

launched by the institutional architects sitting in the international financial institutions--infrastructure, education, family planning, rule of law and legal/technical institutions such as bankruptcy laws and latterly political institutions themselves each of which came to be seen in their turn as the "silver bullet" to restore development. In the world of trade, it is perhaps no surprise that the Tokyo Round, which was negotiated in that pivotal decade of the 1970s, was noted less for tariff cuts than for several supplementary agreements that reached for the first time inside borders to address institutional matters. These supplementary agreements included the codes on dumping, government procurement, standards and subsidies, as well as strengthened procedures that substantially expanded GATT's role in resolving trade disputes.

Trade lawyers soon had plenty of grist for their mills. In 1979, the same time that saw the conclusion of the Tokyo Round, the United States transferred the administration of important elements of its trade remedy laws from the Treasury Department, which tended not to see injury in alleged dumping cases, to the Commerce Department, which appeared to have had no trouble finding dumping or injury—even in much-celebrated cases where exporters selling into the United States charged higher prices in that market than at home! The "legalization" of international trade was thus well underway well before the Uruguay Round which many observers tend to identify as the watershed event in that regard.

Trade scholars tend to see a sort of natural, inevitable pattern in the evolution of trade policy from a primarily economic discipline, focused on addressing the distortions caused by tariffs and other trade barriers to prices and consequently to the basis for competition between domestic and imported goods, towards a legalistic discipline epitomized by the dispute settlement panel operating in an unmistakably legal setting, replete with judicial procedures and practices. In the WTO agreements, many trade scholars see a nascent constitution for the world economy; in the WTO's Appellate Body, they see a semblance of a Supreme Court. Even the controversy that has embroiled the WTO—that of "legitimacy"—has been described by trade