The Students of *Ernst Eduard Hirsch*: The First and Second Generations at Turkish Universities and His Academic Legacy

Prof. Dr. Gül Okutan Nilsson

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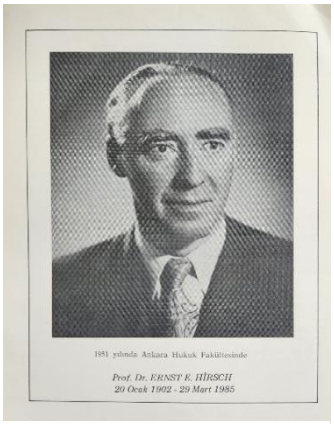

Abb. 1: Prof. Dr. Ernst E. Hirsch (Photo from Gedächtnisschrift für Herrn Prof. Dr. Ernst E. Hirsch, Ankara 1986)

Professor Dr. Ernst Eduard Hirsch is a deeply respected academic in the field of commercial law in Turkey, widely recognized for drafting the Turkish Commercial Code No. 6762, which remained in force until 2012, and the Turkish Copyright Act No. 5846, which continues to be effective today. Beyond his legislative contributions, Hirsch played a pivotal role in establishing the modern Commercial Law Departments at both Istanbul University and Ankara University as well as the Department of Legal Sociology at the latter. He introduced innovative teaching and research methods to legal education, significantly transforming the academic approach to law in Turkey. Most importantly, he raised a new generation of assistants at both universities, who went on to become influential scholars. His enduring influence has profoundly shaped subsequent generations nurtured by these institutions.

As a professor of law who had the privilege of beginning the academic career as a research assistant to Prof. Ünal Tekinalp, a prominent student of Prof. Hirsch, I am grateful to be able to consider myself part of Hirsch's academic lineage. I have heard many anecdotes from Prof. Tekinalp about Prof. Hirsch's remarkable qualities, but only through researching for this paper have I come to fully appreciate the extent of his tremendous effort and dedication to his academic work, his students, and the development of the university as a scientific institution. Despite going through a time of great personal distress, facing the challenges of adapting to a foreign culture, learning a new language, and working with limited access to academic resources, thanks to his tireless energy and dedication, he published extensively in both German and Turkish, drafted groundbreaking legislation, educated generations of students, and contributed to the modernization of the Turkish university system, paving the way for a better future. His efforts and dedication deserve the utmost respect and admiration.

I am therefore grateful to Georg-August University Göttingen for organizing this conference and providing me with the opportunity to express my deep respect, admiration, and immense gratitude for Prof. Hirsch as well as the other German professors who transformed the academic landscape at Istanbul and Ankara Universities for generations to come.

Professor Hirsch lived in Turkey for nearly two decades, from 1933 to 1952. The first ten years of his tenure were spent at Istanbul University, while the latter part of his academic career in Turkey was dedicated to Ankara University. Hirsch's arrival coincided with a transformative period in Turkish history. The Turkish Republic, established just a decade earlier, was undergoing profound cultural and legal changes. The 1933 university reform signified a fundamental shift toward modern

thought, aiming to introduce and encourage contemporary academic methods, scientific research, and publications that supported the country's broader transformation. As part of this reform, the old higher education institution in Istanbul, the Darülfünun, was closed, and Istanbul University was established in its place in 1933. Similarly, several faculties in Ankara, including the law school, were consolidated under the newly founded Ankara University in 1946. Hirsch played a vital role throughout the foundational years of these institutions, contributing significantly to their successful formation.

This paper does not focus on Prof. Hirsch's numerous publications or other significant scientific contributions and achievements, but rather on something even more impactful: the academic seeds he planted in his students and assistants. During his tenure, Prof. Hirsch mentored numerous students and assistants, many of whom went on to become distinguished professors themselves. This article explores the legacy of Prof. Hirsch through the achievements of his first- and second-generation assistants, highlighting his enduring impact on legal scholarship in Turkey.

The paper is structured into three parts. First, Hirsch's first- and second-generation assistants at Istanbul University will be presented. Next, his first- and second-generation assistants at Ankara University will be introduced. Finally, the enduring influence of his legacy on later generations and contemporary legal education will be discussed.

The first and second generations at Istanbul University

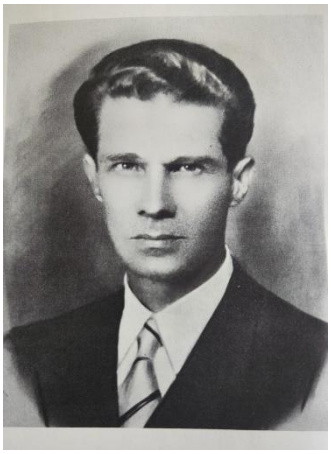

Abb. 2: Prof. Halil Arslanlı (Photo from Halil Arslanlı'ya Armağan – Festschrift for Halil Arslanlı)

Prof. Dr. Halil Arslanlı

One of the foremost figures among Hirsch's students at Istanbul University was Halil Arslanlı. Arslanlı studied in Germany until the end of *Gymnasium*, the highest-tier of secondary school form in Germany, and spent a study period in France for higher education. He embarked on his legal studies at a relatively late stage, having initially pursued a

career at the renowned Ottoman Bank[1]. Due to his interest in law, he ultimately chose to enter law school at the age of 26. Notably, Arslanlı was only four years younger than Professor Hirsch himself.

Owing to his fluency in German, Arslanlı was appointed as a translator for Professor Hirsch during his second year of studies to assist him with his lectures. In his memoirs, Hirsch recounts requesting a translation of selected provisions of the Turkish Trademark Law into German. Arslanlı, however, proposed an alternative approach: rather than relying on translations, Hirsch should endeavor to learn Turkish to read legal texts in their original language. Arslanlı assured Hirsch that, with disciplined study, he could achieve proficiency in a short period. Recognizing the merit of this proposal, Prof. Hirsch became Arslanlı's language student. Through their joint efforts, Hirsch gained the ability to read Turkish newspapers and legal texts within six months, without the need for assistance[2].

Their collaboration resulted in a close mentor-student relationship that evolved into a lasting professional bond. Arslanlı, residing on the Anatolian side of Istanbul, commuted with Hirsch across the Bosphorus on the Kadıköy boat. These shared journeys fostered intellectual exchanges beyond the confines of the university.

Following his graduation from law school, Arslanlı was formally appointed as Hirsch's assistant in the Commercial Law Department in 1935 and worked at the same department until his death in 1964. In his memoirs, Hirsch fondly refers to him first as his teacher—acknowledging Arslanlı's role in teaching him Turkish—, then as his student, and ultimately as his successor.

Tragically, Arslanlı's career was cut short by his untimely death due to illness, prompting the publication of a *Festschrift* in his honour. In this commemorative volume, Hirsch contributed a piece reflecting on his former student. He expressed his belief that as long as Arslanlı remained with the Commercial Law Department, it would continue to operate in line with Hirsch's vision and the foundation he had established. He also remarked that his trust in Arslanlı had not been misplaced[3].

Specifically, Hirsch highlighted two notable achievements of Arslanlı: First, Arslanlı produced a series of seminal publications[4]. Following the enactment of the Turkish Commercial Code in 1956—a code originally drafted by Prof. Hirsch—, Arslanlı authored the first systematic and foundational texts on the subject. Prof. Tekinalp, who also contributed to the same *Festschrift*, praised Arslanlı's work as "*deep in content, rich in knowledge, yet plain in its methodology and expression*". Prof.

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[1] Ünal Tekinalp, "Arslanlı'nın Oluşturduğu Bilimsel Eserin Katkısı Üzerine", Halil Arslanlı'nın Anısına Armağan, İstanbul Üniversitesi Hukuk Fakültesi, 1978, pp. XIX-XXVI, at XXI.

[2] Ernst E. Hirsch, Anılarım, Tübitak Ankara 13. Bası, 2017, pp. 220-22; Ernest Hirş, "Hatıra Defterimden", Halil Arslanlı'nın Anısına Armağan, İstanbul Üniversitesi Hukuk Fakültesi, 1978, 1-10, at 3-4.

[3] Hirş, Hatıra Defterimden, pp. 8.

[4] For a full list of Arslanlı's publications, please see: Halil Arslanlı'nın Anısına Armağan, pp. 771 et seq.

Halil Arslanlı's contributions to company law remain highly regarded and continue to be cited in contemporary legal scholarship.

The second point Hirsch highlighted in his article for Arslanlı's *Festschrift* was Arslanlı's dedication to nurturing a new, younger generation of scholars[5]. At the Istanbul University Commercial Law Department, Arslanlı had three assistants: Ünal Tekinalp, Erdoğan Moroğlu, and Ersin Çamoğlu. After Hirsch's return to Germany, Arslanlı wrote to Hirsch, inquiring whether his assistants could visit Berlin for a research stay to learn directly from him, just as Arslanlı had done. He hoped they would benefit from the same mentorship he had received. Hirsch readily agreed, and all three assistants were sent to the Free University of Berlin to study under his guidance.

Prof. Dr. Ünal Tekinalp

From the second generation of Hirsch's students, I wish to highlight Ünal Tekinalp, whom Arslanlı, in a letter to Hirsch, praised as the strongest and most productive candidate for the Department of Commercial Law[6]. Indeed, Prof. Tekinalp made a profound impact on commercial law, not only through his extensive body of publications but also through the drafting of the new Commercial Code No. 6102, which came into force in 2012 and was prepared by a scientific committee under his chairmanship.

Ünal Tekinalp was appointed as a research assistant at Istanbul University Faculty of Law, Commercial Law Department in 1958. He completed his PhD thesis on "The Representation of Legal Entities in Joint-Stock Company Boards" in 1962 and went to Berlin in the same year, approximately six months after the Berlin Wall was built[7]. He was accompanied by his wife Gülören Tekinalp, who was also an academic at Istanbul University, at the Private International Law Department. They both attended Hirsch's seminars and benefited from his guidance during the two years they stayed there. Professor Tekinalp authored his habilitation thesis in Berlin, titled "The Balance Sheet of Joint Stock Companies", a work that remains unparalleled to this day. According to his memoirs, Prof. Hirsch supported him with the choice of topic for this book and even arranged for the help of an assistant from the Faculty of Eco-

Abb. 3: Prof. Dr. Ünal Tekinalp (Photo from his personal archive)

[5] *Hirş*, Hatıra Defterimden, pp. 8-10.
[6] Hirş, Hatıra Defterimden, pp. 8-9.
[7] Engin Erdil, Benzersiz Zamanlar, Prof. Dr. Ünal Tekinalp ile Nehir Söyleşi, İstanbul 2025, p. 91.

nomics to teach him the principles of accounting[8]. With this publication, he was appointed associate professor in 1966. In 1973, he became a full professor at the same department where he continued to teach until his retirement in 2002[9].

Prof. Tekinalp's scholarly output includes an impressive list of publications, encompassing systematic reference works, monographs, and countless articles published both domestically and internationally in reputable journals[10]. His book "The Law of Corporations and Cooperatives", co-authored by Prof. Ersin Çamoğlu and Prof. Reha Poroy, is a seminal reference in the field. Similarly, his book "Intellectual Property Law" stands as the first and still the only comprehensive treatise covering all aspects of intellectual property within Turkish law. Additionally, he authored a systematic and comprehensive reference book on banking law. He also has books on negotiable instruments, capital market law and European law. What sets Prof. Tekinalp apart in his scholarship is not only his prolific output and the high quality of his writing but also his remarkable ability to address contemporary legal issues across a broad spectrum of topics, consistently staying current and well-informed about international legal developments. Following his retirement from Istanbul University, he also served as a member of the All European Academies Committee on Intellectual Property Rights together with renowned colleagues from other European countries.

Tekinalp is also an excellent educator—a trait positively influenced by Hirsch. Prof. Karayalçın highlights that Hirsch introduced the innovative approach of 'free-style teaching' to Turkish legal education[11]. By engaging students with thought-provoking questions and lively examples, he transformed them from passive listeners into active participants, sustaining their interest throughout the class. Tekinalp adopted this same approach.

I became a research assistant to Prof. Tekinalp in 1995 at Istanbul University Faculty of Law in the Commercial Law Department, where I began attending his classes and observing his teaching methods. At Istanbul University, lecture halls were large, often accommodating hundreds of students. The primary hall was particularly expansive, featuring a prominent podium equipped with a microphone due to its size. While some professors relied on reciting from their notes, Tekinalp took a different approach. He would begin his lectures at the podium but soon descend to walk among the aisles. He approached students, asked their names, and invited their opinions on specific topics, fostering engagement and maintaining attention throughout his lectures. Beyond the classroom, Tekinalp is also a captivating

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[8] Erdil, Benzersiz Zamanlar, p. 99.

[9] Ünal Tekinalp'in Hayat Öyküsü, Bilgi Toplumunda Hukuk, Ünal Tekinalp'e Armağan, C. I. XXXV.

[10] A full list of Ünal Tekinalp's publications can be found in Gül Okutan Nilsson (ed), Comparative Corporate Group Law – Conference in Honour of Prof. Dr. Ünal Tekinalp on His 80th Birthday, Oniki Levha, İstanbul 2018, pp. 193-226.

[11] Yaşar Karayalçın, "Prof. Dr. Ernst E. Hirsch: Kişiliği – Türk Hukuku", Gedaechtnisschrift für Herrn Prof. Dr. Ernst E. Hirsch, (1902-1985), Banka ve Ticaret Hukuku Araştırma Enstitüsü, 1986, 5-15 at 13.

speaker at scientific conferences. When he speaks, the audience falls silent, listening with rapt attention. His pleasant tone of voice and use of engaging examples further underscore his excellence as an educator and speaker[12].

Prof. Tekinalp served as the Director of the Research Center for European Law at Istanbul University between 1996 and 2002. During his tenure, he demonstrated remarkable dedication to transforming the center's documentation facility—which initially housed only official journals and materials sent by the EU—into a fully functional European law library. Due to the university's budget restraints, Prof. Tekinalp sought external funding and sponsorships to renovate and refurbish the library, even personally covering the costs of hiring a librarian in the initial stages. It is worth noting that Prof. Hirsch had previously established the law libraries at both Istanbul and Ankara Universities. Hirsch's efforts at Istanbul University went so far as to include personally devising a cataloguing system, ordering books, and, upon their arrival, opening the boxes, sorting them, and hand-writing the book entries[13]. This meticulous dedication exemplified his commitment to creating robust academic resources and institutional foundations. Prof. Tekinalp's work can thus be seen as a continuation of Hirsch's legacy, reflecting the enduring importance of academic resources in fostering excellence in scholarship.

Perhaps the crowning achievement of Prof. Ünal Tekinalp was his appointment as Chairman of the Turkish Commercial Code Commission, established in 2000. This marked a seamless transition from Hirsch to Tekinalp. Hirsch drafted the Commercial Code No. 6762 in 1956, and the honour of drafting the next Commercial Code was entrusted to his successor, Prof. Tekinalp. Nearly five decades after the Hirsch Code, the Turkish government recognized the need to modernize commercial law in response to technological advancements and legal developments within the EU and globally. To this end, a commission comprising 45 members and six subcommittees was established. To understand the subcommittees' roles, it is necessary to briefly outline the structure of the Turkish Commercial Code (TCC), which differs significantly from both the German and the Swiss systems.

The TCC is organized into six "books". Unlike Germany, which has the Commercial Code (*HGB - Handelsgesetzbuch*) alongside separate codes for various company types, Turkish law consolidates all commercial topics into a single, unified code. The first book addresses commercial enterprises, followed by a comprehensive volume on company law covering all types of companies. The remaining four books focus on the law of negotiable instruments, transportation, maritime, and insurance. These six books formed the basis for the six subcommittees, each composed of 45 members, including academics, judges, notaries, attorneys, and admin-

[12] See the note of Prof. Turgut Tarhanlı on how he still remembers the commercial law lessons he took from Prof. Tekinalp in the 1978-79 academic year during his law studies at Istanbul University Law Faculty. Turgut Tarhanlı, Açılış Konuşması, Comparative Corporate Group Law – Conference in Honour of Prof. Dr. Ünal Tekinalp on His 80th Birthday, Oniki Levha, İstanbul 2018, 5-11.

[13] Hirsch, Anılarım, p. 242.

istrative officials. Prof. Tekinalp was unanimously elected as chair of the commission—a role he earned through merit rather than appointment. His leadership was marked by extraordinary dedication. In the introduction to the draft legislation, he noted that the commission held 512 sessions over five years, averaging approximately 100 sessions annually—a testament to the committee's rigorous efforts.

I was a research assistant when this initiative began, and I witnessed firsthand the commitment of Prof. Tekinalp to this endeavour. As Chairman of the Corporate Law Subcommittee, Tekinalp played a central role in drafting the legislation on company law. He meticulously examined German and Swiss laws, considered EU directives and UK developments, and employed comparative law techniques to craft the drafts. The initial proposal for the whole code was unveiled in 2005, followed by a period of public consultation, and the final code was adopted in 2012.

Abb. 4: Prof. Dr. Yaşar Karayalçın, Prof. Dr. Ünal Tekinalp & Prof. Dr. Ali Bozer, at a meeting of the TCC Commission in 2004

The image on the left is a photograph from the discussions of the Turkish Commercial Code Commission — it holds considerable significance for this paper. It depicts Prof. Tekinalp at the center. On his right is Prof. Yaşar Karayalçın, Hirsch's first-generation assistant from Ankara University. On his left is Prof. Ali Bozer, a second-generation assistant of Hirsch, also from Ankara University. The photograph captures a remarkable moment, symbolizing the continuity of knowledge, wisdom, and tradition as well as the enduring legacy of Hirsch, which lived on through his students who played a pivotal role in the drafting of the new Commercial Code.

Prof. Dr. Erdoğan Moroğlu

Halil Arslanlı's second assistant, Erdoğan Moroğlu, was another prominent legal scholar in the field of commercial and company law. With Prof. Arslanlı's support, he went to Berlin in 1963 and stayed there for nearly three years, preparing his PhD thesis on "The Invalidity of General Assembly Decisions" under Hirsch's guidance, a book which still today is one of the seminal works on the topic. He obtained his PhD from Istanbul University in 1966. He became an associate professor in 1971

with his thesis on the "Capital Increase in Joint-Stock Companies" and was appointed as a full professor at the same university in 1978 with his book "Voting Agreements in Joint Stock and Limited Liability Companies", a work that dealt with a progressive topic for its time. He taught at Istanbul University Law Faculty until his retirement in 2001. He also worked as a lawyer and legal consultant to many companies and banks throughout his career as well as acting as advisor to the Capital Market Board between 1995 and 1997[14].

All of Prof. Moroğlu's books mentioned here are regarded as reference works in their field: grounded in extensive research into German and Swiss law, they combine in-depht knowledge with sound legal analysis, and for that reason continue to serve as authoritative texts today. Furthermore, his scholarly articles are valuable texts combining insights from legal practice with academic scholarship.

Prof. Dr. Ersin Çamoğlu

The third assistant of Halil Arslanlı, Ersin Çamoğlu, is a renowned professor and one of the foremost scholars in commercial and company law. He obtained his PhD from Istanbul University in 1965 with his thesis on "The Liability of Directors in Joint-Stock Companies". He visited Berlin between 1965 and 1967 and worked on his post-doc thesis under the guidance of Prof. Hirsch. He was appointed as an associate professor in 1969 and full professor in 1976 at the same university. He taught at Istanbul University Faculty of Law, Commercial Law Department until his retirement in 1985. Following his retirement, he focused on his practice as a lawyer and arbitrator in the fields of commercial law, banking law, and international arbitration[15].

Prof. Çamoğlu is a co-author of the famous "Law of Corporations and Cooperatives", an established reference book on company law, with Prof. Ünal Tekinalp and Prof. Dr. Reha Poroy. He is widely recognized for his academic contributions to the law of director's liability in joint-stock companies. Especially his book on "the Liability of Directors in Joint Stock Companies" is a seminal work on the topic.

The First and Second Generations at Ankara University

At Ankara University, Hirsch's legacy was carried forward by his two first-generation assistants: **Yaşar Karayalçın** in the Commercial Law Department and **Hamide Topçuoğlu** in the Department of Legal Philosophy and Sociology.

[14] Prof. Dr. Erdoğan Moroğlu'nun Özgeçmişi, Prof. Dr. Erdoğan Moroğlu'na 65. Yaş Günü Armağanı, İstanbul 1999, XXXV.

[15] Biyografi, Ersin Çamoğlu'na Armağan, İstanbul 2013, XXII.

Prof. Dr. Hamide Topçuoğlu

Hamide Topçuoğlu made substantial contributions in the newly established Department of Legal Philosophy and Sociology at Ankara University Law Faculty. Notably, this department did not exist during Topçuoğlu's student years; it was founded in 1946 and she became one of its first members. Hamide Topçuoğlu obtained her PhD as well as associate professor title in 1949, and was appointed as full professor in 1961. Her career advanced significantly as she went on to serve as the founding dean of the Ankara Educational Sciences Faculty and founder of the Institute for Research on Education and Society—roles that reflect Hirsch's influence in institutionalization and the establishment of academic structures. Beyond her administrative achievements, Topçuoğlu authored numerous reference works in her field, further solidifying her legacy and Hirsch's enduring impact.

Prof. Dr. Yaşar Karayalçın

Prof. Dr. Yaşar Karayalçın was a leading scholar in Turkish commercial and banking law, widely regarded for his seminal contributions to both legal doctrine and institutional development. He graduated first in his class from law school in 1944. Shortly after, he became Hirsch's assistant and worked alongside him in the Commercial Law Department at Ankara University until Hirsch's departure from Turkey. In his memoirs, Hirsch describes Karayalçın as a close associate, with whom he maintained close bonds of friendship throughout the years[16]. He adds that Karayalçın not only continued in the footsteps of his professor, taking over the Commercial Law Department, but also embraced his hobbies, such as his interest in libraries and bibliographies, organization of professors, and university law.

Indeed, Prof. Yaşar Karayalçın was a remarkably productive scholar whose work spanned multiple disciplines. His primary focus area was commercial law, where he published systematic books on the commercial enterprise, companies, and negotiable instruments as well as many monographs and articles on various topics related to commercial law[17]. He also made significant contributions to legal methodology, libraries, librarianship, and legal bibliographies—fields that reflect the influence of Hirsch's teachings. One notable example of Hirsch's enduring scholarly work is his methodology book[18], which is still being updated and printed (9th edition in 2023). Similarly, Karayalçın authored his own legal methodology book, which remains a valuable legal resource[19].

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[16] Hirsch, Anılarım, p. 336.

[17] Ali Bozer, "Değerli Arkadaşım, Meslekdaşım Prof. Dr. Yaşar Karayalçın", Prof. Dr. Yaşar Karayalçın'a 65. Yaş Armağanı, Türkiye İş Bankası Kültür Yayınları, Ankara 1988, 3-6.

[18] Ernst E. Hirsch, Selçuk Veziroğlu, "Pratik Hukukta Metot", Banka ve Ticaret Hukuku Enstitüsü, 9th Ed. 2023.

[19] Yaşar Karayalçın, "Hukukta Öğretim – Kaynaklar – Metod (Problem Çözme)", Banka ve Ticaret Hukuku Enstitüsü 8th Ed. 2021.

Karayalçın's dedication to librarianship was equally noteworthy. He drafted a law on specialized and university libraries, advocating for their development and modernization[20]. Although the law was not adopted, his efforts underscored his commitment to supporting libraries and librarianship, reflecting Hirsch's own legacy in this area.

Yaşar Karayalçın played a key role in founding the Research Institute of Banking and Commercial Law, a highly esteemed and active institution. The institute is renowned for its valuable publications, its prestigious "Batider" journal, and its annual symposiums on the rulings of the Court of Cassation, reflecting its valuable contributions to legal scholarship. Notably, Hirsch's memoirs were first translated and published by this institute, thanks to the initiative of Prof. Karayalçın[21]. Through these efforts, Karayalçın not only advanced the field of commercial law but also followed in the footsteps of Hirsch, contributing to institutionalization and the establishment of academic structures.

Prof. Dr. Ali Bozer

The second generation at Ankara University extends to Ali Bozer, a student of Hirsch, who graduated from Ankara University Law School in 1947. After completing his PhD at Neuchâtel, he became a research assistant at Ankara University in 1952. He was appointed as associate professor in 1955 and professor in 1965. He acted as Chair of the Department of Commercial Law and the Research Institute of Banking and Commercial Law after Prof. Dr. Karayalçın[22]. Prof. Dr. Ali Bozer built an impressive career, acting as judge at the European Court of Human Rights between 1973 and 1977[23]. In the 1980s, he transitioned into politics, serving in various governments as the Minister of Customs, State Minister, and Minister of Foreign Affairs. Despite his political career, Bozer maintained strong ties to academia, as evidenced by his active participation in the Commercial Code Commission.

Prof. Dr. Turgut Kalpsüz

Prof. Dr. Turgut Kalpsüz, another prominent member of the second generation, was a distinguished scholar in maritime law. He studied at the Ankara University Law Faculty while Hirsch was a professor there, graduating in 1952. He later pursued his PhD at the Johann Wolfgang von Goethe University in Frankfurt. In 1956, he was appointed as a research assistant at the Commercial Law Department of

[20] Osman Ersoy, "Yaşar Karayalçın ve Kütüphaneciliğimiz", Prof. Dr. Yaşar Karayalçın'a 65. Yaş Armağanı, Türkiye İş Bankası Kültür Yayınları, Ankara 1988, 15-18.

[21] Yasemin Karaman Kepenekçi / İnayet Aydın, "Ankara Üniversitesi Eğitim Bilimleri Fakültesi Kurucularından Prof.Dr. Yaşar Karayalçın: Yaşam ve Eğitim Bilimleri Fakültesi Öyküsü" Ankara Üniversitesi Eğitim Bilimleri Fakültesi Dergisi, 2008 C. 41, Özel Sayı, 93-112, at 104.

[22] Yaşar Karayalçın, "Kürsümüz ve Enstitümüzde Prof. Dr. Ali Bozer", Prof. Dr. Ali Bozer'e Armağan, Banka ve Ticaret Hukuku Enstitüsü, 1998, XVII-XIX.

[23] https://www.echr.coe.int/composition-of-the-court

Ankara University where he advanced to the position of associate professor in 1957 and full professor in 1967. Recognized as the foremost authority on maritime law in Turkey, he also served as the Head of the Subcommittee on Maritime Law within the Turkish Commercial Code, leaving a lasting impact in the field.

Later Generations and the Academic Legacy of Prof. Hirsch

The professors discussed so far were first- and second-generation students or assistants of Prof. Hirsch. Their achievements demonstrate that Hirsch successfully raised a new generation of academics, who in turn mentored countless students pursuing academic careers, creating a far-reaching impact. This section will reflect on the academic legacy Prof. Hirsch left for later generations in their roles as both teachers and legal scholars.

Firstly, it should be mentioned that the later generations of academics from the Hirsch tradition are no longer confined to Istanbul University or Ankara University but have spread to numerous institutions across the country, including both state universities and foundation universities. The latter are non-profit institutions, established and funded by private educational foundations. Many scholars, including some of those mentored by the first and second generations of Hirsch's assistants, have transitioned to such universities, contributing to their growth and development over decades. This diversification has fostered a broader academic community, extending the reach of Hirsch's legacy beyond the two traditional institutions.

What, then, are the defining hallmarks of Hirsch's legacy as a teacher and legal scholar? A close examination of various *Festschriften* dedicated to Hirsch himself and to his first- and second-generation assistants offers valuable insights into their academic lives, legacies, and personalities. These publications, in which colleagues and students share their memories, reflections, and observations, reveal recurring themes and common emphases. A thorough analysis of these materials highlights the key characteristics that collectively define the Hirsch tradition. Notably, many of the virtues and characteristics praised in Hirsch are similarly attributed to his assistants, suggesting that Hirsch's influence left a lasting imprint on their intellectual development and that they continued to follow in his footsteps.

As a teacher, a defining feature of the Hirsch tradition is the freestyle, interactive teaching method he introduced to legal education[24]. As previously noted, Professor Tekinalp exemplified this dynamic and engaging teaching style, demonstrating how Hirsch's influence shaped the pedagogical methods of his academic descendants.

[24] Hirş, Anılarım, pp. 247-252; Karayalçın (Hirsch: Kişiliği – Türk Hukuku), p. 13; İsmail Doğanay, "Atatürk'ün Ülkesinde Yirmi Yıl Hukuk Dersi Veren, Ölümsüz Hocamız Ord. Prof. Dr. Jur. Dr. h.c. Ernst E. Hirsch'in Ardından, Gedaechtnisschrift für Herrn Prof. Dr. Ernst E. Hirsch, (1902-1985), Banka ve Ticaret Hukuku Araştırma Enstitüsü, 1986, 39-51, at 45.

Younger generations also prefer this type of dynamic and engaging teaching method.

In terms of legal scholarship, a notable trait of the Hirsch legacy is its progressive approach to law. This involves staying attuned to novelties and developments not only at the national level but also international level, while consistently employing the comparative legal method as a foundational tool for analysis and understanding. Hirsch's first- and second-generation students are similarly praised for their commitment to comparative research and their visionary approach to emerging topics, which reflect the enduring influence of Hirsch's innovative and forward-thinking legacy[25].

Equally important is Hirsch's exceptional work ethic and profound sense of duty. A key aspect of this work ethic is productivity. Hirsch made extraordinary efforts to write books and prepare course materials for his students during a time when Turkish law was in transition and academic resources were scarce[26]. This commitment to scholarly output was mirrored by many of his first- and second-generation students, who also became prolific contributors to legal literature[27]. Furthermore, his sense of duty, not only toward academic work but also toward public service—such as drafting laws—was exemplified by his first- and second-generation assistants mentioned above, who contributed to drafting the new commercial code.

Another defining characteristic of Hirsch's legacy is his profound respect for independent thought and critical thinking[28]. As Hirsch himself noted in his contribution to Arslanlı's *Festschrift*, he rejected the principle of *iurare in verba magistri*—'to swear by the word of the teacher'—and preferred that his students and assistants hold and express differing opinions[29]. He believed that such intellectual debates were essential for stimulating new ideas and advancing scholarly discourse. This emphasis on tolerance for diverse viewpoints is a tradition that is reflected in the

[25] See, for example, the comments of Tekinalp about Arslanlı, (Tekinalp, see above, footnote 2, p. XXIV-XXV), Ali Bozer about Karayalçın (Bozer, see above, footnote 18, p. 4), and the comments of Gül Okutan Nilsson about Tekinalp, in: Comparative Corporate Group Law – Conference in Honour of Prof. Dr. Ünal Tekinalp on His 80th Birthday, Oniki Levha, İstanbul 2018, pp. 1-4.

[26] Karayalçın states that Prof. Hirsch, throughout his academic career of 53 years, published 40 books of which 45% were in Turkish, 190 articles of which 36% were Turkish, and 43 book reviews in German. See Karayalçın, (Hirsch: Kişiliği – Türk Hukuku) pp. 11-12.

[27] The best example is Prof. Tekinalp, who, as of 2018, has published 15 books where he is the sole author, 16 books where he is co-author, 44 articles in various *Festschriften*, 31 foreign language articles in various foreign journals and law reviews, 45 conference papers which were published in conference proceedings, and 143 articles and other contributions in various law journals. (See his publication list in Comparative Corporate Group Law – Conference in Honour of Prof. Dr. Ünal Tekinalp on His 80th Birthday, Oniki Levha, İstanbul 2018, pp. 193-226).

[28] Ünal Tekinalp, "Ord. Prof. Dr. Ernst E. Hirsch ve Bilimsel Eseri", İstanbul Üniversitesi Hukuk Fakültesi Mecmuası 1976 Vol. XLII No. 1-4, Ord. Prof. Dr. Ernst E. Hirsch'e Armağan, Özel Sayı 1977, XXIII-XXXII, at XXXI.

[29] Hirş, Hatıra Defterimden, p. 6.

mentorship of the first- and second-generation professors who followed in his footsteps[30].

One of Prof. Hirsch's most significant traits was his kindness and readiness to support others. This quality is frequently highlighted by commentators on Hirsch as well as by students reflecting on the first- and second-generation professors, who are remembered for their humane approach to both students and colleagues. In this spirit, Hirsch actively supported young academics in their careers and placed great importance on mentoring the next generation. As Tekinalp explains in his memoirs, Hirsch defined a professor as *"the assistant of his assistant"*[31] — a motto that Tekinalp himself repeated to his own assistants and which he lived by throughout his career, always supporting their growth and development[32]. As mentioned above, Arslanlı also took a keen interest in the development of his assistants, even ensuring that they went to Berlin to study under Hirsch's guidance. These efforts reflect the enduring personal and professional values that were inherited by Hirsch's students[33].

This final point demonstrates that the Turkish university reform of 1933 achieved its objective. As Professors Karayalçın and Doğanay remarked in Hirsch's *Festschrift*, Hirsch's paramount contribution to Turkish law lies not in the legislation he drafted or the extensive publications he authored but in his role in cultivating a new generation of lawyers and scholars[34].

To illustrate this, an anecdote from Hirsch's memoirs is particularly telling. Opponents of the university reform and the invitation of foreign professors to Turkey criticized Atatürk, arguing that the young Turkish Republic did not require new professors but thousands of school teachers. In response, Atatürk remarked that it was these foreign professors who would raise the future academic leaders, who would then educate the lawyers, doctors, and judges that the country needed[35]. The transformative impact of the reform is evident in the enduring legacy of Hirsch and his academic descendants.

As a final reflection, a touching anecdote shared by Prof. Tekinalp illustrates Hirsch's profound respect for Atatürk. The sorrowful day that Atatürk passed away was a weekday, a time when classes were normally scheduled at the university. Hirsch asked the rector whether classes would be held that day. In return, the rector responded: *"You come from a different country. What would happen in your country if a great*

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[30] As an example, see the comments of Prof. Reha Poroy about Arslanlı, in "Ord. Prof. Dr. Halil Arslanlı'nın Anısına", Halil Arslanlı'nın Anısına Armağan, İstanbul Üniversitesi Hukuk Fakültesi, 1978, XV-XVII, p. XVI; and the comments of Prof. Tekinalp's students and assistants about him in his *Festschrift*: "Sevgili Hocamız Ünal Tekinalp'e", Bilgi Toplumunda Hukuk – Ünal Tekinalp'e Armağan, C. I, İstanbul 2003, p. XXXIII.

[31] Erdil, Benzersiz Zamanlar, p. 104. Karayalçın also mentions the same definition. See, Karayalçın (Hirsch), p. 11.

[32] See the comments of Okutan Nilsson about Tekinalp (see above, p. 3).

[33] Hirsch also noted Arslanlı's efforts in raising the next generation of academics. See, Hirsch, Anılarım, p. 215.

[34] Karayalçın (Hirsch), p. 14; Doğanay, p. 43.

[35] Hirsch, Anılarım, p. 215.

man died? Would you be teaching?" Hirsch's reply was both heartfelt and profound: *"Such a great man has not died in my country,"* he said. This exchange reveals the deep admiration and reverence Hirsch held for Atatürk, the visionary leader whose reforms made Hirsch's work in Turkey possible.

In closing, I would like to acknowledge and express my profound respect and gratitude for the generations of educators who preceded us, whose dedication and vision have made our academic journey possible. Their tireless efforts and pursuit of excellence in scholarship fundamentally transformed the academic landscape in Turkey, paving the way for future generations to thrive and contribute to the advancement of knowledge.

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