

Introduction

Claire Priest[†]

In the summer of 2023, Professor Yoon-Ho Alex Lee of Northwestern Law School called Karen Crocco, my father's assistant of forty years (and Executive Secretary of the American Law and Economics Association), to ask whether he might organize a Festschrift honoring George. My father, who had always insisted on keeping the focus on ideas rather than people and egos, reflected that, despite his reluctance, an event like this would be a good step toward his upcoming retirement. John Donohue of Stanford Law School and Danny Sokol of USC Law joined Alex Lee in organizing the event. Roberta Romano secured funding from Yale Law School's Oscar M. Ruebhausen fund. Karen Crocco volunteered to coordinate the conference. *Yale Journal on Regulation* agreed to publish papers in a Symposium issue. I tried to support these efforts behind the scenes and was asked to write this introduction to the issue.

The Conference for George Priest was held at Yale Law School on September 6-7, 2024. As the papers in this volume reveal, the event was intellectually rigorous and stimulating. In keeping with the breadth of my father's scholarship, the papers span a tremendously wide-ranging set of topics from insurance law and torts to university athletics, legal institutions, and capitalism. For those present, the event had a palpable warmth in spirit as a group of friends and colleagues in the field celebrated their mentor and Yale Law School as a home of scholarly rigor. My father and my mother Kathy loved entertaining, and insisted on hosting the conference dinners at their house, a place most participants knew well from gatherings during their time at Yale. It was apparent to all that my father was not in the best of health, which likely added to the family-like atmosphere throughout the event. None of us knew, of course, that my father would only have a few months more to live. The memorialization of that conference in these pages is more meaningful because now we know that it was lucky timing to convene together with my father while he was able to be in attendance.

Although some may chart my father's path toward law and economics as having started at the University of Chicago Law School and research positions and fellowships with Richard Posner and Ronald Coase, that story is not quite right. My father often told his children that his worldview came into focus at Lakewood High School in Colorado in the 1960s. The

[†] Simeon E. Baldwin Professor, Yale Law School.

stand-out teacher at the public high school was Libor Brom, a Czechoslovakian dissident who had previously been an economist. Brom had been imprisoned by both the Nazis and the Soviets, and had resettled in Denver and was teaching the Russian language. My father became fluent in Russian and spent a great deal of time with Brom, who impressed upon him the poor quality of life, impoverishment, and insecurity of Czech society under Nazi and communist occupation. The Soviet economy constrained freedom and opportunities—Brom later said that the communists offered him professional advancement so long as he spied on others, which he declined to do¹—leading accomplished professionals to leave for the United States. To the end of his life, my father advanced a particular form of economic conservatism that was centered on human flourishing. In stark contrast to the Soviet model, he believed that all human beings should have the freedom to build a productive life of their own choosing. During my father's University of Chicago years, we lived in Hyde Park on the south side of Chicago. My father repeatedly told his children to always remember how difficult life is for those who are disadvantaged, particularly for those suffering from discrimination, as evidenced by the poor communities just steps away. He believed deeply in the same civil rights values as his teachers, peers, and friends on the left. Where he differed was in putting the market economy and economic freedom at the center of the solutions.

My father believed in Yale Law School's commitment to advancing knowledge through rigorous exchange of ideas and debate. He will be remembered as a person who defended his deeply-held principles irrespective of personal or political consequences. Two stories. My father served as a longstanding Chair of the American Enterprise Institute's Council of Academic Advisers. In November 2015, he was asked to introduce Israel's Prime Minister Benjamin Netanyahu, who received AEI's Irving Kristol Award. After the honorifics, my father practiced a Yale Law School tradition of starting a discussion with a probing first question. He stated, in his words:

[W]ith all respect, I would put this question to Prime Minister Netanyahu: "Why shouldn't Israel promote a lively economy for Gaza and the West Bank, put them on their feet in economic terms? I believe that a vibrant Palestinian economy would change the relationship between Israel and Palestine. I am very conscious of the security concerns that remain, which are not all trivial. But I believe that they will diminish over time as a Gaza and West Bank economy develops, as an example, as the settlements on the West Bank become not a colonialist intervention, but the arrival of

1. Libor Brom, *Where is Your America?*, 11 IMPRIMUS (Aug. 1982), <https://imprimis.hilldale.edu/where-is-your-america> [<https://perma.cc/JQ28-3GPR>].

consumers with money to buy Palestinian services. . . . We are all looking forward to the remarks of Prime Minister Netanyahu.²

The next evening, my father received a call from the head of AEI chastising him for being out of line in asking this question of Prime Minister Netanyahu. My father did not hesitate in immediately resigning from the American Enterprise Institute, an organization in which he held a prominent role and in which he had previously invested years of attention and effort. To my father, standing up for the principle of maintaining an open forum for peaceful civil discourse was far more important than his personal investment in the institution.

Second story, June 2016. Yale Law School hosted SELA, the Seminario en Latinoamérica de Teoría Constitucional y Política in Havana, at the Hotel Nacional de Cuba, a central government operation. The conference was in the grand ballroom and was almost certainly surveilled. The participants were U.S. academics and professors from all over South America. There was a panel discussion on the nature of slavery, approached as an academic topic. My father asked the panel whether we should not discuss in particular the Cuban government's ongoing enslavement of its citizenry by forcing them to work for meager wages at home, and as exemplified by its prominent program of contracting its doctors to work in Venezuela and other countries while pocketing the revenues of these contracts. His was one of the only comments critical of the Cuban government at the conference. One attendee said "he was like a matador bringing a red cape into the bullring and waving it around." For my father, it was obvious that we should stand up for liberty, and articulate and discuss difficult issues with rigor and seriousness, especially on a platform sanctioned by the oppressing government.

My father grew up in horse-riding family in Colorado, and embodied the best of the spirit of a western cowboy. At a family memorial for my father in the summer of 2025, my brother Nicholas invoked one of my father's favorite movies, *High Noon*, about a man who had the bravery to stand alone facing his opponents. My brother quoted its theme song, sung by Tex Ritter:

I do not know what fate awaits me
I only know I must be brave
And I must face a man who hates me
Or lie a coward, a craven coward
Or lie a coward in my grave.³

2. CSPAN, Irving Kristol Award Ceremony (CSPAN, Nov. 9, 2015), <https://www.c-span.org/program/public-affairs-event/irving-kristol-award-ceremony/421171>.

3. *Do Not Forsake Me, Oh My Darlin*, Lyrics by Ned Washington (1952).

The cowboy in my father never backed down from a fight over ideas. He believed in United States universities as essential for producing knowledge to inform debates about the most consequential issues facing humanity. He understood that viewpoints could vary and admired greatly those he knew and loved who stay dear to their belief in what is right. But he never wavered from his belief in the importance of individual freedom and the necessity of markets to improve the lives of citizens and to foster a just society.

My father was deeply proud to be connected to everyone at the conference. He missed the close friends and former students who were not able to attend. It is tremendous to have this volume of essays as a closing chapter on a career where he worked very hard, transformed his fields of inquiry, stayed true to his values, and admired the accomplishments of dear friends and former students.