

A Glimpse of Ankara Bar Association's History

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¹ This article was originally published in the Ankara Bar Association Journal, dated 1993, with copies of the reference documents annexed, therefore should be read within that context.

² "Those who cannot remember the past are condemned to repeat it".
"The function of the historian is neither to love the past nor to emancipate himself from the past, but to master and understand it as the key to the understanding of the present." (See Akşin, Sina Türkiye Tarihi, Osmanlı Devletine Kadar Türkler, Ank. 1987V. I. Page 11 for the Foreign authors of these quotations.)
³ Türkiye'de Savunma Mesleğinin Gelişimi (The Development of Advocacy Profession in Turkey) V. 1.1972, V. 2. 1973 (Publication. İst.) This substantial documentation, being compiled and prepared by Turkish Bar Associations, has too many shortcomings. (For instance The Law of the Legal Profession, the first document of advocacy for the whole country is treated completely inadequately by its articles. The famous Law on Attorney was not in the same part with its annex. The originals of the significant documents has been added to the last pages.)

⁴ Delmas, B. Archives. Ank. 1991 (Publication of General Directorate of State Archives), page 17.

⁵ See Kathpaha Yash Pal (Trans. Dr. Nomer, Nihal). The Protection and Restoration of Archive Materials Ank. 1990. Binark, İsmet. The Studies for the Development of Archives in the period of Republic and Republic Archive. Ank. 1991. XII The International Archive Congress (September 6th-11th, 1992 Montreal) (Publication of General Directorate of State Archives). Ank. 1992 (2 volumes). In our opinion, it is necessary to teach topics such as "archive and librarianship" as an independent subject or parts of a lesson. The efforts and contributions of those who are not conscious about

I - INTRODUCTION¹

I have been planning to do research about the history of Ankara Bar Association for some years. However, the difficulties of research delayed "my efforts" to do this job. These difficulties were not because of a lack of knowledge about the science of history or that subject is related to history but the real reason is that the resource materials were not in places with easy access.

Systematic data about the history and development process of institutions and associations is not only beneficial, but mandatory for the formation of ideals. To have the memory of the efforts in the past hidden in back of developments, is one of the reasons for the "breakdown and failure in the future."²

There is likely to be no official research about the historical development of some basic associations such as the Advocacies and Bar Associations. Comprehensive research, including all the years and volumes, should be done though cooperation between Bar Associations and Universities with proper financial support as well.³

This study is under the level of sufficiency. The absence of an established and organized archive caused a waste of time and wastefulness.

It is not inappropriate to hope to have contributions from distinguished lawyers and their articles volunteered for this research.

II - MATERIALS

1— ARCHIVES: An archive is the most reliable source of knowledge about the past. It has been stated that a government without an organized archive is not an "exactly – independent state."⁴ It would not be wrong to say the same about other institutions in the government. An archive is also defined as a "memory," which cannot be easily erased by the centuries"⁵.

In an archive facility, four essential features are necessary for it to be sustained; documents,

- SHOULD BE DETERMINED AND RESERVED (I),
- SHOULD BE PROTECTED (II),

- SHOULD BE CONTROLLED (III), and
- SHOULD BE PRESENTED TO BE USED (IV)".

It is not easy to say that our archives have the above-mentioned features. The process of "Determination and Destruction", information and the resources are in their last stage. There are no "Archivists." It would not be a false description if we define the archives to be "graveyards of documents." We are likely to think and accept that the meaning of the words "archive" and "junk" or "worn-out" are same.

a) Archives of the Ministry of Justice: Advocacy and the Bar Association are closely related to the Ministry of Justice within the scope of laws; for this reason, it is mandatory to send the reports of the "official process" to the Ministry. There are registers for every lawyer and "a bunch of folders" for every Bar Association in the Ministry. Moreover, the records from the pre-Republican period that are very valuable for the history of advocacy and law are waiting in the archive of the Ministry for researchers to set their hands on these records.⁶

I have greatly benefited from the archives of the Ministry of Justice; unfortunately, records before 1940, including the information about Ankara Bar Association, do not exist in the archive.

b) Archives of Ankara Bar Association: This title is just a wish. It is really sad to state that Ankara Bar Association has not technically had an archive since its foundation. This deficiency should definitely be corrected; this is not even the task of management or any other commissions, but the historians. After providing an appropriate place and a temporary archivist, it is necessary to protect the documents from "dust, moisture, mouse and mess" to institutionalize and transfer all these documents to the consciousness of the next generations.⁷

It is not possible for a researcher to come to a healthy conclusion amid the chaos of all existing advocacy and bar documents of the past. Establishment of an archive is very essential for our foundation, the history of our association and "to institutionalize" our past.

Until few years ago, the records of "our elderly lawyer colleagues" who were registered in the Ankara Bar Association in the foundation year "could not be found" in the cellar of the bar association except for the record of one lawyer. The resolutions of the first period "do not exist." "The original register-records" of the Foundation year and the following years "do not exist." (It is not possible to have historical accuracy for the documents of the past as long as the difference between the terms "cellar" and "archive" and the importance of this difference are not understood.)

The conclusion part of our article is "insufficient" because of the abovementioned shortage of materials. This means that our research shall continue and "an additional article" shall be written if we can get some materials.

2— MEMORIES: As a society, we do not have habit of keeping a diary or writing our memories. We have contacted with some of our

⁶ I would like to express my gratitude to the Department Chief for Advocacy, Mr. Ihsan Güler, for his contributions and to the Ministry of Justice for their archive and great interest. (The destruction of the old records of the bar association and advocacy, including the Constitutional Monarchy Period for manufacturing paper and sending them to SEKA (paper factory), were prevented just in the nick of time in the past years. If the New Advocacy Resolution enters into force, removing the wardship, it is an absolute must to set up a large archive with a modern method and Bar Association should request all documents/records and folders related to the advocacy and bar associations from the Ministry.

⁷ For this particular purpose, great strides have been made by the current board of Ankara Bar.

“senior” lawyer colleagues and asked if they had got any information about the foundation of the association from their colleagues. The answer we got is “no.” We do not criticize; however we can not “praise” “the memories and knowledge” of founders or professionals who worked during that period as the next generation because they did not protect the memories of the past.

3— RESEARCH: According to my research, there exists no study about the history of the foundation of the Ankara Bar Association. There are not even a few lines scratched about the foundation. It is inevitable to criticize not having “any news” in the published journals of the foundation period and the following years.⁸

4— NORMS IN LAW: It is essential to “scan the related legal principles” for the history of Advocacy and Bar Association. The most precious treasure for this subject is the “great work” of Serkis Karakoç⁹ but this work had not been published. It totaled 50 volumes, including an index of 10 volumes. The Turkish Bars Association has published a two-volume work, named “The Development of Advocacy in Turkey.” Even if it fills a great number of gaps, it leaves many still open.¹⁰ The publishing dates of legal principles and the enforcement norms are helpful resources for dating the foundations of institutions. This method is also used in our research.

5— OTHER MATERIALS: “The fresh resource” for our history of Advocacy and Bar Association was the “Muhamat” Journals, which were prepared by the Society of Attorneys in Istanbul, the capital city of that period. In this journal, there are original and satisfactory articles about the history of advocacy. This source is “as precious as gold” for the history of the pre-Republican period. Furthermore, it includes the preparation stages of the first advocacy law, serious discussions, and the tricky behaviors of the “makers of cheap shoes” up to the Ministry.... all these details are documented in the journal as history.¹¹

After the generation of the Muhamat journal, advocacy and the history of advocacy “owe” to the great lawyer, votary of advocacy Mr. Ali Haydar Özkent. He translated Muhamî (Lawyer) with Mr. S. Nuri and wrote 34 pages of the introduction regarding “Advocacy in Turkey” for the same book.¹² Muhamî was written by the President of Paris Bar Association, H. Repêr’e, and this book was originally

⁸ Although intensive studies about the history of Istanbul Bar Association have been published, the exact establishment date of the Istanbul Bar Association, set up with the name of Society of Attorney before the period of the Law of Legal Profession could not be stated. (only the year 1878). I believe that it is also beneficial to state a different method unlike the methods of the study of history to determine the establishment date of Istanbul Bar Association: After finding different

establishment dates as the results of researches, the establishment date of Istanbul Bar Association is stated as “April 5th 1878” based on the report of our distinguished colleague, Lawyer Mr. Osman Kuntman with the resolution dated 20.2.1975 and numbered 8/2 of the Board of Directors of Istanbul Bar Association. (This is probably the first resolution for determination of a date by decree of registration!) (See Ali Haydar Özkent- Lawyer/Muhamî Suphî Nuri (trans.), Ist. 1340, The Prologue of Özkent, Page. 15, Özkent, Ali Haydar. “The Handbook of a Lawyer”, ist. 1940. Page. 70 etc. for the foundation of Istanbul Bar Association. For other research, see Kunt-man, Osman. Lawyer, A brief history of advocacy in Turkey, Istanbul Bar Association and Bar association established by foreigners. (Journal of Istanbul Bar Association Year: 1988. Volume: 62. No: 4-6. Page. 254 -, and the studies mentioned in the same article.)

⁹ The exact name of the codex which is under protection in a private section of the Turkish Historical Society Library is: “Külliyât-ı Kavanin. Kavanin ve nizâmat ve feramin ve beravat ve iradât-ı seniyye ile mukâvelât ve umuma ait mukâvelâta muhtevîdir. (Metun/Texts). Karakoç, Serkis. Mülga Bâb-ı Âli Düstür encümeni Reisi ve Müdevvenât-ı Kanûniyye Müdür-i Sabiki”. I have been informed about the existence of such a valuable resource in one of the greatest conversations with Prof. Tahir Çağa. He has stated the absolute necessity of printing and presenting this resource to distinguished researchers and those who are interested in the history of law. He regretted the delay for printing this resource as well.

¹⁰ See the second footnote of this article. It is also inevitable to present the originals of the texts before 1927 in the annex or in another volume in such a publication as a matter of accuracy and documentation.

¹¹ Muhamat, Ist. 1327- The title of the first page of the first journal is “ID-İ MiLLi” (National Festival). It was written: “This journal, for the time being, shall be published at monthly intervals under the patronage of the Law Society” The level of the lawyers of the first generation shall be observed by a feeling of envy. When we read the articles of Artin Toptaş, A. Muhtar and the other professional lawyers, we could explicitly see where we are now about advocacy. (After reading this journal, I once again realized the necessity of knowing at least a foreign language for the lawyers). (Sometimes, I shall try to have quotations from this journal to our Journal of Ankara Bar Association.)

¹² Henri Reper (trans. Ali Haydar - Suphî Nuri). Muhâmî, ist. 1340. (The article of Mr. Ali Haydar about the brief history., pp. 7-40).

published by the Istanbul Bar Association. Mr. Ali Haydar Özkent wrote an 838-paged book called "The Handbook of the Lawyer" in 1940. Every lawyer should read this valuable book and understand the "profession and the art of advocacy."¹³

III – THE ORGANIZATION OF THE FIRST BAR ASSOCIATION ACCORDING TO POSITIVE LEGAL PRINCIPLES

Advocacy is as old as the history of humanity as an "advocacy and legal aid" institution. Somehow, in every period of time and in each society, "attorneyship and advocacy" have existed. For this reason, writing about the history of this profession and making additions to those are "far beyond the ability of a person."¹⁴

According to us, the legal principle that provided the opportunity of establishing a bar association in Turkey after the foreign countries is, "The Law on Attorneys" (Mehâkim-i Nizamiye Dava Vekilleri Hakkında Nizamname).¹⁵

This law organized "the advocacy profession", entry/dismissal to the profession, discipline and other relevant rules; set forth some rules and tariffs for the attorney's fee; formed a registration and listing system; classified the lawyers (created an exam to be promoted) and besides all of these, formed the first "professional body." The fourth part of the constitution consists of a total of ten articles (articles 31 to 40). It has the title of "The Foundation Form and the Duties of Society Of Attorneys". "The organization of society, executive and disciplinary boards, duties, methods of work and resolution, lists (roster), relation with the ministry" were comprehensively arranged in these articles. It is necessary to accept this normative organization dated (16/Zilhicce-The twelfth month of the Islamic calendar/1292), January 13th, 1876 as an official document, which has given the opportunity to establish "The Bar Association" even if its name was "Society."

The law (regulation) required a lawyer's "being a citizen/national right" condition. It is stated that the reason for this requirement could have been be agreement. The same requirement was not mandatory for the Şeriye Court. The reason for this situation could be the impact of the attorneys (dominant group) on those courts, being not authorized to be lawyers according to the regulation. The regulation includes only Istanbul because the reluctance occurs for other districts and the lack of maturity.

When the benefits of the "modern model" came into public appearance, the aforementioned regulation entered into force for the whole country in 1879.¹⁶ The date of regulation (or the regulation of the legal power) for the whole country forms the basis for the dates of the foundation of the Anatolian Bar Associations. For instance, a bar association in Ankara or in any other province except for Istanbul and

¹³ Özkent, Ali Haydar. "The Handbook of a Lawyer", İst. 1940. (Publishing the work without changing anything would be a great contribution).

¹⁴ It shall be benefited from foreign sources, memories, the history of socio-economic institutions, history of law, travel books and etc. for this subject. For instance, in the travel book (Seyahatname) of Evliya Çelebi (See the annex of this article, Document no: 8) he describes "Esnâf-ı Yazıcıyan" (Tradesmen as clerks/Street letter-writers) in Istanbul. He also mentions that, there had been 400 businesses and 500 clerk-advocates. (Evliya Çelebi Seyahatnamesi, Evliye Çelebi, Muammer Zili İbn-i Derviş, İst. 1313, Page 524.) (Ali Haydar Özkent, defines this group as the pioneers of our profession- without making any researches about far beyond those

studies for the past, (Özkent, A.H, The Handbook of a Lawyer, İst. 1940. Page 46, -). In my opinion, every idea about this topic would be assertive without finding all the materials of the very past.

¹⁵ Düstür, 1. Tertip, Volume: 3. Page 198-209. (This regulation has been published in the 1st Volume of "The Development of Advocacy" on page 3-11, and the part of instructions is between pages 228-234. It has been prepared by Bar Associations and translated into new alphabet.)

¹⁶ Özkent, Ali Haydar. "The Hand Book of a Lawyer," p. 75. Mr. Fikri Lütfi. (The president of İst. Bar Association. Journal of Muhamat.V. II. Page. 732. (The famous, special article for the history of advocacy, dated September 25th 1339, with the title of "Adliye Veklet-i Celilesine".

Rumeli should not have been established before 1879 and it would be strange to claim the bar associations were active before 1879.¹⁷

The question of when the First Turkish Bar Association or Istanbul Bar Association was established remains without a clear answer, such as detailed day and month.¹⁸

The system of this organization continued until 1923 with the opposition of lawyers who were not authorized to be attorneys, and their mutual conflicts. After a great deal of persuasion activity, the "Mekahim-İ Hukukîyede Vekaletin Serbest Olduğu Hakkındaki Tamin" (The circular, about being an attorney legally free) came into force in 1923 at the Ministry of Justice on behalf of the Minister of the Republic Government with the signature of Fahrüddin.¹⁹ According to this circular, that was considered to be a scandal, everyone had the opportunity to be an attorney, such as people from Karaman, grocers, shoe makers and etc.

This circular struck the authorities of the advocacy profession and sensible lawyers as a stimulant; after serious efforts, finally "The Law on the Legal Profession" was accepted.²⁰ Ali Haydar Özkent, in "The Memorial Rule" explains that the basis for advocacy and bar associations is "The Law on the Legal Profession" (Muhamat Or Mehamat).²¹

The third article of the law on the legal profession dated April 3rd, 1340 requires that if the number of lawyers practicing in a district reaches ten, they must establish a bar association in that district. The Law also prohibits performance of the legal profession without being registered to a bar association.²²

The second developmental stage of the history of bar associations and advocacy was "The Law On Legal Profession (Muhamat)." This period of time and the preparatory stages should be the object of serious analysis and inspection. Transition to this stage hides 48 years of a difficult process.

The first legal text, including the terms "Bar Association" and "Muhâmi/Lawyer" is "The Law on the Legal Profession." numbered 460 and dated April 3, 1340 (April 16-1924). Moreover, it was also the first document forming the legal and the comprehensive basis for the profession of advocacy.²³

The enforcement date of the law shall be a helpful reference to determine the foundation date of Ankara Bar Association.

¹⁷ The Turkish equivalent for the bar association has been the Society of Attorneys in the internal regulation of the Foreign Bar Association in Istanbul. (Özkent, A. H. The Handbook of a Lawyer, p 66). Distinguished lawyer Özkent has a footnote in one of his studies in the Journal of Muhamat. That is: "... It is believed that the use of foreign terms is inappropriate in our laws. However, it is necessary to use some internationally recognized terms." (This note has been written on the preparation stage of the law on legal profession.) Actually before the Law of Legal Profession, "Bar Association" has been used instead of the term "Society" and even The Ministry of Justice has formally used the term "Bar Association" in one of its official letters. In the articles of lawyers such as Özkent from the first-period, "Bar Association" has been preferred rather than the term "Society" and it has also been stated that the organizational structure of the Society of Attorneys is same with the Bar Association. Özkent, Muhamat/Lawyer. Page 19. Author has always used the term, "Cemiyet-i Dâime (Bar Association)". Mardîni İ. Paşazade A. Muhtar, Being Attorney, Lawyer and Advocacy in Our Country. (Journal of Muhamat, p. 148). See Journal of Muhamat, p. 689 for the phrase of Bursa Bar Association and the news about bar associations before 1924. Moreover see pages 331, 328-330 in the same journal for the use of this term.

¹⁸ See the 6th footnote of this article. Ali Haydar Özkent has stated almost in an implored manner in his articles in the establishment documents and actual information: "...I kindly request to enlighten this dark period of our history by documents and even memories, no matter NEW-OLD." (Lawyer, Prologue p. 17) It has been applied to the "records, rosters and the testimonies". See the same author, "The Hand Book of a Lawyer", Page 77.

¹⁹ See Journal of Muhamat, p. 668 for the texts of abovementioned circular.

²⁰ See Muhamat p. 670 for the original text of a great article written by Istanbul Bar Association to show its reaction to the circular. This article has been sent to the Ministry of Justice with the signature of the president. The preparation stages of the Law on Legal Profession were almost at the end of Balkan war. There had been serious preparation studies to enact this law on the contrary; there had been some people against the efforts of the legalization. The Ministry of Justice had stayed in the middle of the supporters and the opponents of legalization, the abovementioned circular had been the last straw and finally the law had been enacted. See the articles and the drafts in some prints of Muhamat. Moreover, Özkent, A.H. "The Handbook of a Lawyer". Page 98 and -.

²¹ The origin of the term "muhamat" derives from Arabic and it could be pronounced as "mehamat" as well. (Both pronunciations are correct.) Furthermore, "Düster" has also been written as "mehamat". There have been explanations about this topic in the discussion of the assembly. (See the texts of The Law on Legal Profession and the Preparation Studies, translated from Ottoman language into Turkish and planned to be published in the Journal of Ankara Bar Association.)

²² Above-mentioned Circular, Article 1, 7 and the other articles.

²³ Changing the principle "a lawyer should be a citizen" to "a lawyer should be from Turkey" has been envisaged in this law and whether this is a secret condition of Lozan Agreement had been asked in the assembly. (See the publication mentioned in 20th footnote of this article)

IV- THE FOUNDATION HISTORY OF ANKARA BAR ASSOCIATION

A – BEFORE THE LAW ON LEGAL PROFESSION (before 1924)

The answer to the question as to whether there was a "Society of Attorneys (Dava Vekilleri Cemiyeti)," or paraphrased as a "Bar Association" in Ankara before 1924, is not clear.

1- We know that there was a Society of Attorneys before the Law on Legal Profession in five provinces, including Istanbul.²⁴ However the names of those provinces are not clear in the sources. The provinces that can be discerned are Istanbul, Izmir and Berûsa (Bursa).²⁵ One of the other provinces could be Ankara because of its political position.

2- In "Our Previous Presidents" part of the "Albums" published by the Ankara Bar Association, a "professional organization" that existed before 1924 is mentioned and "Mr. Salih Sırrı" is referred to as the president of this organization. Since the beginning of the presidency term was there stated to be 1920, could we state that the previous professional organization was established in 1920?

a) Although the organization and the president Mr. Salih Sırrı were mentioned in the first rosters, there were no notes about the history of the presidency period.

b) The first thing that comes to mind is research that was carried on without any registration in the bar association and "the determination of the foundation history" was made by getting some useful information from the remaining attorneys (our elderly colleagues) from the first period. The method of reaching a conclusion by the use of the rosters had also been tried by the great professional lawyer Mr. Ali Haydar Özkent.²⁶

3- Another finding shall affect the abovementioned thesis in the opposite way: that is a "seal dated 1923" being in the safe custody of the Ankara Bar Association. In 1923, the term "bar association" was not declared in the Law on the Legal Profession and the dates on the seals should show the foundation date according to historical tradition. As a conclusion, what is the meaning of this seal dated 1923? The seal consists of letters and numbers before the new alphabet (Latin-Turkish Alphabet) was adopted. This means that the seal was engraved before 1927. Consequently, we must consider that there was a "Society of Attorneys" in the 1920s because of the political position of Ankara.

4- The previous duties of the lawyers exist in their abstract of the record.²⁷ However, in the abstract of the record of Mr. Salih Sırrı, who was the president of an organization before 1924, the duty of "the presidency of the organization" is not mentioned.²⁸

It is far beyond reality to conclusively determine the year of founding to be 1920 because correspondence with The Ministry of Justice is required for the classification of archives and research in accordance with the Law on Attorneys and this procedure shall take a long time. Finding the employee/register record of Salih Sırrı would also be a great contribution.²⁹

²⁴ Özkent, Ali Haydar. "The Handbook of a Lawyer," P. 104.

²⁵ See several news and the texts of telegraphs in Muhamat, p. 689.

²⁶ Özkent, Ali Haydar. "The Handbook of a Lawyer," P. 77. The same author, Lawyer, p. 17.

²⁷ The name of Mr. Salih Sırrı had not been stated in the roster/list of 1948 – 1949. It is clear that the studies were started after this year.

²⁸ According to the record of Mr. İbrahim Rauf Ayaşlı in the Bar Association, it has been stated that our first president, Mr. İbrahim Rauf Ayaşlı "had been elected on July 1st, 1940 for the presidency and resigned from the presidency under the family law on July 7th, 1932." (Even this is a satisfactory document for the establishment date of the bar association.)

²⁹ It has been declared that Mr. Salih Sırrı had been the president of the society (before The Law on the Legal Profession); however, the document for the approval of this claim has not been found yet. In his record, it says: "...This person has violated the Advocacy law (the correct version of this law is 'The law on legal profession') and the regulation of association. He had carried on commerce as a leading business and had not pay the subscription fee (99 Liras), thus he had been expelled from the association with a resolution of commission, dated January 20th, 1932 and numbered 247". If we assume that the abovementioned knowledge is correct, Mr. Salih Sırrı had not been in good relations with "silk-i muhamat". (We wish to be mistaken).

B – THE PERIOD OF THE LAW ON THE LEGAL PROFESSION:

We state precisely that the establishment date of the bar association in Ankara, in other words the establishment date of Ankara Bar Association in the period of the law on legal profession in accordance with this law, is definite. However, it is necessary to state that “the resolution of establishment and the texts of the law” do not exist. I shall continue my research to complete this study.

The Ankara Bar Association was established on July 14th 1924 (July 1st 1340 –according to the solar calendar used in Turkey until 1925).

1- The year of 1924 is evident in the published rosters. The published rosters are secondary sources and shall not be the actual evidence without the main source (document).³⁰

2- According to the Law on the Legal Profession, the membership date of the first professional colleagues was July 1st, 1340 in the records of the bar association. The registrations of the founder and the honorary members being on the foundation date or by the foundation date shall be pivotal contributions to a definite determination.³¹

3- One of the resolutions of the Disciplinary Board of Ankara Bar Association is in existence in the abstract of record of “Mr. Emin Halim,” one of the most senior lawyers of the Ankara Bar Association with register number 3137. A seal of the Ankara Bar Association exists in this resolution; however, the sample of this seal could not be found. “The presidency of Ankara Bar Association/dated July 1st, 1340” and the symbols of our flag were found on the seal. It is not possible to “write an incorrect establishment date” on a document prepared after approximately seven years. Even to find a simple document like the abovementioned took many weeks and more than thousand folders were analyzed.

4— The record of our distinguished president, Mr. İbrahim Rauf Ayaşlı, is also a valuable document to research our history. Our president passed away in 1953, but at the time the Ministry was informed about the situation and it was realized that the employee register folder of Mr. İbrahim Rauf Ayaşlı did not exist in the Ministry. The necessary information was requested from the Bar Association to form a record in the Ministry; the bar association sent the aforementioned document with a cover letter dated September 4th, 1953 to the Ministry of Justice by translating the document from the Ottoman language into the new alphabet. In 1953, we realized that the register document of Mr. Rauf Ayaşlı was in the cellar of the Ankara Bar Association. Unfortunately, this document cannot be located at the moment. The findings of the record prepared by the Ministry of Justice rescued us. It is stated in this document, dated September 3rd, 1340 that the Ankara Bar Association existed in that year. This document was in the Bar Association records, arranged 32 days after the establishment date. Thus, the determined establishment date is certified.³² It is understood from the document numbered four that the same person was one of the

³⁰ It could be stated that all documents and records about prosecution could be found in the cellar of Judiciary in the Prosecution Office, which was established with the Law on Attorneys. However, it is not possible to spend a lot of time “unknown efforts” in the cellar without an organized archive.

³¹ The establishment date had been 1924 on the rosters/lists of Ankara Bar Association including our distinguished presidents.

³² The numbers of the records had been mixed while translating the original texts from the Ottoman language into the new alphabet. According to our research, the first registered lawyers of the bar association in 1924 (1340) were as follows: Mr. Salih Surri

Mr. M. Kemâli (İst. 1296)

Mr. Ekrem (Ank. 1306)

Mr. İsmail Habîbî (İbradî Kadîlîğün-dan-From the office of Islamic judges)

Mr. Yusuf Ziya (Ayaş 1297)

Mr. İbrahim Rauf (Ayaş 1295)

Mr. Cemal Hazim (Dirana 1307)

Mr. Mümtaz (Ankara)

Mr. Cezmi

Mr. Râşit Hüsnü (1309)

Mr. Muhittin Baha (Bursa 1300)

(The abovementioned names have been determined by several studies on different records and searches for the registration dates to the bar association.) The membership date of Mr. Selahattin, who had been appointed as Financial and Legal Advisor could not be found. The order of his record is at the end of 1340 and at the beginning of 1341 (Record no: 12). Four or five of our colleagues (according to the position of Mr. Selahattin) were added to the number of lawyers in 1341 (1925). The number of lawyers was 11 or 12 in 1340. Moreover, 7 lawyers became the members of the association in 1342 (1926). It is also obvious that there were “a great increase of our colleagues” in the capital city of the establishment and independence period. Besides, a research should be done about “the bar associations of districts/ attorneys of other provinces on this list.

members of that famous discrimination commission by being the president.

It is essential to call attention to the fact that there were no case-books in the first periods of Bar Association and the resolutions had been written on documents by making notes of the document numbers for each document.³³

In accordance with the Law on the Legal Profession and the Regulation on Application of the Law on Legal Profession, it shall be inappropriate to claim another date (in some discussions, the establishment date is declared to be 1926) for the establishment of the Bar Association, since the profession of advocacy could not be performed without an organized Bar Association. For this reason, the Bar Association was legally established in 1924.³⁴

V-CONCLUSION

1- It shall only be a coincidence to determine the “Establishment Date of Ankara Bar Association” in terms from the current documents of the Ministry of Justice, Ankara Bar Association and Court of Justice without any organization and separation of the “Archive Arrangement.”

2- We could not know the definite establishment date of the Professional Organization before the Law on the Legal Profession (1924). According to the current findings, we could affirm the establishment date as 1920.

3- We determine the establishment date of Ankara Bar Association to the day, month and the year in the period of the Law on the Legal Profession, setting up the advocacy and the bar association on a normative basis at the level of laws and it is not open to a discussion: **Ankara Bar Association was established on July 14th 1924 (July 1st 1340 –according to the solar calendar used in Turkey until 1925).**

4- There were more than ten studies about the establishment date of the Istanbul Bar Association. Distinguished members of Ankara Bar Association should also make further research on this subject to contribute their work and efforts to this study.

³³ Document no: 1. We have learned from this document about our first president graduated from university with a successful degree (almost AA/karib-ul'ala) and worked in several departments of justice system. He became a lawyer after his resignation from the magistracy in the court of appeals. Our president states that, “Advocacy is “an honorary profession/meslek-i celte” and it is a great pleasure to hear such a sentence from our president.

³⁴ Document No: 3. Member (Aza): Mümtaz, 2. President (Reis-i Sâni): Cemal, 1. President (Reis-i Evvel) the date of the resolution with the signature of I. Rauf 3.1.1929, number (resolution number): 89. The resolution is as follows: “The transference of the registered lawyer, Mr. Muhyiddin with record number 406 has been requested from the Istanbul Bar Association to the Ankara Bar Association and the transference of this lawyer to the roster of Ankara Bar Association has been resolved unanimously at the end of a detailed analysis of necessary documents.” This document, being in the record of Ministry of Justice with register number 3137, has been written with “Arabic Alphabet” except for the signatures and dates. The Records of the same document in Istanbul Bar Association (The official letter of the Istanbul Bar Association to the Ankara Bar Association for the transfer) was written in the Latin/Turkish alphabet. This subject has slightly mentioned because of the comments about the execution date of the document, the date of the Alphabet Revolution (harf devrimi) and the documents with two different alphabets. (It has been understood from the records that the office of Mr. Muhittin was just a hotel room in Anafartalar.) Moreover, whether the resolution is lawful shall be open to discussion according to Article 11 of the regulation of the enforcement of the Law on Legal Profession, which states “it is mandatory to have a library in the office and determination of the names of the books.”³⁵ The Law on Legal Profession, Article 3, Regulation Article 4, 7.