

# The Yale Law Journal

Volume 87, Number 2, December 1977

Ward S. Bowman, Jr.

Robert H. Bork<sup>†</sup>

When a man retires from university life it is natural that not only he but his friends sum up that segment of his work and ask what there is about it that is unique and may prove permanent. Ward Bowman will continue to teach a light schedule for a few years, so we will have him with us; but his resignation of his tenure at year-end is enough of a transition to make the question appropriate. All professors keep the teaching enterprise going, and that is contribution enough, but most of us hope something more than that has come of our academic years. In Ward's case there has been a good deal more.

As an economist on the faculty of a major law school, Ward Bowman had the opportunity, and took it, to apply to evolving legal doctrines the powerful ideas of a successful discipline that is central to the problems the law addresses, and is yet insufficiently known to lawyers. Not all law students, nor all professors or practitioners, respond gladly to the message economic theory brings to their fields of study. Few of us are delighted to have established thought patterns and fondly held notions disturbed, and perhaps shattered. But for some the perspective provided by imaginatively employed economic theory comes almost with the force of revelation, and such persons find their views of the world and the nature of their work permanently altered. Ward has had that kind of influence on some of his colleagues and on many of his students.

This is no little matter, and few economists have such an impact. It requires an economist who takes the ideas of his discipline very seriously, understands them profoundly, applies them rigorously, and possesses the intellectual honesty and the moral courage not to fudge the

<sup>†</sup> Chancellor Kent Professor of Law, Yale University.

analysis or soften the conclusion in deference to popular thinking. Ward Bowman is such an economist.

That he is an industrial organization theorist of the first rank is clear from his published work. This is not the occasion to summarize that work, but, to cite one example, his book, *Patent and Antitrust Law*,<sup>1</sup> is so skillful and systematic an exposition of an intricate subject that one doubts the economic analysis of the field will ever have to be done again. We are entitled to hope that in retirement, albeit a partial one, Ward Bowman will find the time to write much more in the field of industrial organization.

No appreciation of the man would be complete, however, without a statement, necessarily inadequate, of what his friendship has meant to me over the past quarter century. I first set eyes on the man when I was a third-year law student at Chicago. The professor in the labor law course brought Ward, then a young instructor, in to address the class. Ward proceeded to describe the economic impact of labor unions in ways that I found entirely novel and, given my liberal persuasions, more than a little subversive. Later, when I became a research associate on the law and economics project at Chicago, my wife and I got to know Ward and Maxine Bowman much better and began a friendship that continues to this day. When I decided to leave the practice of law, it was Ward who brought me to the attention of the Yale faculty, and who, Alex Bickel later told me, secured the appointment by a forceful presentation in the faculty meeting. I have often wished for a copy of that speech as an example of masterful advocacy under trying circumstances. Be that as it may, Ward Bowman has changed not only much of my thinking, but the direction of my career. He has done as much for many others, and I hope they all have reason to feel as grateful for the outcome as I have.

1. W. BOWMAN, *PATENT AND ANTITRUST LAW* (1973).