

FOREWORD

Michael E. Tigar

This is a book about a political prosecution in Turkey. Jim Harrington tells a story that illuminates two of the most important issues of our time. The way he tells the story, and the sources on which he has relied, represent the best kind of historical research and analysis. Jim Harrington is one of my heroes, for he has spent more than four decades in the struggle for human rights.

First, the issues. For 1,000 years, Western military force has sought to invade and conquer parts of the Islamic world. Military power has been directed at nation-states and at non-state armed groups and individuals. Not one of these military expeditions has had enduring success. Today, the United States, with limited help from a few mostly-NATO nations, is engaged in the most financially expensive military campaign in recorded history, at a human cost that has begun to rival World War II. These conflicts present what may be called the “international” issue.

Domestically, in the United States and in every country touched by the international conflict, there has been an erosion of procedural fairness and of political and cultural liberty. These domestic events are symbiotic with the military conflict.

If we are to find a way out of this spiral of violence and repression, we must achieve a deeply-studied and nuanced view of the various currents of secular and religious thought in countries where Islam is a powerful force. And in seeking this view, it does us no good to point to this or that Middle Eastern country and remark critically on its difficulties. In the United States today, religious ideology is being used in overtly political ways that threaten the Founders' vision of secular governance in a nation whose people profess many belief systems, both god-based and not.

In this book, we see the struggle among secular and religious elements in Turkey. This struggle is in many ways paradigmatic. Jim Harrington has done us a service, for by seeing and understanding what has been going on in Turkey, we can draw lessons about the policies of our own government at home and abroad. Harrington's method of research and analysis is particularly valuable in this respect.

In retelling American history, we encounter dozens of iconic political trials. We find these trials important in understanding how people shape events. In the international arena, many trials before transnational tribunals are means to record and teach history. As I have written about the Nuremberg war crimes trials:

They were didactic, in the sense that laying out the evidence of the Nazi holocaust could place beyond the pale of all but the most captious criticism any claim that the holocaust and the death camps did not happen.

Of course, trials before biased tribunals, infected by selective prosecution, a limitation on the right of defense, or biased judges – or a combination of these – are also didactic in the negative sense of casting discredit upon their perpetrators.

Trials can, and fair trials will, give voice to witness stories. Jim Harrington has been a lawyer as well as a scholar for decades. In this book, he has put the trial lawyer's talent for uncovering witness stories to very good use. He has used his insight to examine the process by which these stories made their way into a litigation process. The case he has chosen is iconic because its central figure presents a challenge to important secular and religious trends in modern Turkey. The case is important to Americans because these very trends are at work in many parts of the Middle East, and because this Turkish political trial teaches us important lessons for our own country.

In seeking to understand the struggles within Islamic societies, the reader may come to disagree with all or most of what Fethullah Gulen teaches. Some may believe that only laicisation of these societies, as has been sought in the West, will produce meaningful change. Others may argue that Gulen's approach holds the promise of reconciling divergent streams of belief. Such disagreement – at the outset or after reading Harrington's careful study – has nothing to do with the importance of this

book and the lessons it teaches. Harrington has been deeply concerned, as an academic and a human rights lawyer, about the malign consequences of breaking down the barrier between church and state. He sees the issue clearly in the challenging context of Turkish society, with its multiple religious and secular traditions. His insight provides a valuable perspective on our own situation.

Michael E. Tigar is Emeritus Professor of the Practice of Law, Duke Law School, and Emeritus Professor of Law, Washington College of Law. He has litigated human rights cases in many parts of the world. He is the author of *Thinking About Terrorism: The Threat to Civil Liberty in Times of National Emergency*.