

# Understanding and Responding to Terrorism

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# International Police Cooperation against Terrorism: Interpol and Europol in Comparison

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**Abstract.** Since the events of September 11, many police institutions across the globe have reorganized and expanded their counter-terrorism strategies. In view of the international dimensions of contemporary forms of terrorism, international police organizations take a special place among these counter-terrorism efforts. In this paper, I analyze recent counter-terrorism efforts that have been undertaken by Interpol, the International Criminal Police Organization, and by Europol, the European Police Office. Both organizations offer specific models of international police cooperation against terrorism, with respective problems and prospects for an effective police cooperation in matters of international terrorism, which this paper discusses.

**Keywords.** Interpol, Europol, counter-terrorism, international police cooperation

## Introduction

With increasing vigor since the events of September 11, police institutions across the globe have proliferated their counter-terrorism strategies, including participation in international police organizations. This paper discusses some of these developments on the basis of the theory of police bureaucratization. Specifically, this article analyzes the counter-terrorism efforts undertaken by the International Criminal Police Organization (Interpol) and the European Police Office (Europol).

The bureaucratization theory of international police cooperation predicts a high degree of autonomy of police institutions to determine the means and objectives of activities related to crime control and order maintenance [1, 2, 3]. Founded on the work of the sociologist Max Weber [4], the theory holds that police bureaucracies achieve institutional autonomy on the basis of a purposive-rational logic to employ the most efficient means (professional expertise) given certain objectives that are rationalized on the basis of professional systems of knowledge (official information). However, periods of societal upheaval are seen to affect the institutional autonomy of police institutions in functional and organizational ways. Three conditions are important in this context.

First, in order to accomplish cooperation across national borders, police institutions must have gained a position of relative independence from the dictates of the governments of their respective national states. Such a condition of institutional independence or formal bureaucratic autonomy allows public police institutions, though formally sanctioned by states, to autonomously plan and execute relevant strategies of crime control and order maintenance. Conversely, without a sufficient degree of detachment from the political

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centers of states, police institutions will not be in a position to engage in international cooperation on a broad multilateral scale beyond more limited cooperation among politically akin states. Early efforts to organize international police cooperation in Europe in the 19th century, for instance, were limited in scope and operations because they were politically motivated and planned by autocratic governments [1]. From these political efforts, however, police gradually developed more autonomously conceived cooperation on the basis of professional expertise. Following Weber's rationalization theory, I maintain that police institutions have gained such a position of relative independence because the execution of their duties is increasingly guided by formal criteria of efficiency and an impersonal calculation of means, a trend towards instrumental rationalization which Weber equated with modernity itself. The reliance on technologically sophisticated means of criminal investigation is the most concrete expression of this development among police institutions.

Second, under conditions of formal bureaucratic autonomy, police agencies develop expert systems of knowledge that can be shared among fellow professionals across national boundaries. In the case of international cooperation, such knowledge systems will particularly concern expertise about the course of international crime, including crimes that traverse the boundaries of national jurisdictions, as well as criminal developments that affect several countries at once, such as the influence of economic modernization on criminal conditions across the world. When such systems of knowledge have developed, police agencies are also bureaucratized in operational respects and can effectively form international cooperation plans on a broad multilateral scale. In the context of counter-terrorism, such knowledge systems will be shared across the police of national states when there is a common understanding about the nature and development of international terrorism. Under such circumstances, police can define and respond to terrorism in a manner that is not limited by the ideologically divisive conceptions of terrorism that often dominate in the world of international politics.

Third, considering the form in which international cooperation will take place, it is noteworthy that international police work will primarily remain oriented at enforcement tasks that have a distinctly local or national significance. This national persistence is manifested in at least three ways [1, 3]. First, police institutions will prefer to engage in unilaterally enacted transnational activities, most typically through a system of international liaisons stationed in foreign countries. Unilaterally planned international operations are not always possible because police agencies may lack necessary personnel and means. The police institutions of more powerful nations are at a considerable advantage in this respect. Second, international cooperation among police will typically take place in a bilateral form, between the police of two nations, and will be maintained only on a temporary basis for a specific inquiry or investigation. Third, and finally, national persistence in international police work is revealed in the fact that multilateral cooperation among police is of a collaborative nature that does not involve the formation of a supranational police force. The idea of a supranational police force clashes with conceptions of both state sovereignty and police autonomy, whereas a collaborative network among police of different nations, for instance such as it currently exists among the 184 member agencies of Interpol, can bring about the advantages of international cooperation. Collaboration among police of different nations can be formalized by means of regular meetings, shared communication networks, and other institutions of cooperation, such as a central headquarters through which information can be routed. The police agencies of national states are thereby affirmed as the partners of cooperation.

Turning to the organization of international policing since the events of September 11, it can be noted that the function and organization of policing in many nations across the global as well as at the international level have changed very significantly. Among the most important external determinants of counter-terrorism policing are political pressures by means of new legislations and other forms of official policy. Yet, despite the renewal of political and legal efforts to control counter-terrorist policing, it also makes sense to expect that police institutions can resist such politicization attempts because the bureaucratization of modern police institutions is now at an unparalleled high level. Thus, police agencies remain focused on an efficiency-driven treatment and depoliticized conception of terrorism. In what follows, I will make this case by focusing on the counter-terrorism strategies of the international police organizations Interpol and Europol<sup>1</sup>.

## 1. Interpol and Counter-Terrorism

Interpol is an international police organization that aims to provide and promote mutual assistance between criminal police authorities within the limits of national laws and the Universal Declaration of Human Rights. Originally formed in Vienna in 1923, the organization has steadily grown in membership but never substantially changed in form or objectives [1, 7]. Interpol is not a supranational police agency with investigative powers, nor an organization sanctioned by an international governing body such as the United Nations, but a cooperative network formed independently among police agencies in order to foster collaboration and provide assistance in police work across nations. To this end, Interpol links a central headquarters, located in Lyon, France, with specialized bureaus, the so-called National Central Bureaus (NCB), in the countries of participating police agencies. At present, Interpol counts 184 member agencies.

### 1.1. *Interpol Policies against Terrorism*

For several decades, Interpol has passed various resolutions to combat terrorism and terrorist-related activities. During the 1970s, Interpol passed resolutions that pertained to certain crimes that are typically associated with terrorist activities, such as criminal acts conducted against international civil aviation and the holding of hostages. Such terrorism-related resolutions were considered valid only within the context of a 1951 Interpol resolution that the organization would not concern itself with matters of a political, racial, or religious nature, a restriction that has since been adopted explicitly as Article 3 of the Interpol constitution. In 1984, an Interpol resolution passed concerning 'Violent Crime Commonly Referred to as Terrorism' to encourage member agencies to cooperate and combat terrorism within the context of their national laws. Following certain highly publicized terrorist incidents during the 1990s (such as the World Trade Center bombing on Feb. 26, 1993) Interpol's commitment to combat international terrorism was explicitly confirmed in a 1998 'Declaration against Terrorism.' Accompanying this declaration, it was decided to break down terrorist incidents into their constituent parts, only the criminal elements of which can then be identified and subjected to investigations by the Interpol agencies.

<sup>1</sup> The following sections rely on materials summarized from [5] and [6].

A few weeks after the terrorist attacks in the US, the Interpol General Assembly passed Resolution AG-2001-RES-05 on the 'Terrorist Attack of 11 September 2001'. Condemning the attack as a crime against humanity, the Interpol leadership decided to implement new policies to tackle terrorism and organized crime more effectively. Since then, Interpol pays special attention to the financing of terrorist activities, because it is assumed that the frequency and seriousness of terrorist attacks are often proportionate to the amount of financing terrorists receive. Moreover, Interpol maintains liaisons with other international organizations to fight terrorism more effectively. In November 2001, for example, Interpol signed an agreement with Europol to foster cooperation in the policing of terrorism and other international crimes. Similarly, in March 2002, Interpol reached an agreement to cooperate closely with the Arab Interior Ministers' Council to facilitate the exchange of information with the Arab police community.

From a practical viewpoint, Interpol reorganized in several key respects after September 11. Most concretely, Interpol Secretary General Ronald K. Noble announced the creation of '11 September Task Force' at Interpol's Headquarters in Lyon, France. Also instituted was a General Secretariat Command and Co-ordination Center. In April 2002, Interpol announced the creation of an Interpol Terrorism Watch List to provide police access to information on fugitive and suspected terrorists who are subject to Interpol warrants. Also in 2002, a new global communications project was announced as Interpol's highest priority. This project involves the launching of a new internet-based Global Communications System (1-24/7) to provide for a more rapid and secure exchange of information.

### 1.2. Interpol and the Dynamics of Global Counter-Terrorism

The theory of bureaucratization suggests that structures and processes of international police cooperation rely on a high degree of institutional independence among police institutions on the basis of professional expertise and efficiency considerations. Interpol indeed places most emphasis on a smooth coordination of and direct contacts between the various participating police agencies. Therefore, the organization has managed to attract cooperation from police agencies representing nations that can be ideologically very diverse and not always on friendly terms in political respects. The diversity among Interpol's member agencies, however, can also hinder the organization to be effective in its missions, as members do not always trust one another. Especially in matters of international terrorism, it is important to note that police agencies from the US and other powerful nations prefer to conduct their international activities unilaterally rather than participate in an international organization.

The emphasis on efficiency in Interpol's counter-terrorist work reveals the relevance of formal rationalization processes which have been observed in many modern bureaucratic institutions. In terms of the objectives of social control, the bureaucratization of policing involves a de-politicization or criminalization of the target of counter-terrorism. This criminalization of terrorism is accomplished by defining terrorism very vaguely ('a crime against humanity') and/or by identifying and isolating the distinctly criminal elements (bombings, killings) from terrorist incidents. Therefore, also, cooperation among national police agencies engaged in counter-terrorism can take place irrespective of the similarities and/or differences among nations in political, legal, cultural, and other respects.

## 2. Europol and the Policing of International Terrorism

In Europe, the modern era of counter-terrorism policies can be traced to the 1970s, when the 'Terrorism, Radicalism, Extremism, and International Violence' group, or TREVI group, was formed in 1975 by European police officials to exchange information on terrorism and related international crimes [8]. In 1993, the TREVI Group and other European institutions of judicial, customs, and immigration issues were brought together under Title VI of the Treaty of European Union - EU concerning the compensatory measures following the removal of border controls between the member states of the EU [9]. In 1997, a counter-terrorism preparatory group was set up to determine Europol's role in matters of counter-terrorism and, thereafter, the Amsterdam Treaty approved an extension of Europol's mandate to specifically include counter-terrorism. Since January 1, 2002, the mandate of Europol has been expanded to deal with all serious forms of international crime.

### 2.1. Europol Programs against Terrorism

The establishment of Europol was first agreed upon on February 7, 1992 in the Treaty on European Union or the Maastricht Treaty [10, 11]. In 1994, Europol started limited operations in The Hague, The Netherlands, in the form of the Europol Drugs Unit. In 1995, the Europol Convention was drawn up in Brussels and, in 1998, the EU member states had ratified the convention. Europol commenced its full range of activities on July 1, 1999. Because Europol is the result of a decision by the political and legislative bodies of the EU, its activities are legally framed and bound to certain areas of investigation. Europol's operations are also supervised by the political representatives of the EU. Yet, I argue, Europol is nonetheless characterized by a degree of autonomy to determine its specific means and objectives of its policing and counter-terrorist programs and is oriented at an efficient sharing of information among police on the basis of professional standards of policing. Also, like Interpol, Europol is not a supranational police force but an international cooperative network that coordinates the activities of police in the EU member states (the Europol National Units) via a central headquarters. Additionally, there is a persistence of nationality and regionalism in that police and counter-terrorism objectives in Europol harmonize with distinctly European concerns over terrorism and, furthermore, that there exist national variations in counter-terrorism across the police units of the EU nations participating in the international police organization.

The events of 9/11 have served as an important catalyst in the development of new terrorism legislation in the EU [12] and a prioritization of counter-terrorism at Europol [13, 14, 15, 16, 17]. In November 2001, a specialized counter-terrorism unit, the Counter-Terrorism Task Force was instituted at the Europol headquarters. A year later, the Task Force was incorporated into Europol's Serious Crime Department, but after the terrorist bombings in Madrid on March 11, 2004, it was re-established as a separate entity. The events of 9/11 also influenced the EU's formal policies against terrorism. In 2002, the Council of the EU agreed upon several important framework decisions. These framework decisions define terrorist offences as various criminal activities, such as attacks upon a person's life, kidnappings, and the destruction of public facilities, that are committed with the aim of seriously intimidating a population, unduly compelling a government or international organization from performing or abstaining from any act, and/or seriously destabilizing or destroying the fundamental structures of a country or of an international

organization. In matters of police cooperation, the framework decisions allow for the creation of joint investigation teams made up of the security forces of two or more EU member states. The 2002 framework decisions also allowed for an elaboration of Europol's counter-terrorism mandate and international cooperation activities. Europol can now maintain relations with police and security forces outside the EU, such as with Interpol and the police of non-EU states. Finally, a newly introduced European Arrest Warrant allows for the handing over of wanted persons directly from one member state's judicial authority to that of any other EU state.

### 2.2. The Dynamics of Europol's Counter-Terrorism

Although Europol is formally mandated by the EU and overseen by the regulatory bodies of the EU, the organization is also dependent in its activities on the police agencies of EU states and these agencies are highly bureaucratized in respect of the knowledge and know-how of their enforcement duties. Europol relies on the participation of existing police institutions in the EU for the staffing of the headquarters and the Europol National Units in the 25 member states. Personnel at the headquarters and in the National Units are typically made up of experts in international policing with prior experience participating in non-governmental international police organizations. Thus Europol operates within the context of an existing professional culture of policing that is highly bureaucratized.

Europol is guided by a formal set of documents that lays out the organization's functions, but the political decision-making process in the EU can be relatively ineffective in fostering police cooperation. In the aftermath of the terrorist bombings that hit Madrid in March 2004 and London in July 2005, for instance, the Council of the EU swiftly agreed to condemn these attacks, strengthen the European commitment to fight terrorism, and propose a new series of counter-terrorism measures, but not all of those measures have been implemented at the national level of the EU member states. However, while counter-terrorism cooperation at the political level sometimes remains an expression of goodwill with little consequences, police and security agencies can achieve cooperation in practical matters. A few days after the July 7 bombings in London, for example, a confidential meeting of police and intelligence officials was held at Scotland Yard that included participants from about 30 countries, including the US, Israel, Australia, Japan, and the EU states, as well as representatives from Interpol and Europol.

While the formal framework of the EU's governing bodies places limits on the autonomy of Europol, the organization also engages in cooperation agreements at an institutional and nation-state level. Europol maintains relations with countries outside the EU, such as Switzerland, Turkey, Colombia, and the US, and with other international police organizations [18, 19]. As such Europol can effectively broaden its mandate beyond the restraints of formal political decision-making. For instance, Europol cooperates with the Counter Terrorism Group (CTG) that was formed after 9/11 and which, unlike Europol, was formed at a professional level by the heads of the police and intelligence services in the EU on the basis of an informal memorandum of understanding. Europol entertains such agreements also with other police organizations that are marked by a high degree of bureaucratic autonomy, such as Interpol.

Europol's policing and counter-terrorism operations are organized in the rationalized terms of an efficient control of crime. Besides the creation of the Counter-Terrorism Task

Force as a specialized unit and the development of functional programs to combat terrorism, the relevance of instrumental rationality in Europol can also be observed in the organization's emphasis on efficiency in operations. As is the case in other international police organizations [3], an emphasis is placed in Europol's crime-fighting activities on establishing swift methods of communication and information exchange among the participating agencies. The agencies participating in Europol need not contact one another directly but can route information via The Hague by means of an 'Information Exchange System' (INFO-EX) that enables encrypted electronic messages. Similarly, Europol's liaison agreements with the police and intelligence services of non-EU nations functions to ease international cooperation across the boundaries of the EU.

It is to be noted that an emphasis on efficiency does not necessarily imply effectiveness. Among the obstacles Europol faces in its counter-terrorism activities is that terrorism is in some EU countries dealt with by police agencies while in other EU states intelligence agencies are responsible for counter-terrorism. Cooperation across intelligence and police agencies can be difficult because police institutions tend to be interested in specific information about suspects in order to make an arrest, whereas intelligence agencies are very broadly interested in general information without prosecutorial purposes. Also, the lack of knowledge of Arabic among Europe's police forces and resulting difficulties in penetrating underground groups of non-European origin are obvious and important concerns [20]. Police cooperation is further compounded by the linguistic, cultural, legal, and political diversity that exists across the countries of the EU [21].

Finally, a persistence of nationality in international policing is also shown in Europol's cooperation efforts. Europol's counter-terrorism focus has gone most centrally to 'Islamic extremist terrorism' or 'fundamentalist jihadist terrorism.' Although the police of EU nations generally agree on the relevance of these categories, there is cross-national variability as well and many EU police agencies remain concerned primarily with nationally defined enforcement tasks, even when these tasks involve criminal problems of an international nature. Thus, Europol concentrates its efforts on Islamic fundamentalist terrorist groups inasmuch as they are active in or relevant to Europe. Within the EU, indeed, some countries have been targeted by terrorist cells because of the countries' involvement in the wars in Iraq and Afghanistan. Other counter-terrorism work done by Europol is distinct to some of the EU's nation states, such as the various nationalist terrorist groups that operate in Spain and the UK.

### 3. Conclusion

Much like has been the case for police and criminal justice agencies in many countries across the world, counter-terrorism activities enacted by Interpol and Europol have increased considerably in scope and significance since the events of September 11. While Interpol is more global in approach, Europol's activities against international crime and terrorism focus on distinctly European problems or the European dimensions of more global concerns. Islamic extremist terrorism, particularly, is conceived by Europol as a global criminal concern that also affects security conditions in the EU. Interpol's member agencies see the problem similar in its relevance to their own respective nations. The emphasis on Islamic fundamentalist terrorism has in Europe met with little opposition. Strikingly, only a source from the Turkish press has criticized Europol's over concentration on Islamic-linked terrorist organizations [22].

Ideological and political sentiments on terrorism are very divided in the world of international politics and diplomacy. Yet, efforts at the level of police agencies and international police organizations, such as Interpol and its member agencies, can be based on a common ground surrounding terrorism through its treatment as a depoliticized crime. Terrorism is thereby fought in ways that are considered to be efficient, irrespective of normative concerns. As such, the bureaucratization of modern police institutions harmonizes with Weber's perspective of societal rationalization as having gone in the direction of an increasing reliance on principles of efficiency in terms of a calculation of means. It is under those conditions, Weber [4, pg. 570] argued, that the modern state bureaucracy becomes an "almost unbreakable formation," with little political control and democratic oversight.

It is important to recognize that the processes and structures of policing and other state activities are comprised of a multitude of dimensions and institutions which are not necessarily in tune with one another. For our theorizing of the rule of law, an important implication of the developments of bureaucratization at the level of policing is that we need to recognize a fundamental irony of the modern political state from its origins through its further evolution. The centrality of the state in any discussion on law and police needs no introduction, but it is also important to contemplate the evolution of the state and its functionally divided components, specifically the legal system and the forces of internal coercion. Developing a bureaucratic apparatus to fulfill the state's concentrated and growing arsenal of functions, the state's powers are dispersed across a multitude of institutions, the organization and activities of which the state can no longer carefully control. As the case of international police cooperation shows, the institutions that develop and multiply during the state's continued development cannot be assumed to always be carefully disciplined by the center of the state.

Not only does the evolution of the modern state bring about that the spontaneous collective attention of society is inevitably relaxed [23], the functionally divided state institutions that are created in response to the weakening influence of tradition also lead to a diversification of the objectives of state power. The expansion of state bureaucracies such as the police has ironic consequences for as the state grows, the relative power of its center weakens. There is no common end to the state, of course, but it also does not suffice to merely enumerate the state's multiple functions. What is particularly important is that the many functions of the state are not always neatly harmonized, for they each have their own instruments and institutions that develop in relative autonomy to one another and with respect to the center of the state. A state with many means will also have many ends. Therefore, whatever model that is suggested towards the adoption of constitutional-democratic principles at the global level of law and politics in order to decrease the chances of terrorism must also take into account the manner in which effective control of terrorism is currently accomplished by international cooperation among public police agencies.

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