



Increasing Flood of Legislation in Changing Environment

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Most of the legislation recognizes the fundamental sovereignty and legal maturity of consumers in our day and age and the ensuing structure is mostly determined by a very specific ideology based on private autonomy and contractual freedom. Regretfully, these ideologies must constantly fight against the temptation of abuse. To avoid a down-spiral such as this is a difficult task as protecting a basic principle invariably means fighting against other basic principles: The legislators must ensure tools that allow the required objective of interweaving general basic principles within the laws to be met. Any intervention in the existing system must always be carefully targeted and restricted to the required minimum. When an intervention is too excessive, the potential damage to other areas of the legal system cannot be controlled anymore. It is our duty to ensure a carefully targeted fight against abuse - a fight, which should unite the basic principles and their limitations to the law's ambitions. On this subject, the established Academy of Commercial and Consumer Law (IACCL) in the United States was privileged to receive valuable contributions from highly qualified scientists.

Time stops for no man and we have since lost two highly esteemed colleagues of our community. It is our moral duty to remember them not only as valued colleagues but to retrospectively note and honor both their drive and their inner conviction of the necessity of scientific activity. The editor therefore felt compelled to combine his words of appreciation in memoriae with the scientific contributions by seven notable experts in the field; experts that are in constant touch with and have great knowledge of the commercial and consumer laws and the possibilities of control over excessive regulations: A former Federal Councilor, the head of the Department of Civil Law, a Judge of the Federal Supreme Court, the CEO of the Swiss-American Chamber of Commerce, the President of economiesuisse, the President of the Association of Swiss Credit Banks and Financial Institutions, and Prof. Dr. Giger himself as scientist and expert for Swiss commercial and consumer law.

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