DON’T TAKE IT SERIOUSLY
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Essays in Law and Economics
in honour of Roger Van den Bergh

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Distribution for the UK and Ireland:
NBN International
Airport Business Centre, 10 Thornbury Road
Plymouth, PL6 7PP
United Kingdom
Tel: +44 1752 202 301 | Fax: +44 1752 202 331
Email: orders@nbninternational.com

Distribution for Europe and all other countries:
Intersentia Publishing nv
Groenstraat 31
2640 Mortsel
Belgium
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21
Email: mail@intersentia.be

Distribution for the USA and Canada:
Independent Publishers Group
Order Department
814 North Franklin Street
Chicago, IL 60610
USA
Tel.: +1 800 888 4741 (toll free) | Fax: +1 312 337 5985
Email: orders@ipgbook.com

Don’t Take It Seriously. Essays in Law and Economics in honour of
Roger Van den Bergh
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Cover image © De Agostini Picture Library / YOONIQ images

ISBN 978-1-78068-679-0
D/2018/7849/51
NUR 820

British Library Cataloguing in Publication Data. A catalogue record for this book is available from
the British Library.
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FOREWORD

Guido Calabresi*

It is hard to believe that Roger Van den Bergh is about to retire. His work, always innovative and flexible, open and interesting, remains as youthful (if equally full of wisdom) as ever. But formal retirement to great scholars is often simply the opportunity to have more time to study and to write more deeply. In my own youth, I watched the great Arthur Corbin writing his longest, most important and lasting works. He did this for more than twenty years after he had officially retired from his academic chair at Yale. And so, I don’t doubt, it will be with Roger. Still retirement is a milestone and, hence, a wonderful occasion for this Liber Amicorum; an opportunity for all of us to reflect on how truly important, foundational in fact, Roger’s work has been.

When he began, Law and Economics was hardly recognized in Europe. There were many reasons for this. Not the least of these was the fact that the first (American) writers in the field seemed to be focusing their attention on courts as law reformers. This befitted a Common Law system, but was misdirected in legal systems, like Europe’s, where statutes were dominant and the law-making role of courts far more limited. Not surprisingly, many in Civil Law Systems confused the question of whom the reforms and analyses suggested by Economics should address with the usefulness of the approach itself. If one adds to this the long-standing formalist tradition of Civil Law systems, one can appreciate how much courage and originality it took to enter this field in Europe.

Roger had (and continues to have) both. And that is why Law and Economics in Europe has come to be identified with him and with his school. He has done more, however. He has always had the breadth of interest that made his own writings in the field have the widest possible applicability. But he has written in ways that have made the field accessible also to students who wanted to centre their own attention on specific and more limited parts of it. I, of course, am particularly attached to Roger’s writings in Torts, Damages and Insurance – from

* Guido Calabresi is Sterling Professor Emeritus and Professorial Lecturer at Yale Law School and Senior Judge at the United States Court of Appeals.
the beginning to the present – for that has been where I have most often centred my attention. But I equally appreciate his contributions all across Law and Economics, as exemplified by his very recent writings on the Economics of Federalism. Who can doubt that Roger’s interests are as broad as the field itself?

Still even that does not fully describe him. Roger has never been a narrow ‘Economic Analyst of Law’. He has always recognized the interplay between Law and Economics and what each can give to the other. As I have written, in my most recent book, that is where I believe the future of the field lies. And for that reason, as well as his immense capacity, I am confident that Roger will help make that future a reality in his work long after his proximate retirement.

So, with gratitude for his past contributions, joy in his present writings and confidence that I will be privileged to learn from him in the future, I join Roger’s many friends and admirers in this truly Liber Amicorum and wish him a hundred years of productive and insightful work!