Same War—Different Views: Germany, Japan, and Counterterrorism

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Abstract German and Japanese counterterrorism policies differ from those adopted by the United States as well as from one another. Defeated in war, occupied, and partially remade during the Cold War, Germany and Japan became clients of the United States first, then close allies. Both countries offer easy tests to explore the extent to which the United States can hope to fight the war against terrorism, as it did the Cold War, supported by a broad coalition of like-minded states. On this central point the article's conclusion is not reassuring. In contrast to the Cold War, the relative importance of different self-conceptions and institutional practices appears to be larger and the systemic effects constraining national divergences smaller. Even among the closest allies of the United States, the very early stages of the war against terrorism point to substantial strains. Over a prolonged period such strains are likely to affect profoundly long-standing patterns of alliance.

Big events in world politics, Peter Gourevitch noted long ago,[1] provide students of international relations and comparative politics with the closest thing to a natural experiment. The terrorist attacks on the United States on 11 September 2001 are no exception. The AlQaeda terrorist organization, an extensive cross-border network of violence-prone groups and individuals, created with its attacks a second "day of infamy" reminiscent of the attack on Pearl Harbor. Those terrorists involved in the attacks held fervently religious beliefs, came from a wide variety of national backgrounds, were well educated, practiced secular lifestyles, and moved unobtrusively in liberal societies. Loosely linked through both a common vision

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1. Gourevitch 1977, 281.

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and a few trusted emissaries, AlQaeda appears to form neither a clear network nor a clear hierarchy. Its organization thus differs from groups traditionally engaged in left- or right-wing violence in industrial societies.[2]

AlQaeda had learned from its bungled 1993 attempt to bring down the World Trade Center. In 2001, AlQaeda foreign agents, apparently acting alone, slipped into the country and did not survive their attacks, unlike 1993 when foreign residents associated with the mosques in the New York area made their escape after their attack. AlQaeda also used a new weapon of mass murder—crashing fully fueled jetliners into heavily populated buildings.[3] This article argues that the attack on the World Trade Center and the Pentagon is like a strong beam of light that gets filtered by national lenses, of different self-conceptions and institutional practices, which create distinctive political responses that will test severely alliance cohesion in the years to come.

German and Japanese counterterrorism policies differ from those adopted by the United States as well as from one another. Defeated in war, occupied, and partially remade during the Cold War, Germany and Japan became clients of the United States first, then close allies. Both countries, which are of central importance in Europe's and Asia's regional orders, offer easy tests to explore the extent to which the United States can hope to fight the war against terrorism, as the United States fought the Cold War, supported by a broad coalition of like-minded states. On this central point the article's conclusions are not reassuring. In contrast to the Cold War, the relative importance of different self-conceptions and institutional practices appears to be larger and the systemic effects constraining national divergences smaller. Even among the closest allies of the United States, the early stages of the war against terrorism point to substantial strains. Over a prolonged period such strains are likely to affect profoundly long-standing patterns of alliance.

For the United States, the September 11 attack was an act of "war" that required and justified, foremost, a response by the U.S. military. After quickly defeating the Taliban government in Afghanistan, U.S. armed forces in 2003 led a determined campaign that brought down Iraqi leader Saddam Hussein, a central figure in what President George W. Bush has called the "axis of evil." While law enforcement efforts against terrorism have continued unabated both at home and in Afghanistan and Iraq, these efforts have played a subordinate role in how the United States has been fighting the war on terrorism—with its military strength politically backed often by the use of unilateral action.

The German government has cooperated actively and energetically with the United States in combating the "crime" of global terrorism. For the first time since 1945, it deployed German troops outside of North Atlantic Treaty Organization (NATO) territory in the Afghan war. Germany took this step against strong domes-

2. Katzenstein 1998.

3. See Mylroie 2001; Dwyer et al. 1994; Parachini 2000; Hershberg and Moore 2002; Booth and Dunne 2002; and *Correspondence* 2002.

tic opposition, because it conceived of itself as an integral part of an international coalition fighting a global network of terrorists. In German eyes, September 11 required intense international collaboration in multilateral institutions. Unilateral action was inappropriate and ineffective in the combating of horrific international crimes. The German government felt that war, however, was less suitable for defeating global terrorist networks than careful attention to the underlying social and economic causes of terrorism in failing states, patient police cooperation, intelligence sharing, and international legal proceedings. The opposition of the German government against the U.S. policy of broadening the war against terrorism to a war against Iraq was strong and was supported strongly by German public opinion.

For the Japanese government, September 11 was, foremost, a "crisis" event. It offered the government an opportunity of showing Japan's symbolic support of the U.S. war against terrorism. It provided another welcome opportunity for gradually expanding the regional scope of operation of Japan's Self-Defense Forces (SDF). It also afforded Japan a chance to improve slightly its previously inadequate preparation for situations of national emergency. Compared with Germany, the response of the Japanese government was less insistent and less fraught with risk.

These differences in interpretation—war, crime, and crisis—reflect past institutionalized practices and different conceptions of self and other. Although Japan had lived for two decades with a domestic cycle of terrorism culminating in the world's first-ever terrorist attack with weapons of mass destruction, the government responded with considerable caution after September 11. Germany's multilateral and activist stance after September 11 was different. It evoked memories of Germany's counterterrorist campaign in the 1970s and 1980s, when Germany viewed terrorism as a crime against the state and pursued its defenses energetically both at home and abroad.

This article develops its analytical framework and expectations in the first section before investigating German and Japanese counterterrorist policies before and after September 11, respectively, in the second and third sections. It concludes with a brief comparison between German and Japanese policies and those of the United States.

Analytical Expectations

Counterterrorist policies raise new issues for theories of international relations. A neorealist analysis of material capabilities at the level of the international system[4] would lead one to expect roughly similar responses from two similarly placed states in the international system, such as central U.S. allies Germany and Japan, respec-

4. See Waltz 1979; and Mearsheimer 2001.

tively, in Europe and East Asia. This article demonstrates that the causal factors do not operate at the systemic level. These factors are not materialist, and they do not lead to similar outcomes.

In a political analysis of terrorism and counterterrorism, what matters most are processes that shape how groups and governments conceive of the use of violence, how publics perceive and interpret insecurity, and how threats are constructed politically. Such conceptions, interpretations, and processes of threat construction occur primarily within polities rather than between them.[5]

This difference in analytical perspective is one important reason why the analysis of international terrorism had not been considered part of conventional scholarship on national or international security before September 11.[6] The leading U.S. journals specializing in security issues published only a handful of articles on terrorism and counterterrorism. Judging by the reading lists of courses dealing with national and international security at the leading U.S. universities, terrorism was typically not considered a germane topic in the training of graduate students. Analysis of this issue was left to a small handful of scholars working on the fringes of the field, and to a large number of applied policy analysts working for the government or government-sponsored think tanks. One of the leading scholars of terrorism, Martha Crenshaw, has pointed to the almost total neglect of terrorism in a theoretically sophisticated and politically contentious literature on grand strategy that focused on primacy, selective engagement, and offshore balancing.[7] She added poignantly that analysts of grand strategy, while freely criticizing the U.S. government after September 11, do not "offer an explanation of why they ignored the threat of terrorism as well as the government's inertia before 9/11."[8] Analyses that focus on raw military capabilities and that operate at the level of the international system have inherent difficulties in capturing analytically terrorist and counterterrorist politics.

As a substantial deviation from the systemic and materialist assumptions of neorealist theories of international relations, realist balance of threat theory offers more insights into the altered security landscape after September 11.[9] Terrorism is about the politics of threat magnification. AlQaeda illustrates this general point. Its main weapon is symbolic violence that spreads psychological terror that is disproportionate to the death and destruction its actions unleash. For example, in 1996, the cause of death per 100,000 people, was 33 times larger for meningitis, 822 times for murder, 1,200 times for suicide, and 1,833 times for car accidents than for international terrorism.[10] Such statistics underline the political importance of processes that shape how groups and governments conceive of the use of vio-

5. Crenshaw 2002, 19.
6. Leheny 2002.
7. See Crenshaw 2002, 14; and Brown et al. 2000.
8. Crenshaw 2002, 19.
9. See Walt 1987; and Midford 2002.
10. Falkenrath 2001, 170.

lence, how publics perceive and interpret insecurity, and how threats are constructed politically.

Balance of threat theory offers a plausible situational analysis that focuses on the different magnitude and sources of threat. On September 11, the United States suffered massive casualties in one day as the result of an act of international terrorism. Germany and Japan experienced significantly smaller casualties over a period of two decades. Because it was attacked from outside, the United States responded with war; because Germany and Japan were attacked from inside, they did not.

The distinction between domestic and international terrorist attacks is, however, far from clear. Germany's and Japan's domestic counterterrorism policy in the 1970s and 1980s had clear international components. In Japan, for example, the police initially tried to solve the problem by pushing Japan's terrorists abroad. If the terrorists caused havoc in other countries that was not Japan's problem. The international safe haven that East Germany provided to West German terrorists was one, though not the only, reason for the relative failure of the German policing strategy. September 11 illustrates similarly blurred lines between domestic and international terrorism. When members of Aum Shinrikyo (in 1993) and AlQaeda (in 2000 and 2001) were honing their flying skills in Florida, should this activity be considered an international or national source of terrorism, for attacks staged, respectively, in Japan and the United States? And was the failed 1993 attack on the World Trade Center an instance of domestic or international terrorism? The central protagonists, although they resided in the United States, in that attack were not U.S. citizens for the most part and had extensive international ties. Because terrorism is a transnational phenomenon, counterterrorist policies are not easily classified into neatly differentiated domestic or international components.

The intuitive plausibility of a balance of threat argument is reinforced by the difference in Germany's and Japan's reaction to September 11. Germany's role as a host of terrorist leader Mohammed Atta and his accomplices created a greater security threat situation in Germany after September 11 than the national security threat faced by Japan. Furthermore, because Germany is mostly a landlocked country with a large foreign population—many of whom come from Turkey and other Muslim countries—it is exposed to greater threats of terrorist attack than is Japan, an island nation with a relatively small number of foreign residents, few of whom are from Muslim countries. Differences in the magnitude of threat that terrorism poses to Germany and Japan are thus linked to a German counterterrorist policy that is more activist at home and concerted abroad than Japan's.

This "situational" threat analysis tends to highlight differences in situations as a plausible explanation for observed differences in counterterrorism policy.[11] By itself, however, situational analysis is unsatisfactory. On close inspection it disinte-

11. Some call it "structural," but this is an unfortunate misnomer. Situational analysis lacks the theoretical sparseness of structural theories such as neorealism.

grates into an intellectually incoherent list of analytically heterogeneous factors, in this instance, political relations with the United States, geography, and social structure. Situational analysis does not offer a logic by which to rank the relative importance of these diverse factors. It also fails to contribute to existing research programs in international relations. At best, situational analysis offers a list not an explanation. By its very nature situational analysis tends toward ad hoc reasoning.

One can strengthen a situational balance of threat analysis by linking it to a focus on institutionalized norms that express conceptions of "self" and "other." Actor identity is not inherent in the actors themselves but in the games they play over time. Conceptions of self and other define the standards of appropriate behavior that govern Germany's and Japan's counterterrorist policies. In the 1990s, the German and Japanese governments, for example, derived such standards for policy from classifying as the "other" Germany's and Japan's political regimes of the 1930s and 1940s rather than religious fanatics in the 1990s. As guides for how to respond to the September 11 attacks, Germany has relied on its relatively active counterterrorist policy and involvement in strong multilateral institutions, while Japan has relied on its relatively passive policy and predilection for bilateral deals. Institutionalized norms expressing conceptions of self and other and standards of appropriate behavior are thus a promising way of strengthening a situational threat analysis and exploring German and Japanese counterterrorism policies.

As Carl Schmitt noted long ago, conceptions of identity, of self versus other, are always part of threat perceptions.[12] The norms and identities that trigger different threat perceptions are not merely derivative of material capabilities. Nor are these norms and identities simply deployed for instrumental reasons by autonomous actors with unproblematic identities. The threat perceptions of groups and states are embedded instead in systems of meaning that affect what is and what is not defined as a threat: terrorism typically is a threat and suicide typically is not, in sharp contradiction of powerful statistical evidence. The cost calculations that the leaders of groups and states make when they weigh their options thus cannot be treated as exogenous to the systems of meaning that constitute threat perceptions. Although policies are often influenced by the logic of instrumental choice among alternatives subject to rules of maximization or satisficing, policies are also shaped by habitual standards of appropriateness, social processes of interpretation, emotional arousal, and political visions.[13] Strategic behavior is embedded in a social environment that helps constitute the identity of actors: the "self" interests that they define, the threats that they perceive in "others," and the reactions to harm inflicted by these outsiders. The depth of this embeddedness can vary from shallow to deep. At one extreme, social environments are shallow, such as in arms-length bargaining in auction markets. At the other extreme, social environments are deep, such as in the effects that traumatic historical events and memories have

12. Schmitt 1976.
13. March and Olsen 1989, 51.

on subsequent behavior. Analytical perspectives, such as rationalism or constructivism, that specialize in one or the other context are not inherently right or wrong. These perspectives are more or less useful depending on the empirical context to which they are applied.

Germany's and Japan's counterterrorist policies provide strong evidence for the depth of the social context in which they are formulated. Institutionalized norms shape actor interests. Different types of norms work differently. Regulatory norms define standards of appropriate behavior that shape interests and help coordinate behavior. Constitutive norms express actor identities and also define interests and affect behavior. Two explanatory factors in particular have shaped German and Japanese counterterrorism policy: norms of appropriate behavior linked to conceptions of self and other on the one hand and institutionalized practices on the other. It would be desirable to disentangle these two factors analytically. In practice they are tightly interwoven. Over time institutionalized practices both reinforce and alter self-conceptions and thus the interests that shape policy.

On questions of security, Germany and Japan's conceptions of self and other differ greatly.[14] The domestic aspects of German counterterrorist policy reveal a Hobbesian fear of violent attacks on an inherently fragile domestic political order. Japan's policy, in sharp contrast, betrays a Grotian confidence in the solidity of the national community. The international aspects of German and Japanese counterterrorist policies show an inverse pattern. German policy betrays a Grotian sense of belonging to a larger community of nations. Japanese policy, by way of contrast, operates in a Hobbesian international system. These differences in self-conception lead one to expect different counterterrorist policies: relatively active for Germany at home and seeking multilateral solutions abroad; relatively passive for Japan at home and eschewing multilateral solutions abroad.

These analytical categories are easily reified, and Amy Gurowitz has developed analytical categories that specify further this distinction.[15] She identifies four different dimensions of a state's identity. The first dimension is strength of commitment to the principle of multilateralism, as indicated by the international pursuit of national objectives and the extent of involvement in international institutions and organizations. The second dimension is the extent of activism or passivity in international activities, as indicated by assumption of leadership roles in international initiatives and participation in global problem solving. The third dimension is the extent of self-identification in terms of material and cultural attributes with the core of a Western international society of states, as indicated by self-perceptions, and the perceptions of other states, of a position of centrality or marginality. The fourth dimension is the relationship with the dominant state in the global system, currently the United States, as indicated by the degree of amity, neutrality, or enmity. Germany and Japan vary along these dimensions quite con-

14. Katzenstein 1996, 153–90.
15. Gurowitz 1999, 30–68.

sistently, with Germany leaning more toward the international and Japan more toward the national pole along each of the first three dimensions. The difference between a primarily national and a primarily international orientation is a matter of degree, however, not of kind. Collective identities are always nested in other identities, and they are always contested politically. For Japan, for example, internationalization was both a process experienced in the past two decades and the subject of a political debate fundamentally shaped by national purposes. For Germany, its Europeanization is intimately linked to the 'Germanization' of Europe.[16] In sum, differences in self-conception lead one to expect different counterterrorist policies.

These differences have become institutionalized during the past three decades in interaction with states and violence-prone groups in Western Europe and East and Southeast Asia. These two regions offer very different contexts for the operation of terrorist groups, such as AlQaeda, and counterterrorist policies to defeat them. In Southeast Asia, Islamic extremist movements have been motivated largely by local concerns. Ethnic secession and the Islamization of politics have been typical political goals. Long-standing local issues, such as a specifically Muslim resentment of the economically more successful Chinese and Indian communities, appear to have been as important as reactions to the events of September 11 and the war on terrorism.[17]

Because the initial mission of the Association of Southeast Asian Nations (ASEAN) was defeating domestic, not international, Communism, for the past four decades the insistence on national sovereignty has been much more important in this region than cooperation in external or internal security affairs. In the first thirty-one years of its existence, ASEAN never saw reason to establish a high-level working group on terrorism.[18] When, during the Peruvian hostage crisis, Prime Minister Ryutaro Hashimoto of Japan visited Southeast Asia in January 1997, he insisted on a process of information exchange and consultation among experts specializing on terrorism in the region. Such exchange has intensified since September 11.[19] How such policy initiatives translate into police practice is far from clear, however, in a region where Malaysia does not require visas for citizens from other Muslim states, where the Philippines are notoriously lax in their immigration controls, where Indonesia and the Philippines are not cooperating with international efforts to curb money laundering, and where piracy has increased sharply in the 1990s.[20]

In sharp contrast to the terrorism policy in Southeast Asia, AlQaeda's 2001 attack was planned in an integrated Europe with a distinct policy field of internal

16. See Katzenstein 1997; and Katzenstein and Shiraishi 1997.

17. See Hedman 2002; Gershman 2002; Leheny forthcoming, 8–20; Kurlantzick 2001; Tan 2000; and Chalk 1998.

18. Kurlantzick 2001, 21.

19. See Itabashi, Ogawara, and Leheny 2002, 368; Kawano 1999, 40–41; and Leheny forthcoming, 19–20.

20. Gershman 2002, 68–69.

security. European states have been gradually exchanging their diminishing capacities to control systematically their territorial borders for an increasingly proactive surveillance of certain sectors of their populations, primarily foreign residents and immigrants. September 11 both accelerated further the Europeanization of policing and illuminated the incompleteness of European counterterrorism policy. Under the leadership of the Portuguese European commissioner for justice and home affairs, Antonio Vitorino, European Union (EU) member states agreed in the first half year after September 11 on (1) a single European arrest warrant for crimes punishable by three or more years in prison; (2) a common list of about thirty Euro-crimes; and (3) a common definition of terrorist acts and organizations. Movement has been slow, however, in making Europol, an embryonic European police organization operating since 1999, more important in the sharing of intelligence. Although distressing to Europhiles, the more or less advanced process of Europeanizing law and order issues offers a striking contrast to the weakness of multilateral arrangements governing cross-border policing in Southeast and East Asia. On questions of counterterrorism, Germany's energetic multilateralism and Japan's cautious bilateralism have been practiced and institutionalized in different world regions.

Combining an analysis of situational threat analysis with environmental conditions of norms and identities offers a more plausible and powerful way of understanding counterterrorism than treating either in isolation from the other. More generally this approach moves beyond the exclusive focus of linear effects that characterizes economic models. Combinatorial analysis focuses attention on the dynamics of nonlinear systems in which even an apparently trivial event can at times cause radical change.[21] It makes intuitive sense to approach highly complex political phenomena, such as terrorism and counterterrorism, with an analytical perspective that aims at capturing the emergent properties of nonlinear effects rather than seeking to isolate a few key variables that reduce the statistical variance of linear effects.

German and Japanese Counterterrorism Policy Before September 11

Institutional norms are shaped by experience. Hence a situational threat analysis should be informed by relevant historical context. Although Japan and Germany are comparatively peaceful countries, each experienced serious episodes of political terrorism in the 1970s and 1980s that had domestic roots and international ramifications. Rather than viewing national security through military lenses, on the basis of their historical experience—military catastrophe in the first half of the

21. See Masters 1993; and Jervis 1997. I would like to thank Roger Masters for drawing my attention to the relevance of this important general point for my specific argument.

twentieth century with state success in trade in the second—Germany and Japan have come to view security in broader political and economic terms, with Germany favoring multilateralism more than Japan. A broad international police cooperation in the case of Germany and economic aid in the case of Japan have been their preferred weapons to combat terrorism. At home, Germany relied in the 1970s and 1980s on a formal, legal, and technology-intensive approach to counterterrorism. This was in sharp contrast to Japan, which tended to downplay both law and technology in its domestic policing strategy. In brief, Japan favored an informal, low-tech, and unilateral approach, while Germany favored a formal, high-tech, and multilateral one.[22]

Germany

In recent decades the number of deaths in Germany resulting from terrorist activities were four times greater than in Japan. Between 1970 and 1979, there were 649 attacks that killed 31 people and injured 97. In addition, 163 people were taken hostage. Between 1980 and 1985 the number of terrorist acts increased to 1,601.[23] Virtually all of this terrorism was home-grown, the activities of various generations of the Red Army Faction (RAF), the Revolutionary Cells (RZ), and other groups. Foreign terrorist groups mattered much less. To be sure in the 1980s and 1990s various factions within the Turkish and Kurdish populations, such as the Grey Tigers and the Kurdistan Workers Party (PKK), were engaged in bloody conflicts. The symbols of German state and society were unfortunate collateral damage for these groups, never the primary targets of foreign terrorist attacks. The German police never focused on foreign terrorists the way it focused on German, and especially left-wing, terrorism. On this point the difference with the United States and the September 11 attack is striking.

Germany's security policy has distinguished strictly between internal and external security. "National security" as the meeting ground for both has not existed. Counterterrorism policy has reflected two basic lessons of history that have shaped how policymakers and the public think about issues of state security. The Weimar Republic taught the first lesson: Germany's lawful state (*Rechtsstaat*) and its democratic system with teeth (*streitbare Demokratie*) should not permit the enemies of constitutional democracy to use the cover of the rule of law to attack the foundations of the polity. Nazi Germany taught a second lesson: the security forces of the state need to be under firm parliamentary control and the gathering of intelligence needs to be severely circumscribed. The peculiarity of the German approach to counterterrorism has rested in the inescapable contradictions between both lessons. In Europe, Germany has been known for its "strong state" approach to counterterrorism. At the same time Germany has had a relatively liberal asylum

22. Katzenstein 1996, 153–90.
23. Ibid., 155; and Katzenstein and Tsujinaka 1991, tabs. A1–A13.

policy, has extended far-reaching freedoms to religious associations, has imposed strict limitations on the intelligence gathering of the police and other government agencies, and has opposed strongly the death penalty. These contradictions have not undermined the conviction of Germany's political class, police, and public that a durable foundation of the polity requires a secure system of norms that are legally guaranteed and firmly anchored in human rights.

Terrorist acts and violent demonstrations accounted for about 0.33 percent of all recorded criminal acts; yet 5 to 10 percent of the country's police resources were committed to defending state security.[24] As part of the Social Democratic reform program of the 1970s, terrorism and mass protest reinforced a modernization and expansion of police powers. In the interest of enhancing internal security, Germany's legal statutes were changed. Revised in 1976 and 1986, Article 129a gives state officials broad discretionary powers. The article forbids the "support" of and, until changes made in 2002, "advertisement" of terrorist organizations and, under certain conditions, permits the arrest of individuals even in the absence of criminal behavior. Mere suspicion that an individual is supporting a criminal organization can provide legal grounds for the issuing of search and arrest warrants. In brief, Article 129a subjects criminal intent rather than criminal behavior to legal prosecution.

This extension of the German government's coercive powers beyond criminal conduct has been an important part of proactive police practice in Germany. Rather than reacting to terrorism, proactive police work sought to prevent terrorist attacks, thus blurring the line that separates normalcy from emergency and weakening the tenets of liberal government. Improved methods of data collection, storage, retrieval, and use were considered the most promising avenue for police work. On questions of internal security, Germany went high-tech. The police developed novel methods of computer matching as part of its counterterrorist campaign.[25] Large amounts of statistical data were scanned into computers in the effort of identifying overlapping clusters of suspicious traits in particular population segments. For example, the police used the files of utility companies to identify customers who paid their bills in cash or through third parties. This group was narrowed down further by running data checks on lists of residence and automobile registrations as well as receipts of social security and child care payments. The people that remained in this "drag-net" were potential suspects. They tended to be young, single, and unregistered; to own no automobiles; and to pay their utility bills in cash. If they lived in large apartment complexes with underground garages and unrestricted direct access to four-lane highways, even during rush hour, changed their locks as soon as they moved in, kept their curtains closed, and received little or no mail, they were put under direct police surveillance. As much as 5 percent of the West German adult population appear to have been covered by some form

24. Katzenstein 1996, 155.
25. Katzenstein 1990, 43–48.

of police surveillance system in the 1980s. Computer systems for potential terrorists were, of course, much smaller. One such system, Apsis, reportedly contained the names of 33,000 individuals in the late 1980s.[26] It is not known how many other computer systems were developed for similar purposes. In brief, preventive or "intelligent" police work, conducted in the name of enhancing internal security, was informed by abstract social categories that the police had defined. It was not informed by any evidence that a targeted individual had engaged in criminal behavior.

The fact that Germany's police was preoccupied with homegrown terrorism in no way diminished the relevance of the international dimension. Terrorists, after all, have been helped greatly by having guaranteed access to territorial sanctuaries provided by abetting states from which they can operate with relative impunity. Germany's RAF had international links that were less consequential for its attacks than for the survival of some of its cadres after the organization's decline. In the 1970s, some RAF members received training in Palestine Liberation Organization (PLO) camps that operated under the auspices of the Syrian government in Lebanon's Bekaa Valley. The links between the PLO and RAF became an international drama in Mogadishu in 1976. Special police forces flown in from Germany stormed a Lufthansa jet that PLO terrorists had hijacked to force the release of the top RAF leadership from a high-security prison in Germany. After the successful seizure of the plane, the imprisoned RAF leaders committed suicide. Although lack of access to PLO camps would have impeded the RAF's operation, it would not have stopped the RAF from its bombing and kidnapping campaigns in Germany. More consequential and politically explosive was the fact that Germany's unification quickly led the German police to a number of "retired" members of the RAF. These members, hosted by the Stasi, the former East German secret police, had been living incognito in the German Democratic Republic (GDR). In the 1970s, the GDR appears to have been an important transit country for RAF members as they traveled abroad to elude the investigations of the West German police. To this day it remains unclear whether the Stasi looked at these erstwhile members of the RAF, and then good socialist citizens in the GDR, as comrades-in-arms deserving of support now that their dangerous mission had ended, or as potential weapons that could be redeployed in West Germany should the occasion warrant it. One thing is certain: without the support of the GDR state bureaucracy, RAF members would have had an exceedingly difficult time surviving in Germany or anywhere else in central Europe. The crumbling of the Berlin Wall and the disintegration of the GDR robbed RAF cadres of the protective cocoon the GDR had provided.

In line with its general approach to questions of national security, Germany's counterterrorism policy has been consistently international. Germany became a champion of a deepening and broadening of police cooperation in Europe and beyond. Persistent German pressure resulted in the creation of a European secretariat of Interpol in 1986. The primary locus for police cooperation was, however,

26. Ibid., 18–20.

the EU. It was again German pressure, over a period of twenty years that led, in the Maastricht Treaty, to the creation of Europol. On questions of cross-border policing and counterterrorism, the German approach has consistently favored international over national approaches and institutionalization over informal arrangements.[27]

Japan

In Japan, left-wing popular protest, on a scale unknown in Europe or the United States in the 1950s and 1960s, gave way to smaller terrorist attacks staged by extremist groups of both the left and the right. Between 1969 and 1989 Japan recorded more than 200 domestic bombings; and between 1978 and 1990 there were about 700 domestic "guerilla" attacks, using arson and Molotov cocktails.[28] A 1995 sarin gas attack in Tokyo's subway killed twelve and injured 5,000. Internationally, too, Japanese terrorists have distinguished themselves, especially in the 1970s, with daring attacks and brutal murders.

Japan's counterterrorism policy has been linked closely to the concepts of peace and human rights that are central to its Peace Constitution. Japan's policy has been focused on the root causes of terrorism more than on the immediate actions that were required in a crisis; Japan has been risk-averse and has shrunk back from allowing any casualties in terrorist incidents; and it has shunned public debate.[29] Japan's distinctive, long-standing definition of comprehensive security views terrorism in conjunction with other social problems under the heading of 'crisis management.'[30] Despite the shock of the 1995 sarin attack and the policy initiatives taken since then, the Japanese police and system of government still suffers from serious limitations in its organizational and intelligence capabilities.[31]

In contrast to Germany, Japan pursued a low-tech, reactive counterterrorism policy. Police power increased in ways that were less reflected in formal statute, as in Germany, and more in informal police practice. In the interest of creating a favorable public climate that permits continuous surveillance, Japan's police has relied primarily on maintaining and cultivating further its close ties with the public.[32] Policy innovations, such as massive searches of apartment complexes and the creation of police support organizations with memberships numbering in the tens of millions, have provided the police with rich sources of human intelligence. Privileged access to the private security industry and regular contacts with organized crime have added important tools in the police arsenal. The social presence of the police has been pervasive, unofficial, and low key.

27. Katzenstein 2002, 9–12.
28. See Katzenstein and Tsujinaka 1991, tab. 2; and Katzenstein 1996, 155–56.
29. Miyasaka 2001, 72–75.
30. Leheny 2001a, 10.
31. See Itabashi, Ogawara, and Leheny 2002, 352–65; Kawano 1999; and Higuchi 2001.
32. Katzenstein 1996, 63–68.

After its initial successes in the early 1970s, the Japanese police has had, however, a difficult time in coping with the attacks of subsequent cohorts of terrorists operating inside Japan. The militant cadres of the most prominent left-wing organization, *chukaku-ha*, for example, succeeded in staging daring and murderous attacks throughout the 1980s.[33] During the 1986 Tokyo summit, for example, members of that group launched an unsuccessful rocket attack on a palace residence in downtown Tokyo. Fired from a distance of three kilometers, the rocket overshot its target. The incident humiliated the police, who had searched 50,000 apartments within two kilometers of the conference site, had arrested 900 leftist activists without clear cause, sealed off downtown Tokyo within two kilometers of the conference and lodging sites of foreign dignitaries, mobilized about 30,000 policemen, and tested $40 million of new equipment acquired just for this occasion.[34]

In the late 1960s, Japanese police pressure on the forerunners of Japan's Red Army (JRA) was so intense that its leadership decided to relocate abroad to increase its odds of operating successfully.[35] Because of their strong international ideology, left-wing radicals moved to North Korea and the Middle East. From these foreign locations, the JRA staged daring operations, such as the attacks on the Tel-Aviv airport in 1972, on a Singapore oil refinery in 1974, on the French embassy in the Hague in 1974, and on the U.S. and Swedish embassies in Kuala Lumpur in 1975. In the 1980s, the JRA had about thirty core cadres operating abroad.[36] Japanese officials misjudged totally the political significance of Japanese terrorists' operating abroad. The attacks on the embassies in Kuala Lumpur in August 1975, for example, caught the Japanese government and security officials by surprise. The link between the Popular Front for the Liberation of Palestine (PFLP) and the JRA had escaped their attention completely.[37]

Compared with the United States, "Japan is more methodical, less willing to create alarm by preparing for crises, more sympathetic to the root causes of terrorism, and less willing to respond to terrorism as a global problem."[38] When the JRA started high-jacking planes and kidnapping passengers, the Japanese government's initial response was complacency. Having pushed terrorists out of Japan, the Japanese government no longer felt that the terrorists' nefarious activities were a pressing problem. Once the government recognized the untenability of this position, it sought to avoid loss of life at almost any cost. But a terrorist incident in September 1977 forced a change in policy. While the public was fully behind Prime Minister Takeo Fukuda's decision to pay a $6 million ransom to release some JRA cadres from Japanese prisons and to issue blank passports, the Japanese Minister of Justice, Hajime Fukuda, resigned in protest. Subsequently Japanese policy aligned

33. Katzenstein and Tsujinaka 1991, 14–29.
34. Ibid., 145–46, 153.
35. Ibid., 21.
36. Ibid., 14–29; Farrell 1990.
37. Katzenstein and Tsujinaka 1991, 157.
38. Japan Society et al. 2001, 20.

itself gradually with the "no concession" policy on which the industrial states agreed, starting with the Bonn summit in 1978. It is not yet totally clear whether Japanese policy in fact changed. According to persistent rumors that the government has resolutely denied, the kidnapping of four Japanese geologists in Uzbekistan in 1999 was resolved by the payment of a substantial ransom, either directly by the government or indirectly, by a Japanese corporation.

The Japanese government's still emerging international commitment has not been fully shared by the Japanese public. It thus has remained uncertain which policy the government would actually adhere to if put to the test. In the course of the 1996–97 hostage crisis in Lima, for example, the Japanese government appeared to put a much higher value on the safety of the hostages and a peaceful resolution of the crisis than did Peruvian President Alberto Fujimori. Although the police had created special assault teams for use in terrorist incidents in 1995, none of Japan's political conservatives or defense hawks suggested a year later that such teams should be dispatched to Lima during the four-month hostage crisis to take part in a possible rescue mission.[39]

With the hope of creating long-term contacts in other national police organizations, Japanese officials have cultivated short-term, professional police exchanges with other countries.[40] Government policy has avoided bloodshed. Japan's preferred instruments of counterterrorist policy consist of the paying of ransoms, adhering cautiously to a still untested, internationally agreed-on "no concession" policy, and the granting of economic aid.

The importance of the JRA and its international operations waned in the late 1980s. The Oslo Agreement of 1993 accelerated the JRA's withdrawal from the Middle East. The weakening of the PFLP and a change in Syrian policy in the mid-1990s left the JRA no choice but to withdraw completely. Within a few years, with the exception of seven JRA members believed to be living in Lebanon, all of the senior JRA cadres had been apprehended and were in jail. The status of the surviving members of the JRA in North Korea remains uncertain.[41] If the JRA were to return to Japan, they would face certain arrest. As a result of the Oslo peace process and the U.S. war on terrorism, the threat the JRA had once posed has all but ended.

Hesitation and caution marked Japan's reaction to the first terrorist attack with weapons of mass destruction, the disastrous sarin gas attack in the Tokyo subway in 1995 carried out by Aum Shinrikyo, a religious sect with an apocalyptic vision. In 1995 Aum had assets in excess of $1 billion, operated more than thirty branches in six countries, and claimed 50,000 members worldwide.[42] At the time of the attack, Aum had stockpiled large amounts of chemical weapons, had plans to attack Tokyo's metropolitan police with laser weapons, and had sought to buy

39. Leheny 2000, 11–12.

40. See Katzenstein 2002, 23–24; Itabashi, Ogawara, and Leheny 2002, 346–53, 365–70; and Katzenstein 1996, 92.

41. See Steinhoff n.d.

42. Sansoucy 1998, 19.

nuclear and conventional weapons from Russia, where some of Aum Shinrikyo's leadership traveled frequently.

It is also widely believed that Aum perpetrated more than one major crime. A report of Japanese law enforcement agencies lists numerous attacks between 1989 and 1995 to which Aum has been linked directly.[43] In addition, Aum Shinrikyo was linked, though not conclusively, to a number of murders, dozens of extortions, a shooting that the head of the National Police Agency (NPA), Takaji Kunimatsu, barely survived, and a letter bomb sent to Tokyo's governor.[44] Aum's terrorist campaign was a massive intelligence failure steeped deeply in politics, as there was ample evidence that the Japanese police "studiously avoided investigating Aum."[45] And once the government brought charges, it chose to treat the attacks as individual murders and assaults rather than bringing charges under Articles 77 (carrying out civil war) and 78 (preparing for civil war) of the Japanese Constitution. The prosecution thus sidestepped investigating the group's extensive transnational links, especially with Russia.[46] Even though Aum's organization and political purpose was radically different from traditional right-wing organizations, the police chose the easy path of treating it as basically similar to many other right-wing groups that had traditionally enjoyed the patronage and protection of the Japanese state.[47]

Aum was not simply a millenarian Japanese organization led by a charismatic crackpot. As Lisa Sansoucy amply illustrates, Aum had important transnational ties.[48] In various countries it set up front organizations for purchasing weapons, chemical and biological agents, and high-tech components. In Russia, Aum was particularly active at a time of state collapse. By 1995, Aum's branch in Russia was the largest in the world, with eighteen branches and about 18,000 members, twice the number of its Japanese membership. The leadership of the Russian branch was in Japanese hands. Without the help of Russian scientists, it is highly improbable that Aum could have built its huge chemical factory in its Kamikuishiki village compound. At the time of the sarin gas attack, Aum remained very interested in acquiring gas laser weapons, space-launch rockets, tanks, and nuclear weapons. A great coup for Aum was the acquisition of a large Soviet MIL Mi-17 helicopter. "In order to fly the helicopter, several Aum members went to Florida where in late 1993 they received helicopter training at a private firm, Kimura International. It is a tribute to the dramatic changes that have taken place in the international security environment since the end of the Cold War," writes Lisa Sansoucy in 1998, "that Japanese terrorists can now receive American training to fly Russian military helicopters."[49]

43. Miyawaki 2001, 1.
44. Sansoucy 1998, 3–4, 11–12.
45. Steinhoff 1996, 17.
46. Miyawaki 2001, 2–3.
47. Szymkowiak and Steinhoff 1995.
48. Sansoucy 1998, 23–32.
49. Ibid., 27.

In a political climate highly conducive to enhance the government's counterterrorism policy after the Aum attack, what was striking was the tepidness and slowness of the government's response. This slowness was in agreement with the Japanese public's complacency that regarded Aum as a bizarre religious cult with no clear political objectives and little likelihood of having enhanced the probability of future terrorist attacks with weapons of mass destruction.[50] The Liberal Democratic Party (LDP) government sought to strengthen its counterterrorist capabilities but was unsuccessful in overcoming deep suspicion of the potential abuse of executive authority. Even after the sarin gas attack, the Japanese Federation of Bar Associations, human rights activists, and mass media were successful in stopping the attempt of outlawing Aum that was permitted to survive as a religious organization.[51] Aum derives most of its income from the sale of personal computers and software systems and has acted as sub-subcontractor, among others, to the National Defense Agency and the National Police Agency.[52] A low-profile approach and patience has been the hallmark of Japan's approach to terrorism, with Japan's police content to wait up to fifteen years or longer before making the arrests of key individuals, either in Japan or, by luck, abroad.

When they fought domestic terrorism in the past, Japan and Germany waited patiently and were witness to, and capitalized on, international changes that they did not help bring about—the end of the Cold War and the disintegration of the GDR in the case of Germany, the Oslo Agreement and the Middle East peace process in the case of Japan. That patience resulted from failure, not success. For about two decades, the German police was unsuccessful in stopping domestic terrorism. Repeatedly the German police would declare victory in its campaign, only to be surprised again and again by the activities of new terrorist cells ready to carry on. In the end what mattered were not advances in police technology, but the passing of time, the end of the Cold War, and domestic "exit" programs or amnesties for those willing to break with terrorist groups. Despite its initial success in pushing the JRA out of the country, the Japanese police also failed in fighting domestic terrorist groups. Between 1969 and 1985, as a percentage of total arrests, security-related arrests have declined roughly tenfold. Yet urban terrorist and guerilla activities continued, with 144 incidents recorded between 1983 and 1989.[53]

Germany, Japan, and Counterterrorist Policies

September 11 had a larger effect on Germany than on Japan. Three of the four pilots of the planes attacking the World Trade Center and the Pentagon had previ-

50. See Japan Society et al. 2001, 21; Miyasaka 2001, 76.
51. See Mullins 1997; Miyasaka 2001, 69, 77; and Pangi 2002, 40.
52. Miyasaka 2001, 69–70.
53. Katzenstein 1996, 96, 154.

ously been living in Hamburg. German solidarity with New York and the United States was overwhelmingly strong. In Berlin a quarter of a million people showed up at a demonstration for New York, the largest of scores of such demonstrations that occurred all over the country. Japan, by way of contrast, felt more removed from AlQaeda. It seized on September 11 as a political opportunity to show resolve and thus to escape the criticism of being a do-nothing power. Rather than prepare for new security threats, the government adjusted incrementally its foreign security policy. As was true of the 1995 sarin gas attack, the Japanese government adhered to a low-key counterterrorist policy after September 11.

Germany

Of the members of the AlQaeda terrorist cell centrally involved in the September 11 attacks, three had lived in Hamburg. They had arrived from three different Muslim countries; two others were still at large in 2003. At least two other cells in Germany have also been linked to AlQaeda leader Osama bin Laden. With the deployment of German troops in the Kosovo war, Germany somewhat had resolved the issue of the use of force in a multilateral operation with the precise balance of United Nations, NATO, and European support to be decided on a case-by-case basis. After September 11 for the first time Germany assumed military responsibility in a worldwide context.[54] Although a minority in the Social Democratic Party, the Greens, and the former Communists—the Party of Democratic Socialism (PDS)—were clearly unnerved. In his forceful Reichstag speech on 11 October 2001 Chancellor Gerhard Schröder declared Germany's "unrestricted solidarity" with the United States and committed Germany to military operations in defense of freedom and human rights, and for the restoration of stability and security. A month later, a small group of the Chancellor's opponents in the Social Democratic Party (SPD) and the Green Party were close to breaking up the coalition government by opposing the deployment of 3,900 German troops as part of the U.S.-led coalition fighting the Taliban in Afghanistan. In one of Germany's rare no-confidence votes, the government won by a mere ten votes. In November 2001, 37 percent of the Germans supported Germany's military participation in the war against the Taliban, twice the support as during the Gulf War and the war in Kosovo. But public support for the Afghan war was still in a minority. Germany has played a central role in the policing as well as the political and economic reconstruction of Afghanistan, and in the surveillance around the Cape of Africa, a division of military labor that suits the German and the U.S. governments.

The solidarity with the United States and the international orientation of Germany's counterterrorist policy was very evident in NATO as well. After the September 11 attack it took the Permanent Representatives at NATO only two meetings and thirty hours to invoke the mutual defense clause in Article 5, provided that it

54. Maull 2001.

was proven that the September 11 attack had been launched from abroad.[55] This astonishingly quick action was made possible by the decisions taken at the Washington Summit in April 1999, and the new strategic concept slowly implemented since then. Article 24 of the Washington summit communiqué had stated that, beyond an armed attack on the territory of allies, alliance security is also affected by other risks of a wider nature. It made specific reference to acts of terrorism and thus created a new trigger for invoking Article 5 and declared political solidarity without necessarily guaranteeing collective military action. While NATO documents had previously referred to terrorism as a criminal offense, the April 1999 declaration changed that. Terrorism was now conceived of as a threat to the alliance members' territorial integrity and equated with an armed attack. The 1999 declaration contained clear standards: "armed attack," "directed from abroad," and "within the geographic scope covered by the NATO treaty." Unambiguous standards made possible quick action after September 11. In the wake of September 11 and Russian President Vladimir Putin's wholehearted support of the United States, the upgrading of Russia's role in NATO, a subject of prolonged discussion throughout the 1990s, followed easily.

Germany also took important counterterrorist measures at home that tilted the balance between liberty and security toward the latter without the Constitutional Court having to adjudicate irreconcilable conflicts, as had been true in the 1970s. Specifically, the German parliament passed two counterterrorism laws. The main provisions in both were not simply triggered by the September 11 attacks; many of them had been debated before.[56]

The first law withdrew the statutory provision, granted in 1964, that exempted religious groups from the law of associations because they were presumed to be law-abiding. As a consequence, legal rules prohibiting associations whose objectives or activities aimed at breaking criminal laws, undermining Germany's constitutional order, or opposing the concept of international understanding, apply now fully to religious associations. Religious associations can be banned under the same conditions as all other associations, including terrorist groups.[57] Shortly after the law took effect on 8 December 2001, the government moved against twenty religious associations and conducted more than 200 raids. The main target was the Cologne Caliphate whose leader, Metin Kaplan, had received in November 2000 a four-year sentence in connection with the murder of a rival in Berlin. He had also planned an airplane attack on the Ataturk mausoleum in 1998 and had close ties to AlQaeda. The first counterterrorism law also proposed insertion of a new Article 129b into Germany's criminal code, henceforth permitting the prosecution of individuals who supported terrorist acts committed in other countries. This was a

55. See Tuschoff n.d.; and Lansford 2002.

56. Lepsius 2002.

57. I would like to thank Professor Ulrich Preuss of the Free University Berlin for clarifying these legal issues for me.

highly contentious issue as the smaller coalition party of the SPD, as well as a faction of the SPD, objected strongly. The political log jam was broken only after the explosion of a truck outside of a Tunisian synagogue, the oldest in North Africa, on 11 April 2002 had killed nineteen tourists, twelve of whom were German. In Berlin, the political reaction was almost instantaneous. Parliament quickly passed Article 129b, complementing Article 129a that had been enacted in 1976. Membership in, and the assistance, beyond verbal support, of a terrorist organization operating abroad became a criminal offense. This was the legal instrument that allowed the German police to launch efforts to arrest foreign terrorists operating from Germany.

The second counterterrorism law adjusted more than 100 regulations in seventeen laws and five administrative decrees. The gist of the changes was to strengthen the government's preventive approach to terrorism. The law, which became effective on 1 January 2002, gave Germany's various security organizations the power to access the telephone, banking, employment, and university records of individuals. In addition to their original mandate of collecting general overview information on the activities and tendencies of radical groups intent on subverting Germany's constitutional order, the primary mission of Germany's security organizations has been redefined. It now includes the surveillance of the activities of individuals who are threatening to undermine the idea of international understanding and world peace. Identity papers of foreigners will soon include new biometric information such as fingerprints and face recognition data, a provision that may soon be extended to the identification cards of all German citizens, once parliament specifies guarantees against possible abuses of new police powers. Further investigative powers have been granted to the two federal security organizations, the Federal Criminal Police and the Federal Border Police, and cooperation between local and regional police organizations has been improved.

Germany's immigration laws also have been rewritten to further enhance information on foreigners, including voice recordings of asylum seekers to be stored for a decade, and online access of the police to the data of the immigration and naturalization services. Because of the strong opposition of the smaller of the two parties forming the coalition government since 1998, some controversial measures, such as the expansion of the investigative powers of the three federal intelligence services, have a sunset clause of five years. Although Germany was a major base of operation for AlQaeda, German laws had previously prevented arrests without serious suspicions of illegal activities. By late April 2002, however, the German police was able to make numerous arrests, among them eleven members of the Al-Tawhid movement, a little-known Palestinian group with links to AlQaeda, and eight members of a group apparently controlled by Abu Musaab Zarqawi, a top AlQaeda operative who was in hiding.

Police practice also changed. In the largest operation ever mounted by the federal police, 600 officers working in cooperation with the U.S. Federal Bureau of Investigation (FBI), investigated the September 11 attack. Within weeks of the attack, five of Germany's *Länder* reactivated the dragnet approach, fallen out of

use after 1980. The statistical profile of potential suspects consisted of men aged twenty to thirty-five, from the Middle East, enrolled in engineering schools and without earlier criminal convictions. The operation turned out to be a flop; after several months not a single "sleeper" terrorist had been identified.[58] Published reports about the arrest of seven suspected members of a new cell in Hamburg did not fit the statistical profile. One member was fifty-one years old; another was a German citizen; and several had not been university students.

Why key AlQaeda terrorist cells were operating from Germany appears to be self-evident, at least in retrospect. Germany has had more foreign residents than any other society in Europe, including three million Muslims. The crackdown with which the French government had answered a spate of terrorist bombings in the 1990s dispersed some Algerian cells to surrounding countries, including Germany. Large numbers of asylum seekers also were admitted to Germany in the 1980s and 1990s, including many from countries whose governments waged war on religious fundamentalist movements. Compared with 10,400 far-right German extremists, twenty Islamic organizations with a total of 32,000 members were under observation by the Office for the Protection of the Constitution in 2001.[59] The German police also estimated that there were about one hundred radicals living in Germany in 2001 who received training in AlQaeda camps in Afghanistan or Pakistan.

Germany's various security organizations were not totally unprepared for September 11, but they often felt powerless. The head of the Command Center of the SWAT-Team/Surveillance Unit of the Federal Criminal Investigation Office (*Bundeskriminalamt*) in Wiesbaden, Klaus Jansen, referred to Germany as a "place of rest" (*Ruheraum*) for terrorists.[60] The Federal Security Service (*Bundesnachrichtendienst*) and the Office for the Protection of the Constitution prepared a long study in 1997 that addressed the threat foreign extremist and terrorist groups posed for Germany. In 2000, after more than a year of investigation, the Federal Criminal Investigation Office submitted to the Office of the Federal Prosecutor a report detailing various connections between Osama bin Laden and Germany.

Such reports were not sufficiently alarming, however, to shake the liberal legacy of Germany's post-Nazi history. History and memory have a powerful effect on policy. The current generation of German political leaders have taken pride in learning the lessons of Germany's Nazi past: treat liberally persecuted minorities. Because terrorism was defined only with reference to attacks inside Germany, cooperation with foreign intelligence and police services necessarily was limited. Only two notable terrorist acts perpetrated by Muslims have occurred in Germany

58. Jansen 2001, 7–8.

59. Of these, 27,500 were members of a radical Turkish organization, Milli Görüs; in addition, there were twelve Arab Islamic extremist organizations with 3,100 supporters, including the Muslim Brotherhood, Hamas, Hizbollah, and the Algerian groups FIS and GIA. *Der Spiegel*, 24 September 2001, 28–29; *Financial Times*, 25 May 2002, 2.

60. Jansen 2001, 3.

since 1949—the assassination of Israeli athletes by Palestinian gunmen during the Munich Olympic Games in 1972, and the bombing of a Berlin nightclub in 1986. The prominence of the antiauthoritarian 1968 generation in positions of political power in the 1990s probably weakened the standing of the security organizations of the state and strengthened the position of liberal defenders of political activism.

Japan

Prime Minister Junichiro Koizumi responded quickly and decisively to the 2001 attacks on the World Trade Center and the Pentagon. A seven-point emergency plan committed the Japanese military to support U.S. countermeasures in Afghanistan. In pictures that were broadcast around the globe, units of the Japanese navy accompanied the aircraft carrier USS *Kitty Hawk* and other ships as they left Japanese coastal waters for their destination in the Middle East on 21 September 2001. Specifically, Koizumi committed three destroyers and other ships to provide support for U.S. forces in the Indian Ocean. Although these were largely symbolic moves, they mattered politically. Koizumi wanted to preempt the criticism that had met Japan's tepid response after the Persian Gulf War a decade earlier. His stance assured the United States that the upgrading of U.S.-Japan security policies since the mid-1990s was honored in times of crisis.

For the first time since 1945, Japan played a regional security role in support of the United States. September 11 thus consolidated a redefinition in the U.S.-Japan security arrangements that had gradually taken shape during the 1990s, starting with the International Peace Cooperation Law of June 1992, the revision of the Guidelines for Japan-U.S. Defense Cooperation of September 1997, and the passage of legislation in May 1999 that enables the SDF to provide logistical support for the U.S. military to defend Japanese security in the event of regional crises. The net result of the various policy changes has been to regionalize more thoroughly the scope of the security arrangements to deal with issues of peace and security throughout Asia-Pacific. SDF operations will no longer focus solely on the defense of the Japanese home islands.[61] In addition, the Japanese government agreed to provide refugee relief and other humanitarian assistance, to supply grant aid to frontline states, to share intelligence, to participate in international police cooperation, to work with other central and commercial banks to restrict funding for terrorist organizations, and to help establish a government in Afghanistan with a broad political base. These steps, Michael Armacost and Kenneth Pyle argue, "move Japan decisively toward some middle ground between the hypernationalism of World War II and what some have described as the 'toothless pacifism' of its post-war defense policy."[62] It is, however, far from clear whether Koizumi's and the Japanese Diet's initial reaction did much to enhance Japan's capacity to

61. See Katzenstein and Okawara 2001; and Okawara and Katzenstein 2001.
62. Armacost and Pyle 2001, 60.

address terrorist threats. The new Bill to Support Counterterrorism, which passed on 29 October 2001, was no more than a marginal extension of existing legislation. This law, writes David Leheny, was basically "an initiative to help U.S. action in this specific instance."[63] The law did little to prepare either the government or the public for the eventuality that the government's counterterrorist campaign may spread to Southeast Asia.

The law balanced a potentially radical shift in policy permitting the dispatch of ground troops to foreign lands with extreme caution in side-stepping all accusations of supporting, as did NATO after September 11, the principle of collective self-defense. It accomplished this with legal ingenuity by stressing the compatibility between the collective security language of UN Resolution 1368 and the wording of the Preamble of the Japanese Constitution. In defense of international peace and security in general, the law permitted the dispatch of the SDF to the Indian Ocean and, significantly, its coastal states to support U.S. combat troops in Afghanistan with water and fuel supplies. It permitted the SDF to conduct surveillance and intelligence operations far away from Japan, as long as the SDF did not become part of the military force used by any country. It also authorized Japan's soldiers to use weapons not only in self-defense but also to defend people under their protection.

Furthermore, the cabinet prepared and the Diet enacted legislation that has permitted Japan to ratify the Convention for the Suppression of Terrorist Bombings that the U.N. General Assembly had adopted in 1997 and that Japan had signed a year later. Yet many of the measures adopted were modest at best. The National Police Agency, for example, tightened airport security measures and decided to arm Japan's police forces with 1,000 automatic rifles. The Ministry of Foreign Affairs (MOFA) established a special unit within the Policy Coordination Division, staffed by about ten officials and headed by a division chief charged, among others, with assisting the newly created post of "ambassador in charge of terrorism." In brief, the new counterterrorism legislation dealt with the fallout of September 11 in terms of the established political fault lines about what was and what was not permitted under Japan's Peace Constitution. The bill did not deal with counterterrorism as conventionally understood, for example in the United States. If the U.S. war on terrorism were to be fought in Japan and Southeast and East Asia, this legislation left Japan woefully unprepared. In the words of one of Japan's leading specialists of international relations, Akihiko Tanaka, "we have laws for when there is a crisis in the region, and now we will probably have a law when there is a crisis far overseas. But the laws for when Japan is attacked are inadequate."[64]

In addition to the counterterrorism legislation, in spring 2002, the cabinet approved a package of three bills for the eventuality of a direct attack on the Japa-

63. Leheny 2001b, 5; Maeda 2002.
64. Quoted in *Financial Times*, 17 October 2001, 2.

nese home islands.[65] At issue, politically, was not preparation for the most acute of Japan's security threats—from North Korean spy ships or from missile or terror attacks. The emergency legislation was instead designed to chip away at the government's traditional interpretation of Japan's Peace Constitution without taking on head-on the politically volatile issue of reformulating Article 9. With many Japanese leaders quietly uneasy in the governing coalition and vociferously critical in the opposition, the opposition's boycotting of the Diet and an unrelated scandal involving the Defense Agency and the SDF led to the government's decision not to push the bills through the Diet in the session ending in July 2002. The bills were approved in June 2003.

Japan's security strategy after the end of the Cold War has seen no radical change. It remains "comprehensive." The office in the Ministry of Foreign Affairs is called, in English, "Anti-Terrorism Bureau," in Japanese, "Office of Special Measures for Our Citizens Overseas." It is under the jurisdiction of the Consular and Migration Affairs Division of MOFA, whose chief responsibility is to protect Japanese citizens overseas, not apprehend terrorists.[66] Japan's counterterrorism stance had not been shifted by two politically all-consuming terrorist episodes that the country had faced in the 1990s, the sarin gas attack by Aum Shinrikyo in Tokyo in 1995, and the takeover of the Japanese ambassador's residence by the Tupac Amaru movement in Lima in 1996. It comes as little surprise then, that the policy response to September 11 has been muted as well.

The U.S. War on Terrorism in Comparative Perspective

Together with a situational threat analysis, institutionalized norms expressing different conceptions of self and other have been decisive for Germany's and Japan's counterterrorist policies. The net result of these policies was to export the problem of terrorism to others, as did Japan in the 1970s and Germany in the 1990s. There is not a shred of evidence that this was an act of cold-blooded calculation seeking to attain a "free ride" from the international community. Exporting the terrorist problem was instead the consequence of institutionalized norms and commonsense practice. In the 1980s and 1990s, Egypt and France, to name just two examples, behaved similarly. By ignoring and reducing terrorism in their polities, Germany and Japan inadvertently enhanced it for others.

65. Furukawa 2000. The most important of the three bills defines more precisely responses in the eventuality of a direct attack, although the concept of "direct attack" is given an ambiguous definition. The other two bills amend the Self-Defenses Forces Law and the law governing the Security Council of Japan. Prime Minister Koizumi thus appeared on the verge of a successful reform of Japan's security laws, an accomplishment that was denied to his father, Junya Koziumi, when he headed the Defense Agency in the 1960s.

66. Leheny 2001b, 42.

This article's argument is germane to the policies of other participants in the U.S. war on terrorism, such as Saudi Arabia, another close ally of the United States. As with Germany and Japan, Saudi Arabian policies have shifted the costs of terrorism to other states. According to royal Saudi intelligence sources, since 1979 as many as 25,000 young Saudis received military training or experience abroad, most with the intent of waging an Islamic holy war. These Saudis were being prepared for this mission by militant clerics whose teachings the Saudi rulers tolerated, afraid of the backlash a crackdown would cause among the religious right, returnees from other wars, and the ranks of the unemployed. The Saudi government and police let these young radicals leave unhindered. From among them, terrorists were recruited for the wars in Afghanistan, Chechnya, Kosovo, and Bosnia as well as for the bombing of U.S. targets in Saudi Arabia, Kenya, Tanzania, and Yemen, killing hundreds of Americans and non-Americans. Only after the September 11 attack did the Saudi government cut its ties with the Taliban government in Afghanistan, and only after the U.S. forces attacked Afghanistan militarily on 7 October 2001, did Saudi authorities detain young men who wished to join the fight. According to Martin Indyk, an assistant secretary of state for Middle East policy during the administration of President Bill Clinton, "the Saudis' policies made the world safer for Saudi Arabia and the Saudi regime. I don't think it was their intention to make it unsafe for the United States. But that was the actual, if unintended, consequence of buying off the opposition, and exporting both the trouble-makers and their extremist ideology."[67]

As is true of three of its closest allies, institutionalized norms expressing conceptions of self and other are also powerful in shaping the U.S. approach to the war on terrorism. War, for the United States, is a response that follows quite naturally from a national security policy that had been institutionalized over half a century, during the hot wars in Korea and Vietnam and the cold one with the Soviet Union. With a broad arsenal of sophisticated weapons systems, U.S. security policy had aimed for decades to prevent the recurrence of another surprise attack. Seeking to extend that policy, one of the most important political priorities of the Bush administration before September 11 was the construction of a costly and inadequately tested national missile defense system. The mountain of rubble in lower Manhattan and the charred Pentagon symbolize the shattering of the U.S. yearning for invulnerability.[68]

As is true of Germany's and Japan's identity, the U.S. collective identity is both nested in a variety of other identities and deeply contested politically, thus preserving the element of political choice. Changing sectional alignments[69] and competing foreign policy traditions,[70] for example, fuel political conflicts about what

67. Quoted in *New York Times*, 27 December 2001, A1.
68. Heymann 2001.
69. Trubowitz 1998.
70. Mead 2001.

the United States stands for and what policies it should follow. In those conflicts, the enormous material resources of the Department of Defense and its pervasive institutional presence throughout the U.S. system of government make it quite plausible and normal to define September 11 and its aftermath in terms of war, just as it was quite plausible and normal in Germany or Japan to define the same event in terms of crime or crisis.

A comparison of the U.S. counterterrorism response to Germany's and Japan's highlights a similarity in German and Japanese self-conceptions and a sharp difference to the United States on one aspect intimately tied to the resurgence of religious violence. Because of Germany's and Japan's experience with religious persecution and state religion in the 1930s and 1940s, both states after 1945 granted religious groups an unregulated space for operation, largely protected against unwanted state supervision, not to speak of state intervention. Strict observance of the political respect for religious freedom was for politicians and the police in both countries an important marker of a mature democracy that had learned its bitter lessons from history. It is a political axiom in two of the most secular polities existing today that the government should stay out of religious affairs.

The religiosity of U.S. public life, and specifically the rise of the Christian Right in the Republican Party, offers a striking contrast.[71] The German state offered terrorist Atta and his accomplices a politically unrestricted space in the Hamburg suburbs for meticulously planning the September 11 attack. The Japanese government licensed Aum Shinrikyo and then turned away despite overwhelming evidence that the group posed an acute danger to Japan's security. In sharp contrast, after September 11, President Bush, claiming God to be an ally of America, repeatedly has invoked biblical language in the nation's pursuit of the war on terrorism both at home and abroad.[72] The United States has been mobilizing on all fronts for war—military, diplomatic, juridical, economic, organizational, and psychological—and it has been doing so in support of "good" over "evil." When a serious conflict appears to divide "us" from "them" in the United States, national security becomes a potent symbol in U.S. politics as Theodore Lowi argued persuasively during the Cold War.[73] This symbol is linked to a Manichean vision of world politics that is both culturally activated and strategically deployed. It is culturally activated by a highly ideological approach to foreign policy that dates back to the beginning of the Republic and that Hans Morgenthau decried at the outset of the Cold War.[74] It is strategically deployed by democratically elected elites seeking to rally support for programs and policies that otherwise would encounter domestic opposition. Since September 11, national security has been expressed often in religious language.

71. The Pew Global Attitudes Project, "Among Wealthy Nations . . . U.S. Stands Alone in Its Embrace of Religion," News release, 19 December 2002.
72. Woodward 2002.
73. Lowi 1969, 157–88.
74. Morgenthau 1951.

This article holds some important lessons for the domestic and international aspects of the U.S. war on terrorism. Although Germany and Japan have what are widely considered to be effective policing strategies, their starkly different approaches to domestic counterterrorism have been remarkably unsuccessful. Patience and luck proved to be more important than the reliance on formal and hi-tech approaches in Germany and informal and low-tech ones in Japan. Thus one should be wary of putting too much trust in government promises that tilting the balance decisively against civil liberty will be rewarded with special gains in security. For U.S. Supreme Court Justice Sandra O'Connor was surely correct when she argued after September 11 that "we're likely to experience more restrictions on our personal freedom than has ever been the case in our country."[75]

Furthermore, despite their forceful approach to counterterrorism in the 1970s and 1980s, Germany and Japan are, by all accounts, more liberal polities today than they were in the 1970s. Thus one should also be wary of arguments, advanced frequently by critics of German and Japanese policies in the 1970s, that view the restrictions of some civil liberties as heralding a thinly disguised return to fascism. Germany's and Japan's experience with counterterrorism suggests, furthermore, that the elimination of territorial sanctuaries of terrorist networks is essential for constricting the operational freedom of a terrorist group and for capturing eventually many or all of the group's main operatives. The war against the Taliban government that had offered sanctuary to AlQaeda was an important initial phase of the U.S. war on terrorism.

In fighting this war, perhaps for several decades, the United States will face great difficulties even with its closest allies. Fighting an enemy whose preferred staging area for planning operations is inside the polities of our allies in Europe and Asia, not to speak of our own, is a fiendishly difficult undertaking. These polities embody different judicial philosophies that institutionalize norms expressing different conceptions of self and other. The United States and the European states have found themselves at odds over numerous issues. Without exception all European countries have been deeply concerned about the indeterminate detention of an unknown number of enemy combatants at the U.S. military base in Guantanamo Bay, Cuba. The European states are legally bound, and politically committed, to refuse cooperation in judicial proceedings should suspected terrorists, if convicted, receive the death penalty; this poses a serious hurdle in the negotiations of an EU-U.S. extradition and judicial cooperation agreement commenced in spring 2002. Besides the thorny issue of extradition in cases involving the death penalty and trials by special tribunals, Germany has called also for strong guarantees to ensure stringent data protection.

More than the Cold War ever did, the U.S. war against terrorism will test different security ideologies and, thus, alliance cohesion. Even though the future sharing of intelligence will likely be high among governments threatened by terrorism,

75. Quoted in *New York Times*, 29 September 2001, B5.

as has been true since September 11, such cooperation by necessity will remain largely unreported and unnoticed by mass publics. It thus will not help in the articulation and shaping of collective identities in democratic politics. The sense of clarity about "us" and "them" that followed the attack on September 11 among the closest allies of the United States was temporary and misleading. Although September 11 significantly changed the United States, the terrorist attacks did not change much of the world at large. The U.S. sense of urgency to engage in what it regards a war of good against evil has not been widely shared abroad. The U.S. Manichean vision of international life will be tested, and tested severely, by a prolonged, complicated, messy, and contested series of counterterrorist campaigns. A nebulous threat environment makes deeply problematic the effort of the world's leading power to impose unilaterally its distinctive political logic even on its closest allies, not to speak of an increasingly plural world.

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