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Trends. International Trade and the Subversion of Justice: Japan, the European Union, and Iraq

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Moral philosophy, the psychology of moral judgment, and treatises on law often suggest that justice subsumes some combination of behavioral and intentional accountability and equity. Yet in international trade, justice may subsume nothing more than the brutal attack and defense of regulations within a zero sum game.

Japan. A World Trade Organization panel chose to exonerate Japan from United States (US) charges of shutting US photographic products and services out of the Japanese market. This exoneration seems to focus on Japanese adherence to the letter of regulations--the reduction and abolishment of specific tariffs and trade barriers--not alleged violation of regulatory intent--by forming an exclusive network of domestic wholesalers, blocking the creation of large retail stores, and helping slow US retail price-cutting in efforts to impede foreign competition.

European Union. The US Supreme Court recently heard arguments on the pros and cons of so-called "gray marketing." In this case the European Union is a locale for a conflict between two US companies. The former manufactures a consumer product and exports it for sale in Europe to an English distributor at a significant discount. The latter reimports the product from Europe for a price between that of the domestic US and European ones. According to Linda Greenhouse, a New York Times analyst, the case will focus on three seemingly contradictory provisions of the US Copyright Act of 1976.

Iraq. Who is responsible for the deaths of children who cannot obtain enough food, medicine, and other life supports? Saddam Hussein for not complying with United Nations (UN) mandates related to the Persian Gulf War or for not reprioritizing government financial expenditures? The UN for establishing and maintaining trade sanctions? The US for pressuring the UN to maintain and even increase sanctions? Arguments often seem to be based on differential notions of causality--e.g., distal, proximal, mechanical, efficient, necessary, sufficient--and the rationales of differing levels of analysis--micromolecular through macromolecular.

The subversion of justice through basing its meaning on operational and procedural definitions may encourage even more misbehaviors and misintentions in the present era of globalization. Justice will no longer be blind but antediluvian, anachronistic, and abiotic. (See Greenhouse, L. (December 9, 1997). High court weighs 'Gray Market' legality. *The New York Times*, <http://www.nytimes.com>; Makkai, T., & Braithwaite, J. (1996). Procedural justice and regulatory compliance. *Law and Human Behavior*, 20, 83-98; Pepitone, A., & L'Armand, K. (1997). Justice in cultural context: A social psychological perspective. *Cross Cultural Research: The Journal of Comparative Social Science*, 31, 83-100; Rosenthal, A. (December 9, 1997). Killing Iraqi children. *The New York Times*, <http://www.nytimes.com>; Smith, H.J., & Tyler, T.R. (1996). Justice and power: When will justice concerns encourage the advantaged to support policies which redistribute economic resources and the disadvantaged to willingly obey the law? *European Journal of Social Psychology*, 26, 171-200; Trade injustice. (December 10, 1997). *The New York Times*, <http://www.nytimes.com>;))