Yes, he can

Andrea Renda

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So it happened. Buckle up. Donald Trump will be the 45th President of the (not so) United States of America. No one would have believed it just a few weeks ago, and at the time of writing, just a few days after the vote, thousands of people are vehemently protesting in the streets to express their opposition to the personal history, stated values and proposed agenda of the newly elected president. Terms like “apocalypse” are being used by commentators (and were used by Hillary Clinton before the vote!) to define what happened, and even more fears are being spread on what happens next. But the ballot is cast, or – as Julius Caesar famously said when crossing the Rubicon in 49 BC – alea iacta est: like it or not, the next four years will be Trump years, and it is time to reflect on what this could imply for the United States and the rest of the world, including of course Europe. This is not only a useful exercise for us in forecasting (there seems to be strong need to improve on that side too), but also to trigger a first reflection on what academics, experts, intellectuals in the US and the rest of the world should do during the next few years to promote a fruitful, high quality, evidence-based policy debate.

On the home front: Guns, coal and steel

A common refrain is that mainstream media took Trump “literally, but not seriously”; whereas his electors took him “seriously, but not literally”. If this is true, it might be wise to assume that not all the pre-electoral announcements will become concrete reform plans, and most likely the President-elect will not seek to put Hillary Clinton to jail, or to build a wall on the US southern border. Still, the new administration will likely pursue a partial ‘erase and rewind’ strategy, in the attempt to bring US regulatory policy back to the pre-Obama era. For example, the new administration, also thanks to a favourable Congress, will probably seek

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3 See also http://thehill.com/regulation/305673-14-obama-regs-trump-could-undo

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to weaken or neutralise the effects of the Affordable Care Act (ACA). During the campaign Trump observed that “repealing Obamacare and stopping Hillary’s health care takeover is one of the single most important reasons that we must win on November 8”.\(^4\) In reality, repealing the ACA might prove challenging and unpopular as many people (an estimated 22 million) would lose health insurance.\(^5\) Several names have been circulated concerning possible appointees in leading positions in charge of the healthcare portfolio: from Ben Carson to Newt Gingrich, from Rich Bagger to Chris Christie; the prospects for ACA are bleak at best.

Moreover, Trump will most likely challenge and weaken environmental legislation such as the Clean Power Plan and reduce the powers of the Environmental Protection Agency, often accused of being a regulatory machine that creates too much red tape for businesses. The names that circulate for possible appointees to key administration positions, such as Myron Ebell and Forrest Lucas, do not look very reassuring for the future of the EPA and all those who care about a strong environmental policy.\(^6\) Ebell was described as a climate “denier-in-chief”, just like the President-elect; and Lucas, Interior Secretary in pectore, is nothing less than a seasoned oil businessman. In that context, Trump might also consider pulling the US out of the COP21 Paris Agreement, however controversial, counterproductive and difficult this move would be.\(^8\) Trump can also be expected to preserve or reinvigorate fossil fuel subsidies, endorse fracking and accelerate the extraction of those non-renewable energy resources that, sustainability experts claim, should rather remain buried in the ground. On a related issue, Trump’s speeches in places like Jonestown, PA (October 21) suggest that industrial policy may be revived to protect the steel industry from the allegedly pernicious and unfair competitive pressure exerted by the Chinese and also the European steel. But while energy-hungry industries may be offered relief from red tape and regulatory constraints, their workers are equally likely to see their wages remain low and their overtime pay curbed.\(^9\)

Another likely candidate for partial repeal is the Dodd-Frank Act, which was passed in the aftermath of the 2008 financial crisis and was often targeted by the Republican party as a source of red tape and considered by the Trump campaign as a sprawling and complex piece of legislation that has unleashed hundreds of new rules and several new bureaucratic agencies”.\(^10\) However, complete repeal of this legislation will be not only difficult, but also extremely costly, as many financial institutions would see the compliance costs they already

\(^4\) However, after his first conversation with Barack Obama, Donald Trump already showed a much softer view of Obamacare ([http://www.wsj.com/articles/donald-trump-willing-to-keep-parts-of-health-law-1478895339](http://www.wsj.com/articles/donald-trump-willing-to-keep-parts-of-health-law-1478895339)).


faced transform into sunk costs, which would prove impossible to recover. Rather than shooting so high, the Trump administration might decide to focus on the details. But the Volcker rule and some of the most far-reaching consumer protection rules, including some of the powers granted to the Consumer Financial Protection Bureau (CFPB), are definitely in first row for repeal. This, in turn, might bring US financial regulation back into a situation in which banks are allowed to take more risks, just as they were before 2008.\footnote{See, for a description of how private regulation was dominating the financial services sector before the financial crisis, Edward Balleisen and Marc Allen Eisner, “The Promise and Pitfalls of Co-Regulation: How Governments Can Draw on Private Governance for Public Purpose” in David A. Moss and John Cisternino (eds), \textit{New Perspectives on Regulation}, Cambridge: The Tobin Project, 2009, 127-150.}

The Trump administration will also most likely make a swift U-turn on net neutrality and the 2015 Open Internet Order, by removing internet services from Title II of the Telecommunications Act and weakening the competence of the FCC (Federal Communications Commission) on this aspect. And while many economists would see this as an efficient move, it is unclear what the alternative will look like, and what other rules will be introduced to ensure that end users are empowered and protected when using the internet.\footnote{For a discussion, see A. Renda and C.S. Yoo, “Telecommunications and Internet Services: The digital side of the TTIP”, in Jacques Pelkmans and Daniel S. Hamilton (eds), \textit{Rule-Makers or Rule-Takers? Exploring the Transatlantic Trade and Investment Partnership}, Brussels and London: CEPS and Rowman & Littlefield International, 2015.}

Similarly, and more generally, the approach to large mergers and single-firm conduct might become even lighter than it has been in the past eight years, and closer to the fiercely criticised Department of Justice paper on Single-Firm Conduct published in 2008 at the end of the George W. Bush mandate.\footnote{See \url{https://www.justice.gov/atr/events/public-hearings-single-firm-conduct-and-antitrust-law} for the DOJ report, and the press release that announced its repeal.}

Apart from these obvious candidates, there is reason to expect the whole regulatory apparatus of the United States to be severely affected by the new administration. With 4,000 administrative positions to fill in America’s well-consolidated spoils system, there is reason to expect subtler, but equally profound changes in the way the US administration will approach regulation in future. Possible changes include: the strengthening of the ‘adversarial’ role of the Office of Information and Regulatory Affairs (OIRA), which might be given a stronger mandate to fight red tape;\footnote{On the adversarial gatekeeper role of OIRA, see inter alia, Andrea Renda, \textit{Law and Economics in the RIA World}, Intersentia, Amsterdam, 2011 and Jonathan B. Wiener and Alberto Alemano, “Comparing Regulatory Oversight Bodies in the US and EU: The Office of Information and Regulatory Affairs in the US and the Regulatory Scrutiny Board in the EU” in Susan Rose-Ackerman and Peter Lindseth (eds), \textit{Comparative Administrative Law}, Cheltenham: Edward Elgar, 2nd ed., 2016.} the revision of the existing guidance on cost-benefit analysis, in particular concerning the monetisation of benefits from ‘lifesaving’ regulation (the so-called value of a statistical life, or VSL), in a way that would make ambitious health, safety and environmental regulation less likely to pass the \textit{ex-ante} regulatory impact analysis (RIA); the extension of the obligation to carry out \textit{ex-ante} RIA to independent agencies; the introduction of strict regulatory budgets inspired by European models such as the Dutch-originated Standard Cost Model, and possibly coupled with UK-inspired ‘one in, two out’ rules;\footnote{See the UK Government’s Better Regulation Framework Manual, adopted in March 2015 (\url{https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/468831/bis-13-1038-Better-regulation-framework-manual.pdf}). For a discussion of the Standard Cost Model, see Renda} and the
promotion of red-tape-dominated retrospective reviews of clusters of regulations, or entire economic sectors (in what would be an even more cost-focused version of REFIT and cumulative cost assessments carried out by the European Commission). These changes are even more likely to frustrate efforts to protect health, safety and the environment than the repeal of important pieces of primary legislation.

Much in the same vein, recent attempts to use stringent and well-timed regulation to foster innovation are unlikely to be observed in the coming years, marking a difference, inter alia, with Europe’s current approach to “better regulation for innovation-driven investment”. The same could apply to ‘nudging’ regulatory approaches that have been experimented with (with mixed results) by OIRA Chairmen Cass Sunstein and Howard Shelanski over the past eight years, and which led to the creation of a Social and Behavioral Science Team in the US administration, as well as the adoption of an Executive Order in September 2015, aimed at promoting the use of behavioural economics by federal agencies. The idea that certain kinds of behaviour and especially consumer decisions can be ‘steered’ through the use of selected architecture methods, such as anchoring and framing, or a proactive use of default rules, is likely to be badly received by the Trump administration.

There is certainly a lot more to be expected, especially on science and innovation policy (where Trump’s denial of climate change leaves many sceptics on his science orientation), industrial policy, welfare policies, tax policy, immigration policy and security policy. In particular, there is reason to expect a large infrastructure investment plan that will mobilise steel, aluminium and possibly jobs on new assets and networks that are however unlikely to include the announced wall at the border with Mexico. The president-elect raised expectations by announcing an infrastructure jobs bill which will “fix our inner cities and rebuild our highways, bridges, tunnels, airports, schools, hospitals” and at the same time put “millions of our people to work as we rebuild it.” Rumours also have it that one of the key instruments the administration will rely on are tax credits for investors, who will then “build, own and operate” the infrastructure by recovering their investment through usage fees.

And there are, of course, much more important question marks on how the new administration will fare when it comes to jobs and inequality, especially as restoring America’s jobs has emerged as one of the key winning messages of Trump’s campaign: evidence shows that counties with prevalence of routine jobs (and thus more at risk of automation) massively voted for Trump. But the announced supply-side, ‘trickle-down’ economics is empirically proven to be incapable of addressing rising inequality and declining living standards. From the IMF to Pope Francis, from George H.W. Bush to the OECD, this theory has been soundly

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discredited at the global level.\textsuperscript{19} And the problem is exacerbated by the fact that innovation in many sectors is likely to continue creating jobs linearly, while destroying them exponentially. Once the ‘privately-run’ infrastructure project will have run its course, the problem of how to re-launch industrial America by promoting productivity and maintaining jobs in place will still be there. Smart manufacturing, artificial intelligence, autonomous vehicles, the data-driven economy and the collaborative economy all create concerns and challenges for both education and innovation policy: the Trump campaign has offered no detailed plan on innovation and technology; no position on whether the US should be attracting highly skilled talent from abroad and no specific plan on STEM education, or on all other competences that are, and will continue to be, in high demand in the coming years.\textsuperscript{20}

Finally, and inevitably, the new administration may mark a significant departure from the previous one in terms of civil rights. Here, the fact that Trump will have a chance to nominate the successor to Antonin Scalia on the Supreme Court might not lead to immediate, dramatic changes in the overall balance of the Court, but the new president might get the chance to nominate a few more Supreme Court justices in the next four years, and this might end up fundamentally altering the Court’s orientation on a number of key civil rights and home affairs issues, including the future of the Second Amendment, the rights of minorities (starting with Muslims, of course), the LGBT community, gender-related issues, etc.\textsuperscript{21} The concern becomes even greater if one observes that Chief Justice Roberts, himself a moderate conservative, has been on the dissenting side of many recent Supreme Court landmark decisions on such issues as same-sex marriage and abortion.\textsuperscript{22} As this contribution is mostly focused on regulatory and economic policy issues, it will suffice to remind readers that such prospects are also fundamental for issues such as freedom of expression and media pluralism, let alone data protection.

\textsuperscript{19} See the IMF report by Era Dabla-Norris, Kalpana Kochhar, Nujin Suphaphiphat, Frantisek Ricka, and Evridiki Tsounta (2015), “Causes and Consequences of Income Inequality: A Global Perspective”, Staff Discussion Notes No. 15/13, Washington, D.C., 2015 In 2013 Pope Francis referred to trickle-down theories (plural) in his Apostolic Exhortation \textit{Evangelii Gaudium}, at statement n. 54 (…some people continue to defend trickle-down theories which assume that economic growth, encouraged by a free market, will inevitably succeed in bringing about greater justice and inclusiveness in the world … This opinion, which has never been confirmed by the facts, expresses a crude and naïve trust in the goodness of those wielding economic power and in the sacralized workings of the prevailing economic system. Meanwhile, the excluded are still waiting”). George H.W. Bush has famously derided trickle-down economics as “voodoo economics” during his failed bid for the 1980 Republican presidential nomination. The OECD condemnation of trickle-down economics is found in several recent publications, including OECD, \textit{In It Together: Why Less Inequality Benefits All}, OECD Publishing, Paris, 2015 (DOI: http://dx.doi.org/10.1787/9789264235120-en).


\textsuperscript{21} \url{http://www.economist.com/blogs/democracyinamerica/2016/11/nominator-chief}

\textsuperscript{22} \url{https://www.supremecourt.gov/opinions/15pdf/15-274_p8k0.pdf}; and \url{https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf}
Abroad: Autarchy and macho-man politics

Since this paper mostly focuses on economic and regulatory policy, I will be rather brief on foreign policy issues (on which, for first impressions, see Gros & Blockmans, 2016). But at the intersection between economic policy and foreign policy lies a number of extremely topical issues, which deserve being mentioned in this context. I will limit myself to these.

First, concerns trade policy, the president-elect has been quite clear in expressing the need to fundamentally renegotiate the NAFTA agreement, mostly to avoid that businesses relocate outside the US to Mexico in search of cheaper labour. This should happen after the creation of a one-stop-shop for trade negotiations located inside the Department of Commerce (a so-called “American desk”), with the mission to protect the economic interests of the American worker, and the national interests of the United States. Given Trump’s stated intention to crack down on the eleven million illegal migrants that currently keep US industry alive in many states, this renegotiation might emerge as a clear priority as the cost of labour might eventually rise in the US.23 More generally, the future of TPP and even more the TTIP was already uncertain before the elections, and appears doomed today. TPP has been signed in Atlanta this year but is pending US formal approval, and Trump called it a “terrible deal”.24 The consequences of terminating TPP might be significant for the US presence in South-East Asia, where China has organised a reaction to TPP by setting up new regional agreements such as the Regional Comprehensive Economic Partnership (RCEP).25 In addition, many important provisions included in the TPP will be lost. On the other hand, the TTIP has never landed and is heavily contested also in Brussels, which makes it even more complicated for the two blocs to sit down further: here, it will be important to see if Trans-Atlantic Regulatory Cooperation will continue beyond TTIP, and how. Moreover, Trump will probably make a more proactive use of trade policy to take on China, whom he describes as a currency manipulator and a jobs thief. While many academics and experts, mostly for sustainability purposes, have advocated a reform of WTO rules, their reasons are very different from Trump’s.26 In other words, imposing border control measures on Chinese imports, inter alia, to account for their often-greater embedded emissions might occasionally serve Trump’s protectionist purposes as well as scholars’

24 http://www.wsj.com/articles/donald-trump-is-upset-1447374770
environmental sustainability concerns, but this will only be a very occasional meeting of the minds.

Second, as already mentioned, rumours have it that the Trump administration will at least slow down the US commitment towards the COP21 Agreement, which the Obama administration already ratified in a rare idyllic moment with Chinese President Xi Jinping, on the eve of the G20 summit in Hangzhou, in September 2016. While completely abandoning COP21 might be difficult both legally and politically, there is no doubt that an ambitious decarbonisation strategy is at odds with the protectionist, job-restoring messages Trump has disseminated through the Rust Belt during his campaign.

Another field in which global dialogue is likely to face new problems is Internet governance. In September this year, the Trump campaign clearly stated that the president-elect “is committed to preserving Internet freedom for the American people and citizens all over the world”, and that “the US should not turn control of the Internet over to the United Nations and the international community”.27 The so-called IANA transition, the result of several years of global debate and dialogue, was recently challenged in a lawsuit brought by four conservative states (Arizona, Texas, Oklahoma and Nevada) seeking to block the US government’s contract with ICANN for IANA functions from expiring. And the new administration might support these initiatives to avoid relinquishing control of key internet resources to countries that it does not fully trust, despite the fact that the majority of internet users are located outside the US and specifically in Asia.

There are, of course, many other possible consequences of the US elections for the rest of the world. Mr Trump announced his intention to substantially reduce the US contribution to NATO, to urge that large European countries like Germany increase their own contribution. This might become a game changer for the future balance between the US and Russia, their influence on Western and Eastern Europe and the overall stability of those regions. A tougher stance on migration might have important consequences for refugees, since resettlement admissions are determined every year by the President: Trump mentioned the intention to suspend admissions of refugees from places where “adequate screening cannot occur”, including Syria and Libya. In addition, his characterisation of the Muslim communities and his proposed ban on Muslim entry in the US “until our country’s representatives can figure out what is going on” is unlikely to improve social cohesion domestically, as well as global peace.

Even more generally, it does not take long to realise that the Trump agenda will not be aligned with many of the Sustainable Development Goals adopted by 193 countries (including, of course, the US) in September 2015. Some of them will be explicitly opposed (climate action, affordable and clean energy); others might be gradually swept under the carpet (gender equality; life below water; life on land; peace, justice and strong institutions; responsible production and consumption); and yet others might still be in Trump’s radar, but will be difficult to achieve with his policies (reduced inequalities; decent work and economic growth).

Europe after Brexit and Trump: Make it, or break it

Against this background, European countries are likely to be severely affected by the election of Mr. Trump, for many reasons. First, as observed by Daniel Gros and Steven Blockmans, Europe is more exposed to trade than the United States and it might suffer more from a slowdown or even a halt in trade negotiations, leading to a resurgence of protectionism. Second, Europe’s commitment to sustainable development, including decarbonisation, will remain an orphan of a superpower that was finally moving away from a tradition of denial. Third, regulatory and technological cooperation might slow down, with the end of the TTIP leaving uncertainty as regards the future of transatlantic relations. Fourth, reduced contributions to NATO will lead to pressures for increased defence budgets in many already over-indebted EU member states.

But most importantly, the EU will suffer politically, as Trump’s victory could provide further impetus to emerging populist movements in many European countries, especially the ones facing elections in 2017. In the immediate aftermath of the elections, Geert Wilders hailed Trump’s victory as a second American Revolution; Marine le Pen saw in the election the “emergence of a new world”; AfD leader Frauke Petry congratulated Trump on Twitter, calling his victory a “fresh start” and “historic”; Hungary’s president Viktor Orban enthusiastically announced that “democracy is still alive”; and Heinz-Christian Strache, Beppe Grillo, Matteo Salvini, the leaders of Golden Dawn and UKIP, all echoed this same sentiment. Conversely, EU leaders have made what seems like a rather desperate attempt to revive TTIP talks by immediately inviting Trump to Europe for an EU-US Summit at his “earliest convenience”. But at the same time, Juncker publicly stated that “the election of Trump poses the risk of upsetting intercontinental relations in their foundation and in their structure”. He is probably aware that the big wave of elections in late 2016 and 2017 – involving Bulgaria and Austria before the end of the year, and then in 2017 the Netherlands, France, Germany, the Czech Republic, and also possibly Denmark, Spain and Italy – could mean the end of the European Union as we know it; and that the choice is now whether to find a way to strengthen the EU project, or face its swift decline.

All in all, while Trump’s trickle-down economics are likely to prove ineffective and harmful to the US economy in the next few years, the worst effects are more likely to materialise in the areas of global governance and security, and even more for the stability and future of specific areas like Europe and the Middle East. The magnitude of these ‘negative externalities’ will become clearer as Trump’s policy plans as well as his government team are unveiled over the coming weeks. We will then learn if the distance between taking him “literally”, as opposed to “seriously”, was really so large. Meanwhile, as some commentators add one more item to

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the list of global existential threats, it will be important that academics, experts, politicians and the media realise that their role in designing and communicating policy has become more important than ever, and that leaders in crucial roles like the President of the United States are held fully accountable for the decisions they take, as well as for their impact on the global community.

**Concluding remarks: Berlusconi on steroids?**

Can Trump fundamentally change or slow down the global debate on building a sustainable future for our planet? Can he significantly alter the balance and dynamics of global trade? Can he erase years of patiently fought battles for putting an end to centuries of gender, race and sexual discrimination in the US and abroad? Can he pave the way for an even less stable and secure global order?

Yes he can. He faces a few years of very strong power at home, thanks to a favourable Congress, a massive spoils system and the prospect of electing up to four Supreme Court judges in his first four-year term. He, as have all American Presidents, will enjoy wide discretion in foreign policy. And he will certainly be tempted to act swiftly to destroy all the bridges that the Obama administration has, perhaps too cautiously, tried to build with other superpowers; and to reboot the role of the US in the world, no matter the consequences.

As a closing note, as an Italian researcher living between the United States and Brussels, I cannot avoid the rather straightforward parallelism that is being drawn between Trump and Silvio Berlusconi, who governed Italy for almost two decades with few interruptions from 1994 until late 2011. Two decades in which the narcissistic and self-motivated Italian media tycoon, surrounded by early adepts and conservative politicians, swiftly turned into yes-men, supplied Italians with a heavy dose of trickle-down economics to be implemented by an outsider, pragmatic businessman who supposedly knew how to “get things done”. He managed to reduce (!) labour and total factor productivity in the country. He accumulated a gigantic public debt with no sign of meaningful public or private investment. He impoverished the country compared to other industrialised and emerging economies. He led unemployment to skyrocket despite tax cuts on the wealthiest. He deteriorated the political arena and weakened all right-wing parties in the country (including his own). He frustrated social cohesion and nurtured a brutally divisive political debate. He relentlessly shied away from evidence-based policy, and engaged in an endless battle with judges, which he as Italian Prime Minister could not directly elect or disqualify. He repeatedly displayed ineptitude and awkwardness in international contexts. He repeatedly lied, showing incompatibility with public decency and a devilish aptitude at manipulating evidence. He blamed, needless to say, the opposition and the euro for everything that went badly during his terms in office. And finally, and perhaps most worryingly, he left office as the last democratically-elected Italian head of government, leaving the country prey, still today, to his legacy and terrified by the prospect of casting the ballot again.

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34 [http://voxeu.org/article/productivity-italy-great-unlearning](http://voxeu.org/article/productivity-italy-great-unlearning)
Now, the question is: What if Berlusconi had been head of state in a presidential democracy, with possibly weaker checks and balances than the ones provided by the (current) Italian constitutional system, a more comprehensive spoils system and the ability to name Supreme Court judges for approval by a supportive assembly? Even ignoring nuclear weapons for a second, the prospect remains frightening. In the next four years, Trump can do no less harm than Berlusconi did, and possibly a lot more. The hope is that he eventually won’t. Sometimes narcissism makes miracles, but a massive dose of careful and attentive monitoring, in combination with resistance where needed, by political parties, civil society, academics, intellectuals and foreign governments is going to be the most powerful antidote to such a scary, poisonous scenario.