

Foreword: Liber Amicorum for Mads Andenas

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It is difficult to think of an “all round” European jurist without Mads Andenas, professor at the School of Law of Oslo University, coming immediately to mind. The reason for this is because of the broad spectrum of themes which he has covered in his books, articles, conference papers, research work, the large numbers of courses he has given in European universities and throughout the world and his appointments to various international organisations. Reading his CV, if we just consider the amount of effort he has devoted to his various activities and the excellence of the results, it looks as we are in front of a giant who has lived various parallel lives.

First of all I would like to look at his methodology of study, research and work.

Even though he comes from a country on the northern periphery of Europe, both geographically and politically, he has the best qualities of a refined English, German, French and Italian jurist. His research method can only be the comparative one. But his is not a conventional method. First of all it presupposes knowledge of the relevant domestic law, and therefore the knowledge of the guiding principles of each European legal system. Andenas acquired it when studying in the various European countries. This gave him an understanding of the mentality of the local jurists, the administration of justice, the organisation of the Courts as well as the manner of legal reasoning and decision making processes coupled with the techniques of interpretation of the law. This is helped by his experience as a practicing lawyer dealing with real problems for which he finds elegant solutions to real life knotty problems: assessing the relative importance of issues, identification of the underlying priorities of the parties, balancing their legal rights both theoretically and pragmatically, allowing him to find solutions which are both appropriate and adequate to the needs of the situation.

I would now like to look at the enormous variety of themes he covered in EU law. Banking and Financial Law, Company Law were his leading areas of interest. He also has done a lot of work on the development of a new language for European Law, bearing in mind that the national laws of the member states do not necessarily contain some of the concepts of EU Law and need to evolve in order to absorb them.

Andenas has given particular attention to the different approaches followed by national and supranational courts. It is a pragmatic method which he clearly expresses in his writings. He understands that behind the theoretical arguments there are real interests, because the formulation of principles and rules will need to be capable of application to other cases both present and future.

He has written forty books and hundreds of articles during his brilliant academic career. He has had a remarkable teaching career: mainly in the United Kingdom (London, Leicester and Oxford) but also in many of the most prestigious European universities, including the Sorbonne in Paris and the Sapienza in Rome.

His professional experience enables him to understand and analyse the techniques of business operations, as well as the impact of regulations which are needed in connection with new banking and financial products.

The list of his publications includes books both of public and private law, if we can still use these two categories whose borders are becoming increasingly fluid. His interest is in the operation of regulatory authorities, government agencies and public bodies, whose exercise of their powers controls the efficiency and lawfulness of the different markets.

In his work we experience the solidaristic approach. This thread is both cultural and practical, as appears from his important public appointments, such as the one at the United Nations to study arbitrary imprisonment.

The chorus of appreciation is demonstrated by the honours received in France and Italy.

If I can add a personal note, as I have known Mads for thirty years, his openness coupled with his humility and wisdom, makes him a unique friend, who one would like always to have around, the ideal friend who gives without expectation to receive.