

## ISTANBUL NEWSLETTER 2008

### SANTA CLARA UNIVERSITY SCHOOL OF LAW SUMMER ABROAD PROGRAM IN TURKEY

Welcome to the Summer Abroad Program in Turkey. This will be the second year for this program and it should be an exciting summer. I will be the US Director of the Program and can be reached at [eschneider@SCU.EDU](mailto:eschneider@SCU.EDU). After June 11<sup>th</sup> I can be reached on my Turkish cell phone **after** you arrive in Turkey at 05394675976. The on-site Turkish Coordinator and contact person is Reyhan Kayabaş (“Kayabash”), Assistant to the Dean of the Koç (pronounced Koçh) University Law School. Her email address is [rkayabas@ku.edu.tr](mailto:rkayabas@ku.edu.tr). Her telephone number is (90-212)338 1237. Her FAX number is (90-212) 338 1776.

**As soon as you know your flight arrival time in Istanbul, please let me know by email at [eschneider@scu.edu](mailto:eschneider@scu.edu) so that we will know when to expect you at the hotel.**

**BOOKS AND MATERIALS:** Prior to coming to Istanbul, students who will be taking the Law and Antiquities course should obtain the casebook by Richard B. Cunningham, *Archaeology, Relics and the Law* (2<sup>nd</sup>. Edition, Carolina Academic Press, 2005). Other books and materials for both courses can be obtained at Koç University.

FIRST ASSIGNMENT for first four days in Istanbul: In the Cunningham text, read pages 477 to 501, which includes the article, “Thinking About the Elgin Marbles,” by John Henry Merryman. (You can also find this at 83 Mich. L. Rev, 1881, 1881 – 1883, 1894 – 1923 (1985). (You may also find interesting the recent article, “To Have and to Hold,” by Jessica L. Darraby in the May 2006 issue of the California Lawyer, which can be found at [www.Californialawyermagazine.com](http://www.Californialawyermagazine.com)

Arrival at Istanbul Airport: When you arrive at Ataturk International Airport, follow the signs to “Passport Control.” Just before you get to the line for passport control look to the left and you will see a “Visa” counter. You must go to the visa counter before going to passport control unless you have gotten a Turkish visa in the US. You will get a 90-day tourist visa that now costs 15 Euro or 25 US dollars.

After you get your visa and have gone through passport control you will collect your baggage and then you can get a taxi to the hotel. The taxis are lined up to the right of the exit outside the arrivals hall. The taxi cost me 30 New Turkish Lira (TL), about \$23, to go to the Sultanahmet area of Istanbul. An excellent resource for travelers to Turkey is Tom Brosnahan’s website.

**The hotel you will be staying at is the AND Hotel. Its address is Yerebatan Cad. Carni Cikmazi No 40, Sultanahmet – Istanbul. The telephone number is (90.212) 512 02 07). We will meet in the hotel lobby in the evening for the welcome, updates on the schedule and course material handout.**

The Program will award 3 to 6 Credits for classroom work and 1 to 3 credits for an optional internship or workshop. The classroom courses are:

1. Turkish and Middle Eastern Law, 3 Credits.
2. Legal Protection of Antiquities and Cultural Property. 3 Credits

TENTATIVE SCHEDULE: The Program will start with a four day INTRODUCTION in the SULTANAHMET DISTRICT of Istanbul. This is the oldest section of Istanbul and the ancient seat of the Byzantine and Ottoman Empires. It is particularly appropriate to our program because it is where the 6th century Emperor Justinian developed the Corpus Juris Civilis, which became the basis of the Civil Law Systems used throughout Europe and much of the world, and it is also a city rich in history and cultural property.

**Students will arrive at Istanbul Airport on Thursday, June 12<sup>th</sup>** and take a shuttle or taxi to our hotel in the Sultanahmet district. The program will begin on Friday, June 13<sup>th</sup> with a 9:00 A.M. visit to meet a Turkish judge and observe a criminal trial proceeding.

On the evening of June 13<sup>th</sup> we will go to the Research Center for Anatolian Civilization (RCAC) for a reception, opening dinner and a keynote lecture.

On the 14<sup>th</sup> and 15<sup>th</sup> of June we are in the process of scheduling lecture/tours by Turkish and US archaeologists and museum directors and perhaps one free day to spend touring Istanbul on your own.

#### WEEK ONE AT KOÇ UNIVERSITY

6/16 (Monday) – Transportation will be provided to Koç University (KU) for lunch, orientation and housing

#### **Turkish Law and Comparative Middle Eastern Legal Systems:**

**Tuesday, 6/17. Classes at Koc University begin. Unless otherwise indicated, Class Periods are:**

**9:30 to 10:30 A.M. and 10:45 to 11:45 A.M.**

**1:00 to 1:50 P.M. and 2:00 P.M. to 2:50 P.M.**

#### **SECTION 1: Turkish and Middle Eastern Law. 3 Credits. June 17 to July 8, 2008**

Reading materials:

*Ansary and Wallace, jr. (Editors)* Introduction to Turkish Law, 5th ed. Kluwer 2005 and

*Ansary and Schneider*, Introduction to Turkish Business Law (Editors), Kluwer 2001, to be purchased at Koc University.

Additional materials will be handouts or available in the Koc University Library.

**Tuesday, 6/17.** Professor Schneider  
Comparative Law Principles  
Read Handout:

**Wednesday, 6/18.** Prof. Dr. Tuğrul Ansay, Dean, Koc University Law School.  
Introductory part  
Legal Persons, Societies and Business Associations,  
Family Law,  
Law of Succession,  
Read Introduction to Turkish Law 85-138

**Thursday, 6/19.** Prof. Dr. Sait Güran, Koc University  
Constitutional and Administrative Law  
Read Introduction to Turkish Law pages 19 – 83.

**Friday 6/20 and Weekend Free.**

**Mondaday, 6/23 and Tuesday, 6/24.** Asst. Prof. Dr. Zeynep D. Tarman, Koc University.  
Property  
Contracts and Torts  
Read Introduction to Turkish Law 139-164

**Wednesday, 6/25.** Asst. Prof. Dr. Seyfi Moroğlu, Koc University.  
Commercial Law  
Read Introduction to Turkish Business Law pages: 1-214

**Thursday, 6/26.** Assistant Professor Dr. Nihat Güman, Istanbul University  
Civil Procedure  
Read Introduction to Turkish Law 183-202

**Friday 6/27, Weekend and Monday, 6/30, Free .**

**Tuesday, 7/1.** Prof. Dr. Hilmar Kruger, Cologne University  
Comparative Middle Eastern Legal Systems.  
Sharia and Family Law, Commercial Law

**Wednesday 7/2.** Prof. Dr. Feridun Yenisey, Bahcesehir University  
Criminal Law and Criminal Procedure

**Thursday, 7/3.** Prof. Dr. Rauf Versan, Istanbul University  
Turkish International Law Issues, The Montreux Straits Convention, Marine  
Delimitation in the Aegean Sea.

**Friday 7/4** Professor Shipira  
Middle Eastern Law - The Law of Isreal

**Monday,7/7.** Reading Day

**Tuesday 7/8.** 9:00 A.M. to Noon. Turkish and Middle Eastern Law Exam

**7 P.M. to 11 P.M. Bosphorus Boat Trip and Dinner.**

**Wednesday, 7/9** Students taking only Turkish and Middle Eastern Law leave Koc University for optional Internships or independent travel..

ANTIQUITIES LAW. 3 credits. July 9 to July 25, 2008.

Reading materials:

*Richard Cunningham*, *Archaeology, Relics, And The Law* (2<sup>nd</sup> Ed., Carolina Academic Press, 2005)

**(Purchase the Cunningham text before traveling to Turkey. The other books and materials will be purchased or available at Koc University on June 16, 2008.)**

*Schneider and Schneider*(*Editors*) *Cultural Property Protection*, (Berliner Wissenschafts-Verlag, 2004) Purchase at Koc University.

*Ansary and Wallace, jr.*(*Editors*) *Introduction to Turkish Law*, (5th ed. Kluwer 2005). Purchase at Koc University.

*Kurt Siehr*, *International Art Trade and the Law*, in : *Recueil des Cours* 243 (1993-VI) pp. 9 – 292. Available in Koc University Library.

Additional materials will be distributed to the students during the lectures.

**Wednesday, 7/9.** Prof. Schneider, Santa Clara University School of Law.

Common law property concepts and legislation on antiquities in the US and UK.  
Read: Cunningham pages 3 to 140.

**Thursday, 7/10.** Professor Schneider

Government as Landowner,

US Antiquities Act of 1906, ARPA of 1979, State Ownership,

Abandoned Shipwreck Act of 1987.

Read *Cunningham* pages: 140 – 147 and 167 - 266

**Friday, 7/11.** 9:00 A.M. to Noon. Ms. Allesandra Ricci, Associate Director of the Research Center for Anatolian Civilizations, will conduct a lecture/tour of her excavation of a Byzantine monastery, discussing the necessity for legal protection of urban archaeological sites.

Optional No Host Lunch

**7/12 Weekend Free**

**Monday, 7/14.** Professor Schneider

Protection and Control of Artifacts

Export, Import and Interstate Commerce, National Stolen Property

Act, 1970 Convention and UNESCO Implementation Act, Bilateral Agreements.

Read *Cunningham* pages: 267- 350

**Tuesday, 7/15.** Prof. Dr. Kurt Siehr, Zurich and Hamburg Universities.

Market country law of antiquities. Supranational and International Protection of cultural properties.

*Kurt Siehr*, International Art Trade and the Law, in : *Recueil des Cours* 243 (1993-VI) pp. 9 – 292. Available in Koc University Library

**Wednesday, 7/16.** Assoc. Prof. Sibel Özel, Marmara University.

The Present Law on the Protection of Movable Cultural and Natural Property Ownership

Obligation to Report

Extent of Protection of movable cultural Property

Regulation of Cultural Property in private hands

Read Cultural Property Protection pages: 23-43

**Thursday, 7/17.** Attorney and Prof. Dr. Yüksel Ersoy, Bilkent University.

Criminal law aspects of antiquity laws.

Read Handout.

**Friday 7/18 and weekend Free.**

**Monday, 7/21.** Professor, Dr. Sait Guran, Koc University.

Administrative Law relating to cultural property.

Read Introduction to Turkish Law 19-83.

**Tuesday, 7/22.** Prof. Dr. Spyridon Vrellis, Athens University.

Antiquities Protection in Greece.

Read Cultural Property Protection pages 97 - 132

**Wednesday, 7/23** Assist. Professor Dr. Saadet Arıkan, Koc University.

Lecture/tour to office of Istanbul's Chief Prosecutor for Cultural Property Crimes..

**Thursday, 7/24 Reading Day**

**Friday 7/25,** 9:00 to Noon, Antiquities Law Exam.

**7:00 to 10 P.M.** End of Program Dinner

**Saturday 7/26 Students will leave Koc University for optional workshops or internships.**

### **Travel and Money:**

Air travel will likely be into the modern Istanbul Ataturk International Airport. The airport is about 8 miles from city center. U.S. citizens must secure a tourist visa. Visas may be secured in advance from a Turkish embassy or consulate (D.C., Chicago, L.A. N.Y.), from a facilitator service, or can be purchased at the Istanbul airport upon entry. (\$25 cash). Make sure your passport will be valid for at least six months after your expected departure date!

Students should make their way to the designated hotel. There is a shuttle service into central Istanbul that can be booked in the terminal building at a cost of about \$30 per passenger. A taxi to city center, which can be shared, will be about \$45.

While it is possible to arrange for short term parking on campus, it is not advisable for participants to rent a car for the duration of the program.

Taxis are metered, and generally, drivers appear honest. Many speak at least some English. Taxis in both Istanbul and Sariyer are plentiful and relatively inexpensive. Turkish currency is the lira (YTL). As of December 2007 one dollar equaled about 1.20 "New Lira." (Be alert; there are old lira bills still in circulation. If the bill has many zeros it will be the old lira.) Prices are often quoted in both lira (YTL) and the Euro. Some institutions will accept the Euro.

### **Health and Safety:**

Istanbul is a clean, safe city by Western standards. Physicians and health care facilities are on par with those found in Western European cities. Most physicians speak English, and many were trained in the United States or Western Europe.

Koç University has an on-campus 24-hour clinic that has a full time physician on staff as well as 24 hour professional care. There is also an ambulance located on-campus.

Generally, the standards of health and hygiene are equal to those found in Western European cities. Of course, travelers are advised to adjust slowly to tap water and use extra caution in the countryside. Bottled water is widely available.

The population of Turkey is mostly Muslim, but Turkey is a secular constitutional democracy (which is why study of the Turkish legal and constitutional system is so interesting). Secularism has been a key aspect of Turkish society since the founding of the Republic eighty years ago. For years Turkey has been a staunch ally of the United States. Incidents directed against Westerners and non-Muslims are no more likely to happen in Istanbul than in other major cities around the world. The few incidents in greater Istanbul "have taken place in areas of Istanbul distant from tourist destinations."

(U.S. Consular Information Sheet, 9/9/06) <http://travel.state.gov/travel/cis>

□*Koç University*: Koç University is a private, secular institution, which provides liberal arts undergraduate degrees as well as graduate and professional programs including an outstanding faculty of law. In 2000 the University moved to its new and modern campus located on a hill above the fishing town of Sariyer about ten miles from downtown Istanbul. The campus is in a rural area surrounded by a forest. Entrance to campus is controlled 24 hours per day. Accordingly, on-campus crime should not be significant problem. The Black Sea can be seen in the distance. As the University catalogue states, the university is "close to the city, but far removed from the distractions of city life." Being modern all buildings are well furnished and fully equipped.

A focus of the University is its new Masters degree in *Anatolian Civilizations and Culture Heritage Management* and its Research Center for Anatolian Civilizations. This specialization, along with its highly regarded law faculty, makes Koç University an ideal site to provide teaching faculty, as well as content direction, for an outstanding interdisciplinary course in cultural property law.

As more than half of the law courses at Koç University are taught in English the law faculty and law students are fluent in English. English is widely spoken by the staff. Our on site coordinator, who is the assistant to the Dean of the Law School, is fluent in English (as is the Dean).

The university has a new and very well appointed library with an excellent English language collection, including reference materials related to the program – in English. There is full Internet accessibility in the library, in student rooms, and in many common areas of the campus. Students in the program will not only have full access to the library, they will be provided individual study carrels. Librarians also speak English. The bookstore, too, has a wide selection of English language publications, both popular and professional.

The university is a self-contained community. Many faculty members live in university housing. On campus are a bank; post office; a cafeteria as well as restaurants, and coffee shops, a market with a full range of food and miscellaneous supplies; a bookstore, a gift shop and a professionally staffed, twenty-four hour, clinic. The University has excellent athletic and recreational facilities, which include tennis courts and a swimming pool. All of these facilities will be open for free use by participants.

If you play tennis, please bring your tennis racquet. I will bring mine and hope to be able to find others who will play.

For more on Koç University see: [www.ku.edu.tr](http://www.ku.edu.tr)

#### *Research Center for Anatolian Civilizations*

During the introduction period in Istanbul, Lectures will be given at the Research Center for Anatolian Civilizations, which is a division of Koç University, but physically located in the Beyoglu (or European) district of Istanbul. The Research Center is directed by

Professor Scott Redford, an American archeologist from Georgetown University, who has worked in Turkey for the past twenty years at various fieldwork projects in southern and southeastern Turkey.

Each year the Center hosts senior and junior fellows from around the world by sponsoring their research pursued while in residence in Istanbul at the Center. The fellows are housed on-site in a newly renovated building that also has conference rooms and a comprehensive library. It is the only such center in Istanbul open to researchers of all nationalities. Senior Fellows (7 in 2005-06) are post-doctoral scholars usually holding academic rank at a major university. Junior Fellows (6 in 2005-06) are advanced Ph.D. students. Their research ranges from history of photography, to mosaic art, to classical archaeology, to techniques of preservation. Fellows have hailed from Greece, Belgium, Italy, Germany, Austria, Serbia, Canada, Turkey, and the United States. (The work of the center can be reviewed in the April 2006 issue of the University's research magazine "KU Frontier" p. 2- 5). Participants will be introduced to the work of the Center.

### *Sariyer*

Sariyer, near which Koç University is located, is a mid-sized fishing town on the banks of the Bosphorus, which has evolved in recent years into a northern suburb of Istanbul. Koç University sits on a hill above the town. Sariyer has a wide range of modern stores, as well as traditional markets. One of the antiquities museums to be visited during the program is in Sariyer. There are a number of excellent cafes and restaurants in Sariyer, many overlooking the waterfront.

Sariyer is also something of a transportation hub. There is regular and inexpensive public transportation from Sariyer to downtown Istanbul (bus or water ferry). Sariyer may also be reached via a campus shuttle (during the day) as well as inexpensive taxi service at all hours.

### *Black Sea*

About fifteen minutes by taxi from either Koç University or Sariyer are sandy resort beaches located on the Black Sea. While many of these beaches are "private clubs," arrangements can be made for admission.

### *Istanbul*

No site is more significant to the history of Western and Middle Eastern civilization than Istanbul. Its history spans 5,000 years; its civilizations run from ancient Anatolian, through Greek, Roman, Byzantine, Ottoman, to the modern, secular Turkish Republic. It is the only city on two continents, Europe and Asia, as well as being strategically located on the channel that connects the Black and Mediterranean Seas. It is here that civilizations – east and west, north and south – have met, clashed and left their cultural imprint. Istanbul's palaces, museums, and mosques are legendary. The Hagia Sophia,

for example, was commissioned as a Christian cathedral in the 6<sup>th</sup> Century by the Roman emperor Justinian nearly nine hundred years before the great cathedrals of Western Europe. It was converted into a mosque in the 15<sup>th</sup> Century, and today is a state museum. The New York Times Travel Section recently (Dec. 10,2006) noted that Istanbul was one of world's 10 top "hot" destinations for 2007 combining culture with vibrant 24-hour nightlife. See also, the Frugal Traveler, <http://travel2.nytimes.com/2006/11/12/12> and <http://nytimes.com/2005/03/27/27going> Generally, see, [www.timeout.com.tr](http://www.timeout.com.tr) [www.istanbul.com](http://www.istanbul.com) □ [www.goturkey.com](http://www.goturkey.com) □ [www.turkey.org](http://www.turkey.org).

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*US Dept of State: Passport Services*

*US Dept of State: Top 10 Tips for Travelers*

*US Embassies/Consulates*

**Weather, Climate, and Clothing.** □ Summer weather in Istanbul is mild, a surprise to many visitors. Because of its location between two seas, the region is constantly cooled by sea breezes. Temperatures in the day typically are in the mid to lower 80s with low humidity (compared to the high 90s in Athens or Rome). Evenings are cool, low 70s, making outdoor dining part of the culture and very pleasant. Summer rain showers are not unusual.

As the University is in a rural setting, high on a hill, temperatures tend to be even more moderate there. While housing is air conditioned, rarely is air conditioning necessary.

Most of the time informal clothing, similar to what one would wear to class in the United States, is appropriate. However, visits to legal institutions may require business attire. Those participating in a workshop may need more rugged outdoor clothing, while internships will require business attire. Visits to mosques and some religious sites may require "modest" clothing, meaning that on such visits students, male and female, should avoid shorts and sleeveless tops.