

Udo Reifner - Standing firm

I do not remember exactly when I met Udo for the first time. It must have been in the early 1980s, he had already defended his phd, I was in the middle of writing mine. What I recall from our first meeting is what makes Udo unique – when you address him and he answers, he shuts his left eye, so as to even stronger fixate you with his right eye. This has not changed, neither his commitment to consumer credit, consumer law and consumer policy. Udo's academic life turns around the consumer, finance and money. In his phd he set the tone – Alternatives Wirtschaftsrecht, an alternative – a different - economic law, one that is pursuing the social dimension in economic transactions. I got engaged with his arguments long before we met personally.

When Norbert Reich left the then Hochschule für Wirtschaft und Politik in Hamburg, Udo applied and became his successor. The HWP took a courageous decision much in line with the then young university of Bremen and the Fachhochschule für Wirtschaft in Berlin. Udo had a lot to offer, a double qualification as a lawyer and a sociologist and an extensive list of publications, on consumer credit, on legal advice and on his research of law during national socialism. The much higher stakes resulted from whether the City of Hamburg would approve the committee's selection. The HWP was regarded as a left-wing academic institution, rightly so. Many of the debates in which I participated between 1976 and 1981 turned around internal conflicts in the HWP between the various strands of the Leftist movement. There was political pressure from the outside to come to a more balanced corpus of academics. Udo went through the procedure easily and took office in 1982, if I remember it correctly. He was the right person at the right moment in time.

For a couple of years we remained tied together through a research project that Udo run on what could best be termed as a German version of what the Americans call public interest litigation. Together with the regional consumer organisation, the Verbraucherzentrale Hamburg, the project explored and worked on empirically sound strategies in using law and litigation to improve the position of the consumer in the market and in the society. The project was financed by the Federal Ministry of Justice in a government which was led by the social democrats. Exciting times. Our path parted, I joined the newly established Centre for European Legal Policy in Bremen, Udo remained in Hamburg and began building up his own institute, outside the university, as a legal self-standing and self-financing body.

The 'Verbraucher und Recht' functioned as a stable link for the next 20 years. Norbert Reich brought us together: Udo Reifner (consumer credit), Klaus Tonner (travel law), Fritz Bultmann (Unfair terms), Walter Stillner (unfair commercial practices and myself – Unfair terms). Doris Schneider-Zugowski from the Deutsche Gewerkschaftsbund provided the seed money and Ingrid Burghardt-Falke guaranteed a powerful commitment of Luchterhand to get the new journal of the ground. The first two decades of Verbraucher und Recht were stamped by the constant search for money in order to finance the editorial work. Managing editorship went through different responsibilities and transformations, from Klaus Tonner to myself and from there to Udo. Each of us three had his own vision of where the focus should be. For Udo it was consumer finance, what else could it be! The different jackets of Verbraucher und Recht document different periods of leadership, from a smaller to a bigger format, from white jacket to a read one, from changing categories around which the content was built.

After Udo and I had left the Verbraucher und Recht, there was no longer an established forum of intellectual exchange. We met occasionally on conferences, ever more outside Germany. Our last meeting took place in Porto Alegre in 2017 within the frame of the International Association of Consumer Law. I presented my view on the tri-partite consumer image, the vulnerable, the confident and the responsible, each of the three being associated to particular

legal substantive and procedural requirements. Udo disagreed loudly and firmly. Breaking down the consumer into different categories implies, this was his argument, a weakening of the consumer status. The consumer must be seen as a class, just as the working class. This was exactly one of our first discussions when we got to know each other. Who is the consumer, legally speaking and how can he or she be defined, conceptualized? is there a parallel between the worker and the consumer, the working class and the class of consumers? A debate which is back on the political agenda not only via the ongoing legal fragmentation but also through the sharing economy and the new model of the prosumer.

Udo and I disagree on the notion of the consumer, maybe also on the role and political function in consumer law. I assume that in Udo's eyes I have become ever more conservative since I left the Hochschule für Wirtschaft und Politik in 1982. Udo stood firm over all these years. His trilogy on 'money' demonstrates like a red thread where Udo sees consumer law and policy to be placed. Maybe we are too old to fight. However, Udo and I had many fights and what I appreciate most, it is possible to disagree with Udo, even in strong language, but then the controversy ends with a joint dinner in a wonderful and pleasant atmosphere.

Udo, I wish to pay my deep respect for your lifelong commitment to consumer law and policy. We owe you so much and I owe you many wonderful debates which helped me to clarify my own position.

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