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A Tribute to Professor James A. Rahl

*The Honorable René Joliet**

Many leading American and European lawyers and professors have wished to pay tribute to James A. Rahl—itsself ample testimony to his fame in the field of business regulation.

Since 1952, James A. Rahl has taught U.S., international, and comparative antitrust law at Northwestern to succeeding generations of students. He has served as a member of important national and international committees dealing with various aspects of antitrust policy and other related policies: the Attorney General's National Committee to Study the Antitrust Laws (1953-55), whose work has long provided students with an enlightened synthesis of antitrust law; the White House Task Force on Antitrust Policy (1967-68), which was set up to advise the Johnson administration on a number of drastic reforms; the Group of Experts on International Restrictive Trade Practices of the United Nations Conference on Trade and Development (1973), to which he was the U.S. delegate; and finally, the State Department Advisory Committee on International Investment, Technology and Development (1979 to date). He was visiting professor at Michigan Law School. He was also invited no less than three times—an exceptional honor—to teach antitrust law as a faculty member of the Salzburg seminar in American Studies.

He is the author of innumerable publications on antitrust, many of which have become classics in their field, such as his studies on conspiracy, on the price-fixing per se illegality rule, on boycotts, on resale price maintenance, and on the agency problem.

Despite his predominant interest in scholarly analysis and teaching, he accepted the heavy duties of Dean of Northwestern University School of Law for five years. Other law schools would undoubtedly have been eager to benefit from his outstanding academic knowledge and his re-

* Judge, European Court of Justice.

markable teaching talent. Nothing could make him leave Northwestern with which he has identified himself all his life. Dedication to his institution and faithfulness to his friends are among his outstanding character traits.

One of the reasons why James A. Rahl has served as a model to me is that he has never been prepared to segregate legal theory from legal practice. Always eager to know the facts—an eagerness which perhaps stems from when he served as a liaison officer assisting the Joint Congressional Committee to Investigate the Pearl Harbor Disaster—he has never hesitated to interview lawyers working in the field, whether civil servants or attorneys, in order to know how things actually work. In his eyes, I think, experience from the real world matters more than abstract theories which—I would suggest—are sometimes merely a cover for political prejudices. It should therefore come as no surprise that James A. Rahl has been remarkably unaffected by the various intellectual fashions and trends which have afflicted antitrust policy in recent years.

Justice John Paul Stevens once described James A. Rahl as an inspiring professor. I am among the fortunate former Northwestern post-graduate students who can testify to the truth of that statement. James A. Rahl has, in particular, a very special talent for encouraging and helping his students to develop their analytical skills. He was also very keen to direct them to focus on basic issues which present a practical as well as a conceptual dimension. His patience in reading drafts, answering questions, and helping with advice was, in my own experience, almost inexhaustible. A believer in the free enterprise system, he managed, almost unnoticeably, to pass on his faith to the privileged students for whom he was a guide and mentor.

Although a “pure Midwesterner,” James A. Rahl was never parochial. His taste for comparative law, which was probably aroused by Dean Wigmore, was strengthened by his conviction that a free enterprise system, like democracy itself, cannot survive in one country, however large that country might be, if all other countries turn totalitarian or allow full-scale cartelization to take place. From that conviction stems his long-time interest in the development of a truly competitive economic system in the European Economic Community (“EEC”), and his generous readiness to guide young European lawyers. A great friend of Europe, he hoped that the EEC would develop towards a federal entity in close alliance with the United States in order to preserve the values of a free economic and political society. These hopes and beliefs led him to become an editor and co-author of a major book entitled *Common Market and American Antitrust: Overlap and Conflict*.

Having been familiar with Northwestern for many years, I know that Professor Rahl's nickname around the law school was "Big Jim." I myself would rather say: "Great Jim." I am indeed very happy to associate myself with the present tribute to Professor Rahl, and I wish him a scholarly active retirement. That wish is not entirely disinterested: its fulfillment would enable us all to continue to benefit from his profound knowledge of antitrust matters and his wide legal and human experience.