

“Competition law through an ordoliberal lens”

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Abstract

Ordoliberalism is a German school of economic thought that advocates regulation of the free market economy based on a set of state-imposed rules guaranteed by the economic constitution, to impose a competitive order in society. It proposes an alternative method to pure laissez-faire and state-planned economy for the better regulation of the market economy, where the goals are the protection of the competitive process and individual freedom. In this paper I submit that ordoliberalism, an indigenous European competition policy, is an adequate economic and analytical tool upon which to base the practice and decision-making of competition law. My aim is twofold: to contribute to the discussion on what ordoliberalism is, in general, and in particular concerning competition policy, and offer a fresh perspective on an ordoliberal-oriented competition policy.

Keywords:

Ordoliberalism; competition law; law and economics; economic constitution; German neo-liberalism; social market economy; Freiburg School of Law and Economics.

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