

CHAPTER 6

LEGIST AND MUSICOLOGIST HÜSEYİN SADEDDİN AREL AS AN OTTOMAN BUREAUCRAT

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ABSTRACT

Hüseyin Sadeddin Arel (1880-1955) came to the fore as a musicologist, theorist, and composer in the Republic of Turkey. He conducted much research on music and published articles and journals. He did not, however, pursue his musical studies as a career because he was neither a musician nor a singer. Despite his musical and literary studies, his primary line of work was in law and bureaucracy. Arel, who completed his higher education in Mekteb-i Hukuk-ı Şâhâne (Rulership Law School) in İstanbul, graduating with the first rank in 1906, started to work as an officer in the Ottoman bureaucracy in 1895 while he was still in secondary school. Arel, a high-level bureaucrat until 1918, established the Turkish Lawyers Association during his practice as a freelance lawyer between 1928 and 1953 and ensured the Law of Land Registry and Cadastre. Arel, one of the key persons in the history of Turkish law, began his duties as a young officer in the Ottoman bureaucracy and continued them during the Turkish Republic -along with his musical and literary studies. However, his duties and studies in law and bureaucracy have not been sufficiently studied. Through his national and international law studies, it has been observed that Arel's research and pioneering aspect in music were also prevalent in his bureaucratic duties. In this biographical book chapter, besides Arel's musical studies, his work as a translator, clerk, director, assistant director, inspector, undersecretary, international delegate, and head of departments in the Ottoman bureaucracy, which covered another part of his life, is included.

Keywords: Hüseyin Sadeddin Arel, Legist, Bureaucrat, Musicologist, Ottoman Bureaucracy

Introduction

Many people, born in the Ottoman period, took part as artists, educators and researchers in the music and performing arts in the Republic of Turkey. Some of them have taken part in national and international music and performing arts as composer, performer, educator and researcher with their genetic and professional heritage from the family, and some with their purely individual talents and studies. When Hüseyin Sadeddin Arel, the subject of this study, is examined, it is seen that there is no known genetic heritage in his musical background, but he became a composer, educator, researcher and theorist over time with the private music lessons he took from the age of 10 (See Öztuna, 1986, pp. 79-104; Öztuna, 2006, pp. 71-96). In fact, in the non-musical part of his life, Arel worked as a clerk, translator, manager, assistant director, inspector, undersecretary, international delegate and head of department in the Ottoman bureaucracy as a professional job. Since Arel's bureaucratic duties were during the Ottoman period and his musical studies were prominent in the Republic of Turkey, the music community only knew him for his musical studies. However, it is seen that Arel's duties and studies in bureaucracy are as serious as his musical studies, and in fact, the bureaucratic infrastructure and state seriousness at an early age are also reflected in his musical studies. When his legal and bureaucratic studies are assessed in terms of the career theories (See Leung, 2008), Holland's theory seems suitable in terms of explaining Arel's career. According to John Holland's Career Choice Theory (RIASEC), when choosing a career, people prefer jobs where they can be with people who are similar to them. Behaviors are determined by the interaction between personality and environment. There are six personality types in this theory: "Realistic, investigative, artistic, social, enterprising, and conventional" (Holland, 1973, pp. 1-26) Briefly Arel's bureaucratic and jurist personality is analyzed with this theory in this chapter. In this study with a historical method, limited information on Arel's duties in bureaucracy was collected from accessible sources and analyzed with a descriptive data analysis technique, and findings were created. Thus, below, Arel's short biography and his duties and studies in the Ottoman bureaucracy are presented under two separate titles:

Hüseyin Sadeddin Arel's Short Biography

Hüseyin Sadeddin Arel was born in İstanbul (Vefa) in 1880. His father is Kazasker Dardağanzâde Hacı Mehmed Emin Efendi (1830-1910) and his mother is Fatma Zekiye Hanım (1848-1936). Arel is one of the ten children of Hacı Mehmed Emin Efendi, born from his three wives. He has two older sisters from his mother, their names are Behiyye Adoran (1876-1942) and Şadiye Kevser Hanım (1878-1926) (Öztuna, 1986, pp. 28, 32). Arel's family used the surnames Dardağan, Arsebük and Arel after the Surname Law (21 June 1934) (Öztuna, 1986, pp. 25-28; Sanal, 1991, p. 352). Arel's older half-brother, is a well-known legist Ali Haydar Arsebük (1853-1935). It is seen that Ali Haydar Arsebük and Hüseyin Sadeddin Arel were successful legists and bureaucrats by following the path of their father,

who were in the committee that prepared the first constitution of the Ottoman State, called *Kânûn-ı Esâsî* (23 December 1876) (Aydın, 1989, p. 396).

Arel started his primary education in *Taşmektep* (Stone School) and continued in *Şems-ül Maarif*¹ (Shams al-Ma'arif) and *Numûne-i Terakkî*² schools. Due to his father's appointment as regent (naib) to Izmir, he completed his secondary education at the French College and started to take private lessons in English, French and German languages. He completed his higher education in İstanbul in 1906, graduating from the *Mekteb-i Hukuk-ı Şahane* (Rulership Law School) with the first place. He married Fatma Pâkize (Germiyanogulları) Hanım (1891-1944) in 1907, the daughter of the Minister of Justice Abdurrahman Pasha. (Öztuna, 1986, pp. 11-12, 15, 43; Sanal, 1991). Arel's only child from this marriage is Naciye (Arel) Keskinoglu (1910-?), who graduated from the Prague Conservatory piano department and the first wife of the contemporary music composer Necil Kazım Akses (Öztuna, 1986, p. 43).

During her formal education, Arel also started to take private mandolin lessons from the age of 10, also took ney, girift, violin, turnak kemençesi and piano lessons in time, learned both Eastern and Western music in detail, but was not a performer in music, he was a composer, theorist, researcher, writer, publisher and an educator (Bkz. Öztuna, 1986, pp. 79-81; Öztuna, 2006, pp. 71-96). With his musical studies, Arel has made pioneering and innovative studies in the fields of Turkish music and Western style music in the Republic of Turkey (See Yöre, 2018). However, Arel was not only interested in music, but also in philosophy and especially metaphysics, even he wrote a philosophical story called *Denizaltında Felsefe* (Philosophy under the Sea) (See Arel, 1938a-d; Uğurlu, 2020) and a metaphysical and utopian "fantasy" (play), called *Fodul Dungal* (See Arel, 1938e).

İsmail Hâmi Danişmend (1955, p. 472), who is historian and Turkish language researcher mentions to Arel in his article "Büyük Adam" (The Great Man):

The greatest scholar of Eastern and Western music? He was a historian as much as a history expert, a prosody ("aruz") expert as a divan poet, a shari'a scholar like a mufti, a legal expert who would outshine his European peers, and he possessed a variety of cultures that would amaze connoisseurs of the unthinkable sciences (as cited in Ayaşlı, 1967, p. 2).

Arel, who started to work on music, for which he was well known, during primary education, started his bureaucratic studies by entering the civil service during his secondary education, and his bureaucratic studies are presented under the following title:

¹ It means The Sun of Great Knowledge, which is also the title of the Arabic book written by Imam Ahmad Bin Ali Al-Buni.

² It means 'example of progress'.

Hüseyin Sadeddin Arel's Bureaucracy Studies

Hüseyin Sadeddin Arel, who took part in the Ottoman bureaucracy as a clerk (pencil pusher) in İzmir Central County of Aydın Province at the age of 15 with the guidance of his father, continued his first job on a salary (March 23, 1896) after a seven-month internship.³ Arel, who was appointed to İstanbul on September 20, 1900 and started to work in the editorial office of the Ministry of Justice, worked as a translator from July 18, 1901, and as a clerk for four years from March 12, 1902 appointed to the seal and code directorate of the of Justice on February 7, 1907, he became the assistant general secretary seven months later (July 30, 1907). After the proclamation of Meşrûtiyet II (the Second Constitutional Monarchy) (July 23, 1908), he was promoted to the Ministry of Justice's private secretary on August 14, 1908. He became a member of the Maritime Trade Court for thirty-three days as a judge from September 28, 1909, and he was appointed to the court inspector of the province three Rumelia (Thessaloniki, Monastir and Kosovo) on November 1, 1909 and settled in Thessaloniki. Arel, who attended the International Law Congress held in Washington on March 16, 1910, as a delegate of the Ottoman State due to his knowledge of English, also visited Europe to make studies. Working at the Ministry of Justice again in İstanbul, he became the Director of Criminal Affairs on May 28, 1911, there is also information that he made reforms in prisons and detention procedures, and the Undersecretary on July 8, 1911. Arel, who became a member of the Public Works and Finance Department of the Constitutional Court on March 1, 1913, was appointed as the General Manager of Land Registry and Cadastre on July 8, 1914, where he carried out innovative work. In his last position in the bureaucracy, he was the Head of the Tanzimat Department of the Constitutional Court, starting from October 16, 1915, until December 1918.⁴ Arel, whose duty was terminated spontaneously due to the closure of this department, retired from the bureaucracy and worked as an independent lawyer for five years (1923-1928) first in Izmir and then for twenty-five years (1928-1953) in İstanbul (Öztuna, 1986, pp. 15-20; Sanal, 1991).

Arel resigned from the position of undersecretary of courthouse only once due to political reasons, and his successful bureaucratic career was changed by reshuffle or promotion. At the end of 1928, Arel took part in the bureaucracy for a short time as the Head of the Inheritance Law Commission of the Ministry of Justice in the Republic of Turkey. He resigned from this post after he prepared the first land registry and cadastre law, presented it to the Turkish Grand National Assembly (TBMM) and his law proposal had been accepted (Öztuna, 1986, p. 21-22).

Although Arel was offered the Presidency of the Court of Appeal, the Presidency of the Bar Association, the Presidency of the Council of State, the Ministry of Justice, the Governor and the Mayor of İstanbul due to his experienced bureaucrat and jurist, he did not accept any

³See BOA, DH. MKT, 2281/106, H-04.08.1317.

⁴See BOA, DH. SAİD.d, 95/147, H-29.12.1295.

of them, and in 1929 he became a permanent member of The Hague Court of Justice as a lawyer (Öztuna, 1986, p. 21-22).

Haydar Rifat Yorulmaz, a lawyer and writer, in his work titled *Kanûn- Medenî Şerhi (Detailed Description of the Civil Code)* stated that Arel first felt and revealed the need for cadastres when there was no idea of cadastres in Turkey yet. Emin Bey, one of the former notary publics of İstanbul, has the following thoughts on Arel's legist profession: "*His writings and words were examples of apothegm rhetoric. His ideas and analyzes were exemplary in legal literature*" (as cited in Berker, 1980, p. 2).

There are many important figure in Arel's family who served as jurist in Ottoman and republic periods. According to Sevig (1954, p. 2), Ali Haydar Arsebük represents the past in the field of law, his brother Hüseyin Sadeddin Arel and his niece Prof. Esat Arsebük⁵ (1885-1954) represents the future. Because Arel and Esat Arsebük had more progressive views and studies compared to insufficient legal process in the Ottoman Empire. When Arel was still a student, he criticized the teaching method followed in the law school and, as a result, his elder brother's knowledge with the statement that "*the country owes its legal knowledge to the fact that a willpower has not yet emerged*" (as cited in Sevig, 1954, p. 3). The republican regime enacted laws that were not enacted by the sultan, who did not want to enter the progressive time of Arel and thought that he could live outside of it (Sevig, 1954, p. 3).

Conclusion

The findings of this study, which focus on Hüseyin Sadeddin Arel's bureaucratic activities in the Ottoman Empire, reveal that he grew up in a bureaucratic environment and acquired advanced knowledge through the special education his father provided in addition to his formal education. With the infrastructure he acquired, his duty, which started as a clerk in the Ottoman bureaucracy from the age of 15, rose to the highest levels to represent the Ottoman Empire in the field of international law. It has been determined that Arel has always shown that he is a successful bureaucrat and lawyer during his duties in the Ottoman bureaucracy for about twenty-five years and during his thirty-year independent attorneyship process. Some observational opinions about his legalism also reflect his achievements and seriousness.

Along with these, it has been determined that although Arel 'conventionally' follows the legal and bureaucratic careers of his father and stepbrother in terms of the career theory, his progressiveness did not comply with the old Ottoman laws to which his father and stepbrother were bound and Arel wanted to work with definite and clear laws. In short, although Arel appears to have a "conventional personality" in his career choice according to theory, he is progressive and innovative in his practices, as Arel has 'artistic, investigative, and enterprising' personalities with its enthusiastic, critical, creative, innovative, exploratory characteristics.

⁵See Bilge, 1958.

Since Arel was known for his musical works in the Republic of Turkey, it was revealed in this research process that there were not enough resources about his duties in the Ottoman bureaucracy and his legal aspect. Beyond this study, which summarizes Arel's bureaucratic and legal studies that he carried out simultaneously with prominent musical studies. Interested researchers should also search for primary documents and examine Arel's legal conferences in the US and his texts that are stated to have been published in English, and his bureaucratic documents in the archives. Finally, it can also be considered that there are articles about his bureaucratic observations abroad in the magazine *Şehbal* (1909-1914), which he published.

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