

Tribute for Valentine Korah

The first time I met Val Korah was in May 2005 during my job interview for a lecturer position at UCL Faculty of Laws. As part of the interview process, I had to make a presentation to the whole Faculty. Sitting at the first row, as she usually did, Val grilled me with very detailed and practical questions, most of which I had not thought before. Once I finished, having seen Val nodding disapprovingly during my presentation, I thought that was it and I was ready to get my train back home.... I was surprised however to hear Val, who took first the floor, that my views were “iconoclastic” and although she totally disagreed with them, she felt it was an original argument. This small episode, I believe, shows the essence of Valentine Korah’s approach to academic life: open-minded to new ideas, loving a critical discussion of the status quo and a good argument, interested in “iconoclastic” views, tough, but also authentic in her assessment of the work of others.

As my career progressed and I learnt to know more Val, speaking with her about different competition issues, but also the history of UCL and her love for swimming at the ponds of Hampstead Heath, good wine and classical ballet performances, to which she invited me occasionally to attend, I realized how much Val cared for her young colleagues and students and how unpretentious and a good hearted human being she was. For me, and many colleagues in competition law and policy, she was an icon of our discipline: one of the founders *really* of the field of law we have been spending our professional lives working on and an international authority in the field for more than 6 decades.

It is not an exaggeration to claim that there is no law library in one of the 130 countries that have adopted competition law which does not own in its collection at least one of Val’s numerous books. Generations of students made their first steps in the world of competition law with the assistance of her *Introductory Guide to EC competition law* – the ‘yellow peril’ as she called it.

Val’s story is profoundly linked to the history of UCL Faculty of laws, having been one of its most, if not the most, internationally recognizable Faculty member for decades.

Val’s connection with UCL is almost 80 years old, starting in 1946 when young Valentine Latham joined the UCL Faculty of Laws as a fresher. Talking about these formative years and her motivation to study law in an interview she gave a few years ago at the Faculty’s magazine Val said: “I wanted to be an academic [...] I thought that was the cat’s pyjamas”.

But things were quite tough for women these days. The ratio of male to female students was about 9:1. As Val recalled, “all the freshers had been colonels and majors and so forth, so it was very difficult to get in”. She graduated with an upper-second class degree from UCL in 1949, studying courses in Roman law, trusts and criminal law Following her graduation, she studied for and passed the bar exam between 1949 and 1950 and she excelled with a First in her postgraduate LL.M. degree, which she completed in 1951. These were the times of the intercollegiate London University LLM programme. She

attended courses in tax law at LSE, where she was first confronted to some economics, an area she will be fascinated with in the rest of her professional life. With some publications and with the help of George Keeton, UCL's Dean at the time, she secured her first job as a lecturer at the Faculty of Laws in the autumn of 1951, with a pay of 400 pounds sterling yearly plus 100 pounds London allowance, having waited the whole summer and following some unsuccessful efforts to secure a job elsewhere. She mentioned to me that she was once asked in an interview "Do you think that your sex is a fatal objection for you getting the job"?

At UCL, Val was teaching mainly a course in trusts law, contracts and delivered the occasional Roman law lecture. With her publications, Val managed to extend her teaching contract the typical duration of which for women was 3 years at the time. In 1954, she spent a summer at the University of California at Berkeley to follow a course on the European Coal and Steel Community law. This is when she first encountered antitrust law. She found the subject intriguing and when she returned to London in 1955, she took interest in the Restrictive Trade Practices Act Bill that passed in Parliament in the following year.

She also started a PhD in Law on the topic of "Control of Restrictive Trade Practices: A Comparative Study" and got awarded the PhD degree in 1966. Val managed to convince the Faculty to start her own graduate course in Competition law in 1964, at the intercollegiate LLM programme, and she invited LSE-based economist Basil Yamey to attend her classes and ask naïve questions about the law. This partnership continued for a decade or two, To my knowledge, this was indeed the first course in law and economics taught by a lawyer and an economist in the European continent, and actually second in the world, as during the same years there was a law and economics of antitrust course running at the University of Chicago Law School.

At the same time, exciting things were happening at the UCL Faculty of Laws, which moved in 1965 to Bentham House. By then Val had numerous publications, a Masters and a PhD degree, and despite some difficulties with the then UCL administration regarding her maternity leave for her fourth child, she managed to avoid being placed to a part-time contract and secured her promotion to Reader in 1968. Her monograph *Monopolies and Restrictive Practices* appeared in October 1968 as no 16 of the famous Penguin Foundations of Law series, a book she was very proud to have completed. This was republished with a different title in 1975 and had a third edition in 1982. Her interests were not only in competition law. She also taught as a visiting professor a course on Sudanese Tax law at the University of Khartoum in 1967 for a few months and I was surprised to see that she completed an article on "Income Taxes in the Sudan" published at the British Tax Review, in October 1967!

Her Penguin book attracted attention from policymakers and in 1970 she was head hunted by the civil service to help draft instructions to the Parliamentary Counsel for the Commission of Industry and Manpower Bill, and in 1973 to advise the newly established Price Commission. Val was very proud of these jobs as it was quite difficult at the time for outsiders to become members of the civil service.

Having been a Reader for several years, Val Korah was promoted to a professorship in competition law in 1982 during the deanship of Jeffrey Jowell. She was the first woman professor at UCL and one of the very few (probably the second one) in the UK at the time. Her international reputation increased with a number of significant articles. In particular, her paper '*EEC competition policy: legal form or economic efficiency*' published in *Current Legal Problems*, UCL Law's flagship journal, in 1986 has been widely cited and constitutes one of the most influential articles in the history of EC competition law.

From the mid-eighties Val, with a small number of academics and lawyers has been criticizing the dominant "formalistic" (as she called it) approach of the European Commission and spearheaded a more economic approach to competition law. Her "partner in crime" in this effort was Professor René Joliet who was teaching the French language course in EC Competition Law at the College of Europe in Bruges at the same time as Val was teaching the English version of the course, an intellectual partnership that was interrupted after Joliet passed away in 1995. Val Korah and René Joliet, joined by several British lawyers and French economists from the University of Toulouse, were the principal drivers of the more economic approach in EU competition law and policy that expanded to other parts of competition law in the following two decades. With her articles and with a series of monographs during the 1980s and early 1990s, among others the *Franchising and the EEC competition rules* published in 1989, *Exclusive distribution and the EEC competition rules* published in 1992, Val proceeded to a painstakingly efficient effort of deconstruction and reconstruction of EC competition law according to the economic approach she was advocating.

Val's teaching in Bruges, from 1985 to 2004, was legendary and is often recalled by *Les Anciens* as an unforgettable experience. Her Socratic method with an avalanche of questions asked about the case law was source of anxiety for many unprepared to a critical analysis of the law. But unforgettable was also Val's good spirit, in particular as she was knitting sweaters for her students' babies during exam invigilation and had always a good bottle of wine in her office for after-class discussions on the latest approaches of the EU court.

Her academic fame brought her to teach courses outside Europe. Fordham University Law School was the third of Val's academic homes as she ensured for 13 years the teaching of the Antitrust Law courses there. This is where she met Eleanor Fox, one of Val's great academic friends, now Professor of Trade Regulation Emerita at NYU School of Law. Val visited her for 14 years while she was teaching at Fordham University School of Law every spring in New York between 1991 and 2004. With the instigation of Eleanor, Val was a regular visitor to the European Commission for lectures – some of the Commission officials being her former students at the College of Europe - and she did this until, as she told Eleanor, she felt not invited anymore. There she met a number of officials and she convinced them that it was time for a policy change away from legal formalism and towards an economic approach. Since there was no internet at the time, she had to convince officials to share early drafts with her that she would take back to London in hard copy to review

and reflect on them, then communicate with officials via letters, visit again in person... Val did all that 'influencing' without the various tools, like social media, mails, internet we enjoy today! In a matter of years, Val's views went from the periphery to the mainstream.

She also visited several other academic institutions. She was a visiting professor in Australia for a number of years at the Universities of Melbourne and Monash, and taught courses at the Universities of Lund (Sweden) and Valencia (Spain), the University of Macao, the University of Michigan, Case Western Reserve University, and the Benjamin N. Cardozo School of Law. She also got an honorary PhD from the University of Lund.

She continued to be active both in teaching and research long after her formal retirement in 1993 and until the early 2010s as an emeritus professor of EU competition law at UCL, co-teaching the graduate course in EU competition law with a number of younger scholars. During this very long period (almost a second career) Val published many papers and books, including the groundbreaking *Distribution Agreements Under the EC Competition Rules* published by her preferred publisher Hart in 2002, a book on *Intellectual Property Rights and EC Competition rules* in 2006 and her casebook in *EU competition law*.

During the time we worked for a new casebook on EU and UK competition law with Oxford University press in the mid-2010s, I had the pleasure to interact daily with Val who was then diagnosed with Alzheimer's. I was always impressed by the quality of her intellect and the way she remembered the old case law and the debates that were taking place, despite the onset of her disease. These years of working together on this book have been a privilege and a memory I will always cherish. But more importantly, what this venture made me understand, and this is something we also put in the introduction of the book, is Val's pragmatism and no-nonsense approach to legal thinking. She was not an ideologue of Chicago economics but was genuinely interested in the enrichment of the law and the integration in the legal system of other social sciences input, even if this contradicted the teachings of neoclassical price theory economics she had embraced in the past. From this perspective, Val also leaves a legacy in the history of teaching law at UCL and may be considered as the founder of the 'Law and Political Economy' approach that we have been advocating the last few years and which is now taking traction in global academia. This lasting academic legacy of Val will pass to our students, and we hope to the next generations of students studying this academic discipline at UCL.

Rest In Peace Val

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