

## Ward S. Bowman, Jr.

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Immense portions of legal literature seem to disappear without an intellectual trace. Ward Bowman has the good fortune to be playing a major role in a *genre* that has survived and flourished, a part of the literature that continues to grow in its influence on law and legal writing. The particular area of endeavor involves the systematic application of price theory to legal problems and has affected our thinking in a variety of areas of the law, often, as in antitrust, by thoroughly undermining major doctrinal themes, or, as in torts, by exposing a relatively solid analytic foundation for many existing trends.

Ward's work in this area is a major contribution by any standard. Typically, he takes a narrow problem, analyzes it in great detail, and relates his analysis to the basic theories of the larger area of which it is a part. As a result, the reader not only learns all there is worth knowing about the particular problem, but also comes away with a whole new view of the general area of law. For example, his *Patent and Antitrust Law*,<sup>1</sup> a comprehensive and detailed analysis of a narrow area in which two major legal policies intersect, is so soundly based on economic theory that it clarifies the general principles at work in both of the larger fields. A major antitrust casebook, in fact, urges students to read all of the book, even if they have no particular interest in the relationship of patent and antitrust law, because it offers so much illumination on antitrust generally. So, too, his article<sup>2</sup> on the *Utah Pie* decision is a devastating critique not only of the particular case but of a major trend in antitrust law, while his piece<sup>3</sup> on the New Haven Railroad—the “passenger railroad for nonriders”—is an important discussion of the theory of private and social cost and its relation to voting theory.

While the application of price theory to legal problems has re-directed the academic careers of a sizeable number of legal scholars, it has not been greeted with universal acclaim, and some of its more successful practitioners, like Ward, have necessarily been blessed with

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

2. Bowman, *Restraint of Trade by the Supreme Court: The Utah Pie Case*, 77 *YALE L.J.* 7 (1967).

3. Bowman, *The New Haven, A Passenger Railroad for Nonriders*, 9 *J.L. & ECON.* 49 (1966).

more than the usual persistence in going where their logic takes them rather than where the academic audience hopes they will go. Economics, more than any other social science, has come close to fulfilling the dream of interdisciplinary work in law. But, in this age at least, it appears so often as a nay-saying, debunking discipline that many who once sought salvation for legal scholarship in the social sciences recoil in horror at seeing the results of the application of economic theory.

Ward is nothing if not persistent in going where his logic takes him and is the quintessential iconoclast, as his work amply demonstrates. But for all his skill at detailed analysis, he is also able to call upon a considerable fund of one-liners. For critics who retreat into what passes for "humanism"—for example, in the words of a colleague, "Even if minimum wage laws cause unemployment, they are necessary as a sign of government's care and concern for people"—or into nit-picking—"The perfect competition in the economist's model doesn't exist"—Ward has an apt description: "Excavating in a flower pot."

My own intellectual debt to Ward is inestimable. He was always available to kick a problem around with and is an inexhaustible source of knowledge about the literature and of provocative insights. He is a tough but conscientious critic who is invariably helpful. I will not attempt to catalogue the numerous ways in which he influenced my work and my career but I, like many others, can never repay him for his unique help in the world of ideas. Still, he means more to me as a friend who was invariably kind and decent and yet even more as an example of intellectual honesty and devotion to principle, a man who truly follows his logic, without regard to political impact or personal acclaim. I have never really known anyone who, in all his affairs, so consistently tries to adhere to principle and so consistently succeeds, as he. Thankfully, the occasion of his retirement calls only for an *Ave* and not a *Vale*.

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