

UNIVERZITA KARLOVA V PRAZE
Fakulta sociálních věd
Institut mezinárodních studií

PROTOKOL O HODNOCENÍ DIPLOMOVÉ PRÁCE
(Posudek oponenta)

Práci předložil(a) student(ka): Bc. Hahn Bui Thuy

Název práce: Presidential Directives as Instrument of President's Obama Policy-Making

Oponoval (u externích oponentů uveďte též adresu a funkci v rámci instituce):

Jan Hornát

1. OBSAH A CÍL PRÁCE (stručná informace o práci, formulace cíle):

Hahn Bui Thuy has focused her diploma thesis on the phenomenon of the broadening of presidential powers in the US and the presidents' use of unilateral executive actions. While legislative authority – as per the US Constitution – is vested in the Congress, US presidents have found ways to bypass the legislative branch and by virtue of executive authority impose law-like measures that affect not just the functioning of the executive branch, but often also the everyday lives of Americans. At times the US Congress has tacitly supported such broadening of executive power (namely in the area of executive agreements, which are „substitutes“ for Art II, sec. 2, cl. 2 „treaties, and of which the number has been steadily growing in the 20th century making Senate ratification of all international agreements procedurally impossible), but in other instances, the Congress has been pushing back against unilateral presidential action, often referring to the „imperial presidency“ as coined by Arthur Schlesinger Jr.

Ms. Bui Thuy's work narrows down the problem to the use of presidential directives during the presidency of Barack Obama and particularly in the realm of immigration policy and gun control. The thesis starts out with a clarification of terminology, because the author feels that the very notion of presidential directives (and their classification) is often misused and thereby misinterpreted. In this context she also reviews the discussion concerning presidential powers and their historical expansion. Following a typology of presidential directives (ch. 1.3.), Ms. Bui Thuy rightly moves to formulate her hypotheses and introduce her methodological/theoretical approach. As presented on page 29, the main research hypothesis of the paper is as follows: “Due to the uncooperative Congress and increased expectations of the public, President Barack Obama had to use unilateral directives to advance the key points of his policymaking agenda – immigration reform and gun regulations.” As formulated, the hypothesis is a valid research question, which is later broken down into four separate sub-hypotheses (p. 30-32.). The author then proceeds to examine the “expectations gap” of Obama's presidency, where she argues that being a president who came with a “transformative” potential, Obama faced very high expectations from the American society and voters who believed he could make progressive changes to a broken immigration system and gun control. However, faced with an uncooperative Congress, Obama found himself in an impasse, unable to push through Congress substantive legislation devoted to immigration reform and gun control (despite rounds of gun violence and mass murders during his term). Obama thereby resorted to unilateral actions, which are the focus the last two chapters (5 and 6). Chapter 7 provides a discussion of findings and provides answers to the four sub-hypotheses, which feed into the conclusion of the diploma thesis.

2. VĚCNÉ ZPRACOVÁNÍ (náročnost, tvůrčí přístup, argumentace, logická struktura, teoretické a metodologické ukotvení, práce s prameny a literaturou, vhodnost příloh apod.):

The student has chosen a very topical subject as not only have unilateral presidential directives been an issue during the Obama administration, but they remain to be in the spotlight due to their use by current president Trump, who uses their power to pursue policies that are often controversial. I would not agree, however, with Ms. Bui Thuy's claim that “the research on presidential directives is heavily understudied” (p. 2) as recent years have seen a surge of academic texts devoted to studying the directives' function and role (apart from Dodds, 2013, other authors such as Richard E. Ellis and William G. Howell have published on the topic). Nonetheless, the chosen topic is original and quite enlightening.

As to the theoretical and methodological part, the student has done a good job in formulating clear, fairly verifiable hypotheses. Although it may be methodologically difficult to measure “increased expectations from the public”, the author acknowledges the problem and treats it by, *inter alia*, looking at opinion polls that suggest the “expectations” with which Obama was faced. By using Howell's interpretative framework, Ms. Bui Thuy

understands the increasing use of unilateral presidential directives as a process, by which presidents accommodate increasing expectations and the fact that their power is derived from the Constitution, which in terms of presidential powers remains unchanged. While this is certainly a valid interpretation, some others could be included – for example, other authors view the increasing use of presidential directives as a pragmatic, instrumental mechanism in an increasingly complex policy world. As politics becomes much more complex than it was in the time of the framing of the Constitution (environmental issues, technology, social services, migration etc.), the Congress would simply not have the time to occupy itself with and debate every single issue and thereby it tacitly hands these authorities to the President (for example in war-making or international trade).

I not understand why the author on page 4 states that this “master thesis is rather an analysis of political discourse on controversial issues” – it is not clear whether she means that it is a review of the academic debates about presidential directives or whether she aims to also analyze discourse regarding immigration and gun control. The structure of the thesis is logical and the author guides the reader “by the hand” in explaining the function of each part and chapter. The text is thus very accessible and readable.

Ms. Bui Thuy throughout the text talks about a *misinterpretation* of presidential directives, but she does not provide an example of how they were misinterpreted. This also concerns the following statement in the conclusion: “In other words, the highly criticized usage of presidential directives by President Obama were proven to be result of number of factors. Firstly, misinterpretation of presidential directives exaggerated the legal authority of executive actions by mistaking them with executive orders. That created a misleading discourse of the abuse of power by the President.” (p. 68) – how were the directives misinterpreted and what were the consequences of this misinterpretation?

3. FORMÁLNÍ A JAZYKOVÉ ZPRACOVÁNÍ (jazykový projev, správnost citace a odkazů na literaturu, grafická úprava, formální náležitosti práce apod.):

The style and language are very satisfactory, but still the text bears some typos and grammatical mistakes: the very title of the thesis contains an error – President’s Obama (instead of President Obama’s) and this error is repeated throughout the text. Other mistakes include, p. 38 „**the** ,Obama’s biggest loss“; p. 34 – Civil **Right** Movement etc.

References citing the stated works should be included in the following sentences: p.3 - “...institutionalist formed by Clinton Rossiter, who believed that rather than bargaining, presidents should focus on the power the institution of presidency holds.”; p. 14 “Carey and Shugart have analyzed French presidential decrees in their publication.” There seems to be a slight formatting problem on page 7. Otherwise the thesis fulfills all the formal criteria of a diploma thesis and the reference style is unified (although I would prefer to place journal/newspaper titles in italics, which is not usually the case in the paper).

4. STRUČNÝ KOMENTÁŘ HODNOTITELE (celkový dojem z diplomové práce, silné a slabé stránky, originalita myšlenek, naplnění cíle apod.):

In general, I have a very positive view of the thesis. The strength lies partly in the choice of topic, but also in a solid methodological and theoretical framework. All this is then manifested in a very structured and systematically written argumentation. The literature that is employed is relevant (I would personally add a mention of Robert Dahl’s “How Democratic is the American Constitution?” into part 1.1.1, which would also shed some light on why presidential directives and executive orders are part of American politics today despite not being explicitly defined in the Constitution) and shows that Ms. Bui Thuy has devoted much time to its study.

5. OTÁZKY A PŘIPOMÍNKY DOPORUČENÉ K BLIŽŠÍMU VYSVĚTLENÍ PŘI OBHAJOBĚ (jedna až tři):

1. Is the expansion of the use of unilateral presidential powers dangerous or does it actually render American politics more effective? Does it increase polarization?
2. What can the Congress do to limit a President’s use of unilateral executive actions?

6. DOPORUČENÍ / NEDOPORUČENÍ K OBHAJOBĚ A NAVRHOVANÁ ZNÁMKA (výborně, velmi dobře, dobře, nevyhověl):

Depending on the proceedings of the defense I recommend either an **A or a B**.

Datum: 7 June 2019

Podpis: Jan Hornát v.r.