able to overtake the sophisticated Asian cultures. If economic freedom and the secure property rights of merchants and manufacturers are the decisive factor in the rise of Europe, the question dealt with in conclusion arises: Can Western democracies maintain economic freedom and prosperity? Or will creeping socialism, which is expressed in the welfare state and in the euro bailout package, lead to their fall, since work incentives are endangered, economic freedom is curtailed and more and more people do not have to accept responsibility for the consequences of their behavior?

Heinemann, Andreas

## 'Ökonomischer Patriotismus' in Zeiten regionaler und internationaler Integration

### Zur Problematik staatlicher Aufsicht über grenzüberschreitende Unternehmensübernahmen

Volume 175  
2011. 122 pages.

ISBN 9783161507861  
paper 34,00 €

ISBN 9783161517471  
eBook PDF 34,00 €

Today, the importance of Foreign Direct Investment (FDI) is recognized nearly universally. But when it comes to inbound FDI in the form of cross-border mergers and acquisitions, states see their interests affected. Whereas in some countries the preference of domestic over foreign ownership is restricted to the field of national security, some governments seem to discover a general threat attributed to takeovers from abroad. Accordingly, an increasing number of states have installed control mechanisms which aim at screening cross-border takeovers as to their compatibility with national interests. This inquiry comprises a legal and an economic analysis: First, an inventory of national policy instruments is made. Second, it is examined to what extent national control instruments are compatible with international economic law including Regional Integration Agreements. Third, the economic goals of government interference are identified and confronted with the actual motivation behind state interference. The paper concludes with some policy proposals.

Mestmäcker, Ernst-Joachim

## A Legal Theory without Law

### Posner v. Hayek on Economic Analysis of Law

Volume 174  
2007. 66 pages.

ISBN 9783161492761  
paper 29,00 €

ISBN 9783161510724  
eBook PDF 29,00 €

Ernst-Joachim Mestmäcker reviews Richard Posner's and Friedrich A. von Hayek's legal theories. Both are famous for their contributions to law and economics. They are, however, adversaries in their concepts of law and how it is to be informed by economics. Posner finds the only scientific legal theory in the external (economic) analysis of law. With Friedrich von Hayek the role of rules of conduct and legislation is to be determined by the principles that govern a free and competitive order. There are, contrary to Posner, important contributions from legal scholarship, legal history and comparative law.

## Das selbstgeschaffene Recht der Wirtschaft

### Zum Gedenken an Hans Großmann-Doerth (1894–1944)

#### Hrsg. v. Uwe Blaurock, Nils Goldschmidt u. Alexander Hollerbach



Mohr Siebeck

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Volume 171  
2005. 123 pages.

ISBN 9783161486531  
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Hans Großmann-Doerth was one of the founding members of the Freiburg School. One of the central themes for Großmann-Doerth, and for the other members of the Freiburg School as well, was the question of private power in a free society. In 1936/37, along with Franz Böhm and Walter Eucken, he founded the series »Ordnung der Wirtschaft«, whose publication is often regarded as the »birth of the Freiburg School«. The purpose of this volume is to remember the life and works of Hans Großmann-Doerth. In addition to introductory comments about his relationship to the Freiburg School, it contains the first comprehensive biographical portrayal as well as a systematic analysis of central questions. There is also a reprint of Großmann-Doerth's impressive inaugural lecture »The Self-produced Law of the Business Community« as well as excerpts of his correspondence.

Survey of contents

*Nils Goldschmidt:* Zur Einführung: Hans Großmann-Doerth und die Freiburger Schule – *Alexander Hollerbach:* Hans Großmann-Doerth im Kontext der Freiburger Rechts- und Staatswissenschaftlichen Fakultät – *Marc H. Speck:* Hans Großmann-Doerth: Lebensdaten – *Uwe Blaurock:* Wirtschaft und Rechtsordnung. Möglichkeiten und Grenzen privatautonomer Rechtssetzung – *Hans Großmann-Doerth:* Selbstgeschaffenes Recht der Wirtschaft und staatliches Recht

Ladeur, Karl-Heinz

## Kritik der Abwägung in der Grundrechtsdogmatik

### Plädoyer für eine Erneuerung der liberalen Grundrechtstheorie

Volume 170  
2004. 83 pages.

ISBN 9783161569562  
eBook PDF 29,00 €

The practice and the dogmatics of fundamental rights are determined by the concept of »balancing«. There is no reason to object to letting a judge weigh the issues as a means of coping with the conflict of fundamental rights in borderline cases. What is questionable however is the lack of standards for and the generalization of »multipolar balancing« between all types of constitutional interests. Karl-Heinz Ladeur has devised a subtly diversified dogmatics of fundamental rights which transcends the classic dichotomy of »man versus the state« to take into account the collective aspect of fundamental rights as a guarantee of the social self-organization of those areas of action which have been given constitutional protection from the state.

Di Fabio, Udo

## Der Verfassungsstaat in der Weltgesellschaft

International cooperation and the opening of the nation states have led to a fundamental change in the concept and the reality of those modern states which are governed by a constitution. The abolishment of boundaries in the international economy and European integration have changed the distinctions made by the national constitutional systems and the priorities they set. Fundamental rights and democracy, national borders and the relationship between politics and law will have to be reconsidered. In these articles, the author advocates maintaining the constitutional commitments, in a different form, and asking for something similar on a European level. Examining the continuing development of the European Union, Udo Di Fabio suggests a democracy to be established at several different levels and a union of open states, a union which however does not aim at becoming a state itself.

Volume 166  
2001. 148 pages.

ISBN 9783161476129  
paper 44,00 €

Koslowski, Peter

## Ethik des Kapitalismus

### Komment. v. James M. Buchanan

Volume 87  
6th, reviewed edition [reprint 2010]  
1998. 92 pages.

ISBN 9783161470141  
paper 19,00 €