

GLOBAL OR STRATEGIC TRADE? SOME OBSERVATIONS ON PRESIDENT DONALD TRUMP'S STYLE OF MAKING DOMESTIC AND FOREIGN POLICY

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1. INTRODUCTION

The preparation of this paper for publication results from the reflections of the commentator observing a transformation of the United States' priorities during Donald Trump's presidency. The changes in the style of making foreign and domestic policy mainly consist in a combination of an assumption that American economic interests are of major importance and an inclination to trivialise the harmfulness of "trade wars" for American citizens.

The controversy of this conjunction justifies asking successive, more detailed questions: To what extent does the "strategic policy" (as Trump's advisers call it), carried out from the perspective of one country's benefits, substitute for global policy? Is President Trump first of all a businessman or a political strategist? Is the possibility of impeachment or even bringing criminal charges against the president who is in office, which is discussed by American law experts, realistic or is it part of the nature of the United States' political scene?¹ What are the prospects for re-election of the president, whose personal counsel, Michael Cohen, has been sentenced to three years' imprisonment and a number of other associates are waiting for the results of an investigation into the alleged collaboration with Russia during the presidential electoral campaign?²

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¹ As far as this issue is concerned, it is worth referring the reader to the article by an outstanding American studies expert, Professor Longin Pastusiak, *Pętla wokół Trumpa się zaciska*, *Angora-Peryskop* No. 3, 20.01.2019, p.71.

² On 22 March 2019, Robert Mueller submitted a report on the investigation into Russian interference into the American presidential election to William Barr, US Attorney General.

2. DONALD TRUMP'S RE-ELECTION DILEMMA: IS THE GLOBALISATION ERA COMING TO AN END?

Lecturers of political studies, international law, international trade law and many related sciences may notice that the terms such as internationalisation, globalisation, regionalisation or glocalisation get the listeners to their lectures into an understandable terminological mess. It is not easy to answer the question what the difference between trends and doctrines promoting, for example, international or global values is. The terms seem to be similar but we must assume that the fact that we use them means that differences between them are equally important as similarities.³

In order to understand the dilemmas of politicians in the first decades of the 21st century, it is worth starting our considerations with a few basic explanations. It is worth reminding the reader that the term "internationalism" was popularised in the 20th century by international organisations such as the League of Nations founded in the inter-war period or the United Nations founded after World War II. They first of all aimed to find alternatives to the era when concepts of "national states" were born and were accompanied by nationalist doctrines that protected their interests. Simply speaking, "internationalism" was to mean the protection of values common to all nations and opposition to political, economic or ethnic isolation.

Although historians are looking for the roots of globalisation in the Middle Ages and the Renaissance, contemporary globalism is usually connected with the observation popularised in the last decades of the 20th century that common values unite not only nations but first of all individuals. It is hard to deny that, for instance, the protection of human rights or the protection of the environment, health and food resources is important for every man.

Anti-globalists, who undermine the fundamental assumptions of globalisation supporters, indicate that the above-mentioned values may be precious for all people but this cannot shade the fact that their hierarchy may differ and culture, tradition

Mueller, former Director of FBI, was appointed by Deputy Attorney General as special counsel in the case on 17 May 2017. After almost two years' investigation and filing charges against Paul Manafort, Trump campaign chairman, and Michael Flynn, Trump's national security adviser, the report did not provide any new details. Further congressional committee hearings that Mueller attended also failed to find new information. The conclusions of his report may be summarised in two statements: firstly, his investigation could not lead to filing charges against the president in office; secondly, the collected material could not lead to a conclusion that the president was exonerated by Mueller's commission or excluded from the list of persons that could have used measures affecting the election results. For details concerning the investigation, compare D. Gregorian and J. Ainsley, *Mueller Submits Report on Trump Investigation to AG Barr, no new Charge. The Transmission of the Document ends a Lengthy Probe into the President and Russian Interference in the Campaign*; news: <https://www.nbcnews.com/politics/justice-department/mueller-sends-report-trump-investigation-ag-barr-n974006> (accessed 25.08.2019).

³ For a broader commentary on the comparison of basic theses of globalists and supporters of regionalism, compare A.C. Kacowicz, *Regionalization, Globalization, and Nationalism*, December 1998; https://kellogg.nd.edu/sites/default/files/old_files/documents/262.pdf. For more exhaustive bibliography concerning the visions of a global world and a world of regions, see R.R. Ludwikowski, *Handel międzynarodowy*, 4th edn, Warszawa 2019, pp. 528–534.

or religious priorities may reduce the acceptance of globalisation assumptions. For example, the assumption that the protection of human rights may gain common acceptance does not mean that freedom is more important than equality for all ethnic groups in different regions of the world and that the dignity of a human being is a commonly accepted basis for all rights.

Obviously, the problems with globalisation of law, political standards or best economic programmes may be augmented; nevertheless, two visions of the world order emerge from those discussions: in case of globalisation, it is a vision of a system governed from one coordination centre, and in case of an alternative conception of "the world of islands", from different regions that agree about the list of common values but differ over how important they are.

On the borderline between globalists and regionalisation supporters' attitudes, a doctrine trying to reconcile both visions of the world was born. It assumes that the list of values may be common but the roads to their protection may be different.

The turn of the 21st century brought anti-globalists' successive attacks on fundamental theses of programmes presented by international globalist organisations such as the General Agreement on Tariffs and Trade (GATT), to a great extent replaced by the World Trade Organization (WTO) and the International Monetary Fund (IMF). It was indicated that globalists' free trade assumptions do not work in practice; contemporary states led by the United States do not need free trade but more trade. World banks cannot spread democratic principles, which globalisation was to promote, because their decision-making system is indeed undemocratic.

International relations experts explained that the increase in the trade potential requires a new strategy, which means a policy differentiated depending on trade partners' aims and interests. The term "strategy" gradually adopted an almost magic meaning. The supporters of this trend emphasised that harmonisation of trade regulations that took place under the auspices of the GATT and the WTO causes more damage than profits at present. For many years, the United States was against all GATT principles and it was criticised for not following them. At present, the network of bilateral agreements may serve the American interests better than the network of multilateral agreements signed under the auspices of the WTO. Secondly, in their domestic policy, countries have to work out a series of tactics protecting their national industry against harmful consequences of competition or states that are better at adjusting their corporations to the changing trade conditions. The conclusion is clear: the era of global trade is coming to an end and must be replaced by strategic trade mechanisms.⁴

⁴ For a broader commentary concerning the issue of alternative trade strategies, see A.V. Deardorff, R.M. Stern, M.N. Greene, *The Implications of Alternative Trade Strategies for the United States*, [in:] D.B.H. Denoon (ed.), *The New International Economic Order. A U.S. Response*, New York 1979, pp. 78–108.

3. AMERICAN ELECTORAL SYSTEM FROM THE PERSPECTIVE OF THE 2016 PRESIDENTIAL ELECTION

The presidential election of 2016 confirmed the above observation by justifying the questions: What level of social legitimacy provides the president with the freedom necessary to develop an adequate strategy in foreign policy? Did the newly elected president, Donald Trump, have such social acceptance? Is the president supposed to be first of all a political strategist or a businessman?⁵

Let me remind that Donald Trump garnered 304 electoral votes, while Hillary Clinton only 227.⁶ Nevertheless, when popular vote was counted, it turned out that 2,864,974 more people voted for Clinton than for Trump, which is 2.1% of the total number of votes. Thus, there was a considerable margin between the Electoral College vote and nationwide popular vote, although the fact that such a difference occurs is not exceptional at all. It must be reminded that in 2000 Al Gore garnered half a million more popular vote than G.W. Bush, who won the election. The US Supreme Court had to confirm Bush victory.⁷

Following the announcement of the 2016 election, large political protests broke out and went beyond the standard American post-election scenario. In response to Trump's opponents' street protests, the new president announced that the national popular vote result had been falsified by millions of illegal immigrants staying in the US and having no right to vote. To prove the thesis that the difference between the Electoral College vote and the popular vote resulted from the violation of electoral procedure, Trump established the Voter Fraud Commission.⁸ However, it did not find evidence of electoral fraud that might challenge the result of the election.⁹

Before going on to the analysis of the new president's first decisions, it should be noted that the legitimacy (within the meaning of social acceptance) of his power

⁵ Trying to answer these questions, the author used the fragments of his article *Demokracja elektorska i populistyczna z perspektywy wyboru D. Trumpa na Prezydenta USA*, Państwo i Prawo No. 1, 2018.

⁶ Seven faithless electors voted for other parties' candidates. For more on the election results, see *Presidential Election Results: Donald J. Trump Wins*, New York Times, 10.02.2017, <https://www.nytimes.com/elections/results/president>.

⁷ For more, see R.R. Ludwikowski, *Aspekty prawne wyborów prezydenta w Stanach Zjednoczonych*, Państwo i Prawo No. 4, 2001, pp. 33–45. Also compare E. Kilgore, *Final Results for the Presidential Popular Vote*, Daily Intelligencer, 20.12.2016, <http://nymag.com/intelligencer/2016/12/the-final-final-results-for-the-popular-vote-are-in.html> (accessed 25.08.2019).

⁸ A. Vitali, P. Alexander, K. O'Donnell, *Trump Establishes Voter Fraud Commission*, NBC News, 11.05.2017, <http://www.nbcnews.com/politics/white-house/trump-establish-vote-fraud-commission-n757796>; *A Fraudulent Commission on Voter Fraud*, Burlington County Times, 21.05.2017, <http://www.burlingtoncountytimes.com/8e2ceb04-d810-51dc-bb3a-729f11717e35.html> (accessed 25.08.2019).

⁹ In summer 2019, Trump returned to the arguments that the electoral process in the United States was distorted and, as a result, weakened his position in the former election; compare M. Waldman, *Trump's Voter Fraud Fantasy*, Brennan Center for Justice, editorial, 22.08.2019; also compare J. Lemon, *Trump "Damaging" our Democracy with Baseless Voter Fraud Claims. Federal Election Commission Chair Warns*, Newsweek, 22.08.2019, <https://www.newsweek.com/trump-damaging-democracy-voter-fraud-claims-federal-election-commission-chair-1454995> (accessed 22.08.2019).

was low. Each presidential election in the US resulting in one candidate's victory in nationwide popular vote and the other one in the Electoral College vote leads to inter-party conflicts, mass protests, citizens' dissatisfaction caused by disillusionment with the American electoral system and even attempts to impeach the president in office.¹⁰ Comparative research also shows that the American model of the Electoral College does not receive approval even in countries that have a presidential or a semi-presidential system. Thus, it is hard to negate that imperfection of the indirect electoral system was one of the reasons behind the post-electoral problems in the US.

The reader of the article must be aware of the fact that the Constitution of the United States, regardless of its glorification as the best and the earliest basic law in the world, has many loopholes that American constitutionalists have carefully covered up for over 200 years. Nevertheless, despite the seemingly "seditious" nature of those comments, one cannot ignore an observation that the elasticity of the American Constitution means its vagueness in many cases.

4. AMERICAN ELECTORAL SYSTEM AND ITS IMPACT ON THE LEGITIMACY OF THE PRESIDENT LOSING NATIONWIDE POPULAR VOTE

Many articles ask questions, e.g.: Is the separation of powers and functions in the United States clear enough? Can the Supreme Court decide about the election of the President of the United States? Are the so-called "impeachable offences" (grounds for bringing charges against a president or a state official before Congress) sufficiently explained within the interpretation of the Constitution or case law?¹¹

The new president's advisors asked the same questions when he entered the political scene. They indicated that, regardless of the arguments that Trump persistently repeated in his thesis that electoral fraud had caused his relatively poorer support of individual voters, the American Electoral College system had impact on the image of a politician introducing a doctrine of strategic trade instead of global trade onto the international arena.

Let us focus on this observation for a while and limit to an example very briefly explaining the mechanisms conducive to the development of differences between the Electoral College vote and the nationwide popular vote.

Let me remind that the model of electing president, established in the Philadelphia Convention, was introduced in Section I Article II Federal Constitution. It stipulates that every state shall have the same number of electoral votes as the number of seats

¹⁰ E. Perez, *Sources: White House Lawyers Research Impeachment*, CNN Politics, 19.05.2017, <http://edition.cnn.com/2017/05/19/politics/donald-trump-white-house-lawyers-research-impeachment/index.html>.

¹¹ The author presented detailed arguments concerning certain ambiguity of the American Constitution in his article: R.R. Ludwikowski, *Czy najlepsza na świecie? Kilka refleksji sceptycznych o konstytucji Stanów Zjednoczonych*, [in:] P. Mikuli, A. Kulig, J. Karp, G. Kuca (eds), *Ustroje. Tradycje i porównania. Księga jubileuszowa dedykowana prof. dr hab. Marianowi Grzybowskiemu*, Wydawnictwo Sejmowe, Warszawa 2015, pp. 240–248.

in the Senate and the House of Representatives, which means at least three votes.¹² The total number of electoral votes is 538, which includes 435 votes that equal the number of representatives, 100 votes that correspond to the number of senators, and three votes (in accordance with the Twenty-third Amendment to the Constitution of the United States) were granted to the District of Columbia commonly referred to as Washington, D.C., and covers the capital city of Washington. Thus, in order to win, a candidate must win at least 270 votes. However, it can happen that the candidates will win an equal number of votes (269 to 269) and then the House of Representatives will have the right to elect.

In case no candidate wins a presidential electoral vote from the majority of the electors, in accordance with the Twelfth Amendment to the Constitution, the House of Representatives shall elect president from three candidates who have won the biggest number of electoral votes. In a similar situation, the Senate shall run a contingency election for vice-president from two candidates.¹³

In the early history of the United States, electors were selected by each state's Legislature; at present citizens elect them. In practice, every state casts all its electoral votes for the candidate who wins in the state. It is based on the unit rule introduced in 1836 under which a winner of the majority vote wins the entire vote of the state electors.¹⁴

Assessing this conception in the light of population criteria, it must be admitted that if each state (having two senators) obtained the right to two electors, the distribution of electoral votes would be unequal. For example, in the eight most populated states, 54% of all the voters in the country would elect 16 senators and would have the right to 16 electoral votes. At the same time, in the eight least populated states, 3% of all the voters in the country would also have the right to elect 16 senators and the right to appoint 16 electors to the Electoral College.¹⁵

The hypothetical scenario presented above shows that a candidate winning electoral votes in a few less populated states has a competitive advantage over his rival who wins support of electors in fewer states with the biggest population.¹⁶

¹² Neither a congressman, a senator, nor an officer holding a position in the federal administration can be an elector.

¹³ The amendment was enacted in 1824, when no candidate won the majority of the Electoral College vote. Then, the right to elect president was passed to the House of Representatives, where thirteen state delegations voted for John Quincy Adams, seven delegations voted for Andrew Jackson, and three for William H. Crawford. J.Q. Adams was elected president, although A. Jackson won a bigger number of popular vote.

¹⁴ Compare *House of Representatives Committee on the Judiciary Subcommittee on the Constitution Subcommittee Hearing on Proposals for Electoral College Reform: H.J. Res. 28 and H.J. Res. 43, September 4, 1997*. Maine and Nebraska are exceptional states, where votes are distributed with the use of a special key called a district method. The system means that only two of the four electoral votes in Maine and two of the five electoral votes in Nebraska are guaranteed for the winning candidate. The rest may be distributed proportionally to the number of votes cast for parties. Such a situation might happen if different candidates won in particular districts, which has never happened so far.

¹⁵ For more, see N.W. Polsby, A.B. Wildavsky, *Presidential Elections. Strategies of American Electoral Politics*, New York 1968, p. 242 et seq.

¹⁶ For example, in the 2016 election, winning direct election in California alone, Hillary Clinton won an excess of 4 million votes, which Trump could not balance winning electoral

5. MOST IMPORTANT STRATEGIC ASSUMPTION: “AMERICA FIRST”

Going on to the analysis of the process of developing Trump’s political strategy, it should be emphasised that its origin can be found in the assumption repeated in countless variants that the president acts in the interest of the people. However, there were no doubts he interpreted this interest on his own.

Michael Cohen, the personal counsel to the President, sentenced for three years’ imprisonment for fraud resulting from the will to multiply his own profits, the lies to Congress and the violation of the presidential election campaign rules, challenged the President’s care for the interests of the nation. Cohen, described as “Trump’s fixer”, has worked for Trump for over 10 years as “a man to carry out special assignments”. He claimed that everything he did was directly ordered by his boss or done for the purpose of his protection.¹⁷

The announcement of the 2016 presidential election results in the United States surprised, as Cohen stated, the candidate himself and many commentators observing the election. However, the vision of Donald Trump’s policy based on the assumption that American interests must predominate in the world, although undoubtedly contributed to his victory over Hilary Clinton, started a series of conflicts going far beyond the routine post-election disputes between the Democrats and the Republicans.

The leaders of the new president’s electoral campaign took care that his vision of the world would become a doctrine clearly illustrating the American protectionism close to national megalomania typical of Trump. In 2017 his advisors founded America First Policies aimed to spend 100 million dollars in 2018 on advertising the presidential doctrine. As Super PAC (Political Action Committee), the organisation raises funds to support aims commonly recognised as public. Officially, PAC is a non-profit organisation that does not finance any party programmes. However, it may, for example, support activities weakening the position of local political opponents.¹⁸

6. NEW EDITION OF THE APPRENTICE? – “YOU’RE FIRED!”

Still during the electoral campaign, a question was raised whether the traditional phrase “You’re fired!” finishing the reality TV show hosted by Donald Trump will be the new president’s leitmotif. The reality show that presents Trump as a model

votes in a few smaller states. For detailed explanation of the dilemma, the reader should see the author’s publication analysing examples of the American electoral anomalies: R.R. Ludwikowski, *supra* n. 7, pp. 33–45.

¹⁷ See A. Desiderio, *Cohen Testimony on Trump: “He is a Racist. He is a Conman. He is a Cheat”*, Politico, 27.02.2019, <https://www.politico.com/story/2019/02/26/cohen-trump-racist-conman-cheat-1189951> (accessed 25.08.2019).

¹⁸ For more information about the role of PACs, see *Outside Spending: Frequently Asked Questions About 501(c)(4) Groups*, <https://www.opensecrets.org/outsidespending/faq.php>. For a commentary on the role of American First Action, see Z. Stern, *America First Policies*, <https://www.factcheck.org/2018/04/america-first-policies/> (accessed 20.04.2018).

investor who decides on the selected candidates' capabilities to make a career in business shaped his public image of a ruthless decision-maker determining what is best for the viewers of the show.

Observation of the selection process of the new state boss's associates confirmed the hypothesis that he would transfer his experience from the TV entertainment programmes into the sphere of politics.¹⁹

Immediately after the inauguration, the expectations were almost completely fulfilled: the American government policy started to resemble the scenes from *The Apprentice*. After ten days in office, Trump dismissed Sally Yates, the Attorney General. Yates reported that Michael Flynn had not reported his meeting with the Russian ambassador to the US, Sergey Kislyak. Flynn resigned on 13 February 2017 after a month in office. A month after he became president, Trump dismissed Preet Bharara, the US Attorney for the Southern District of New York, who started investigation into the case of Tom Price, who Trump was planning to nominate for the position of US Secretary of Health and Human Services.

The Director of FBI, James Comey, was another person who stepped on the Republican Administration's toes by announcing that his office is running an investigation into Russian hackers' interference into the American election and secret contacts of Trump's closest associates with the representatives of the Russian government. In response, on 9 May 2017, Trump dismissed Comey from the position of the Director of FBI. Almost a year later (on 17 April 2018) Comey published a book *A Higher Loyalty: Truth, Lies and Leadership*.²⁰ Presenting various spicy moments in Trump's life in interviews, Comey concludes that: "he is a person of average intelligence (...) morally inappropriate to hold the position of a president".²¹ The dismissal of Rex Tillerson, the Secretary of State, who officially called Trump a "moron" was an even more serious government change.²²

Summing up the above observations, it is worth emphasising that Donald Trump entering world politics in January 2017 as the 45th president of the United States undoubtedly brought to it his business experience, which had let him efficiently use his real estate fortune inherited and multiplied in the course of investment. However, he entered politics in the atmosphere of scandals best exemplified by his contacts with Stormy Daniels (true name: Stephanie Clifford), a cabaret actress in programmes for adults. The above-mentioned Michael Cohen was to cover up the

¹⁹ P.W. Stevenson, *President Trump has now Fired 3 Officials who were Investigating his Campaign or Administration*, The Washington Post, 10.05.2017.

²⁰ The book published by The Macmillan Press, New York, became a bestseller overnight; for more, compare B. Stelter, *James Comey's Book is Already a Best Seller, with Trump's Help*, CNN Media, <http://money.cnn.com/2018/03/18/media/james-comey-book-best-seller/index.html>. To learn more about the atmosphere in the White House after Trump election, it is worth reading a book that is also available in Polish: M. Wolff, *Fire and Fury: Inside the Trump White House*, Henry Holt and Co., 2018 (Polish edition: *Ogień i Furia. Biały Dom Trumpa*, Warszawa 2018).

²¹ For more, see G. Lyons, *Blindsided By Moral Vanity. James Comey Still Doesn't get it*, The National Memo, 17.04.2018. For a commentary in Polish press, see P. Milewski, *Pierwszy glina USA donosi na swojego szefa*, Newsweek, N.J. No. 20, 13.05.2018.

²² K. Collins, B. Starr, J. Zeleny, E. Landers and K. Liptak, *Tensions Escalate after Tillerson Calls Trump "Moron"*, CNN Politics, 5.10.2017, <https://edition.cnn.com/2017/10/04/politics/tillerson-trump-moron/index.html>.

information leak to the press during the electoral campaign reportedly by paying the actress 130,000 dollars from his own account.²³

There is no need to provide more and more examples illustrating the atmosphere conducive to exchange of epithets between the president and his subordinates.²⁴ What was more and still is more important is the question whether the new president really has a plan and a strategy that can be distinguished from political decisions taken *ad hoc*.

7. BORDER WALL WAR: PARTIAL SHUTDOWN OF FEDERAL GOVERNMENT OPERATIONS AND DECLARATION OF NATIONAL EMERGENCY

During the electoral campaign Trump declared that he would build a wall separating the United States from Mexico. In his opinion, a physical barrier should considerably reduce trafficking in drugs and people, and limit the number of crimes committed in the US by criminals crossing the border illegally. Moreover, during the campaign Trump announced that Mexico would pay for a 3,100-kilometre wall²⁵ and the US would save an enormous sum of money that it has to spend on the military and ICE (Immigration and Customs Enforcement) inspectors enforcing immigration law.

When it turned out that Mexico did not feel responsible for South American cavalcades heading across its territory towards the US border, Trump declared he would impose higher taxes on Mexican products and use the funds to build the wall.

Another variant of the project assumed the construction of a fibre optic wall and there was an attempt to convince the Mexicans that access to new technologies would be advantageous for them.²⁶

²³ Cohen testified in Congress that Trump repaid the sum he gave to Daniels to cover up the scandal. The actress confirmed the scandal in press interviews, however, in March 2018 she filed a lawsuit to recognise the agreement void because it lacked the president's signature. On 7 March 2019, Cohen also filed a complaint to court claiming that the sum he was paid by Trump Organisation did not cover the remuneration for his work as counsel. See J. Palazzolo and M. Rothfeld, *Trump Lawyer Used Private Company, Pseudonyms to Pay Porn Star "Stormy Daniels"*. *Michael Cohen Created Limited Liability Company just Before \$130,000 Payment*, The Wall Street Journal, 18.01.2018, <https://www.wsj.com/articles/trump-lawyers-payment-to-porn-star-was-reported-as-suspicious-by-bank-1520273701?tesla=y&mod=e2tw>. Also see C. Dolmetsch, *Michael Cohen Sues Trump Organization in Bid for Lawyer Fees*, Bloomberg, <https://www.msn.com/en-xl/northamerica/northamerica-top-stories/michael-cohen-sues-trump-organization-in-bid-for-lawyer-fees/ar-BBUvhJx?ocid=spartandhp>.

²⁴ Commenting on the influence of Trump's epithets in his tweets on students, M. Stetz asks a question: "Is civility dead in Trump age?"; see M. Stetz, *Why we Hate Trump*, National Jurist Vol. 28, No. 1, 2018, p.18.

²⁵ *Donald Trump's Mexico Wall: Who is Going to Pay for it?*, BBC News, 6.02.2017, <https://www.bbc.com/news/world-us-canada-37243269>.

²⁶ C. Treleaven, *"A Border Wall" Trump, Pelosi, and Mexico's President All Could Love*, 4.03.2018, Medium Co., <https://medium.com/@ctreleaven/a-border-wall-trump-pelosi-and-mexicos-president-all-could-love-af5a7ec46dd4> (accessed 15.08.2019).

When this idea did not seem too attractive to Mexico, during the budget negotiations at the beginning of the 2019 fiscal year, Trump decided he would pay 18 million to 20 million dollars for his project from the funds allocated for the State defence.²⁷

However, new obstacles occurred. During the midterm elections on 6 November 2018, the control of Congress changed. The Democrats who won the majority in the House of Representatives, led by Nancy Pelosi, did not want to agree with the Republicans' arguments that the project had been initiated by Democratic presidents. Although Trump reduced the sum he demanded from Congress to 5.7 billion dollars, he left negotiations when Nancy Pelosi stated the House would not spend even a single dollar. It seemed that the President repeated Reagan's move during the meeting with Gorbachev in Reykjavik in October 1986, which the American President left and provoked both countries' administrations to renegotiate and eventually sign the modified Intermediate-Range Nuclear Forces Treaty.

In a successive attempt to involve the Democrats in the idea of funding the project of the southern border protection, following the expectations of the competitive parties' leaders, Trump proposed he would agree to grant the right to citizenship to illegal immigrants' children brought to the US and separated from their parents (the so-called Dreamers).²⁸ The proposal was also left for later negotiation when the House of Representatives proposed the provisional budget, which allocated only 1.3 billion dollars for general defence spending. In response, Trump threatened he would announce a partial shutdown of the federal government operations, which actually took place on 22 December 2018.²⁹

The situation reminds the US fiscal cliff of October 2013, which resulted from the Republicans' attempts to block the healthcare system reform commonly called "Obama care". Having no access to funds, the federal government announced a shutdown, i.e. it suspended many of its activeness areas, e.g. national parks, museums, and stopped paying salaries to 800,000 federal employees.³⁰

A similar roundabout of "American paradoxes" started moving again in 2018. It is not possible to present all the fights between Trump and Congress here. Indeed, the article does not aim to present a complete timeline of events but only the characteristics of Donald Trump's "presidency style". Thus, let me expose just the most important moments.

²⁷ *Everything we Know About Donald Trump's Proposed Border Wall*, Bloomberg, 19.01.2018, <http://fortune.com/2018/01/19/donald-trump-border-wall> (accessed 15.08.2019).

²⁸ For more, see letters to the editor of Washington Post, "Dreamers" and Trump's Dream of a Wall, 26.12.2018, https://www.washingtonpost.com/opinions/dreamers-and-trumps-dream-of-a-wall/2018/12/26/9fd77a80-07b9-11e9-8942-0ef442e59094_story.html?utm_term=.20bab13d0163 (accessed 15.08.2019).

²⁹ USA: Senat przyjął prowizorium budżetowe, by uniknąć zawieszenia rządu, YouTube, 20.12.2018, <https://www.youtube.com/watch?v=gJNMidJNRfo>.

³⁰ Compare the author's article presenting the details of the late 2013 crisis: R.R. Ludwikowski, *Początki i zmierzch filibusteringu w Stanach Zjednoczonych*, [in:] J. Majchrowki, A. Zięba (eds), *Prawo konstytucyjne. Doktryny ustrojowe. Partie polityczne. Śladami idei Marka Sobolewskiego*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2015, pp. 113–142.

The 2018 shutdown lasted 35 days and was the longest in the United States' history.³¹ It was really unavoidable after Charles Schuman, the Democratic minority leader in the Senate, declared that further negotiations with the President constantly changing his conditions were not possible. "It's like trying to speak to Jell-O pudding", said the senator.³²

Seeing no prospects for obtaining funds from the federal budget to protect the southern border, Trump used his ultimate argument, i.e. the declaration of national emergency. Trump referred to the powers that Congress granted to the President in the National Emergencies Act of 1976.³³ In 1977, Congress additionally enacted the International Economic Emergency Powers Act, which in fact gave the President discretion to decide whether a situation in the State requires immediate response. Since then, presidents have referred to this Act 58 times and it must be admitted that it has not always been directly connected with (internal or external) threats to the State security.³⁴

For Trump, the declaration of national emergency meant that he would be able to move funds allocated for the State security to finance the construction of the wall without the consent of Congress and actual indication that they can be used for the protection of the southern border. Trump was rather careless to state that "reference to the Act of 1976 would not have been necessary if (...)". "If" obviously meant the negative result of the negotiations with the Democrats in the House of Representatives. The leaders of that party immediately criticised the President's decision based on his own statement that there had been no emergency whatsoever.³⁵

The roundabout of events, disorienting even the Americans as well as foreign observers, was moving faster and faster.³⁶ The Democrats succeeded in the House in the battle against legal grounds for the declaration of national emergency and 12 Republican senators unexpectedly supported the Democratic faction in the Senate.

³¹ The shutdown lasted from 22 December 2018 to 25 January 2019, i.e. the moment when the House of Representatives proposed a 2.5-week advance budget payment.

³² On 10 March 2019, Trump presented his budget project for 2020 and demanded \$8.6 billion, <https://www.politico.com/latest-news-updates/government-shutdown-2019>. For a more detailed report on negotiations before the shutdown, compare *McConnell: Senate will be back Sunday and "as Long as it Takes"* – live updates 21.01.2018, CBS News, <https://www.cbsnews.com/news/government-shutdown-2018-01-20-live-updates-live-stream/>.

³³ International Emergency Economic Powers Act, 50 U.S. Code Chapter 35 – I, codified in 1977. The National Emergencies Act, Pub. L. 94-412, 90 Stat. 1255, enacted 14 September 1976, codified at 50 U.S.C. §§ 1601–1651. For detailed comparison of the two statutes see R. Higgs and C. Twilight, *National Emergency and the Erosion of Private Property Rights*, Independent Institute, 1.01.1987, <http://www.independent.org/publications/article.asp?id=124> (accessed 25.08.2019).

³⁴ For more, compare D. Paul and C. Itkowitz, *What Exactly is a National Emergency? Here's What that Means and What Happens Next*, Washington Post, 15.02.2019, https://www.washingtonpost.com/politics/2019/02/15/what-exactly-is-national-emergency-heres-what-that-means-what-happens-next/?utm_term=.75eae91c812a.

³⁵ Trump stated: "I didn't need to do this, but I'd rather do it much faster," see P. Baker, *Trump Declares a National Emergency, and Provokes a Constitutional Clash*, The New York Times, 15.02.2019, <https://www.nytimes.com/2019/02/15/us/politics/national-emergency-trump.html>.

³⁶ For a more detailed report, see A. Bolton, *Senate Talks Collapse on Avoiding Trump Showdown over Emergency Declaration*, 13.03.2019, <https://www.msn.com/en-us/news/politics/senate-talks-collapse-on-avoiding-trump-showdown-over-emergency-declaration/ar-BBUJzPa?ocid=spartandhp>.

Following his former declarations, Trump vetoed both Chambers' statutes and American lawyers faced a bit unrealistic possibility of winning two-thirds majority by the presidential opposition in order to reject the presidential veto. Another step consisted in challenging the constitutionality of the declaration of emergency in courts but in case of that, as Trump stated, the Supreme Court was competent to take a final decision. And the majority of judges in it were of the conservative orientation. In this seemingly hopeless situation, the opposition returned to the possibility of impeachment of the President.

8. IMPEACHMENT: PRESIDENT'S CRIMINAL AND POLITICAL LIABILITY

As it is mentioned in the Introduction, the possibility of applying the procedure of impeachment against President Trump was considered by the Democratic Party congressmen and received widespread media coverage. However, one cannot fail to consider to what extent the possibility was realistic.

The Constitution of the United States stipulates that "The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."³⁷ It is undoubtedly a short section of the Constitution but it must be emphasised that almost every word in it was subject to extremely intensive interpretation by courts as well as political and legal doctrines experts. In spite of that, it must be also admitted that it is difficult to give unambiguous answers to many questions, including the one asked above.

The participants of the Philadelphia Convention who were drafting the Constitution faced serious problems with determining the role of the judicature in the process of impeachment, who "civil Officers" are and, in particular, the definition of "high Crimes and Misdemeanors" as impeachable offences. As there was no unequivocal opinion, the explanation of the issues was left to be subject to practical interpretation, which, in view of a relatively small number of impeachment cases, solved the problem of the lack of clarity by referring to the flexibility of the Constitution.³⁸ In 1970, summing up the discussions of the interpretation of impeachable offences, President Gerald Ford concluded that "they are what the majority of the House of Representatives recognises in a given moment in history."³⁹

³⁷ See <http://constitutionus.com/>.

³⁸ The history of the US recorded only three attempts to impeach the president. Andrew Jackson was impeached for the violation of the Tenure of Office Act and the Army Appropriation Act. However, the Senate did not take a positive decision concerning those charges. Richard Nixon resigned from office before the impeachment process started and was granted pardon by the next president, Gerald Ford. Pursuant to a plea bargain with the independent counsel, Robert Ray, Clinton was not charged with perjury and obstruction of justice; however, he had to pay a fine of 25,000 dollars and his law licence in Arkansas was suspended for five years.

³⁹ M.J. Franck, *Ford, the Court, and Impeachment*, National Review, 28.12.2006, <https://www.nationalreview.com/bench-memos/ford-court-and-impeachment-matthew-j-franck/> (accessed 15.08.2019).

Coming back to the issue of the possibility of impeachment against Trump, it should be stated that, regardless of frequently repeated commentators' opinions about the possibility of impeaching the President in Congress, his "impeachable offences" had not been proved, until the work on this article started, and the fact that the Republicans have the majority in the Senate reduced the Democrats' hopes for removing the President from office. On the other hand, charging the President with criminal offences would not be possible before the completion of the impeachment process.⁴⁰

As far as this issue is concerned, in the course of the proceedings against President Nixon, the Supreme Court only stated that the executive privilege to protect the right to refuse to provide prosecutors with evidence in the investigation they conduct in the case of impeachment cannot bear legal consequences. Nevertheless, in accordance with American courts' interpretation, before the decision of Congress, the President cannot be arrested or deprived of liberty when he is in office.⁴¹ Summing up differences in the Democrats' opinions, in March 2019 Trump derisively thanked Nancy Pelosi for confirming helplessness of the House of Representatives in this matter.⁴²

9. TWO STEPS FORWARD, ONE STEP BACK.

STRATEGY OR CHAOS IN INTERNATIONAL RELATIONS?

Looking for the answer to the question about Trump's strategy, it is worth looking at his first decisions concerning international agreements.⁴³ Just before his election, Trump announced that he would exchange multilateral agreements for bilateral ones. Pursuant to the plan, the first move after the election was the United States' withdrawal from the Trans-Pacific Partnership. The agreement negotiated by President Obama aimed to develop trade cooperation between eleven American and Asian states.⁴⁴ American trade experts started asking questions about the President's motives behind the decision to terminate a few other agreements fundamental for the United States and the imposition of higher tariffs on numerous imported goods. "Under the pretence of caring for security, Trump starts a fire of protectionism",

⁴⁰ See <https://constitution.com/articles-impeachment-richard-m-nixon/> (accessed 15.08.2019).

⁴¹ See *Nixon v. Fitzgerald*, 457 US 731 (1982); also R.R. Ludwikowski, *Politicization and Judicialization of the U.S. Chief Executive's Political and Criminal Responsibility: A Threat to Constitutional Integrity or a Natural Result of the Constitution's Flexibility?*, *American Journal of Comparative Law Vol. L Supplement* (2002), p. 420.

⁴² D. Jackson, *Donald Trump Mocks Impeachment, Says he "Greatly Appreciates" Nancy Pelosi's Statement*, *USA Today*, 3.03.2019, <https://www.usatoday.com/story/news/politics/2019/03/13/trump-mocks-impeachment-says-he-appreciates-pelosi-statement/3148819002/>. For more information on the issue of impeachment of a president in American law, see R.R. Ludwikowski, *supra* n. 41, pp. 404–436.

⁴³ The comments in this subchapter are quoted from a chapter in the 4th edition of the author's book, see R.R. Ludwikowski, *supra* n. 3, pp. 30–49.

⁴⁴ For a commentary, see Y. Saba, *Donald Trump to Withdraw US from Trans-Pacific Partnership*, *Politico*, 22.01.2016.

wrote Dan Ikenson of the liberal Cato Institute. American think tanks economists emphasised that higher tariffs would first of all strike the American automobile industry and in general local consumers. They warned that retaliatory actions would affect export of agricultural products, for which American farmers would have to pay.

It is hard to determine whether Trump's threats resulted from a well-thought strategy or a chaotic attempt to prove that the President of the United States can be unpredictable and make "two steps forward and one step back".

Further moves on the international trade chess board confirmed that Trump's policy was the latter option. On 16 February 2018, the US Department of Commerce (DOC) recommended that the President should impose higher tariffs on imported steel and aluminium products. The report referred to the provisions of Section 232 of the Trade Expansion Act of 1962, which banned American administration from reducing or eliminating tariffs on imported goods if such a policy constituted a threat to national security.⁴⁵

At that moment, the president started considering another decision. Under threat of a trade war with the European Union and the NAFTA Member States, he started delaying the imposition of higher tariffs on Canada, Mexico and the EU Member States. It seemed that the United States would repeat G.D. Bush's mistake of 2002.⁴⁶ Trade experts again started asking questions whether Trump's "trade policy" evolves or the President changes his stand in a chaotic way.

Soon, the United States' closest partners, France and Great Britain, were made exempt from sanctions on steel products import, and Mexico and Canada prepared for negotiations of a new version of the North-American Free Trade Agreement (NAFTA).

On 31 May 2018, Trump made another move and revoked the United States' special privileges, which made Canada and Mexico exempt from tariffs imposed on the exporters of steel and aluminium products. The American administration justified the decision by pointing to poor progress in negotiations with the European Union and the NAFTA Member States. Commentators recognised that turn in the US policy as self-sabotage and Trump's return to trade wars. Trump alone, with

⁴⁵ Section 232 is codified in U.S. Code, Title 19, Chapter 7, Subchapter II, Part IV, § 1862, <https://www.law.cornell.edu/uscode/text/19/1862>.

⁴⁶ A question concerning the possibility of making the United States' "important political partners" exempt from sanctions was, from the international trade experts' point of view, extremely sensitive. Looking for examples of precedents, one should remind President George Bush's decision of 2002 on the imposition of 30% tariff on steel goods. The NAFTA Member States (Mexico and Canada) and a few developing countries, such as Argentina, Thailand and Turkey, were excluded from the list of countries on which the sanction was imposed. The decision on the imposition of extra sanctions was submitted to the World Trade Organization for verification by the European Union backed by Brazil, China, Japan, Korea, Switzerland and Taiwan. The Dispute Settlement Body (DSB) decided that the imposition of additional tariffs had not taken place in the period of increased import required for the application of the provisions on safeguards and additionally affected only selected trade partners. The WTO Appellate Body confirmed the decision of the DSB and in order to avoid retaliatory sanctions, Bush's administration partially withdrew from the policy of safeguarding the steel industry.

typical nonchalance, commented this turn in his trade strategy tweeting: "Fair Trade is now to be called Fool Trade if it is not Reciprocal".

Trump tried a similar manoeuvre in relation to China when he accused it of currency manipulations and theft of American patents. For a moment, it seemed that China would give in under the pressure of Trump's threats and would propose considerable concessions to American import. At the end of May 2018, Beijing announced a decrease in tariffs on American, European and Japanese cars to 15%. It was also announced that there is a possibility of suspending antidumping and countervailing investigations against the United States.

Two weeks later, dissatisfied President declared that the United States shall impose additional tariffs on Chinese goods worth 50 billion dollars. In response, China imposed additional tariffs and both parties declared they would apply further sanctions.⁴⁷

The above-presented commercial manoeuvres are not the only ones on Trump's list of "strategic actions". Observing them, one must admit that Trump learned a lesson himself and over time his decisions were less chaotic and more predictable to the US trade partners.

In any case, it is not hard to notice that the leaders of the countries with which Trump had closer contacts learned from Trump, too. The American relations with North Korea are the best example. After two meetings with the leader of that country, Kim Jong Un, the media concluded that the process of Korea denuclearisation does not justify Trump's optimistic expectations. In response to Trump's confirmation that the meetings did not result in expected consequences, Kim Jong Un immediately announced preparation to successive nuclear tests suspended for the time of negotiations.⁴⁸

10. CONCLUSIONS

It is hard to deny that every article, including this one, has a few tasks. Firstly, the author should aim to indicate questions that a reader can ask based on commonly known information. The questions organise the material analysed and the main aim of the article is to answer those questions. The end of the work, beside summing up the theses presented, includes a considerable number of assessments and forecasts that may justify further research into the issues.

⁴⁷ Compare D. Szymański, *Donald Trump, wykonując jeden ruch, zdradził prawdziwe powody zaostrożenia konfliktu z Chinami*, Business Insider. Polska, 4.04.2018, <https://businessinsider.com.pl/finanse/makroekonomia/wojna-handlowa-usa-chiny-prawdziwe-zamiary-donald-trump/2dehn48>.

⁴⁸ *North Korea Says Kim Jong Un Mulling Resumption of Nuclear and Missile Tests*, CBS News, 15.03.2019, <https://www.cbsnews.com/news/north-korea-kim-jong-un-us-nuclear-tests-missiles-donald-trump-pompeo-bolton/?bcmt=1In>. In the face of prolonging bargaining with the United States, China adopted a similar strategy by starting trade negotiations with Italy. Compare C. Balmer, *China's Xi Looks to Strengthen Italian Ties, Evokes Ancient Trade Routes*, Reuters, 22.03.2019, <https://www.reuters.com/article/us-italy-china-president/chinas-xi-looks-to-strengthen-italian-ties-evokes-ancient-trade-routes-idUSKCN1R318U> (accessed 25.08.2019).

Following those comments, let me briefly emphasise a few positive as well as impressive characteristic features of Donald Trump's "style of policy-making".

Firstly, it is worth emphasising that Trump will remain in commentators' memory as one of the most active American presidents. In spite of his great age (he was 70 at the time of inauguration), his daily schedule was usually packed with events in which he participated.

Secondly, pointing out the President's characteristic features that were most often criticised, one must admit that many of his public addresses went beyond standard canons of political culture. His typical megalomania did not let him admit that even a politician of his rank can learn something. Undoubtedly, he gradually gained practical skills and in the seeming chaos of his constantly changing decisions, over time one could notice a political strategy.

Thirdly, it is hard to agree with Cohen's opinion that American interests were alien to the President and the slogan "America first" was just his strategic label. However, making this reservation, it is necessary to notice that the implementation of the policy behind this slogan pushed the United States into the battlefield of nationalist, anti-globalist and protectionist disputes. Trump, as I have tried to prove above, in spite of commentators' warnings, involved the United States in a series of "trade wars" that he ignored. He won some of them but in the case of others, the American citizens were to pay for the consequences of his risky decisions in the future.⁴⁹

Fourthly, there is no doubt that the American economy was flourishing during the first half of Trump's presidency, that is at the time when the article was developed. Protectionism, regardless of all the criticism by the supporters of free trade, seemed to provide motivation for American businessmen who could move their investments back to the United States. The increase in GDP was really great and the number of new work places seemed to be impressive.

In the second quarter of 2019, the increase in GDP was lower and fell from 3.1% to 2.1%.⁵⁰ The commentators from the Democratic Party started to strongly emphasise damage to American farmers resulting from the trade war with China. The media favouring Trump called for further negotiations with Beijing and including the European Union in them. However, they decidedly rejected suggestions that the United States was in danger of recession.⁵¹ Fifthly, as a result of politicization of the dispute over the protection of the US southern border by Trump as well as the

⁴⁹ For more, compare P. Coy, *Where Will Trade War Take US? The Damage from Trump's Disruptive Policies Will Take Years to Repair*, Bloomberg Business Week, 24.07.2018, pp. 12–14.

⁵⁰ Data from Trading Economics-US GDP, <https://tradingeconomics.com/united-states/gdp> (accessed 22.08.2019).

⁵¹ On 25 August, before the G-7 meeting in France started, Trump stated that he regretted not raising tariffs on China and (referring to the above-mentioned Act of 1977) encouraged American investors to withdraw capital from that country, which caused considerable turbulences at the American stock-exchange. For more, compare A. Cone, *G7 Summit: Trump "Regrets" not Raising Tariffs on China Sooner*, World News, 25.08.2019, https://www.upi.com/Top_News/World-News/2019/08/25/G7-summit-Trump-regrets-not-raising-tariffs-on-China-sooner/6021566737930/ (accessed 25.08.2019).

Democrats, the United States divided into two camps the fights of which weakened the efficiency of the President's right attempts to strengthen the state security.

Many other Trump's reforms that were to respond to the problems of ordinary American citizens also raised doubts. For example, the modification of the tax system met with taxpayers' wide criticism. The decrease in taxes announced in the Conservative Party programmes produced totally different effects. It is true that filling in yearly tax returns became easier but the former possibilities of tax deductions, the so-called itemized deductions, were replaced by standard deductions, which caused that millions of tax payers lost the opportunity to get a tax refund and had to pay higher state taxes.

Anti-globalist trends in Trump's policy resulted in even more critical trade experts' comments. The article must be finished with a conclusion that the attempts to ignore the arbitration bodies of the World Trade Organization and even the structures of the United Nations seemed to pull the United States back to distant times of isolationism.⁵²

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⁵² Compare e.g. J. Bachuss, S. Lester and H. Zhu, *Disciplining China's Trade Practices at the WTO*, Policy Analysis – CATO Institute, No. 856, 15.11.2018, pp. 1–33; also C. Barfield, *In Crippling the WTO, the U.S. Disarms Weapons Against Chinese High-Tech Protectionism*, American Enterprise Institute, 18.12.2018, pp. 1–3.

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GLOBAL OR STRATEGIC TRADE? SOME OBSERVATIONS ON PRESIDENT DONALD TRUMP'S STYLE OF MAKING DOMESTIC AND FOREIGN POLICY

Summary

The article refers to the main theses of the author's fourth edition of *Handel międzynarodowy* published by C.H. Beck. It is a handbook that, due to its didactic nature, only updates information about the regulations of global and regional international trade. The preparation of this article for publication results from the reflections of a commentator who observes the transformation of the United States' priorities during Donald Trump's presidency. An observer of trade policy must consider whether we deal with a "new era" in international trade. The answer to this question, whether positive or not, is subject to agreement. Nevertheless, the inclination of President Trump, a helmsman of the policy of the most important partner in international trade, to trivialise "trade wars" and emphasise that the US interests are of crucial importance is unquestionable and justifies asking successive detailed questions: To what extent does strategic trade, carried out from the perspective of one country's benefits, substitutes for global trade? Is President Trump first of all a businessman or a political strategist? Is the possibility of impeachment or even bringing criminal charges against the president who is in office, which is discussed by American law experts, realistic or is it part of the nature of the United States' political scene? What are the prospects for re-election of the president, whose personal counsel, Michael Cohen, has been sentenced to three years' imprisonment and a number of other associates are waiting for the results of an investigation into the collaboration with Russia during the presidential electoral campaign?

Keywords: globalisation and regionalisation, internationalism, glocalisation, anti-globalism, strategic trade, protectionism and isolationism, impeachment, national economic emergency, electoral democracy and populist democracy, recession

HANDEL GLOBALNY CZY STRATEGICZNY? KILKA REFLEKSJI NAD STYLEM PROWADZENIA POLITYKI WEWNĘTRZNEJ I ZAGRANICZNEJ PRZEZ PREZYDENTA DONALDA TRUMPA

Streszczenie

Artykuł nawiązuje do głównych tez będącego w druku przez C.H. Beck IV wydania *Handlu międzynarodowego*, autora niniejszego artykułu. Wspomniana książka jest podręcznikiem, który ze względu na jego dydaktyczny charakter, aktualizuje jedynie informacje o regulacjach globalnego i regionalnego międzynarodowego obrotu gospodarczego. Przygotowanie do druku niniejszego artykułu wynika z refleksji komentatora obserwującego transformację priorytetów Stanów Zjednoczonych za prezydentury Donalda Trumpa. Obserwator polityki handlowej musi się zastanowić, czy mamy do czynienia z „nową erą” w handlu międzynarodowym. Odpowiedź na to pytanie – twierdząca lub przecząca – jest sprawą umowną, niemniej skłonność Prezydenta Trumpa, a więc sternika polityki najważniejszego partnera międzynarodowych stosunków handlowych, do trywializacji możliwości „wojen handlowych” i do podkreślania, że interesy ekonomiczne Ameryki mają pierwszoplanowe znaczenie jest niepodważalna i uzasadnia postawienie kolejnych, bardziej szczegółowych pytań: Do jakiego

stopnia handel strategiczny, prowadzony z perspektywy korzyści jednego kraju, zastępuje handel globalny? Czy prezydent Trump jest przede wszystkim biznesmanem czy strategiem politycznym? Czy dyskutowana przez ekspertów od prawa amerykańskiego możliwość impeachmentu lub nawet przedstawienia kryminalnych zarzutów urzędującemu prezydentowi jest realna czy też jest jedynie częścią kolorytu politycznej sceny Stanów Zjednoczonych? Jakie są perspektywy reelekcji prezydenta, którego doradca prawny, Michael Cohen, zostaje skazany na trzy lata pozbawienia wolności a szereg kolejnych współpracowników czeka na wyniki śledztwa prowadzonego w sprawie kolaboracji z Rosją w trakcie prezydenckiej kampanii wyborczej?

Słowa kluczowe: globalizacja i regionalizacja, internacjonalizm, glocalizacja, antyglobalizm, handel strategiczny, protekcyjizm i izolacjonizm, impeachment, stan wyższej konieczności gospodarczej, demokracja elektorska i demokracja populistyczna, recesja

COMERCIO GLOBAL O ESTRATÉGICO – UNAS REFLEXIONES SOBRE LA FORMA DE LLEVAR LA POLÍTICA INTERIOR Y EXTERIOR DEL PRESIDENTE DONALD TRUMP

Resumen

El artículo hace referencia a tesis principales de la IV edición del “Comercio Internacional” que actualmente está en imprenta en la editorial C.H. Beck, escrito por el presente autor. El libro mencionado es un manual que, debido a su carácter didáctico, únicamente actualiza la información sobre regulación global y regional de tráfico económico internacional. La elaboración del presente artículo resulta de la reflexión del comentador que observa la transformación de prioridades de los Estados Unidos durante la presidencia de Donald Trump. El observador de la política comercial ha de pensar si estamos ante la “nueva era” en el comercio internacional. La respuesta a esta pregunta – tanto positiva como negativa – es una cuestión convencional, sin embargo la inclinación del Presidente Donald Trump, el piloto de la política del socio más importante de relaciones mercantiles internacionales a trivializar la posibilidad de “guerras comerciales” y a subrayar que los intereses económicos de América tienen importancia primordial es indiscutible y da pie a más preguntas detalladas. ¿Hasta qué punto el comercio estratégico, llevado desde la perspectiva de beneficio de un país sustituye el comercio global? ¿Será el presidente Trump sobre todo el hombre de negocios o estratega político? ¿Es real la posibilidad de impeachment debatida por expertos de derecho americano o incluso la posibilidad de imputarle al presidente actual la comisión de delitos o bien sólo forma parte de la escena política colorida de los Estados Unidos? ¿Cuáles son las perspectivas de reelección del presidente, cuyo asesor legal Michael Cohen está condenado a la pena de 3 años de privación de libertad y numerosos sus colaboradores están esperando a los resultados de investigación sobre la colaboración con Rusia durante la campaña presidencial electoral?

Palabras claves: globalización y regionalización, glocalización, antiglobalización, comercio estratégico, proteccionismo y aislacionismo, impeachment, estado de necesidad económico, democracia electoral y democracia populista, recesión

ГЛОБАЛЬНАЯ ИЛИ СТРАТЕГИЧЕСКАЯ ТОРГОВЛЯ: НЕСКОЛЬКО ЗАМЕЧАНИЙ О СТИЛЕ ПРОВЕДЕНИЯ ВНУТРЕННЕЙ И ВНЕШНЕЙ ПОЛИТИКИ ПРЕЗИДЕНТОМ ДОНАЛЬДОМ ТРАМП

Резюме

В статье нашли отражение основные тезисы учебника *Handel międzynarodowy* [Международная торговля] того же авторства, четвертое издание которого готовится к печати в издательстве С.Н. Веck. В силу дидактического характера указанной книги в очередном ее издании обновлена только информация, касающаяся регулирования международного торгового обмена на глобальном и региональном уровнях. Данная статья стала результатом размышлений автора, возникших в ходе наблюдения за трансформацией приоритетов США под руководством президента Дональда Трампа. Наблюдатель, интересующийся внешнеторговой политикой, не может не задуматься, имеем ли мы здесь дело с «новой эрой» в международной торговле? Конечно, как положительный, так и отрицательный ответ на этот вопрос носил бы довольно условный характер. Тем не менее, нельзя отрицать, что президент Трамп, который определяет политику одного из основных участников международного торгового обмена, имеет склонность часто прибегать к «торговым войнам». Он постоянно подчеркивает, что первостепенное значение должны иметь экономические интересы Америки. В этой связи возникает ряд более конкретных вопросов. В какой степени стратегическая торговля, проводимая с точки зрения выгоды одной страны, занимает место глобальной торговли? Является ли президент Трамп, главным образом, бизнесменом или политическим стратегом? Является ли реальной обсуждаемая экспертами по американскому праву возможность импичмента действующего президента или даже предъявление ему уголовных обвинений, или же это всего лишь колоритный элемент американской политической сцены? Каковы перспективы переизбрания президента, юридический советник которого, Майкл Коэн, приговорен к трем годам лишения свободы, а ряд других его сотрудников ожидает результатов расследования по делу сговора с Россией в ходе президентской избирательной кампании?

Ключевые слова: глобализация и регионализация, интернационализм, глокализация, антиглобализм, стратегическая торговля, протекционизм и изоляционизм, импичмент, экономическая необходимость, электоральная и популистская демократия, экономический спад

GLOBALER ODER STRATEGISCHER HANDEL – EINIGE ÜBERLEGUNGEN ZUM STIL DER GESTALTUNG DER INNEN- UND AUSSENPOLITIK DURCH US-PRÄSIDENT DONALD TRUMP

Zusammenfassung

Der Artikel nimmt auf die wichtigsten These der im Druck befindlichen, bei C.H. Beck erscheinenden 4. Auflage von *Handel międzynarodowy* [Internationaler Handel] des Autors dieses Artikels Bezug. Das genannte Buch ist ein Lehrbuch, das aufgrund seines didaktischen Charakters Informationen zu den Regelungen für den globalen und regionalen internationalen Wirtschaftskreislauf lediglich aktualisiert. Die Druckvorlage dieses Artikels folgt den Reflexionen eines Kommentators, der die Verschiebung bei den US-Prioritäten unter der Präsidentschaft von Donald Trump beobachtet. Jeder Beobachter der Handelspolitik muss sich die Frage stellen, ob wir es mit einer „neuen Ära“ des internationalen Handels zu tun haben? Über die Antwort auf diese Frage – bejahend oder verneinend – lässt sich ausgiebig diskutieren, doch ist die

Neigung von Präsident Trump, d.h. des politischen Steuerhelfers des wichtigsten Partners in den internationalen Handelsbeziehungen, die Möglichkeiten von „Handelskriegen“ zu trivialisieren und zu betonen, dass die wirtschaftlichen Interessen Amerikas stets Vorrang haben, nicht zu bestreiten und rechtfertigt weitere tieferbohrende Fragen: Inwieweit ersetzt der aus Perspektive des Nutzens für ein bestimmtes Land betriebene strategische Handel den globalen Handel? Ist Präsident Trump in erster Linie Geschäftsmann oder eher politischer Strateg? Ist die von US-amerikanischen Rechtsexperten diskutierte Möglichkeit einer Amtsenthebung oder der strafrechtlichen Verfolgung des amtierenden Präsidenten als real zu betrachten oder gehört diese nur zum Kolorit der politischen Landschaft in den USA? Wie stellen sich die Aussichten für die Wiederwahl des Präsidenten dar, dessen Rechtsberater Michael Cohen zu drei Jahren Haft verurteilt wurde und von dem mehrere weitere Mitarbeiter auf die Ergebnisse der Untersuchung zur Zusammenarbeit während des Präsidentschaftswahlkampfes mit Russland warten?

Schlüsselwörter: Globalisierung und Regionalisierung, Internationalismus, Glokalisierung, Antiglobalismus, strategischer Handel, Protektionismus und Abschottung, Amtsenthebung, wirtschaftlicher Notstand, Wahldemokratie und populistische Demokratie, Rezession

COMMERCE MONDIAL OU STRATÉGIQUE – QUELQUES RÉFLEXIONS SUR LE STYLE DE POLITIQUE INTÉRIEURE ET ÉTRANGÈRE POURSUIVI PAR LE PRÉSIDENT DONALD TRUMP

Résumé

L'article fait référence aux thèses principales de la 4ème édition de *Handel międzynarodowy* [Commerce international] de l'auteur de cet article en cours d'impression par C.H. Beck. Le livre est un manuel qui, en raison de sa nature didactique, ne fait que mettre à jour les informations sur les réglementations en matière de chiffre d'affaires économique international mondial et régional. La préparation de cet article pour impression résulte de la réflexion d'un commentateur observant la transformation des priorités des États-Unis sous la présidence de Donald Trump. Un observateur de la politique commerciale doit déterminer s'il s'agit d'une «nouvelle ère» dans le commerce international. La réponse à cette question – affirmative ou négative – est arbitraire, mais l'inclination du président Trump, un dirigeant de la politique du principal partenaire des relations commerciales internationales, à banaliser les possibilités de «guerres commerciales» et à souligner que les intérêts économiques de l'Amérique sont d'une importance primordiale est incontestable et justifie de poser des questions plus spécifiques: Dans quelle mesure le commerce stratégique, conduit du point de vue des avantages d'un pays, remplace-t-il le commerce mondial? Le président Trump est-il avant tout un homme d'affaires ou un stratège politique? La possibilité de mise en accusation ou même de poursuites pénales contre le président en exercice discutée par des experts du droit américain est-elle réelle ou s'agit-il simplement de la couleur de la scène politique américaine? Quelles sont les perspectives de réélection du président, dont le conseiller juridique, Michael Cohen, est condamné à trois ans d'emprisonnement et plusieurs autres collaborateurs attendent les résultats de l'enquête sur la collaboration avec la Russie pendant la campagne pour l'élection présidentielle?

Mots-clés: mondialisation et régionalisation, internationalisme, glocalisation, anti-mondialisation, commerce stratégique, protectionnisme et isolationnisme, impeachment, condition économique de nécessité supérieure, démocratie électorale et démocratie populiste, récession

COMMERCIO GLOBALE O STRATEGICO: ALCUNE RIFLESSIONI
SULLO STILE DI CONDUZIONE DELLA POLITICA INTERNA ED ESTERA
DA PARTE DEL PRESIDENTE DONALD TRUMP

Sintesi

L'articolo fa riferimento alle tesi principali della IV Edizione di *Handel międzynarodowy* [Commercio Internazionale] in corso di stampa da parte di C.H. Beck, dell'autore del presente articolo. Il libro richiamato è un manuale, che a motivo del suo carattere didattico, aggiorna solamente le informazioni sulle regolamentazioni del commercio internazionale globale e regionale. La preparazione alla stampa del presente articolo deriva dalla riflessione del commentatore che osserva le trasformazioni delle priorità degli Stati Uniti durante la presidenza di Donald Trump. L'osservatore della politica commerciale deve domandarsi, se abbiamo a che fare con una "nuova era" nel commercio internazionale. La risposta a questa domanda, affermativa o negativa, è una questione di convenzione, tuttavia la tendenza del presidente Trump, e quindi del timoniere della politica del più importante partner dei rapporti commerciali internazionali, a banalizzare la possibilità di "guerre commerciali" e a sottolineare che gli interessi economici dell'America hanno un'importanza di primo piano è indiscutibile e giustifica il porsi successive domande, più dettagliate. Fino a che grado il commercio strategico, condotto con la prospettiva dei vantaggi per un unico paese, sostituirà il commercio globale? Il presidente Trump è soprattutto un uomo d'affari o uno stratega politico? La possibilità di impeachment o addirittura di accuse penali al presidente in carica, discussa dagli esperti di diritto americano, è reale o costituisce solamente parte del folklore della scena politica degli Stati Uniti? Quali sono le prospettive di rielezione del presidente, il cui consulente legale, Michael Cohen, è stato condannato a 3 anni di reclusione e una serie di altri collaboratori attendono i risultati di un indagine condotta sulla questione della collaborazione con la Russia durante la campagna elettorale presidenziale?

Parole chiave: globalizzazione e regionalizzazione, internazionalismo, glocalizzazione, anti-globalizzazione, commercio strategico, protezionismo e isolazionismo, impeachment, stato di necessità economica, democrazia elettorale e populismo, recessione

Cytuj jako:

Ludwikowski R.R., Global or strategic trade? Some observations on President Donald Trump's style of making domestic and foreign policy [*Handel globalny czy strategiczny? Kilka refleksji nad stylem prowadzenia polityki wewnętrznej i zagranicznej przez prezydenta Donalda Trumpa*], „Ius Novum” 2019 (Vol. 13) nr 4, s. 135–161. DOI: 10.26399/iusnovum.v13.4.2019.47/r.r.ludwikowski

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