

DON'T TAKE IT SERIOUSLY



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Essays in Law and Economics
in honour of Roger Van den Bergh

Editors

Michael FAURE, Wicher SCHREUDERS and Louis VISSCHER

With the cooperation of
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Roger Van den Bergh
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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

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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!