

Divided We Stand? The Separation of Powers, Democratic Responsibility, and Counterterrorism

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ABSTRACT

Work on comparative constitutional design concludes that presidential systems, due to their relative incapacity to handle constitutional crises, are more likely to revert to authoritarianism than parliamentary systems when such crises occur. Contrarily, this paper argues that, since acute terrorist threat compels democratic majorities to trade rights for security, and since parliamentarism facilitates the translation of majoritarian sentiments into policies, parliamentary systems are more likely to “willingly” autocratize than presidential systems faced with terrorism. Moreover, literature on executive prerogative implies that presidentialism is especially capable of formulating effective emergency responses to security challenges that minimize long-term threats to liberal character. Cross-national analyses of the period 1970-2002 provide substantial confirmation of these expectations: presidential democracies less likely than parliamentary systems to shift to “anocracy” or authoritarianism, and are more likely to maintain structural openness and respect for civil rights and liberties, in the wake of acute and chronic terrorism.