The Asia-Pacific Journal: Japan Focus
In-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

Citizens, Foreigners, and the State in the United States and Japan since 9/11

by Laura Hein

This article, and Geoffrey White's "War Memory and American Patriotism: Pearl Harbor and 9-11" originally appeared in Laura Hein and Daizaburo Yui, Crossed Memories: Perspectives on 9/11 and American Power, Center for Pacific and American Studies, The University of Tokyo, 2003. http://www.cpas.c.u.-tokyo.ac.jp/ The texts have been revised and condensed for Japan Focus.

The articles examine the intertwined Japanese and American responses to the 9/11 attacks from two perspectives. They show the ways in which long-dominant frames of reference in each nation, particularly memories of their conflict during the Pacific War shaped responses to the shattering events that quickly gave rise to the "War on Terror." Laura Hein locates the two responses in relation to the ongoing debates in both countries on war, citizenship, and the rights of foreigners, particularly the social movements to secure apology and reparations for victims of Japanese war crimes, and those pressing for multiculturalism and equality. Geoffrey White examines the invocations of Pearl Harbor memory in American responses to 9/11. He then considers the implications of Pearl Harbor (and Pacific War) symbolism for the Bush administration's global "war on terror."]

The attacks on the World Trade Center and the Pentagon on September 11, 2001 killed an estimated 2,752 individuals, of whom at least 115 were born outside the United States. Twenty Japanese citizens were confirmed dead in New York; as were 67 British; 34 Indians; 25 from the Dominican Republic; eighteen Chinese; sixteen Canadians, Germans, and Filipinos; and a large number of Mexicans. Citizens of Indonesia, Jamaica, Guyana, Ecuador, South Korea, and Taiwan, among others, also lost their lives. September 11th profoundly affected not only American citizens but also sojourners in the United States.

In the aftermath of the attacks, the Bush Administration swiftly asserted the power of the state, particularly that of the executive branch. This intensification of the national security state has had both important international and domestic dimensions. After an initial gesture toward multilateralism, the U.S. government deepened its commitment to unilateral decision-making, renewed militarization, and restriction of civil liberties. One of President George W. Bush's first and most fundamental decisions was to treat the terrorist attacks as an act of war rather than a crime against humanity, and define the experience as an attack on America. Moreover, Bush avoided invoking international legal standards to judge the actions of the attackers, such as the ones already in place for war crimes. The United States is back on track to become a permanently militarized state with national security—defined in terms of guns and espionage—as the unquestionable highest priority. This is the logic of the Cold War, except with new, far less clearly defined enemies.

Another far-reaching development is a set of new restrictions on the rights of both citizens and foreign sojourners. Civil liberties organizations have protested these developments, particularly in regard to citizens, but have had little success in fending off the limits to individual freedoms. Their strongest intellectual resource within American political culture is the widespread contemporary belief that racism is antithetical to American democracy. The belief that unjust treatment of some Americans harms all can operate powerfully to create concern for the civil rights of citizens but is less available to foreign residents. (Many foreigners in the United States occupy a grey zone; for example, the large number who have applied for citizenship but not yet received it.)

The Japanese government quickly signed on to the American effort and, for over a year, appeared to have few foreign policy goals of its own. By Fall 2002, however, the Japanese political debate had begun to shift, as right-wing politicians took advantage of Japanese frustration at the half-century of government obedience to U.S. security mandates to push for a larger role for the Japanese military. Both Japanese public opinion and government policy became more hostile to North Korea after the North Koreans admitted to having kidnapped a number of young Japanese in the 1970s in order to improve their spying techniques. Japanese policy in general is moving toward rearmament and the dispatch of Self-Defense Forces to Iraq in the service of U.S. interests rather than of any well-defined policy goals. Nor has Japan acted publicly to defuse tension between the United States and North Korea, despite the danger that their mutual braggadocio creates for the region. Moreover, while the Japanese government advocates international law and multilateral solutions to international conflict in most instances, in this case, it has given the Bush government's rejection of those approaches stronger support than has any other government, except for Tony Blair's in Great Britain.

In Japan, as in the United States, there is an ongoing domestic debate over treatment of ethnic/racial minorities, the cost to society at large of racial prejudice, and the core principles of democracy. In recent years, well-established social movements have won considerable gains toward equality for both citizens and permanent residents. The Japanese are also debating whether they should abandon their formal Constitutional rejection of war. These dialogues were well underway before 9/11, have continued since, and affect the Japanese-American relationship, sometimes in counterpoint to state policy. For example, Japanese proponents of multiculturalism have drawn on the rhetoric and organizing experience of American multiculturalism to make demands for equal treatment in ways that challenge both Japanese and American state priorities.

Activists for reparations in both countries also have used international law to criticize the violence of their own governments and demand redress for the past treatment both of people who are currently citizens and of foreigners. They are invoking international law to set up a framework that logically holds across national lines and metaphorically posits a community of global citizens with the right to protection against "crimes against humanity." The claim that global citizenship protects individuals from abuse and rejects the logic of all-powerful nation-states. Here too, there is considerable cross-fertilization of ideas and strategies, this time flowing more strongly from Asia to North America, among social activists. Like the anti-racist efforts, to which the reparations movement is closely linked, the reparations activists are shaping dialogue between Japanese and Americans as well as providing the framework for significant debate within each nation.

The Rights of Citizens and Foreigners in the United States and Japan

Since 9/11, the Bush Administration has curtailed the rights of legal residents and made it more difficult to get visas, either for people who wish to immigrate or for sojourners, such as college students. This is part of a growing distinction in the U.S. between citizens and legal residents. For example, the welfare reform bill of 1996 excluded legal residents from cash assistance (although they are still eligible for food stamps and other forms of assistance.) American law on most issues does not distinguish between legal residents and citizens. Even illegal immigrants have traditionally had significant rights—e.g. children have the right to a public school education regardless of immigration status. The U.S. seems to be moving away from welcoming foreigners, and perhaps toward ending the huge wave of immigration of the last decade.

Given the enormity of the task of policing the 60 million foreigners who enter the U.S.A. every year, the Bush administration has resorted to racial profiling—a law enforcement tool that has been challenged for domestic use and had lost much legitimacy by September 2001. On November 9, 2001, the State Department announced special measures for all male visa applicants between the ages of 16 and 45 from 26 countries with large Muslim populations. (Since Islam is a religion rather than a place, there are no records of how many immigrants or visa recipients are Muslims.) These are still in place, although as of December 1, 2003, the new Department of Homeland Security announced that male visa-holders from the same countries who are already in the United States no longer have to register with federal authorities. That policy had yielded no information about terrorists but had massively disrupted the lives of thousands of families and further enhanced the international image of official American policy as anti-Islam.

The Justice Department around the same time detained 1,147 people, mostly non-citizens, and held about half of them incommunicado and in secret (refusing to release their names) for unspecified reasons. Most were released or deported within a few months but, according to the website of the Lawyers Committee for Human Rights, many were held for extended periods and suffered severe violations of their due process rights. The government asserts its right to detain foreign nationals indefinitely on the basis of mere suspicion of involvement in terrorism and has continued to arrest both legal and illegal residents ever since. Separately, 650 individuals were being held by the U.S. military either in Afghanistan or at the Guantanamo Air Force Base in March 2003. These are prisoners of war from the Afghan conflict who have been denied the rights of POWs. Even though the U.S. government defines the conflict as war, which should mean that international agreements signed by the United States govern the behavior of the combatants, the Bush Administration is unwilling to submit to the Geneva Conventions of 1949, which define and regulate treatment of POWs. (Secretary of State Colin Powell, the only career military officer in the Bush inner circle, openly but unsuccessfully dissented on this decision out of concern for the potential effects on future American POWS.) The main justification for these acts is that the suspects are terrorists and therefore not deserving of POW status, although the Geneva Conventions clearly state that even irregular forces have the right to humane treatment. The Bush administration has also announced plans to bring foreigners to trial in U.S. military courts if it believes they are members of Al Qaida. Amnesty International and domestic civil liberties groups have protested these actions against foreigners, even those resident in the United States, but they have mostly gone unchallenged by the American public.

The government is also encroaching on the rights of citizens but more tentatively and in different ways. Most disturbing is the case of Jose Padilla (also known as Abdullah al-Muhajir), an American citizen who is alleged to have links to Al Qaida and to have been plotting to explode a radioactive bomb. He was arrested on May 8 at Chicago's O'Hare airport and is being held as an enemy combatant in federal military prison. The government claims the right to hold him until the end of the war on terrorism, whenever that may be, without trial or any of the safeguards that are his right in civilian courts. Their argument is that he has sworn obedience to a foreign entity and so can be held as an enemy combatant in military prison even though he is an American. The one place where there is any sustained debate about American actions is over the infringement of the civil liberties of citizens of the United States. In the wake of the 9/11 attacks, judging by book sales, news articles, and enrollments in college courses, Americans rushed out to learn more about Islam and Muslim-Americans. Many couched their concern as a desire to combat religious and racial prejudice. The United States is manifestly multicultural today—as ten minutes in any major city reveals—and tolerance of multiculturalism seems to many Americans not only a good thing but also what sets them apart from other nations. Many commentators emphasized the theme that bigotry and race hysteria were dangers equal to—and complicit with—terrorism. Prejudice against Arabs and Muslims (overlapping but distinct categories) certainly exists in the United States but the dominant response to the September 11th attacks among the citizenry at large was to condemn rather than condone it.

At the popular level, remembrance of the incarceration of Japanese-Americans during WWII, now universally treated as an unconstitutional abridgment of their rights, has provided a vehicle for people to express their concern. The memory of internment has provided language—almost the only language—for Americans to criticize their government's actions post 9/11. The link between condemnation of wartime internment and contemporary civic life is obvious, for example, on the many websites designed to teach the principles of democracy and good citizenship to school children. Only one of the sites I visited, Choices for the 21st century Education Project at Brown University, had posted curriculum specifically on the implications of the September 11th attacks, but all the others, such as the Social Science Education Consortium and the Youth in Action sites, provided material on civil liberties, the rights as well as the duties of citizens, and many had extensive material on Japanese-American internment packaged for teachers of K-12 classrooms and presented as a cautionary tale on the importance of protecting civil liberties. All emphasized the need for citizens to exercise their rights in order to maintain a healthy democracy and all defined racial prejudice as corrosive and incompatible with core American values. This is the issue most likely to be a nucleus for future criticism of national policy.

A survey of contemporary American history high school textbooks reveals the prevalence of the theme that racism harms all Americans, not just the non-white citizenry: this represents an enormous change since the 1970s in textbook treatment of minorities. In stark contrast to the 1950s, American textbooks all adopt a highly respectful story of the multi-cultural origins of US citizens and emphasize that all Americans gain in providing full access to the privileges of citizenship to their compatriots regardless of race. While textbooks give little attention to Muslims or Arab-Americans compared to African-Americans, Hispanics, or Asian-Americans, the heightened awareness of their presence in large numbers in the United States since September 11th mainly has been framed within these previously established textbook narratives of the benefits to America of multiculturalism.

The same textbooks that show an enormous social distance from attitudes of the 1940s toward Japanese-Americans and African-Americans, however, avoid any reflection on American treatment of others in either World War II or the Vietnam War. In other words, the pattern of little concern for the rights of foreigners or the effects of American policy on people in places like Afghanistan, but greater concern for treatment of minorities in the United States, is typically American.

Nonetheless, many Americans would prefer that the United States maintain the principles of "just war" doctrine that have been delineated in international law and are usefully summarized by Richard Falk. These are to maintain the "principles of 1) discrimination (force must be directed at a military target, with damage to civilians and civilian society being incidental, 2) humanity (force must not be directed even against enemy personnel if they are subject to capture, wounded or under control, as with prisoners of war); and 3) necessity (force should be used only if nonviolent means to achieve military goals are unavailable)." The core of this argument is that safeguarding human rights and civil liberties is the best riposte to attacks on America and that indiscriminate military response simply "expands the zone of violence." But these misgivings among many people have not coalesced into a powerful counterforce to the government's stance that it alone should shape American interactions with the outside world, nor did it prevail against White House determination to go to war against Afghanistan and Iraq in the wake of 9/11.

In Japan, while immigration is very difficult and foreigners' rights are few, there has been considerable movement in the last decade on the rights of long-standing permanent residents. Several different minority groups in Japan have launched sophisticated and highly visible challenges to Japanese ideas of homogeneity over the last decade. Among the most vocal are the resident Koreans in Japan. By now, most of them are the children, grandchildren, and great-grandchildren of the colonial subjects who were came to Japan as laborers before 1945 and were stripped of Japanese citizenship when Japan regained sovereignty in 1952. All but the oldest Korean residents have lived in Japan their entire lives, speak native Japanese, and are thoroughly acculturated to Japanese society. Many have long protested their exclusion from Japanese civic life including the requirements that they register as aliens by being fingerprinted and carry their alien registration books with them at all times. The Japanese government only granted Koreans

permanent residency and allowed them to travel abroad freely as a response to international pressure on the basis of the Human Rights convention ratified by Japan in 1979 and the United Nations Refugee Convention of 1981. In 1990, Korean residents were still barred from all government jobs, including teaching in public schools, working in municipal governments, and delivering the mail. By 2002, however, as a result of steady pressure for change from Korean residents, many local governments had eased those restrictions, even though the central government continues to resist changing the laws barring non-citizens from most jobs in the public sector.

Citizens who have historically suffered discrimination, such as Okinawans, have also made significant gains recently. As in the United States, overtly unequal treatment of citizens out of racial/ethnic prejudice, while uncontroversial decades ago, is harder to justify in Japan today. Okinawans are now pressing harder for something that can be called a hyphenated Okinawan-Japanese identity, and also are changing mainland attitudes as well—at the level of both government and society. In Island of Discontent: Okinawan Responses to Japanese and American Power, a book edited by Mark Selden and myself, Julia Yonetani shows that the Japanese government is now beginning to respond to the demands for equal treatment at the heart of Okinawan protest against hosting 75 percent of the U.S. bases on Japanese soil. In various ways since 1945, the Japanese government has offered the United States more or less free rein in Okinawa in exchange for greater autonomy on the mainland. After a wave of protests against the bases, touched off by the gang-rape of a 12-year-old girl by three U.S. servicemen in 1995, the Japanese government was forced to make new symbolic concessions to Okinawans in order to preserve the American base structure]that is central to these grievances. In addition to long-standing tactics of compensatory payment and political pressure on elected officials to buy Okinawan acquiescence to discrimination, in the "Okinawa Initiative" debate of 2000, the national government mobilized pro-Liberal Democratic Party Okinawans to reframe its political relationship to Okinawa. The proponents of the Okinawa Initiative acknowledged that World War II-era policies were deeply prejudicial toward Okinawans. They also conceded that the Japanese government's postwar willingness to cede Okinawa to the United States in 1952 and to leave all U.S. bases intact at reversion in 1972 was deeply unfair. These concessions clearly were made in the hope that rhetorical apology—together with higher cash payments—would suffice to mollify Okinawan ire over being forced to continue hosting the bases. They also institutionalized multiculturalism within Japan in ways likely to significantly affect political culture. Okinawan remembrance, and the political demands associated with it, is something that Tokyo officials can no longer ignore without jeopardizing both the U.S-Japan military relationship and domestic peace.

Of course, demands to respond to Okinawan grievances necessarily imply interrogating the idea of Japaneseness as well. Demands for full civic and social inclusion for Okinawans require rethinking fundamental questions about the expansionist prewar Japanese state, the war, the alliance with the United States, economic development priorities, and the routes to social mobility in contemporary Japan. For some Japanese, those changes are deeply alarming, precisely because they both validate heterogeneity and democracy and challenge ethnic and gender hierarchies. Many other Japanese, however, welcome greater diversity within their own society and find the efforts by Okinawans and other minorities to expand the meaning of contemporary Japaneseness deeply satisfying. They hope that Okinawan challenges to the status quo and their display of cultural resourcefulness will help transform all Japan into a more lively, vibrant, cosmopolitan, and humane place to live. Japanese nationalists argue that Japan should become a "normal state," by which they mean a militarized one, but more and more, in the minds of many people, a "normal state" means a self-consciously multi-ethnic and multi-cultural one that strives to serve all its citizens and residents well.

JAPAN

Pacifism has been another major theme of domestic resistance to the Japanese government since 1945 and, since 1948, has been couched as protest against American military priorities in Asia as well. Prime Minister Koizumi Junichiro used the occasion of 9/11 attacks to rush through Japan's Antiterrorism Measures Special Law of 2001, which gave the government legal authority to order the Self-Defense Forces (SDF) to a war theater. Since the Japanese military budget is now a hefty annual $50 billion dollars, deployment of the SDF potentially could mean a major offensive presence. The Antiterrorism Law was, in part, passed in the service of a long-term Liberal Democratic Party project to amend the Constitution to allow Japan to engage in full-scale war, a change that the U.S. government has been pushing for since 1950. The Koizumi government continues to press for a Constitutional amendment to permit remilitarization and deployment of troops overseas in the face of popular opposition within Japan. The events of September 11th may well finally provide the opportunity to change Japan's military stance in ways desired by the U.S. Government since 1950. However, Japanese remilitarization is unlikely to resolve tension either within Japan or between Japan and the United States.

In particular, the new Bush doctrine is likely to intensify the contradiction between Tokyo's support for American military practices and Okinawan resentment at the U.S. military presence on their islands. While many Japanese hoped the end of the Cold War meant that the Americans would reduce their military forces in Okinawa, the events of September 11th and U.S. policy priorities since then have slammed the door shut on those hopes. Indeed, the importance of Okinawa to American military strategy in the Pacific has increased with the Afghan and Iraq Wars. The attack on Iraq, the U.S. re-embrace of the Indonesian military, despite its abysmal human rights record, and renewed belligerence toward North Korea also have significantly increased tension in East and Southeast Asia, to which Japan must respond. Japanese leaders seem likely to maintain their commitment to support the American government but the domestic and diplomatic costs of that stance to the Japanese government will almost certainly grow in future.

International Law and Redress Movements

The Bush Administration had rejected important principles of international law well before 9/11 when it spurned the Kyoto Protocol on global warming and announced withdrawal from the Anti-Ballistic Missile control agreement with Russia, so its later stance was an expansion rather than an entirely new position. Bush and his top advisors oppose any restraints on U.S. sovereignty and believe, moreover, that the United States ultimately does not need the support or even the goodwill of other nations. While they prefer the fig-leaf of international support, they are not willing to compromise very much to get it. The —United States demands total obedience from its allies, even more than during the Cold War.

Of particular significance is the Bush decision after 9/11 to reject the standing of the International Criminal Court, indeed the principle that U.S. citizens should be bound by international law. The Clinton administration had signed the document to establish the court before leaving office but Bush renounced that action in May 2002. Bush demanded blanket immunity for American peacekeepers and military personnel, while the rest of the world sought to maintain the principle that no one is above the law. After a bitter battle behind closed doors, the negotiators emerged with a promise that no Americans would be investigated or prosecuted for one year by the new court. The small concession that this exemption must be renewed annually was the sum total of American willingness to accept outside limits on their own behavior.

The U.S. government has also framed its primary task as a war against an amorphous "terrorism," rather than specific enemies. The fight is against a methodology and it is hard to see how a battle framed in those terms can ever be concluded. By definition, the conflict is permanent. In fact, the Bush administration has, like the Likud government in Israel, exempted its own and its allies' state terrorism from moral and legal scrutiny, while condemning non-state terrorism in the harshest terms. In a recent book, War and State Terrorism: The United States, Japan and the Asia Pacific in the Long Twentieth Century, Mark Selden and Alvin So usefully define state terrorism as: "violence against civilians under war conditions, particularly large-scale, systematic state-directed

violence against the civilians of another country in an international war or against ones' own people in a civil war." They also label the U.S. government's position as "the logic of impunity." As Richard Falk notes, "Such a double standard will damage the indispensable effort to draw a credible distinction between the criminality of the attack and the legitimacy of the retaliation."

Even more alarming, by June 2002, the Bush administration had staked out an argument for the legitimacy of its own preemptive attacks against groups or states that may be capable of and willing to use weapons of mass destruction. Falk once again put the problem succinctly; "It is a doctrine without limits, without accountability to the UN or international law, without any dependence on a collective judgment of responsible governments and, what is worse, without any convincing demonstration of practical necessity." That official stance defines the rights of the (U.S.) state as freedom to act in any way it pleases anywhere in the world.

It is a stance that contradicts the logic behind the current international social movement to win redress, especially in the forms of apology and reparations for victims of war crimes. Both Japanese and American citizens are active in this movement, which embraces international law, and they hope to compel their own governments to accede to it. The movements are also strikingly international, extending throughout Europe and Asia and beyond. In this case, Japanese activists, working together with others (including North-Americans) have led the way. The efforts for recognition and reparations for World War II forced labor, POWs who were mistreated, and especially the "military comfort women" have been among the most important and influential international social justice movements in the last decade. The plaintiffs in these cases are all foreigners (including many who once were Japanese colonial subjects) while many of their supporters are Japanese. The reparations movement began long before the events of September 11, 2001 but has continued since then. The activists in the reparations movement for victims of Japanese war crimes are trying to win international condemnation of the behavior of wartime Japan based on a universal standard of morality and legality, as is now prevailing on Nazism. The underlying goal is to wrest from the Japanese government and citizens recognition that those victimized are individuals deserving of full human status, legally, socially, and morally. They see their efforts as protecting human rights and international justice in the future, and more pragmatically, as developing better tools for international enforcement of those protections. Essentially, they are working toward a universal global citizenship that protects all human beings from "crimes against humanity."

As part of that broader effort, the former "military comfort women" and their attorneys have pioneered new legal strategies, particularly ones that emphasized the women's status as forced laborers. They argued that the precedents set by the Nuremberg and Tokyo trials, and Japanese acceptance of their verdicts in the peace treaty, were grounds for individuals to file claims against the Japanese government for redress for human rights violations. By the 1990s, a new standard of international law was emerging, partially based on new laws but mostly derived from reinterpretations of older international law, both pre-surrender and the Nuremberg/Tokyo laws. This development suggests that the official Japanese position that restitution is only a matter between states is increasingly incompatible with customary international law. (The United States government has unequivocally supported Japan in this argument for more than half a century since the San Francisco Treaty although, at the popular level, there is considerable criticism of Japanese treatment of POWs and civilians during the war.) The United Nations has played a particularly active role in establishing the idea that individuals have standing in international law and a right to enforcement of fundamental human rights and freedoms, and restitution as well. In addition, feminists have extended legal recognition of women's bodily integrity and redefined violations as crimes against their individual rights as people, rather than against the honor of their male relatives. These are still-evolving legal developments but the trend clearly moves toward treating gross violations of the human rights of individuals as the rightful concern of international bodies.

The second major innovation has been to shift the attack to new defendants. Unlike national governments, corporations are not protected by treaty from lawsuits. For this reason, in recent years a number of former slave laborers have demanded redress from Japanese corporations in both Japanese and foreign courts, following the successes of former slave laborers in Europe. This strategy has already yielded results through out-of-court settlements. Four major Japanese corporations have settled with Korean or Chinese forced laborers since 1999, suggesting that the public relations nightmare of a lengthy lawsuit is a powerful political weapon, even though it has yet to prove successful as a legal one.

An important feature of the contemporary legal and commemorative environment is the cross-fertilization of the redress efforts against the Japanese government and companies with kindred movements elsewhere. The campaigns to win redress from Japanese firms for World War II-era actions are linked in a variety of ways to those demanding redress from European firms that collaborated with the Nazis. Moreover, the plaintiffs have used the precedent of American and Canadian payment of reparations and apologies to their resident Japanese non-citizens (as well as citizens) for internment during the war as evidence of an emerging international norm requiring apology and compensation that embraces individual foreign victims whose rights were violated by the state during World War II.

The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery, held in December 2000 in Tokyo, focused on Japanese government involvement in the enslavement of the "military comfort women." That tribunal demonstrated the great social distance people all around the world, especially women, have traveled in their attitudes toward forced prostitution and sexual slavery since the 1940s. The verdict, delivered by judges who had served in Rwanda and Bosnia and made public in December 2001, further underlined that distance when it declared the entire wartime government, including the Showa Emperor, complicit in the human rights crimes of slavery, forced labor, and violation of the dignity of women. These political and legal efforts are already changing the global environment by establishing an international moral and (to a lesser degree) legal standard that individuals should be protected from certain forms of violence, even in time of war.

These precedents, particularly Japanese-American success in winning reparations and apology for internment during World War II from the U.S. Government, also have inspired some African-Americans to organize for reparations for slavery. Besides raising the issues of forced labor and involuntary confinement on the basis of race, the Japanese-American experience suggested the tactic of working through Congress rather than the courts. Beginning in 1989, shortly after President Ronald Reagan signed the bill for reparations and apology for Japanese-American internment, Congressman John Conyers introduced a bill in the House of Representatives calling for a commission to study the impact of slavery and make recommendations for reparation. The issue got little attention at first but has gained impressive momentum recently, particularly since the September 2001 UN World Conference against Racism held in Durban, South Africa. Delegates to that meeting ruled that the transatlantic slave trade was "a crime against humanity," again building on the Nuremberg/Tokyo War Crimes Trials precedent. Although they discussed the question of reparations for slavery, they reached no agreement on that subject.

This is one of the few social efforts critical of the U.S. government to thrive after September 11th. Conyers' bill, which he introduced on January 6, 1999, asked that the United States "acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the thirteen American colonies between 1619 and 1865, and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on Living African Americans, to make recommendations to the Congress on appropriate remedies and for other purposes." Since then a number of local governments have passed resolutions urging support for Conyers' bill. Chicago, Los Angeles, Cleveland, Detroit, Washington D.C., Baltimore, Dallas, and the State of California have all passed such resolutions, many of them since September 2001.

Since 1989 other precedents in addition to the Japanese-American reparations agreement have inspired the reparations for slavery advocates. In 1993 Congress formally apologized for conquering Hawai'i and overthrowing its monarch. African-American survivors of a pogrom in Rosewood, Florida in 1923 won reparations, and the state of Oklahoma is considering paying restitution and issuing an apology for a massacre of black citizens in Tulsa in 1921. All these claims were inspired by the success of the Japanese-American reparations effort.

African-Americans have borrowed not just the moral reasoning but also the legal strategies pioneered by advocates for the WWII-era slave laborers. Following the example of the "military comfort women," for example, a group of African-Americans have filed suit in U.S. courts against corporations that benefited from coerced labor prior to 1865. They have initiated three class-action lawsuits against FleetBoston Financial Corporation, a bank, Aetna Inc., an insurance company, and CSX, a railroad operator, seeking reparations for the profits of slave labor for their descendents, the 35 million African-Americans living today. They are also pursuing redress in the International Court of Justice and have asked the UN to investigate under provisions of the International Covenant on Civil and Political Rights.

International exchange regarding ideas about the rights of both citizens and foreigners is inescapable, as the example of reparations to Japanese-Americans by the U.S. Government shows. That relatively small-scale act has had a huge impact both domestically and internationally. It has spurred both Americans and Japanese to debate among themselves how to strengthen democracy by developing greater respect across racial/ethnic lines. More and more Japanese and Americans have come to accept the validity of international law to protect the rights of individuals to humane treatment, bodily integrity, and compensation for their labor, even as their governments fight against that growing international consensus. On these issues, the "leaders" of the United States and Japan are heading in the opposite direction from significant segments of their publics.

The growing commitment to human rights and racial equality notable in popular embrace of both multiculturalism and reparations provide clear grounds for condemnation of the attacks of 9/11, something neither the American nor the Japanese governments have stressed. These two concepts may well prove inadequate to the task, but they are, in my view, the strongest intellectual and ethical resources available in American political culture to counter the U.S. Government's assertion that only the state has the right to define good and evil. In Japan, the powerful postwar pacifist tradition is an additional resource against the Japanese Government's support of Bush's international policies. Both the American and Japanese governments' stances on terrorism undermine the social transformations of the last half-century. Although coherent direct protest is still limited to a minority of citizens of both nations, it is hard to see how the two governments can hold their current positions without violating the principles underlying those transformations and refusing the demands, not only of their citizens, but of wronged foreigners as well.

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