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The Rogue Sovereign: Trump, Sovereignty & Revolution

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INTRODUCTION

In his inaugural U.N. General Assembly (UNGA) address, President Trump mentions the words ‘sovereign’ or ‘sovereignty’ 21 times, asserting that: “[i]n foreign affairs, we are renewing this founding principle of sovereignty.” While most critics have drawn attention to Trump’s incon-

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sistent application of the static international legal definition of “sovereignty”\(^2\), their analyses do not offer insight into Trump’s varying invocations of sovereignty’s foundational principle of non-interference in the internal affairs of a state. By typologizing Trump’s invocations of sovereignty throughout his UNGA speech, this article intends to deepen our understanding of the Trump administration’s ideological orientation and its application of sovereignty as a principle of international law.

The discussion that follows offers an analytically prudent perspective on a sitting president’s appropriation of the concept of sovereignty and the political effects of such an appropriation. While one must take caution to avoid over-analyzing a presidential speech or ascribe meaning where none exists, there may be a greater risk in failing to properly analyze Trump’s remarks or dismissing them as simply a reflection of an inconsistent, contradictory or uninformed understanding of the principle of sovereignty.

As a result, Part I of this article offers a brief overview of the principle of sovereignty rooted in the traditional legal definition of sovereignty in international law. In addition, it sets out an expanded interdisciplinary definition of sovereignty that more adequately reflects the relationship between sovereignty, power, and violence. In Part II of this article, Trump’s 21 invocations of the principle of sovereignty are typologized into four categories, namely, (i) the state as sovereign, (ii) the people as sovereign, (iii) the rogue as sovereign, and (iv) the revolution as sovereign. Adopting a broader definition of sovereign power, which recognizes sovereignty as a “tentative and always emergent form of authority grounded in violence,”\(^3\) exposes a more complex concept of sovereignty in Trump’s UNGA speech.

Excerpts of Trump’s UNGA speech, in which he mentions the word ‘sovereign’ or ‘sovereignty,’ are inserted throughout the text of this paper, in order to deliberately interrupt the flow of academic analysis. This methodological approach aims to provocatively engage with Trump’s UNGA address by inserting his voice and thereby disturbing the coherence of the

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arguments presented in this paper. This disturbance of the conventional, prosaic academic text is a methodological device that intends to mimic the Trump Presidency, which some have characterized as a “disruptive” and chaotic.5

PART I

A. Sovereignty in International Law

In international law, sovereignty is often understood in relation to the United Nations (“U.N.”) Charter (“the Charter”), which alludes to three dimensions of sovereignty. The first dimension found in the text of the Charter is sovereign equality, which provides that the U.N. is established “on the principle of the sovereign equality of all its Members.”6 This dimension of sovereignty emphasizes the equality of all states in relation to one another as members of the U.N.

In America, the people govern, the people rule, and the people are sovereign.7

The second dimension of sovereignty can be described as state independence from external control from other states.8 Professor Stephen D. Krasner9 characterizes the principle of non-interference as an essential element of conventional sovereignty.10 According to Krasner, conventional sovereignty assumes that the world is made up of autonomous, independent

7 Trump, Remarks to the UNGA, supra note 1, at 2.
8 See ERSUN N. KURTULUS, STATE SOVEREIGNTY: CONCEPT, PHENOMENON AND RAMIFICATIONS 90 (2005).
9 Stephen D. Krasner, Sharing Sovereignty: New Institutions for Collapsed and Failing States, 29 INT’L SEC. 85, 88 (2004). Krasner notes that the doctrine of non-intervention was first articulated explicitly in the work of EMMERICH DE VATTEL, THE LAW OF NATIONS OR PRINCIPLES OF THE LAW OF NATURE APPLIED TO THE CONDUCT AND AFFAIRS OF NATIONS AND SOVEREIGNS (1758), despite its historic association with the 1648 Peace of Westphalia. Id. at 87, n.3.
10 Id. at 87, 105. Krasner asserts that conventional sovereignty is comprised of three elements: international legal sovereignty, Westphalian/Vatellian sovereignty, and domestic sovereignty. Id. Conventional sovereignty shared sovereignty. This latter form of sovereignty comprises of two possible arrangements: first, to revive the notion of trusteeship or protectorate as a de facto mechanism. Second, to develop the idea of shared sovereignty in which “national rulers would use their international legal sovereignty to legitimate institutions within their states in which authority was shared between internal and external actors.”
states that are completely self-governed and do not intervene in one another’s internal affairs.\textsuperscript{11}

The only exception to this prohibition is Article 51 of the Charter, which permits states to use self-defense measures against an armed attack until such time that the Security Council takes measures to maintain international peace.\textsuperscript{12} Krasner’s taxonomy of sovereignty refers to this principle of non-interference as Westphalian/Vatellian sovereignty\textsuperscript{13} which recognizes that the jurisdiction of each state must develop its own systems of authority without intervention from other states. The third dimension of sovereignty recognizes that states have supreme control over their internal affairs.\textsuperscript{14} Krasner refers to this dimension as domestic sovereignty, and suggests that it describes the extent to which a state is able to exercise control over the activities within its territory.\textsuperscript{15}

\textit{But we do expect all nations to uphold these two core sovereign duties: to respect the interests of their own people and the rights of every other sovereign nation.}\textsuperscript{16}

While the three dimensions of sovereignty, namely, sovereign equality, non-interference, and supreme internal control, reflect the rules embedded in international law, some theorists have been critical of sovereignty. Professor Peter Malanczuk, for instance, argues that “[sovereignty] . . . is not a legal term with any fixed meaning, but a wholly emotive term,”\textsuperscript{17} and Professor Michael Freeman asserts that sovereignty “obstructs the implementation of human rights.”\textsuperscript{18} Still, other

\textit{Our respect for sovereignty is also a call for action.}\textsuperscript{19}

\begin{itemize}
  \item \textsuperscript{11} \textit{Id.} at 85.
  \item \textsuperscript{12} \textit{Id.} art. 51.
  \item \textsuperscript{13} Krasner, \textit{supra} note 10, at 87.
  \item \textsuperscript{14} See Daniel Philpott, \textit{Westphalia, Authority, and International Society}, 47 \textit{POLITICAL STUDIES: SOVEREIGNTY AT THE MILLENNIUM} 3, 566-589 (1999). According to Philpott, the key is constitutional authority; the sovereign constitution is the supreme authority within its territory and remains independent of other constitutional authorities. \textit{Id.} at 571.
  \item \textsuperscript{15} Krasner, \textit{supra} note 10, at 88.
  \item \textsuperscript{16} Trump, Remarks to the UNGA, \textit{supra} note 1, at 2.
  \item \textsuperscript{17} PETER MALANCZUK, AKEHURST’S MODERN INTRODUCTION TO INTERNATIONAL LAW 17-18 (Routledge 7th rev. ed. 2002) (1970).
  \item \textsuperscript{18} MICHAEL FREEMAN, \textit{HUMAN RIGHTS: AN INTERDISCIPLINARY APPROACH} 208 (2d ed. 2011).
  \item \textsuperscript{19} Trump, Remarks to the UNGA, \textit{supra} note 1, at 7.
\end{itemize}
scholars suggest that dominant interpretations of sovereignty have been “eroded”\(^20\) and are progressively giving way to more “human rights-friendly”\(^21\) approaches.

Given the numerous and seemingly disjointed ways in which Trump invokes sovereignty— which include his assertion that “the people are sovereign,” his belief that the desire to protect the sovereignty of the nation is an expression of love for the nation, and his claim that “[o]ur And above all, Iran’s government must stop supporting terrorists, begin serving its own people, and respect the sovereign rights of its neighbors.\(^22\)

respect for sovereignty is also a call for action,”\(^23\)—international legal definitions of sovereignty appear inadequate to make complete sense of his invocations. Thus, the next section of this article builds on the three dimensions of sovereignty established in international law to consider more complex definitions of sovereignty that examine its intersections with power and violence and that more closely align with the invocations of sovereignty employed by Trump.

B. Sovereignty Revisited

While international legal definitions of sovereignty recognize three dimensions, philosophical and social theorists have critically analyzed the concept of sovereignty in relation to broader themes of social order, human behavior, and power. George W. F. Hegel, for example, suggests that there are two aspects of sovereignty which he refers to as “external” and “internal” sovereignty.\(^24\) External sovereignty recognizes individual sovereign states only in relation to other individual sovereign states; state

\(^{20}\) See generally Alfred Van Staden & Hans Vollaard, The Erosion of State Sovereignty: Towards a Post-territorial World?, in State, Sovereignty, and International Governance 165-84 at 169 (Gerard Kreijen et al. eds., 2002). Van Staden and Vollaard argue that the supremacy of the state over its territory and its citizens is being eroded and considers the forces that weaken the pillars of Westphalian sovereignty. They suggest that “systemic economic and financial forces” have made states “more sensitive and vulnerable to outside pressures.” As a result, Van Staden and Vollaard find that “the position of the ministries of foreign affairs, the traditional bureaucratic guardians of State sovereignty vis-à-vis other nations, continues to weaken since these ministries have to accept the growing involvement of the home (or functional) departments with the conduct of foreign relations.”


\(^{22}\) Trump, Remarks to the UNGA, supra note 1, at 4.

\(^{23}\) Id. at 7.

\(^{24}\) See G. W. F. Hegel, Elements of the Philosophy of Right, in Elements of the Philosophy of Right 304-80 (Allen W. Wood ed., H. B. Nisbet trans., 8th prtg. 2003) for a further explanation.
sovereignty is therefore dependent on the existence of other sovereign states.25 Internal sovereignty, to the contrary, reflects the independence of each individual sovereign state with respect to the organization of its own peculiar internal political system.26 However, Karl Marx disagrees vehemently with Hegel and argues that sovereignty derives from the people, so that the people constitute the sovereign:

Hegel proceeds from the state and conceives of man as the subjectivized state; democracy proceeds from man and conceives of the state as objectified man. Just as religion does not make man, but rather man makes religion, so the constitution does not make the people, but the people make the constitution.27

Michel Foucault further distills the debate between Hegel and Marx on the internal and external aspects of sovereignty into a single element; for Foucault, sovereignty is essentially the power to decide who will live and who must die.28 He traces the genealogy of sovereign power, indicating that sovereignty, in its original form, is given effect through the law, and that the “law and sovereignty were absolutely inseparable.”29 In addition, Carl Schmitt similarly asserts that sovereignty is intimately linked to the law, recognizing that while the sovereign is above the law, “he nevertheless belongs to it.”30 Schmitt defines the sovereign as the entity which holds the power to decide whether to create exceptions to the law, and whether the legal system must be suspended in its entirety to ensure the sovereign’s survival.31 This definition raises questions about the means through which the sovereign acquires its sovereignty. Bruno Gulli eloquently framed these precise questions as follows: “Does the sovereign

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25 Id. at 359.
26 Id. at 304.
29 Michel Foucault, Governmentality, in THE FOCAULT EFFECT: STUDIES IN GOVERNMENTALITY 87, 95 (Graham Burchell et al. eds., 1991) [hereinafter Foucault, Governmentality].
30 CARL SCHMITT, POLITICAL THEOLOGY: FOUR CHAPTERS ON THE CONCEPT OF SOVEREIGNTY 7 (George Schwab trans., Univ. of Chi. Press 1985) (1922) [hereinafter SCHMITT, POLITICAL THEOLOGY].
31 See id. at 6-7; see also GIORGIO AGAMBEN, HOMO SACER: SOVEREIGN POWER AND THE BARE LIFE 4-17 (Daniel Heller-Roazen, trans. 1998) in which Agamben draws on Schmitt’s definition of the “Sovereign is he who decides on the state of exception” to develop the idea of the ‘paradox of sovereignty’ discussed in more detail below.
become sovereign because he can decide on the exception, or is it rather the case that he can decide on it because he is already sovereign? 

The United States of America has been among the greatest forces for good in the history of the world and the greatest defenders of sovereignty, security, and prosperity for all. 

According to John L. Comaroff and Joan Comaroff, Schmitt’s definition of sovereignty is connected to a system of rules and laws that give the sovereign exclusive power to exercise authority and independent control over the life, death, and living conditions of individuals or populations. Similarly, Achille Mbembe recognizes that sovereignty embodies the power to decide on matters of life and death, and draws on Georges Bataille’s characterization of sovereignty as the “violation of prohibitions,” to assert that the sovereign has the ability to violate the system of rules and laws with the purpose of shaping human existence through violence and the destruction of bodies and communities. In other words, the sovereign holds the power to violate the legal prohibition against killing. However, Foucault finds that as the state evolved from sovereign monarchies to governments, the law as an instrument of obedience, became less important.

Strong, sovereign nations let their people take ownership of the future and control their own destiny. And strong, sovereign nations allow individuals to flourish in the fullness of the life intended by God.

Instead, the law was used as a tactic by the state to preserve its own power over that which it managed and directed. Simultaneously, sovereign power, the sovereign’s right to decide who lives and who dies, evolved into the power over life itself, or biopower.

33 Trump, Remarks to the UNGA, supra note 1, at 8.
36 *Id.* at 16.
37 Foucault, *Governmentality* supra note 30, at 95.
38 Trump, Remarks to the UNGA, supra note 1, at 2.
39 Mbembe, supra note 36, at 16-17; see generally, *Governmentality*, supra note 30, at 87-104. In Foucault’s formulation of biopower people are divided into those who must live and those who must die. Mbembe uses this “split between the living and the dead” to argue that control over life and death “presupposes the distribution of human species into groups” that have biological distinctions and that ultimately give rise to the idea of racism.
Biopower takes two forms: the first treats the body like a machine, and the second centers on the regulation of the body to reproduce. The theory of biopower and its relation to sovereignty is an extension of Foucault’s notion of “governmentality,” which can be described as a deliberate attempt to direct human behavior. A “government” consisting of various actors undertakes this endeavor to shape human conduct by influencing the desires and shaping the behavior of the population. Foucault argues that since it is impossible to regulate every individual action, those with power operate by educating desires and configuring habits, aspirations and beliefs. When the “government” exercises power over the individual whose conduct it intends to influence in a subtle manner, the individual may not be aware of how or why they engage in the conduct.

While Foucault believes that sovereign power has evolved into biopower, Giorgio Agamben finds that the creation of a biopolitical body, a manifestation of biopower, is in fact a foundational element of sovereign power. Agamben reaches this conclusion by setting out what he refers to as the “paradox of sovereignty”: that the sovereign simultaneously stands outside the law, as its creator, and within the law, as its subject. Therefore, states, as sovereigns, have the authority to create and suspend laws while at the same time being subjected to those very laws. However, by suspending the law—often during a state of emergency—Mbembe argues that the state takes on a new form in which the sharp divide between life and death is suspended, creating individuals that Mbembe describes as the “living dead.” In discussing this new form of state, Mbembe proposes the theories of necropolitics and necropower, “to account for the various ways in which, in our contemporary world, weapons...
are deployed in the interest of maximum destruction of persons and the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead. Mbembe develops this argument by reflecting on racism, slavery, and apartheid South Africa, and then focusing on the Israeli occupation of Palestine, suggesting that the occupation is the "most accomplished form of necropower."

There can be no substitute for strong, sovereign, and independent nations . . . .

Similarly, Hansen and Stepputat draw strong connections between sovereignty and violence inflicted on the body, as a strategy to instill the neighborhood’s fear of and loyalty to the state. However, they reject the idea that sovereignty should be located in the law or based on legitimate rules, extending the definition of sovereignty to include informal sovereignties, such as gangs and warlords, that operate outside the formal legal system. For Hansen and Stepputat, sovereign power can exist outside the law and thus outside its traditional association with the state. Consequently, they call for the abandonment of the idea that sovereignty is an expression of power centered on legitimate rule, in favor of the view that sovereignty is a “tentative and always emergent form of authority grounded in violence.” For Hansen and Stepputat, sovereignty takes on a performative dimension when gangs and warlords demand allegiance from their subjects through fear, and extrajudicial violence.

If we desire to lift up our citizens, if we aspire to the approval of history, then we must fulfill our sovereign duties to the people we faithfully represent.

Geertz supports the approach adopted by Hansen and Stepputat, seemingly dismissing the distinction between the state and the sovereign, referring to the latter as the techno-word for autonomous; an adjective

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46 Id. at 40 (emphasis in original).
47 Id. at 21, 26, 27.
48 Id. at 27.
49 Trump, Remarks to the UNGA, supra note 1, at 7.
50 Hansen & Stepputat, supra note 4, at 298.
51 Id. at 306.
52 Id. at 298.
53 Trump, Remarks to the UNGA, supra note 1, at 3.
inextricably linked to the traditional concept of the state.\textsuperscript{54} This merger between the state and the sovereign leads Geertz to reject the “standard” definition of the state as a powerful authority with a monopoly over legitimate violence, and to suggest instead that “compacted sovereignty, centered and inclusive, is hard to locate.”\textsuperscript{55} In addition, Anne Laura Stoler suggests a move away from the idea that there are those who possess sovereignty and those who do not, to an approach that recognizes “degrees of sovereignty.”\textsuperscript{56} Stoler’s understanding of sovereignty is intertwined with the notion of political contestation and the belief that there are “gradations” of the exercise of power that shape the formation of imperial states.\textsuperscript{57}

\textit{The scourge of our planet today is a small group of rogue regimes that violate every principle on which the United Nations is based. They respect neither their own citizens nor the sovereign rights of their countries.}\textsuperscript{58}

These divergent articulations of sovereignty that include biopower, necropower and informal sovereignties, complicate the international legal definition of sovereignty which is limited to sovereign equality, non-interference, and supreme internal control. At the same time, these multiple dimensions of sovereignty offer a framework for a more nuanced analysis of Trump’s invocations of sovereign power which are discussed in further detail below.

\textbf{PART II}

\textit{A. Trump As Sovereign}

President Trump’s invocation of sovereignty extends beyond the static international legal principle of sovereignty and the three dimensions


\textsuperscript{55} \textit{Id.} at 579. Geertz relies on case studies such as Nigeria to suggest that its composition of hundreds of minorities located in 36 federal states results in a dispersed rather than compact form of sovereignty which is hard to locate.

\textsuperscript{56} See generally \textit{Ann Laura Stoler, DureSS: Imperial Durabilities in Our Time} 174-204 (2016) for Stoler’s discussion on the degrees of sovereignty.

\textsuperscript{57} \textit{See id.}

\textsuperscript{58} Trump, Remarks to the UNGA, \textit{supra} note 1, at 3.

\textsuperscript{59} \textit{Id.} at 1.
of sovereign equality, non-interference, and supreme internal control located in the U.N. Charter. His employment of the concept suggests that a broader definition of sovereignty is required to make sense of Trump’s appropriation of the principle. This section of the paper typologizes Trump’s 21 mentions of the word ‘sovereign’ or ‘sovereignty’ into four categories, while simultaneously considering the extent to which his use of the principle fits into existing understandings of sovereignty.

Do we love our nations enough to protect their sovereignty and to take ownership of their futures?

First, Trump recognizes the state as sovereign. He notes that the U.N. was created so that “diverse nations could cooperate to protect their sovereignty” and that the Marshall Plan developed by the U.S. similarly reflected sovereignty as one of “three beautiful pillars.” Trump further indicates that “[o]ur success depends on a coalition of strong and independent nations that embrace their sovereignty” and that “there can be no substitute for strong, sovereign, and independent nations.”

He argues that all nations should uphold “two core sovereign duties: to respect the interests of their own people and the rights of every other sovereign nation.” These two duties appear to complicate Krasner’s notion of conventional sovereignty, since Krasner’s notion partially fits into the category of international legal sovereignty, but does not quite account for the idea that states have a duty “to respect the interests of their own people.” While Krasner’s notion of conventional sovereignty suggests that states possess internal control over their territories, there is no mention of a “core sovereign dut[y]” to respect the interests of state citizens in his taxonomy.

In some ways, Trump’s approach straddles the Hegelian-Marxist divide on the question of sovereignty. For Hegel, sovereignty is portrayed

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60 Id. at 7.
61 Id. at 1.
62 Id. at 2.
63 Id. at 7.
64 Id. at 2.
65 Krasner, supra note 10, at 85. What Is a State If It Is Not a Sovereign
66 Trump, Remarks to the UNGA, supra note 1, at 2.
67 Id.
68 See Marx, supra note 28, at 57, 87 (Rodney Livingstone & Gregory Benton trans., Penguin Books 1992) (1975). Marx argues that “Hegel proceeds from the state and conceives of man as the subjectivized state; democracy proceeds from man and conceives of the state as objectified man. Just as religion does not make man, but rather man makes religion, so the constitution does not make the people, but the people make the constitution.”
as an almost divinely ordained authority that exercises control over a people “united by their subjection.”\(^69\) While Marx, on the other hand, posits that sovereignty is an artificially constructed authority derived from the people.\(^70\) Trump’s understanding of sovereignty, therefore, adopts a Marxist tone when he invokes the idea of respecting the people’s interest, and a Hegelian character when he refers to the state as sovereign.

The second typology of sovereignty noted in Trump’s speech focuses on the people: “In America, the people govern, the people rule, and the people are sovereign.”\(^71\) This of course raises questions about how the state and the people can both be sovereign. Trump tries to make sense of this duality by asserting that “[s]trong, sovereign nations let their people take ownership of the future and control their own destiny. And strong, sovereign nations allow individuals to flourish in the fullness of the life intended by God.”\(^72\)

According to Trump, sovereign states create the opportunity for the people to be sovereign. He offers the example of the U.S. Constitution’s “first three beautiful words. They are: ‘We the people.’”\(^73\) He sees no contradiction between the state as sovereign and the people as sovereign and contests the Hobbesian notion of one absolute and undivided sovereign. Sovereignty invokes oneness; if the state is sovereign, the state is one, and if the people are sovereign, the people are one. However, Trump seems to suggest that the state as sovereign is somehow intertwined with the people as sovereign. But the question of course is, to which people does Trump refer?

In addition to simultaneously recognizing the state and the people as sovereign, Trump offers a third typology of the rogue as sovereign when he asserts that “[t]he scourge of our planet today is a small group of rogue regimes . . . . They respect neither their own citizens nor the sovereign rights of their countries.”\(^74\) This assertion seems to suggest that sovereign states have a dual responsibility to respect their citizens, and a duty to uphold the sovereign rights they possess. However, Trump neglects to explore what happens when there is a conflict between the state’s duty to respect its citizens, and the state’s duty to uphold its own sovereign rights.

Trump proceeds to pose the following question: “Are we still patriots? Do we love our nations enough to protect their sovereignty . . .


\(^{70}\) See Marx, supra note 28, at 57.

\(^{71}\) Trump, Remarks to the UNGA, supra note 1, at 2.

\(^{72}\) Id.

\(^{73}\) Id.

\(^{74}\) Id. at 3.
Invoking a patriotic love for the state is also reflected in his idea of the right to sovereignty, which differs from the principle of sovereignty enunciated in Articles 2(1) and 78 of the U.N. Charter. For instance, this notion of sovereign rights is invoked when Trump states: “Iran’s government must stop supporting terrorists, begin serving its own people, and respect the sovereign rights of its neighbors.” However, he does state that “[i]n foreign affairs, we are renewing this founding principle of sovereignty.” This assertion raises some uncertainty about whether Trump sees “sovereign rights” and the “principle of sovereignty” as synonymous or whether it is through the renewal of the principle that the right emerges.

While Trump recognizes that each state has sovereign rights, he argues that these rights can be limited if a state fails to respect the people as sovereign. For instance, Trump wants to limit the sovereign rights of North Korea as a rogue sovereign:

No one has shown more contempt for other nations and for the well-being of their own people than the depraved regime in North Korea. It is responsible for the starvation deaths of millions of North Koreans, and for the imprisonment, torture, killing, and oppression of countless more . . . . The United States has great strength and patience, but if it is forced to defend itself or its allies, we will have no choice but to totally destroy North Korea.

Therefore, for the people as sovereign to emerge, the rogue as sovereign must be destroyed. However, once the people as sovereign materializes, the state as sovereign must also be destroyed because, according to Schmitt, the sovereign’s authority to declare the exception is ultimate and, thus, exclusive. This proposition flows from Foucault’s recognition that sovereignty centers on the power to “take life or let live.” This begs the question: can this power over life be held simultaneously by the state and the people?

While Trump seems to believe that this dual form of sovereignty is possible, it is not yet clear what happens when a conflict arises between

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75 Id. at 7.
76 U.N. Charter art. 2 ¶ 1 (“The Organization is based on the principle of the sovereign equality of all its Members.”); Id. art. 78 (“The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.”).
77 Trump, Remarks to the UNGA, supra note 1, at 4.
78 Id. at 2.
79 Id. at 3.
80 See SCHMITT, POLITICAL THEOLOGY, supra note 36, at 10.
81 FOUCOULT, THE HISTORY OF SEXUALITY, supra note 34, at 136 (emphasis in original) (discussing that the sovereign can exercise his right to life only by exercising his right to kill another).
the state as sovereign and the people as sovereign. It is clear that Trump is willing to “totally destroy” another sovereign state to “defend [the U.S.] or its allies,” but not to defend the people in that rogue state. According to Trump, “as long as I hold this office, I will defend America’s interests above all else.” However, it is unclear what he means by America; is he referring to the people or the state?

While Trump argues that all nations should uphold the core sovereign duties to respect the interests of the people and the rights of other sovereign states, his speech seems to suggest that the people as sovereign are placed above the rights of the rogue as sovereign. This contention further

We must reject threats to sovereignty, from the Ukraine to the South China Sea.

blurs the relationship between the people as sovereign and the state as sovereign. Trump reproaches North Korea for engaging in behavior that is entirely consistent with Schmitt’s notion of sovereign exceptionalism and reflects Mbembe’s idea of the sovereign’s ability to shape human existence and through violence. Yet Trump’s threat to destroy North Korea similarly reflects a violent form of sovereign exceptionalism. This suggests that Trump, by his own definition, is a rogue sovereign in that his threat to destroy North Korea is itself an act of rogue sovereignty. By totally destroying North Korea, Trump will also be destroying its people thereby further affirming the characteristics of a rogue sovereign which places the interests of the state above the people.

Setting aside Trump’s hypocrisy in failing to examine the United States’ treatment of its own people, it is also important to ask whether his statement about destroying North Korea amounts to an exception as defined by Schmitt. If one considers President George W. Bush’s characterization of North Korea, Iraq, and Iran as the “axis of evil” during his 2002 state of the union address, one could argue that the exception to the law

82 Trump, Remarks to the UNGA, supra note 1, at 3.
83 Id. at 2.
84 Id. at 3.
85 See Schmitt, supra note 31, at 6-7 where Schmitt asserts that the sovereign is above the law and possesses the power to decide on exceptions to the law.
86 See Mbembe, supra note 33, at 14 (“[S]overeignty[s] . . . central project is . . . the generalized instrumentalization of human existence and the material destruction of human bodies and populations.”) (emphasis in original).
87 Address Before a Joint Session of the Congress on the State of the Union, 1 PUB. PAPERS 129, 131 (Jan. 29, 2002).
has in fact become the norm, and that there is nothing exceptional about Trump’s exception.

This leads us to the fourth typology of sovereignty that is not directly invoked by Trump, but can be characterized as the revolution as sovereign. Trump’s incantations begin to take on a revolutionary tone during the first half of his speech: “I was elected not to take power, but to give power to the American people, where it belongs.” While Trump’s speech is punctuated with rhetorical statements about the people as sovereign, this particular declaration positions Trump as a facilitator in the transfer of power from the state to the people. Another striking and perhaps surprising statement made by Trump that reflects the idea of the revolution as sovereign is: “Our respect for sovereignty is also a call for action.”

Trump’s call for action is made in support of the liberation for individuals “living under a brutal regime.” He insists that a sovereign state must be a caring state that upholds the idea of the people as sovereign. When Trump reflects on the American Revolution in the final passages of his speech, he appears to suggest that his call for the renewal of the principle of sovereignty should be seen as revolutionary. It is, according to Trump, a “[r]evolution [that is] in the minds and hearts of the people” and during which, “America awoke.” Drawing on the American Revolution, Trump, by extension, is “calling for a great reawakening of nations.”

Trump’s speech provokes the idea of the revolution as sovereign because it is a state of exception; revolution disrupts the legitimacy of laws to make possible the emergence of a radically different order or regime. By giving “power to the American people, where it belongs” Trump is invoking the spirit of the American Revolution—a state of exception—where laws are suspended in order to determine who will emerge as sovereign. The revolution as sovereign then becomes a state of exception that creates the conditions for the transfer of sovereign power.

CONCLUSION

This paper attempts to offer an analysis of President Trump’s understanding of the principle of sovereignty based on his inaugural remarks.

88 Trump, Remarks to the UNGA, supra note 1, at 2.
89 Id. at 7.
90 Id.
91 Id.
92 Id.
93 Id. at 8.
94 Id. at 2.
before the UNGA. Acknowledging that this analysis is limited to a single speech, as well as the fact that U.N. speeches are notoriously rhetorical, it is nevertheless important that some consideration be given to the nature and tone of this speech; it may offer insights into the ideological orientation of Trump and those who surround him. At the same time, this analysis has not lost sight of the performative and disruptive dimensions of Trump’s speech, and has consequently employed the methodological device of inserting his words into the text to interrupt and disturb the flow of analysis.

The reader is now invited to reflect on the following questions: To what extent were the interruptions disturbing, annoying or helpful? Did you find yourself skipping over Trump’s words, or pausing to read extracts from his speech? Did you notice how some insertions were placed between paragraphs, while some extracts split a sentence in two? And on the pages where no interruptions were inserted, did you experience a sense of relief, did you miss the disruption, or did you not notice its absence?

At a substantive level, this paper offers a typology of Trump’s invocation of sovereignty based on existing debates in scholarship surrounding sovereignty, and suggests that there are four ways in which the principle is employed in his speech, namely, the people as sovereign, the state as sovereign, the rogue as sovereign, and the revolution as sovereign. While Trump’s speech leaves us with more questions than answers, it offers helpful insights into his administration’s understanding and appropriation of the principle of sovereignty.