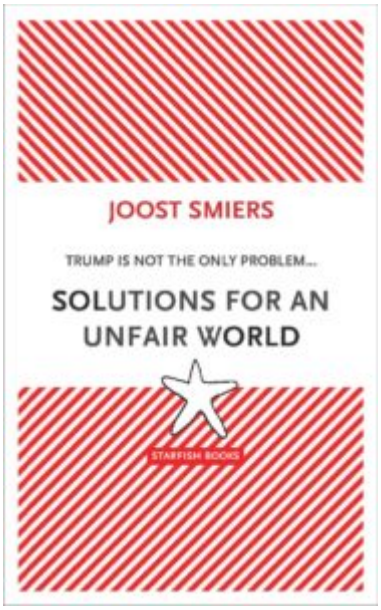
Solutions For An Unfair World ~ We Have To Bring Trade Under Democratic Control



If we realise that the escalating economic, cultural and social globalisation has brought us too few blessings, the question is what we need to do, and especially what we can do nów. First of all we have to think about the abundance of trade treaties between individual countries – there are thousands of them – and between groups of countries in certain regions – think of NAFTA, CETA, the formerly intended TPP, TTIP, and indeed the European Union –, and about what is governing them at a global level, such as the World Trade Organisation (WTO). In principle, all those treaties have to be revised radically. However, before we come to this, we need to acknowledge that generally it is beneficial that such treaties are aimed at reducing (further) import and export taxes. But that should not be overdone: countries have the right to protect certain sectors of their economy, perhaps only for a certain period of time. It is also useful if such treaties contribute to the joint determination of industrial standards, even though small differences are not insurmountable. But after that, the problems come.

Let's start with the bilateral and regional trade treaties. What is necessary now and in the future is that such trade agreements are being formulated in such a way that they put an end to matters such as tax dumping, environmental degradation, the enormous size and complexity of corporations, and social exploitation. So far, all those trade treaties are silent about the protection of what is of vital importance for citizens and their society – now and in the future. Therefore, those treaties must be renegotiated, reformulated and concluded again. Indeed, that is a hell of a job, which can only succeed if two conditions are met. Firstly, lawyers, economists and social scientists at universities – and scientists at technical and agricultural universities as well – need to set up major research programs to consider how the transition will unfold from the current trade treaties, which undermine democracy and hurt citizens, to trade treaties

that serve the interests of these citizens, bringing democracy and market to a good balance.

Secondly, one can imagine that such radical changes can only take shape if substantial sections of the population are committed to this, persistently and well-considered. Perhaps what is being proposed here is not a far-off-their-bed show for the simplifying right. And why could reforming the trade relations between countries – which would bring back national priorities to citizens – not be the basis for alliances between what is called the populist right – what I have previously referred to as the simplifying right – and a from its neoliberal bent returning left? I'll get back to that.

The World Trade Organisation is a case in itself, and we should get rid of it. At the end of World War II, in Bretton Woods (US) the groundwork was laid for a global trading system that combined two important issues. Trade between countries can bring prosperity to everyone, so let's take care that the obstacles to it – such as high tariffs – will gradually decrease, people thought. But at the same time individual countries should also have enough room to arrange their own economic and financial lives in such a way as to meet their own needs. Without entering into details here, it can be safely said that this system was more or less functioning well within gatt, the *General Agreement on Tariffs and Trade* – the global trade treaty that arose from Bretton Woods and that was applied from World War II onwards. Until the neoliberal ideology and the interests of the ever-growing transnational companies penetrated into all pores of international trade and gatt was transformed into an instrument in which *one size fits all* was prevalent. In 1995 this became the WTO.

The purpose of this World Trade Organisation is to ensure uniform rules between countries for all conceivable products, trade movements and services, and to enforce compliance by special secret courts within the WTO, with the possible punishment that a winning country can set trade sanctions against the loser. The wto was established in the early nineties of the last century. Ever since the start, it became increasingly difficult to reach agreement between almost all countries of the world, among other things about the elimination of trade barriers for tens of thousands of products and services, and about the introduction of standards for this. For several years, no progress has been made at all.

Nevertheless the WTO is still there. The WTO is acting as a sort of economic

world government, but as we have seen, a *democratic* world government, in which citizens of the whole world can really influence economic processes, is completely unthinkable. It is impossible even to assume that so many different interests and desires of citizens from all countries can be regulated in a democratic way. Thus, the WTO needs to be reduced and rescaled to what GATT, the General Agreement on Tariffs and Trade, was meant to be from the Second World War until the early 1990s: an instrument to promote trade between countries, and to make national and local protection as optimal as possible, serving important social, ecological and cultural values. This also means that this can only be realised if public awareness grows that trade is a means of achieving a goal and not an end in itself.

We are not yet there when national and local interests become the focal point for trade relations between countries. Of course that would be a big step forward, but we would still be faced with the power of big companies operating globally. We already concluded that we are actually empty-handed if we want to submit those companies to global rules. Nevertheless companies can not be left a free hand, trusting that they are meaning well. If we can not control them at the global level, we only have one conclusion: too large, too powerful and too complex companies should be reduced significantly in size and power. To that end I introduce a new form of competition law. (Smiers 2016)

So far, as citizens we just have to wait and see how big and powerful – and thus how uncontrollable – a company will become. However, we must acknowledge that we as citizens have an interest that there will be no economic players more powerful than our states. This means that companies must have a size and a structure that is manageable. If we want to subject them to rules, we must be able to check if these rules are being observed. We also have to be freed from companies that dominate markets, otherwise it is almost impossible for newcomers to acquire a place there. Current competition law only deals with complaints which company A might file against company B. That is not enough. Because we as a society also have a fundamental interest, and that is that companies are embedded in a society which they can not overrule.

That is why I propose a completely new form of competition law, which I call *proactive* competition law. The purpose of this is that the Competition Authority will proactively survey the market. If it is concluded that a particular company has become too dominant or too complex and is not transparent, then that

company must be divided into several smaller parts. Obviously, the Competition Authority must take care that a part of such a split company will not itself become a dominant player again. In addition, companies themselves must indicate in their business plans how they will ensure that they do not become market dominant.

The exciting question is, of course, which Competition Authority may authorize such interventions as the breaking up of over-sized companies. These companies operate at a global level and do not obey regulatory authorities at a national level. This means that in a new treaty on global trade – which has to replace the current WTO – a new global competition law has to be formulated and a new Global Competition Authority has to be established. After all, companies that operate on a global level can only be addressed at a global level. In the 1970s there have been moves in this direction within the United Nations, but under pressure from neoliberalism they were swept away again in the 1980s.

It should be mentioned as well that intellectual property rights – such as patents and copyrights – privatise the knowledge and creativity that we have jointly developed in the course of the centuries. This may sound strange to some people, but for a variety of reasons we must abandon these intellectual property rights. Why? While all newly acquired knowledge and creativity builds on what has been developed earlier, the Intellectual Property Rights system creates a monopoly, so that no-one else can further develop this knowledge and creativity. Socially, we are therefore stealing from ourselves.

Additionally, in the case of a piece of land one can indicate with precise boundaries whose property it is, provided that there is a well-functioning land registry. However, knowledge and creativity are fluid and have no fixed limits. That leads to conflicts, patent wars between companies and very expensive lawsuits, on which money is spent that will not be devoted to the further development of knowledge and creativity. Intellectual property rights also constitute the new time bombs under our financial and economic system. On the stock markets companies are increasingly appreciated on the basis of the value of their patents and copyrights. But that value is guesswork. Nobody can indicate the value of knowledge that is monopolized – and that is exactly what intellectual property rights do. For security and stability in the global economy it is not safe to bet on the prices of the assumed values of intellectual property rights.

What is often overlooked is that western countries will make every effort

imaginable to ensure that patents and copyrights will be enforced as long as possible in a global context – in particular through the treaty on so-called *Trade-Related Aspects of International Property Rights* (TRIPS), and that all the knowledge and creativity that lends itself to this will be included in intellectual property rights as well, thus privatising our *commons* on a large scale. The consequence of this is that (relatively) poor countries, where less knowledge and creativity can be developed and paid for, now have to pay heavily for the use thereof.

However, it is not unthinkable that in those countries – as is happening now in China – in many areas a lot of knowledge and creativity will be developed, fenced off with piles of intellectual property rights. It may very well be that this will eventually be much more than the knowledge and creativity developed in the West. So all of a sudden the West will have to pay for all the necessary knowledge and creativity. The system of strict intellectual property rights that the West now benefits from will then turn against the West itself and become a ballast of unprecedented magnitude.

Intellectual property rights therefore hardly rely anymore on the promotion of the development of knowledge and creativity, but on trade and the thwarting of other companies and countries. Can we do without? Certainly. The starting point is that much research is actually funded with public resources, even though the resulting knowledge is often privatised. In addition, large companies today are less likely to undertake substantial research – and certainly not any research with a social or ecological component: their short-term interests do not allow it. So the solution will be that we have to make a radical separation between research on the one hand, and the production of goods and services on the other. Research will then take place in separate research institutes – in universities or private companies. We fund this research from the general resources.

These research institutes participate in tenders, written by independent and regularly changing committees. All the output of this research is freely available to all. Subsequently, manufacturing companies can get started. One of the major advantages of making a distinction between research and production is that research-projects will be selected on the basis of a variety of social interests – ecological, social, cultural; the demand from companies is only one factor to take into account.

Granted, what we propose turns the world upon its head. But just like we need to cut trade treaties to human size, we have to do the same with companies. The problem we are all confronted with is that it is difficult to imagine that relationships that seem to be persistent can actually change. Even so, it is possible. Who had thought that the Berlin Wall would fall, even one day before the event? Who had thought until the end of the 1970s that neoliberalism would become the dominant ideological and economic force? Even so, it happened. Major social changes often occur in an unpredictable fashion. But keep in mind that they do not come out of the blue. In order to be able to cut holes in the Wall, a lot of work had to be done first in East Germany and the other countries of Eastern Europe, and we cannot accuse the initiators of neoliberalism of laziness.

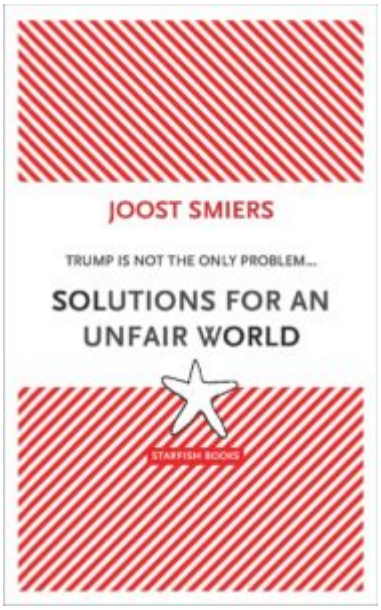
They had been studying, discussing, building networks and lobbying for thirty years, before their ideology of the free and barely regulated market eventually gained global prominence under Thatcher and Reagan.

Putting enterprise under democratic control again seems to be an unrealistic cause. You may call it a utopia, but is that not the same as making the unthinkable imaginable? Perhaps we will be grateful to Donald Trump, for his wildness and unproductive ideas about protectionism may prove to have been the – probably unintended – catalysts for what I propose: not the abolition of the world economy – that would undo thousands of years of history – but the reintroduction of local and regional enterprise, embedded in society. Then there will be no more super-large companies that can afford their CEO’s scandalously high rewards. Because medium-scale and small businesses can never afford that: their bosses can only earn a little more than the average employee, and that’s it.

We can not handle the complex corporate world as it now functions; that calls for less globalisation, which should actually be possible.

Solutions For An Unfair World ~

Curb Globalisation: A Dialogue Between The Veritable Left And The Simplifying Right



When we look at the present global ideological and economic battlefield, two roads are open. The first is continuing on the path of ongoing neoliberal globalisation, deregulation of markets, further privatisation of public services and facilities, and leaving the global economic playing field to transnational companies that regard themselves as global governments rather than as serving the public good.

The completely opposite option is breaking with this, recognizing that democracy can never get a grip on what is happening at the global level, and bringing back important decisions for the daily lives of people to the levels which are familiar to them: the national state and the local community in which they live. We have to acknowledge that, under the conditions of unrestrained globalisation, the countries of the European Union and other parts of the world can not provide the protection that people need. From the previous chapters it will be clear that I opt for this last possibility: it is better to consider neoliberalism as an aberration, and to bring corporations as quickly as possible back into society, instead of letting them think they are *the masters of the universe*.

In order to achieve this radical change, a broad coalition is needed among populations. Looking at the political landscape, for instance in Europe, it can be noted that the conservative and moderate liberal parties show undiminished faith in the economic globalisation and liberalisation that has been started a few decades ago. The painful thing is that important currents in social democracy are not opposed to it as well, be it with efforts to uphold humanitarian and social values, even if in vain.

The forces that want to curb globalisation are on the veritable left of the political spectrum and in the camp of what I call the simplifying right. It would be obvious to encourage these currents to form alliances, but there are too many obstacles on the road. For example, it does not seem likely that the veritable left can mobilize the vast majority of populations; and the right which is critical of globalisation and Europe sometimes errs on the side of xenophobia and exclusion. Even more important is that the simplifying right actually wants to bring political decision-making closer to home, i.e. to the nation-state, but it does not mention transnational companies, which make sure that we live in a world that we can not get to grips with anymore, and heap misery upon us. One can think of their environmental footprint, of the financial risks these companies take, of tax evasion, of the existence of a big gap between the poor and rich, and of various forms of criminal behaviour they are guilty of.

A first task would be to start a discussion with the supporters of the simplifying right about their dissatisfaction with the global and the European order. This is the kind of conversation I have argued for in the previous chapters. It has a strategic goal. First of all, it is not difficult to agree that we must leave the neoliberal globalisation agenda behind us and make the European Union moderate in its pretensions.

But – and here the conversation becomes more difficult – this will produce scant results if the transnational companies are not split up into negotiable segments and if the smaller companies which will emerge out of them will not be faced with a set of social requirements: what do we expect as citizens of companies that provide us with products and services? Such a conversation does not make any sense with entrenched neoliberals from the conservative camp and from the center-left. But such a conversation may be actually prove to be useful with people who don’t want anything from today’s globalisation. This may presuppose a bit of optimism, and some political and social courage, but why not give it a chance?

Solutions For An Unfair World ~ Peace In Our Time?

In Europe we are at a loss: the US nuclear control button is in the hands of an impulsive president. Impulsivity is generally not conducive to the establishment of stable relationships in the world. If it concerns a weapon of mass destruction, there are reasons to be anxious. Just to reassure the reader: initially the president does not decide on his own; he has to go through some reviews, but in the end it is he who decides, and the whole process of decision-making barely takes a few minutes.

In order to make the complications even bigger: the relations with Israel are very cordial under a Trump-government. Israel has not yet abandoned the idea that the nuclear agreement with Iran is null and void, and should be undone. It seems that Trump endorses Israel in this, or at least wants to renegotiate the agreement. You don’t have to be a stranger in Jerusalem to realise that all the ingredients are in place for escalating tensions between the United States and Israel on the one hand and Iran on the other. In this scenario, an atomic bomb may also occur.

The problem is that the European Union as a whole and the European countries individually barely count on the world stage. The United Kingdom is withdrawing from the EU and will need some time to recapture a separate position, apart from the fact that the country has always tended to support the US, in an economic but also in a diplomatic sense. All of this does not make Britain the appropriate force to put the emotions at rest. France and Germany are also not powerful enough to influence the policies of the United States, Israel and Iran, either alone or together. This will have to come from a common Europe, and thus from the European Union.

Why do we need a strong Europe, at least in this respect? A possible military conflict between Israel and Iran will take place around the corner from us. We

will certainly be aware of it, especially if the Middle East becomes a major war scene. Only a powerful Europe can exert a mitigating effect on parties where hot-heads are in power. It is of course strange that the negotiations with Iran were conducted mainly by the US, with the EU and some European countries in assistant roles. That really has to change. A top priority should be that the EU states publicly and diplomatically that the deployment of a nuclear weapon or any other military action will not be tolerated. For this purpose only a strong EU can join coalitions with other countries that are also opposed to war. It is clear that, given the weak diplomatic position and will of Europe, nothing will come to fruition unless there will be a strong peace movement in Europe again.

One of the mottos of the past could be reiterated: all nuclear weapons should be removed from the face of the earth. This is all the more necessary because, as far as nuclear weapons are concerned, hacking lies in waiting. Commands that can set off an atomic bomb can be taken over by hackers from a foreign country. Nuclear weapons could be unleashed upon another, i.e. a third country, or targeted at sites within the country that owns the nuclear weapon. It is also apparent that in the United States – and probably not only there – systems that lead to the launch command show serious flaws. This can mean that the launch will not succeed or that it will take place unintentionally. (New York Times, 16.3.17)

It does not contribute to nuclear safety in the world that Donald Trump has announced that the US should have even more nuclear weapons, since Russia is now perceived to have more; it depends how you count. So there is every reason to conduct a global campaign, as broad as possible, to urge for negotiations about a substantial reduction, if not total withdrawal of all nuclear weapons. In this context it is encouraging that the Nobel Peace Prize 2017 has been awarded to ICAN, the International Campaign to Abolish Nuclear Weapons. Within such a context it should be recognised that North Korea, under strict conditions, is also a nuclear power, just like Iran. In Iran the option was to destroy its nuclear weapons, with as a certain outcome a terrible war in the Middle East. Fortunately it has been decided that is was better to negotiate and to bind Iran to conditions for the possession of a nuclear weapon. Although this will not be easy, this procedure is the only possible option for North Korea as well. Now it’s time to make Donald Trump aware of this and to make him forget that he has blamed Barack Obama for making a fatal mistake in closing the deal with Iran. Perhaps

Trump will ever realise that Obama acted wisely (apart from the fact that at the beginning of his presidency Obama called for all nuclear weapons to be removed from the face of the earth, after which he decided to order a few more).

The possible rekindling of military conflicts in the Middle East is not the only threat which emanates from the United States. Many signs indicate that the country will be even more militarised than it already is, and some believe that a creeping coup can not be ruled out. The US has a great tradition of interventions in other countries, in order to put more friendlier regimes into power. This has always happened as secretly as possible, because they did not want it to be public knowledge. After 9/11 this has changed. *Regime change* has become something you can talk about more openly, even though catastrophe has followed upon catastrophe. Trump's autocratic tendencies make you suspect the worst.

Is an autocratic regime in the US unthinkable? Whatever happens, it's not encouraging that only 19% of the young Americans is opposed to a take-over of the leadership of the country by the military. In Europe, that figure is 39%. In short, the militarization of our societies is not just fiction anymore. SIPRI, the *Stockholm International Peace Research Institute*, reports that in 2015 seventeen hundred billion dollars were spent on armaments worldwide. That's more than thirty percent more than in the hottest phase of the Cold War. Add to this the cyber attacks that can shut down whole societies, and the illusion and hope that the world will only become more peaceful ends in smithereens.

Perhaps it will fall on deaf ears, but still it's a pleasure to listen to Dwight D. Eisenhower, who on January 17, 1961 – three days before his resignation as president of the US – gave an impressive speech about the danger of the military-industrial complex for his country and the rest of the world. This is his warning: '*This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence – economic, political, even spiritual – is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and living are all involved; so is the very structure of our society. In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of power exists and will persist.*

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defence with our peaceful methods and goals, so that security and liberty may prosper together.'

For the time being, these wise words seem to be the dreams of an old man from a bygone era. However, after the election of Trump the stock prices of the arms companies increased worldwide. Now that he is president, he wants to push up the defence budget with tens of billions of dollars, to the detriment of – among other things – the diplomacy, the US contribution to the United Nations, and international aid. This accomplishes what I already feared: the great misunderstanding that the world will become more peaceful, and that American interests will be better served if more weapons are put in place, and then again of the kind with which the wars of the previous century were won (or lost).

At the same time, in Europe, the pressure is increasing to raise defence budgets to two percent of the individual member states' spending, and the urge is growing to invest a lot in military research, especially in new weapon technologies. Suddenly, there is also a need for a better integrated army in Europe. On Monday, November 14, 2016, the EU ministers gathered to confirm all of this. At the end of the session the European Commissioner for External Relations, Federica Mogherini, stated that a quantum leap towards a European security and defence policy was being made.

How has this all been possible in Europe? Firstly, one would be inclined to say: that is because of Russia – but more about this later. The second thought goes to NATO. After 1989, many thought that this instrument had had its longest time, due to the collapse of the Iron Curtain. However, the opposite has happened: NATO has insidiously expanded its action range to the borders of Russia. Europe has allowed this to happen, accepting the American interests that were at stake, and did not have to worry about NATO's costs, because for a substantial part they were taken up by the US. Understandably the confusion is great now that Trump suddenly declares that Europe has to pay for its own defence. In itself that is not even a crazy demand.

The consequence is that in Europe we have to think about what kind of defence we want. As we have seen the reflex is: more weapons, múch more weapons.

That's a road we certainly should not take, because it leads to a weapon race, of which we know where it starts but not how it will end. Probably in a fatal way. Which road looks preferable?

First of all the question must be asked whether NATO is still the right body to safeguard our interests, especially now that a president has been chosen in the US who is thinking about peace and security in a way that probably does not match with what we are talking about in Europe. Additionally NATO's Chief Commander is an American, appointed by the American president. It is therefore of the utmost importance that we withdraw from the power concentration of US military and political interests, i.e. from NATO.

Secondly, attention must be focused on what kind of defence we want in Europe. In view of the divisions between the European countries, a joint army under one supreme command is not the obvious solution. With a better integration of various defence tasks and equipment, Europe has sufficient resources to defend itself against a potential enemy. Of importance is that the European Union's defence system does not in any way look offensive. It should limit itself to defensive tasks. We must prevent that the EU will transform from a *soft power* into a *hard power*. For this reason Lourens van Haaften, lecturer of international relations at Utrecht University, warns: '*The shock, caused by this to the international state system, can have a reverse effect in the long run. Surrounding countries like Russia will feel threatened and will try to break that power. European defence cooperation could thus lead to less instead of more security.*' (NRC Handelsblad, 17.11.16)

If the goal is to achieve more security, the best way to do this is to organise disarmament conferences. But political courage is needed for that too. Who, what politician, which country will send the first invitation to alleged opponents to talk about arms control? This will only happen if, in some countries, large parts of the population will fight for this and, as mentioned above, the peace movement will get stronger.

This takes us automatically to the subject of Russia. Let's assume that Vladimir Putin is just as terrible a political leader as George Bush once was, when he unleashed a war in Iraq without a mandate of the United Nations, and then found no weapons of mass destruction. However, it is useful to analyse the words and actions of Putin in all sobriety – however difficult that may be and however terrible it is what he is doing – and not immediately respond with NATO in the

attack mode. If we can prevent a new world war that way, this is no unnecessary luxury.

It is not difficult to admit that Putin is right when he says that the West, in particular the United States, has often violated the fragile rules of international law. Iraq, but also the extension of the UN Security Council mandate in Libya, is still a fresh memory. The wisest thing the Western powers could do is to sit down with Putin and confess that he is right in that respect. Then the next topic could be: how can we prevent that international law will be used in such a messy and opportunistic way again? For the future world peace such a conversation would be a godsend, and it would take the wind out of Putins sails if he wants to ignore the rules of international law again.

We can agree that the Soviet Union was a catastrophe in many ways, also economically. Yet this is no justification for the way in which American advisors from Chicago's neoliberal school pushed the privatisation through of all state property, in only a hundred days. Where that has led us we now know: some criminal figures from the Soviet era have enriched themselves horribly, while millions of citizens impoverished from one day to the other, and what was still functioning in the Soviet economy perished. One should not be surprised that the anger and frustration about this is still alive. The West would benefit from shaking off the economic neoliberal yoke itself. Along the way it could make clear to Russia that serious mistakes have been made at the time. It's up to the Russians what they want to do with that statement, but for the West it is better to stop halfway than to persevere in error.

Historians will have to work for decades to understand why Yeltsin took the idiotic decision to break up the Soviet Union in a matter of just a few weeks. What we see now is that there is a president of Russia who thinks this split was an error of the first order, probably supported by many of his countrymen. Apart from all the religious and Blut-und-Boden rhetoric by which the anger is accompanied, it is quite conceivable that the disintegration of the Soviet Union is felt as the beginning of the impasse in which the country still finds itself.

Vital parts of the Soviet-plan economy were suddenly located in other countries, while secession movements of various radical stripes have cost and still cost a lot of energy. Would it be wrong if the West sat again at the table with the Russian leaders, and in all honesty started thinking with them about how to resolve the

issue of a strangely disintegrated country that – let's be honest – international law does not provide a clearcut answer for? Of course we can be indignant that Russia has annexed the Crimean in a snap, but the question is whether our anger will contribute to solving the much larger nationality issue that Russia and its neighbours are stuck with. Most likely, that is not the case.

The fact that Russia and Ukraine are both utterly corrupt countries is not in doubt. This makes it difficult to do business with both of them. Additionally, the black money circuits also have fascistoid traits. From the outside we can do little to address this. It's annoying, since if corruption is so deeply embedded in the state apparatus, the leaders are not free from all smells and inclined to talk with a pistol in their back pocket, also at a diplomatic level. The only thing the West can do now is to finally launch a serious effort to immediately put an end to all suspicious financial transactions, tax evasions and outright fraud. This is what must happen anyway. If there is no way to store black money anywhere in the world, this is a first-order contribution to combating corruption in Russia, Ukraine and neighbouring states. Perhaps they will grow to be normal countries.

If the West wants to apply sanctions against Russia, the best solution is to no longer buy gas, and to do what has to be done anyway: to generate renewable energy at home. This is better for the environment and ensures that we are no longer dependent on unreliable energy suppliers who, in the case of Saudi Arabia, finance koran schools or, in the case of Russia, make the economy lazy because, as is apparently thought, the money from the gas benefits will be coming in anyway.

A world war can be prevented if the West will operate wisely and not beat the big drum, but tries to understand the mental *make-up* of the Russian president and the bitter history of his country.

Solutions For An Unfair World ~ A

President With Messy Moral Standards

We live in astonishing times. Donald Trump's government exists of mostly elderly white men – we did not expect otherwise – who together have at least $35 billion, although I'm afraid I've lost count and it could even be more. It is astonishing that the people who voted for the new president of the United States see absolutely no problem in this accumulation of capital, even if most of them experience very little perspective in life themselves.

It is also astonishing that someone who has to bind together the population of a country and give the world confidence, is unable to feel compassion and to exert self-control, does not have a sense of balance, spits out hate, acts out of revenge, is surrounded by people with a limited look at the world, denies opponents the right to speak and excludes them, flirts with racism, xenophobia, sexism and narcissism, makes people anxious and demonises other people, calls journalists liars, is hardly able to distinguish his business interests from his public duties, does not wish to acknowledge the separation of powers that the Constitution dictates, calls elections fraudulent that do not seem to benefit him, gives religion a prominent place except Islam, dismantles social structures and undermines the power of the democratic system. *America First* is his motto… but what are the United States these days? I would say: an ordinary country, just like any other country with its problems and possibilities, only with the bygone illusion that it is the most powerful country in the world, and a nation chosen by God.

Make America Great Again. That's not what Dwight D. Eisenhower meant in his farewell speech as president in 1961. '*Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be instead, a proud confederation of mutual trust and respect.*'

What has President Trump to offer his own people? Neoliberalism, usury-capitalism, the smoothing-over of tax evasion, the removal of rules for the banking sector; likely the planning of infrastructure projects that will result in the privatisation of the *commons*; and the creation of the illusion that there will be massive new employment – did he ever hear of robots?

[A little in-between: In the modern factory you only need two staff members: a man and a dog. The man must give food to the dog, and the dog must make sure the man does not touch the robots.]

What else has Trump to offer his compatriots? Abortion will become considerably more difficult. As ambassador to the United Nations he appointed Nikki R. Haley, who was the governor of South Carolina, where she supported abortion-hostile legislation. She and her boss the president will do their utmost to prevent the un from incorporating family planning into its aid programs for poor countries. In the Supreme Court Trump wants to appoint judges who want to undo existing abortion opportunities. An important achievement in recent years was the creation of the Consumer Financial Protection Bureau, which must protect citizens against the risks of financial products and services; that is also going to fall. The EPA, the *Environmental Protection Agency*, has been downsized. In the *Federal Trade Commission* people have been appointed who defend the free and unhindered market without any restriction, assuming that the economy and business life flourish better if they are released from the federal government's long arm. The Trump program does not indicate in any way that the commercialized prison system will be humanised: an excessive proportion of the black population will remain locked behind bars, in order to provide cheap labour and at the same time lose its voting rights.

Trump wants to abolish the *Affordable Care Act* – the so-called *Obamacare*, which would make millions of Americans uninsured again. Instead, they will be faced by a far-reaching privatisation of health insurance, which would make being make sick unaffordable for many. With much ado Donald Trump had announced during his election campaign that he would replace the *Obamacare* hated by him with something much better. Once in office he did not yet manage to get any further than a proposal for a *Trumpcare*, which is much worse than what Obama had been able to achieve during his presidency, against the will of the Republican Party. Obamacare will be undermined anyway by his December 2017 tax law.

Trump had included many professional lobbyists in his transition team. During his presidency they will readily enter the White House to plea for their interests. Those lobbyists, and the think tanks that provide them with arguments and strategies, have billions of dollars. This leads to an unequal struggle for action groups that, for example, fight for a clean environment and against corruption, or take action against dehumanising labour conditions in low-wage countries. The money they have for their activities is not comparable to the money these lobbyists, who operate on behalf of companies and financial institutions, have access to.

Trump's policy will affect not only the us, but the rest of the world as well. I will try to summarise the confusing plethora of themes he throws around in eight points.

First of all, Trump is not just a president. More effectively than anyone, he carries out a worldview in which a lack of humility and respect, the creation of false illusions and the spreading of hatred are the most natural thing in the world. Of course we do not know how much influence this will have in the United States and beyond, but there is a connection with the desire for a strong man, and with ideas that there is a race – the white in particular – that is superior to all others, that women are there to be used, that the opponent can and must be overcome by force, regardless of whoever he is and wherever he may be, that the civilising of each other does not have to play a role, and that the ideals of the Enlightenment evoke aversion. His performance acts as a support for the many movements in the world that cherish similar thoughts.

In the New York Times of December 20, 2016 there is an article that can help us to keep track of these uncertain times, with the title *Moderate is not a dirty word: 'There are general characteristics we associate with moderation, including prudence, the humility to recognize limits (including our own), the willingness to balance competing principles and an aversion to fanaticism. Moderation accepts the complexity of life in this world and distrusts utopian visions and simple solutions.'*

Secondly, the genie is out of the bottle, and not just in the US. Movements of the extreme-right, including neo-nazi-like groups, have suddenly come out in the open after the arrival of Trump. The collective name for this is *alt-right*. The threatening with violence and death on social media, the spreading of conspiracy

theories and fake messages – it has always been there, but since the breakthrough of Trump this has grown exponentially and publicly you don't have to be ashamed for it anymore. Breitbart News is one of the most popular news sites in the US, with as its specialism that the truth does not matter.

The whole idea that the goal should always be to prevent the truth from being violated and that facts are sacred is under pressure. In earlier times, you could have different opinions about the meaning and value you should assign to certain facts and opinions, but nowadays everything can be proclaimed – true or false. This makes the political-social debate difficult, if not impossible, and tears societies apart: there is no common ground anymore to exchange ideas and disagree with each other. The fundaments of democracy will therefore be lost. The bad thing is that we are really powerless and do not know how to respond to it.

Perhaps there should be a systematic search for legal action, but this will by no means guarantee a sure victory. In the first place we should find out who is the originator of fake news and conspiracy theories. Secondly, the *First Amendment* of the US Constitution goes a long way in defending freedom of expression. On the other hand, it must be possible to convince judges that, for example, death threats should be regarded as crimes. Incidentally, those who start civil lawsuits can count on defamation and threats, and the same applies to prosecutors in criminal matters. This calls for brave citizens and courageous public figures in the judicial system.

Chuck Jones vs. Donald J. Trump could be an example of such a lawsuit. Chuck Jones is the trade union leader who was accused in a tweet by the new president of being a trade unionist doing '*a terrible job representing workers.*' In a second tweet he called upon Jones to '*to spend more time working – less time talking.*' Immediately after Trump had fired these blanks Chuck Jones was overwhelmed by threats. David Axelrod, who once was Barack Obama's advisor, pointed out that Trump's words had extra strength '*once they were amplified by the most powerful megaphone in the world. When you have the man in the most powerful office for whom there is no target too small, that is a chilling prospect. He has the ability to destroy people in 140 characters.*' (NYT, 10.12.16) That's exactly what Trump has done. He should be brought to justice by a prosecutor, or Chuck Jones should take civil proceedings against him for this reason, be it at risk for his own life.

Would it not make sense to ban Donald Trump, and others, from Twitter? Immediately we would be confronted with the distinction between direct threats – plus the search for the one who has sent them – and texts which give his supporters cause to threaten, of which you could say: you're a very big fool if you do not understand what effect your Twitter messages have. Of course, freedom of expression is a great thing, but should expressions of hatred be protected within this framework as well? Now they get free rein on Twitter. In any case, it is time for this platform to explicitly define its rules about what is allowed and what not, and to make clear how those rules will be applied. Technically, it's not so difficult to prevent *trolling* – the massive bothering of people with threats. If Twitter would be serious about making rules, I would be surprised if Trump remained untouched and could continue with his hate mail.

The *third* reason the world will have to deal with Trump is that he can be seen as a climate-sceptic. During a visit to the editors of the New York Times, a few days after his election, he stuttered that he is open to the idea that the climate is something that is likely to be influenced by human activity, but this hesitant speculation has had no effect yet on his policy, judging by his withdrawal from the 2015 Paris Climate Agreement and by the appointments he has made: for example, a radical climate change-denier is leading the *Environmental Protection Agency*. For the world as a whole, this undermining of climate policy by the US is fatal.

The challenge now is that other countries should still feel compelled to meet the agreed climate targets, and even step up their efforts a little bit. A more radical approach would be that countries – with Europe in the front row – would prevent all products from the United States that are manufactured under environmentally detrimental conditions from crossing the border. If we recognise that any further damaging of the environment is life-threatening for humankind and all life on earth, no method to stop that could be deemed too radical. Those that do not want to listen should feel the consequences. Of course, I'm not a complete idiot, and I understand that such a boycott will not be easy to accomplish. I propose this nevertheless, because I think it is urgent to consider commercial boycotts – whatever they may look like. Doing nothing against someone who threatens life on earth can not be an option. It is hopeful that various cities and states in the US – first among them California – are vehemently opposed against the climate policies of Trump.

Fourthly, we must realise that the United States are not the perfect democracy we think they are. From experience I know that Americans do not look happy when you accuse the Supreme Court of undermining democracy. But whichever way you look at it, it's actually a lottery when an incumbent president may appoint one or more new judges – after the death of incumbent judges. Such a judge could easily sit in the Supreme Court for a quarter of a century, and could help to ensure that laws adopted during that period are declared against the Constitution and put to rest. In fact, democracy may be bypassed for decades. Whatever will be decided in that period, the majority of the incumbent judges could lay aside. Of course the system of *the-winner-takes-all* is also at odds with the principle of *one man one vote*. For example, in a sparsely populated state, one elector may represent only a few hundred thousand people, while in California it might be five hundred thousand. That sounds like a foul game.

An additional mistake of American democracy is that for many citizens it is difficult, if not virtually impossible, to register as a voter. It would go too far to list all possible obstacles, but it is estimated that there are about six million Americans who can not vote because of this; the right to vote has simply been taken away from them. Apart from that, there is evidence of strong manipulation.

A democracy is at its best if the electoral process is exemplary and there is never any doubt about the validity of the outcome. In the US that is no longer the case. This is a great danger for democracy: if there is any doubt about the question whether the winner is the real winner, this constitutes a time bomb under the basic principle of democracy, and that is confidence. If even in the US the democratic process is showing signs of weakness, that's worrying.

Let's assume that Donald Trump and his team have had frequent contact with Putin and/or his cronies before the elections, and that the Russians have actually tried – successfully – to influence the election process in favour of Trump and to the detriment of Hillary Clinton, and to sabotage the fair course of it – as the New York Times has suggested in its commentary of March 22, 2017. In that case there are three possibilities. The first is that the public prosecutor will initiate criminal proceedings – against specific people from Trumps team and/or against Trump himself. The second is the implementation of an impeachment procedure against Trump. He has already provided enough reasons for this, but in this case it would be an indictment of co-operating with a foreign power to favourably influence his own election. That is at odds with the US Constitution.

The third possibility is that the elections in the United States will have to be redone. This idea may strike us as unexpected and unrealistic, but it makes sense to think about it a little more. A possible successful impeachment of Donald Trump, and then failing to do anything else, is not satisfying. Because if the electoral process has gone wrong, the only option is to conclude that those elections were not valid and at odds with the prevailing legal order. In Austria, in 2016, for less severe reasons, the presidential elections of April 24 were declared void: there were shortcomings with the ballot papers. So in December 2016 new elections were held, this time without any problems.

If the US presidential elections of November 2016 would be assessed to have been fraudulent, and if no new elections would be held, Trump's successor – his vice-president Mike Pence, who would become president after an impeachment of Trump – would also be missing a legitimate power base. Fraudulent elections can not be cleared by simply replacing the dolls. Illegal remains illegal. This consideration would – if fraud could be proven – also have consequences. If there would be a regime in the US that had come about unlawfully, then other countries would have reasons to send a signal: we can not accept that an ally of us does not pay sufficient attention to the fundamental rules of the legal order. Such a signal could be, for instance, the recall of the ambassador for consultation. At the beginning of this essay I suggested that possibility; after November 9, 2016 I thought about it a bit, just for the sake of provoking the imagination. I could not have fathomed that recalling might need to be taken more seriously than I estimated at the time.

Let's continue with the inconveniences that Trump brings to the world. In the *fifth* place democracy is at stake. It can only function optimally if there is a free and well-nuanced press. We have already seen that an important part of the provision of information has been taken over by social media, which rarely take notice of the truthfulness of the message. What makes this worse is that Trump has made a habit of calling journalists liars during his election campaign – and that he has not stopped doing this once in office. He whips up his audience so that journalists need to fear for their safety and even for their lives. Journalists are arbitrarily denied access to meetings, which they should normally be free to report on. Hate against the free press is the death blow for democracy. If the president of one of the most powerful countries in the world is getting away with this, what will prevent authoritarian leaders of other countries from chopping with the same ax?

It was surprising to see a headline in the New York Times (20.12.16) with the words: *Trump's attack on the press may save it*. How could that be? Donald Trump had once again freaked out on his Twitter-account; in this case against Vanity Fair and his editor Graydon Carter: '*Way down, big trouble, dead! Graydon Carter, no talent, will be out!*' Vanity Fair did not let this go unchallenged and posted this text on its homepage: '*The Magazine Donald Trump Does not Want You to Read. Subscribe Now!*' And that happened, massively, and not just at Vanity Fair. Since the election of Trump, the circulation of many newspapers, magazines and other media has increased, as well as the donations to nonprofit organisations. Meanwhile, Graydon Carter has conceived an appropriate name for Trump: *the Fake Newser in Chief*.

Sixth, in the whole world we can see that democratic representation is ever more situated in a void. One of the pillars of the parliamentary system is – or should be – that the delegates come from a party with members. The delegate is, if it is right, someone who represents not only his or her electorate, but will also be driven by the debate with and the decision-making by the members of his or her party. The delegate is not just someone who sings his or her own tune, but someone who is part of the public debate on the political direction to be taken.

It is a known fact that political parties in many countries are losing members. The social basis from which a delegate takes his or her position in parliament thus becomes somewhat weaker. But never mind, in various countries there are still parties with a political debate of quality. With Donald Trump, but not only with him – think of Geert Wilders in the Netherlands, but also of Emmanuel Macron in France – this has changed. Trump does not think that he is elected thanks to a party with members who have specific political goals, and therefore he is not prepared to account to the Republican party. Often he claims that he started a movement. It could not be more vague. A complete disengagement with the base tends to the image of the Great Leader: Put your destiny into my hands and everything will be fine. But would it really?

Although I'm reluctant to use the concepts of populist and populism, it seems that Trump is moving in this direction.

This is not so much because he operates as a demagogue. The problem is more that he implies that only he can lead the people, and that at the same time he rules out that there are other currents in society that have a right to speak, with

leaders that could govern the country in due time. Politics and societal pluralism seem to be the great absentee in Trump's thinking. What we see, and not just with Trump, is this: anyone who disagrees with the populist leader does not belong to the people. Only he represents the people, and has a contract directly with the people, without parliamentary intervention (although it is a remarkably one-sided 'contract' in which the people do not really participate). Anyone who does not act according to the wishes of the populist leader acts unlawfully, as a politician, as a journalist or as a judge, and possibly even as a traitor of the people. (Müller 2016: 42-45)

The core of democracy, however, is pluralistic thinking: multiple views should be possible and must be given the chance to express themselves politically. With Trump this notion is fading: he himself seems to have banned pluralism from politics already, but unfortunately the us institutions do not (yet) allow him to do so.

Nevertheless, no matter how awful the populist stance, we have to keep talking to people from populist currents, even if they tend to be antidemocratic. The reason for this is that one should not let oneself be put on the wrong footing, and that one should always express the conviction that pluralism in politics and society is too important to give up for the sake of the whims of a populist. No matter how difficult it is, we should have that conversation, because this is the epitome of democracy.

Subsequently, my *seventh* point concerns the so-called '*deep state*'. Usually that term is used for situations in which civil servants or senior military men undermine the work of democratically elected governments. But it may also be that a country is saddled with a dictatorship, and that forces in the civil or military service make every effort to make life difficult for the dictator. In short, behind the official facade of the state, a '*deep state*' is hiding with its own agenda, that does not comply with the policies of the leaders of that state.

Normally, we assume that civil servants and soldiers in a democracy will be loyal and serving towards to the chosen government. But it's never so perfect, of course. Ministers, for example, are dependent on the advice and preparatory work of those who work for them. However neutral and loyal they may pretend to be, they always take their personal insights with them and do not hand them to the wardrobe of the ministry. They also have meetings with representatives of

numerous groups and companies who are lobbying hard to get their views heard.

In the United States the strange situation presents itself that Trump constantly thinks that officials, judges, people from the intelligence services and anyone else is conspiring against him. In his fantasy world there is a '*deep state*' that wants to get rid of him. In itself it does not have to be a problem if this brings him sleepless nights – the more sleepless nights the better you would think. But there is actually a big problem. Every official, every person from the intelligence services, every judge and every soldier that does not say what Trump wants to hear is actually suspicious: you see, *the deep state*.

This paranoia of Trump has several catastrophic consequences. For example, if – as an official – you only tell Trump what he wants to hear, you do not do your job very well. This means that the president does not get the appropriate information and data – because he does not want to hear them – to base his policy upon. Whoever tells him what the real facts are, will be seen as a traitor. In fact this means that the entire civil service and everyone else by whom the president is served, is in a permanent state of convulsion. The fatal consequence is that the devices the state needs to be able to function properly can not fulfil their role adequately, and that the state apparatus will be paralysed.

As if this is not bad enough already, something else is at stake as well. The apparatus of the state must, in principle, be as neutral, apolitical and serviceable as possible. It must give citizens the confidence that their interests will be respected, and that they are not going to be politicised randomly. The opposite is happening now: Trump polarises the state apparatus, creating an atmosphere of suspicion, which suggests that all decisions from state bodies are motivated by special interests – *the deep state*, directed against Trump – and therefore need not be respected. The state as a well functioning whole, generally accepted as legitimate, is torn down by Trump's misplaced demand of unconditional loyalty. That was exactly the purpose of Trump's former main advisor in the White House, Steve Bannon. What he had in mind was the '*deconstruction of the administrative state.*' Another word for this is chaos. (Max Fisher, New York Times, 14.3.17)

The Republicans in the United States are now confronted by an incredible dilemma. During Obama's presidency they made every effort to ensure that the state could not and should not function. In the footsteps of writer and philosopher Ayn Rand, the idea was that everybody had to look after himself. Nobody should

be forced by the state to do anything. Ayn Rand was the favourite of many Republicans, especially among the adherents of the *Tea Party*. But now Republicans are actually witnessing what seemed so nice in theory: the implosion of the state. There are Republicans who are no longer so happy about this, at least not as rabid as Donald Trump and his former minion Steve Bannon.

This could mean that the Republican Party, although supremely powerful in the Senate and House of Representatives, and with 'their' president in the White House, will be deeply divided about what the citizens can expect from the state. During the discussions about *Trumpcare* – see above – this proved to be true; however, not in the case of the December 2017 tax law. There are Republicans who think it is dangerous nonsense that the state should help citizens ensuring their healthcare. Others, on the other hand, think that the destruction of Obama's *Affordable Care Act* by Trump is going too far. And if they do not think so in principle, they certainly have to take their hoped for re-election into account. Voting for Trump and for the breakdown of health insurance might mean that their re-election is not guaranteed. In short, the struggle about whether the state in the United States will remain a functioning whole is not over yet.

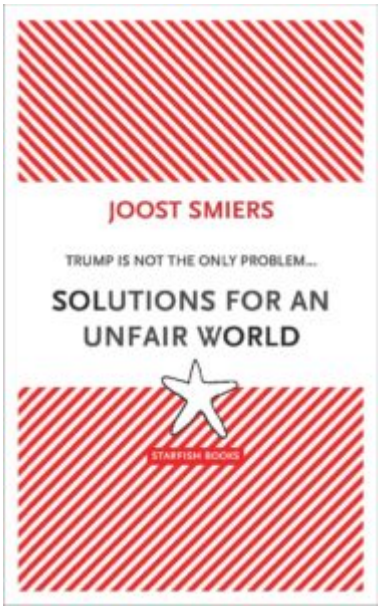
Finally, the *eighth* point of concern for the US and the rest of the world is actually terrifying. Would it be possible that the tensions triggered by the Trump phenomenon will end in a civil war in the US? If only I would be seeing ghosts … Suppose the protests in American cities will intensify. One can count on it that groups from the extreme right will infiltrate these protests. This is a great tradition in the US. The infiltration could also be the work of the FBI. The intention could be, for example, to let peaceful demonstrations get out of hand. As a consequence, the *National Guard* will appear and start shooting, which will provoke new protests. At the same time Trump fans, who possess many weapons, will also make themselves heard. It may be that racial violence will come into play. In that case president Trump is not the right person to calm down the emotions.

A large country like the United States, torn by violence, is not a stable factor in the world. The scenario that could unfold is that the president will proclaim the state of emergency and assume extraordinary powers. I'm not the only one who thinks of the *Reichstagbrand* in such circumstances, as a pretext for establishing a dictatorship, to the joy of a large part of the population that wants to get rid of those cities which have turned into battlefields. Paul Krugman warns: '*Republican*

institutions don't protect against tyranny when powerful people start defying political norms. And tyranny, when it comes, can flourish while maintaining a republican facade.' (nyt, 20.12.16)

I'm afraid this is how it is. This was a chapter in minor.

Solutions For An Unfair World ~ Bitter Tears, Bon Courage



There is more on the horizon than only Trump, and it is all the more dangerous. Almost every morning we wake up with what he has said or tweeted the night before, and we go to bed with what he has said or tweeted during the day. Much of what he is doing creates a lot of uncertainty. It is no coincidence that since his arrival the word 'war' does not sound as something from a distant past anymore.

Still we should not let ourselves be blinded by his innermost feelings. The world is ravaged by phenomena which are at least as dangerous as Trump. In the first place we should mention Rupert Murdoch, *the kingmaker*. His media-empire, with television channel Fox at the front, is influencing the way people think and the choices many politicians make. The many hours that Trump spends watching Fox News has deep consequences for his political posturing.

In this context it is a big problem that competition law and the American anti-trust policy have been almost completely put to sleep by neoliberalism. In the second chapter I mentioned that these instruments should be used much more actively. It turns out that the domain of the media is where the (re-) activation of

competition law and the anti-trust policy is most necessary.

It is a big threat for democracy if one media-conglomerate disproportionately influences the political, social, economic and cultural debate, as well as the whole of public opinion about essential issues. We have to give a high priority to the breaking up of dominant media-conglomerates in our own country and in Europe as a whole. But we should not hesitate to call the ambassador of the United States to account and tell him or her that we in Europe are bothered by the fact that there is just one media-conglomerate in the US that has all the political strings in its hands and puts our lives in danger. As 'good' allies we are entitled to say so, aren't we? Isn't Trump himself continuous 'knocking sense' into us? What keeps us from letting loose our accumulated wisdom upon him?

What is at least as dangerous as Trump is the inability of Europe to conduct its own policy on issues that touch upon peace and security. Isn't it too ridiculous for words that our relations with Russia are being determined by Trump and Tillerson, and that we have to wait for the outcome of their beating around the bush, while we are heading for war? The same goes for Syria and for the relations with Iran. One day NATO is nonsense, and then suddenly the next day it is Trump's mainstay. This keeps us from thinking for ourselves about the kind of defence policy we need and about organising disarmament-conferences. If the taxes on corporations are considerably lowered in the US, this will lead to a trade war which eventually will end in a *race to the bottom*. If bank regulation will be rendered a farce in the US, this will endanger financial stability in the whole world.

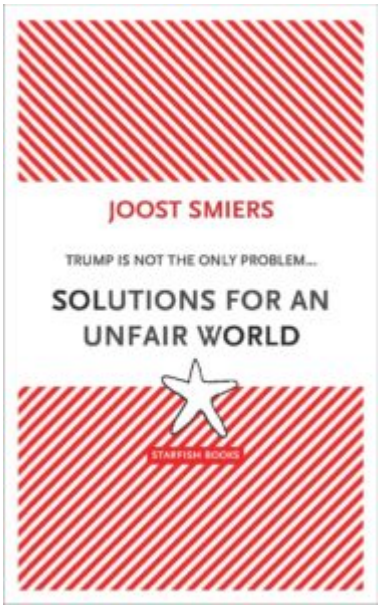
It is clear: a bigger danger than Trump himself is a Europe which will be waiting like a lapdog for the whims of its boss. Indeed, there is more on the horizon than only Trump, and it is all the more dangerous: it's Europe's lethargy.

Europe, oh Europe, what a nice part of the world have you become after the two terrible world wars of the 20th century. How can this *soft power* survive in a world in which *hard power* seems to be all that really counts? This Europe is stricken by a crisis. The only ones that can rescue us from this fate are we ourselves. If we don't do this, Trump will dictate our policy, which is not a very beckoning perspective.

We have shed bitter tears, because the US have chosen a president who considers

the world as one of his casinos. But the humanistic values we have cherished over the decades should keep us on track and give us *bon courage.*

Solutions For An Unfair World ~ About The Author & Acknowledgement & Literature



Joost Smiers is emeritus professor of political science at the Utrecht University of the Arts. With John Huige and Pieter Pekelharing he is the author of *Power of the big corporations. Towards a fair international economy* (Van Gennep 2016). He is preparing a publication about Zwerflawaai (Roaming noise) and other unwanted sounds.

Thanks

It was in the early morning of November 9, 2016 that the inevitable occurred to me: the us had a new president, who would not be a boon to the world. But what would be the consequences? This question prompted me to try to make some sense of the dash of impressions, and not to throw the towel. An essay is the appropriate form for this.>

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Even in hard times, as we now experience them, Kiki Amsberg, my girlfriend, and I keep our courage up. Together we cook the best meals in the world! Thanks Kiki. Our lives and our appetite will not be spoiled by anyone, and certainly not by the president of our (former?) Atlantic ally.

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