

THE ROLE OF *VAKIF* INSTITUTION IN THE CONSERVATION OF *VAKIF* BASED
CULTURAL HERITAGE

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF NATURAL AND APPLIED SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

TUBA AKAR

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY IN RESTORATION
IN
ARCHITECTURE

MARCH 2009

Approval of the thesis:

**THE ROLE OF VAKIF INSTITUTION IN THE CONSERVATION OF VAKIF BASED
CULTURAL HERITAGE**

submitted by **TUBA AKAR** in partial fulfillment of the requirements for the degree of
**Doctor of Philosophy in Department of Architecture, Middle East Technical
University** by,

Prof. Dr. Canan Özgen
Dean, Graduate School of **Natural and Applied Sciences**

Assoc. Prof. Dr. Güven Arif Sargin
Head of the Department, **Architecture**

Assoc. Prof. Dr. Emre Madran
Supervisor, **Department of Architecture, METU**

Examining Committee Members:

Prof. Dr. Ömür Bakırer
Department of Architecture, METU

Assoc. Prof. Dr. Emre Madran
Department of Architecture, METU

Assoc. Prof. Dr. Can Binan
Department of Architecture, YTU

Assoc. Prof. Dr. Gül Asatekin
Department of Architecture, METU

Assoc. Prof. Dr. Mustafa Akpolat
Department of Art History, Hacettepe University

Date: 05.03.2009

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last Name: TUBA AKAR

Signature :

ABSTRACT

THE ROLE OF *VAKIF* INSTITUTION IN THE CONSERVATION OF *VAKIF* BASED CULTURAL HERITAGE

Akar, Tuba
Ph.D., Department of Architecture
Supervisor: Assoc. Prof. Dr. Emre Madran

March 2009, 202 pages

Founded by individuals for religious and charity purposes, the *Vakif* institution was the main institution in the construction and conservation of the built environment in the Ottoman period. Religious, charitable, municipal, educational, social and health services were provided by spaces such as *külliyes*, mosques, *medreses*, *hans*, baths, shops, etc. which were built through the *Vakif* Institution. As the underlying concept of the *vakif* institution was serving forever, the repair of these spaces – the *vakif* buildings – was accepted as a fundamental issue for ensuring the functionality and continuity of the *vakif*. With this aim, *vakif* institution set the legal, administrative, technical and financial bases for the continuity of the system within its autonomous and local structure in the classical Ottoman period.

With the westernization movements in the *Tanzimat* era, *vakifs* were gathered under a central institution called *Evkaf Nezareti*, which had a central budget and administrative structure. In the Republican period, the General Directorate of Pious Foundations (GDPF) took this centralized institutional structure as it was and since then GDPF has been the heir of the *vakif* institution and *vakif* heritage in Turkey. However, GDPF has still not adopted an effective conservation policy. GDPF's attitudes towards the conservation of the *vakif* cultural properties are far from the understandings of the classical *vakif* system.

Briefly, the change of the main concept of the *vakif* system after the classical Ottoman period can be considered as the main reason for the increased number of *vakif* buildings in ruinous state. From this perspective, this thesis aims at forming a model mainly based on adapting the positive aspects of the classical *vakif* system into the GDPF's conservation mechanism of *vakif*-based immovable cultural properties. The focus is given on the examination and comparison of the *vakif* system's past and present attitudes towards sustainable conservation. In this line, it is aimed to adapt the *vakif* systems'

applicable legal, administrative and financial approaches towards the conservation to GDPF within the limits of the current administrative and legal system. At another level, the functionality of the proposed model forming of the necessary administrative and legal arrangements is given importance.

Keywords: *vakif* institution, conservation, repair, *vakif*-based immovable cultural properties, General Directorate of Pious Foundations

ÖZ

VAKIF KÖKENLİ KÜLTÜR VARLIKLARININ KORUNMASINDA VAKIF KURUMUNUN ROLÜ

Akar, Tuba
Doktora, Mimarlık Bölümü
Tez Yöneticisi: Doç. Dr. Emre Madran

Mart 2009, 202 sayfa

Dini ve hayırservelik gayeleriyle kişiler tarafından oluşturulan Vakıf Kurumu, Osmanlı döneminde yapılı çevrenin oluşumunda ve korunmasında asıl kurum olarak çalışmıştır. Dini, hayri, beledi, eğitim, sosyal ve sağlık hizmetleri, vakıf kurumu tarafından inşaa edilen külliye, cami, medrese, han, hamam, dükkan gibi mekanlarla sağlanmıştır. Vakıf kurumunun altında yatan temel kavram olan sonsuza dek hizmet etme anlayışı ile, bu mekanların -vakıf yapılarının- onarımı işlevsellik ve vakfın sürekliliği için temel mesele olarak kabul edilmiştir. Bu amaçla, Klasik Osmanlı döneminde vakıf kurumu, sistemin sürekliliği için yasal, yönetsel, teknik ve finansal esasları kurumun özerk ve yerel yapısı içerisinde kurmuştur

Tanzimat dönemindeki batılılaşma hareketleri ile vakıflar, merkezi bütçe ve merkezi örgütsel yapıya sahip bir kurum olan Evkaf Nezareti altında toplanmıştır. Cumhuriyet döneminde Vakıflar Genel Müdürlüğü (VGM) bu merkezi kurumsal yapıyı aynen devralmış ve oğünden bu yana VGM, Türkiye'de vakıf kurumu ve vakıf mirasının varisi olmuştur. Fakat, VGM hala etkili bir koruma politikası oluşturamamıştır. VGM'nün vakıf kültür varlıklarının korunmasına yönelik davranışları klasik vakıf sisteminin anlayışından uzaktır.

Özet olarak, Klasik Osmanlı döneminden sonra vakıf sisteminin temel esasının değişimi, vakıf yapıların harap durumunun artmasının temel sebebi olarak değerlendirilmiştir. Bu bakış açısıyla bu tez, temel olarak klasik vakıf sisteminin olumlu yönlerini, VGM'nün vakıf kökenli kültür varlıklarını koruma mekanizmasına uyarlayan bir model oluşturmayı amaçlamaktadır. Vakıf sisteminin sürdürülebilir korumaya yönelik mevcut ve geçmişteki tutumlarının incelenmesi ve karşılaştırılmasına odaklanılmıştır. Bu doğrultuda, vakıf sisteminin korumaya yönelik uygulanabilir yasal, yönetsel ve finansal yaklaşımlarının,

mevcut yasal ve yönetsel sistemin sınırları içerisinde VGM'ye uyarlanması amaçlanmıştır. Ayrıca, önerilen modelin işlevselliği için gerekli yasal ve yönetsel düzenlemelerin oluşturulması da hedeflenmiştir.

Anahtar Kelimeler: vakıf kurumu, koruma, onarım, vakıf kökenli taşınmaz kültür varlıkları, Vakıflar Genel Müdürlüğü

ACKNOWLEDGMENTS

First of all, I would like to express my sincere thanks to my supervisor, Assoc.Prof.Dr. Emre Madran, for his assistance and suggestions throughout the study, for sharing his personal archives and for his invaluable discussions on the subject during my site surveys. I would also like to thank all my jury members, Prof. Dr. Ömür Bakırer, Assoc.Prof.Dr. Can Binan, who were also the members of my thesis examining committee, and Assoc. Prof. Dr. Gül Asatekin and Assoc. Prof. Dr. Mustafa Akpolat for their important suggestions and comments.

I would like to thank to Prof.Dr. Özer Ergenç and Prof.Dr. Bahaeddin Yediyıldız, who guided me in shaping my knowledge and point of view in examining the Ottoman history, archival documents and *vakıfs*. Special thanks go to Dr. Hülya Taş who always answered my questions and guided me on Ottoman history. I would like to mention the officials of the General Directorate of Pious Foundations and Gaziantep Regional Directorate of Pious Foundations and the officials of the library of the Turkish Grand National Assembly. Dr. Rahmi Tekin and Dr. Hüseyin Çınar shared their documents taken from the archives of the GDPF with me at the very beginning of the study when the archives of the GDPF was closed to researchers. I express my thanks to Dr. Hasan Yüksel who sent me his unpublished article.

My friends and colleagues Çağla Caner Yüksel and F. Nurşen Kul always listened to my grumbles and I would like to thank them for making it possible to easily discuss all the stages of my thesis. I would like to thank A. Ege Yıldırım who found one of the required sources in the USA, one which I could not locate in Turkey. Special thanks go to B. Nilgün Öz who helped me with the editing of certain parts of the thesis. And thanks to all of my friends whom I can not mention in name but who have always been there for me and listened to me during this long period.

I would especially like to thank to my sister and my father who were always with me on my site surveys when I needed them. Finally, I would like to thank all my family for their endless support in making this thesis possible.

To my loving mother and father

TABLE OF CONTENTS

ABSTRACT	iv
ÖZ	vi
ACKNOWLEDGMENTS	viii
DEDICATION	ix
TABLE OF CONTENTS	x
LIST OF TABLES	xiii
LIST OF FIGURES	xiv
ABBREVIATIONS	xvi

CHAPTERS

1. INTRODUCTION	1
1.1 Definition of the Problem	1
1.2 Aim and Methodology of the Study	3
1.3 Sources of the Study	6
1.4 Content of the Study	8
2. VAKIF INSTITUTION BEFORE THE REPUBLICAN PERIOD	10
2.1 <i>Vakıf</i> Institution in General	10
2.1.1 General Features of the <i>Vakıf</i> Institution	12
2.1.2 A New Era for the <i>Vakıf</i> Institution: Centralization	25
2.1.3 General Evaluation of the <i>Vakıf</i> Institution	30
2.2 <i>Vakıf</i> Institution and Conservation Activities	33
2.2.1 Legal, Administrative and Financial Aspects of <i>Vakıf</i> Institution related with Conservation Activities in Classical Ottoman Period	34
2.2.1.1. Legal Aspects	36
2.2.1.2. Administrative Aspects and Repair Process of the <i>Vakıf</i> Buildings	41
2.2.1.3. Financial Aspects	44
2.2.1.4. General Evaluation	54
2.2.2 Legal, Administrative and Financial Aspects of <i>Vakıf</i> Institution related with Conservation Activities in <i>Tanzimat</i> Period	55
2.2.2.1. Legal Aspects	55
2.2.2.2. Administrative Aspects	56
2.2.2.3. Financial Aspects	58

3. VAKIF INSTITUTION IN THE REPUBLICAN PERIOD AND THE CURRENT LEGAL, ADMINISTRATIVE AND FINANCIAL ORGANIZATION OF CONSERVATION IN TURKEY WITH SPECIAL EMPHASIS ON VAKIF INSTITUTION	60
3.1. Legal, Administrative, Financial Aspects of Conservation and Conservation Policies of <i>Vakif</i> Institution in the Republican Period	61
3.1.1. Legal Aspects	62
3.1.2. Administrative Aspects.....	69
3.1.3. Financial Aspects	71
3.1.4. Conservation Policies of GDPF	80
3.1.5. General Evaluation of the <i>Vakif</i> Institution in the Republican Period	85
3.2. The Current Legal, Administrative and Financial Organization of Conservation in Turkey	85
3.2.1. Legal Organization of Conservation	85
3.2.2. Administrative Organization of Conservation.....	88
3.2.3. Financial Organization of Conservation.....	89
3.3. <i>Vakif</i> Institution in the Current Legal, Administrative and Financial Organization of Conservation in Turkey	93
4. THE NECESSITY FOR A NEW MODEL : GENERAL EVALUATION OF VAKIF INSTITUTION WITH SPECIAL EMPHASIS ON THE HANDICAPS OF THE CURRENT SYSTEM.....	98
4.1. General Evaluation of the <i>Vakif</i> Institution's Mechanism Towards the Conservation of Buildings Throughout the Institutional Change it has Experienced...	98
4.2. The Comparative Examination of the Classical <i>Vakif</i> System with Current <i>Vakif</i> Institution Concerning Their Approach in the Conservation of Cultural Properties ...	105
4.3. Conservation and Using Problems of <i>Vakif</i> -Based Cultural Properties with Emphasis on Historical Commercial Centers of Kahramanmaraş and Gaziantep ...	124
5. A NEW MODEL FOR THE CONSERVATION OF VAKIF-BASED CULTURAL HERITAGE	134
5.1. Towards a New Model: Collection of Necessary Data	134
5.2. Building up The Model	141
6. CONCLUSION	147
6.1. Conclusion	147
6.2. Suggestions for Future Studies	152
BIBLIOGRAPHY	154

APPENDICES	170
Appendix A: Financial Aspects of Conservation in the Budget Laws of GDPF	170
Appendix B.....	179
B.1. General Characteristics & Conservation Problems of <i>Vakıf</i> Based Immovable Cultural Properties in Historical Commercial Center of Kahramanmaraş	179
B.2. General Characteristics & Conservation Problems of Vakıf Based Immovable Cultural Properties in Historical Commercial Center of Gaziantep.....	190
Appendix C: Glossary	198
CURRICULUM VITAE.....	202

LIST OF TABLES

TABLES

Table 3.1. The Comparison of the Old <i>Vakif</i> Law numbered 2762 dated 1935 with the New <i>Vakif</i> Law numbered 5737 dated 2008.	66
Table 4.1. Positive and negative aspects of classical <i>vakif</i> system and the current system concerning the conservation of buildings.	117
Table 5.1. Collected data	138
Table A.1. Fuel Consumption Fund in GDPF's Budget	170
Table A.2. Treasury Aid in GDPF's Budget	170
Table A.3. The ratio of Conservation Expenses in the Budget Laws of GDPF	173
Table A.4. Expenses and Incomes in GDPF Budget and State's General Budget	176
Table B.1. Properties of GDPF in the HCC.....	182
Table B.2. <i>Vakif</i> immovable properties in the city center of Gaziantep	193

LIST OF FIGURES

FIGURES

Figure 2.1. The partnership of the state-society-individual trio in establishing <i>vakif</i>	32
Figure 2.2. Financial mechanism of repair of <i>vakif</i> buildings.....	45
Figure 2.3 The ratio of repair expenses in overall expenses in Süleymaniye <i>Vakif</i>	47
Figure 2.4 The ratio of repair expenses in overall expenses in Süleyman Paşa <i>Vakif</i>	48
Figure 2.5 The ratio of repair expenses in overall expenses in Bursa İvaz Paşa <i>Vakif</i> . ..	49
Figure 2.6. Repair of <i>vakif</i> buildings	53
Figure 3.1 Turning points in the legal and financial structure and in operational condition of GDPF.....	62
Figure 3.2 The shares which GDPF have put aside for the conservation of the immovable cultural properties between the years 1924-2002.....	73
Figure 3.3 The ratio of the share for the conservation of the immovable cultural properties in the total expense and income between the years 2003-2007.	75
Figure 3.4 The ratio of the budget of GDPF to state's general budget since the Republic	76
Figure 3.5 The ratio of the share of Fuel Consumption Fund, which is transferred to GDPF, in the annual income of GDPF	77
Figure 3.6 The ratio of treasury aid in the total income of GDPF.	78
Figure 4.1._Conservation approach in the classical <i>vakif</i> system.....	100
Figure 4.2. <i>Vakif</i> heritage from Ottoman to today.....	105
Figure B.1. HCC of Kahramanmaraş and near surrounding	180
Figure B.2. <i>Ulucami</i> and the HCC.....	181

Figure B.3. Building Types	183
Figure B.4. Ownership Pattern.....	185
Figure B.5. Legal Status in the HCC	187
Figure B.6-7. <i>Kavafklar Çarşı</i>	188
Figure B.8-9-10. <i>Bezirgan Çarşı</i>	189
Figure B.11-12. Shops in the <i>Belediye Çarşı</i>	189
Figure B.13. Location of the HCC	190
Figure B.14. Ownership pattern in the HCC of Gaziantep.....	192
Figure B.15. Conservation plan of Gaziantep	194
Figure B.16. Condition of preservation	195
Figure B.17-18. <i>Millet Han</i> and <i>Şıra Han</i>	196
Figure B.19-20. <i>Emir Ali Han</i> and <i>Kemikli Bedesten</i>	196
Figure B.21-22. <i>Mecidiye Han</i> and <i>Yeni Han</i>	197

ABBREVIATIONS

EU: European Union

GDPF: General Directorate of Pious Foundations

HCC: Historical Commercial Center

HCCNP: High Council for Conservation of Cultural and Natural Properties

KUDEB: Preservation, Implementation and Control Bureaus

RCCNP: Regional Council for Conservation of Cultural and Natural Properties

RDPF: Regional Directorate of Pious Foundations

RTUK: Radio and Television Higher Council (*Radyo ve Televizyon Üst Kurulu*)

TGNA: Turkish Grand National Assembly

TOKI: Housing Development Administration of Turkey

TUIK: Turkish Statistical Institute

UNESCO: United Nations Educational, Scientific and Cultural Organization

VGM: General Directorate of Pious Foundations (*Vakılar Genel Müdürlüğü*)

CHAPTER 1

INTRODUCTION

1.1. Definition of the Problem

In Turkey, there are remains of numerous civilizations that need to be preserved and they diversify in terms of their periods and spatial qualities. Considerable part of this cultural property is made up of monumental and residential architectural examples dating to the Seljuk, Principalities and Ottoman periods; together these can be defined as the Turkish-Islamic period. It is seen that the buildings constructed in this period, especially public buildings and significant part of the residential architecture came into existence by means of the *Vakıf* Institution, which executed both the construction and maintenance activities of the period.

Vakıf, in general, can be defined as the allocation of private property for the eternal use of public with the aim of religion and charity¹. In doing so, while the individual gets religious, social, political, and economical benefits, the state's responsibilities of providing for public and social necessities of the society are made available in spaces such as *külliyes*, mosques, *medreses*, *hans*, baths, shops etc. built through the *Vakıf* Institution. With the act of *vakıf*, the property is no longer a private property; it becomes the property of God and it gains an untouchable character. Considering these features, the eternity of *vakıf* is primarily aimed. The continuity of the *vakıf*, whose physical presence comes into existence with architectural spaces of various qualities, is ensured by the continuity of these spaces. Therefore, *Vakıf* Institution takes the repair of buildings as the primary stipulation in its legal, administrative and financial organization, which provides the operation of the system.

Vakıf Institution, based on individual enterprise until the 19th century, had an autonomous structure; with the foundation of *Evkaf Nezareti* in 1826 it resorted to centralization. Among the reasons of this centralization movement are the degeneration in the *vakıf* system in time, and maintenance of *vakıf* buildings whose *vakıfs* did not operate sufficiently due to lack of income or being extinct. Before the westernization period, *vakıfs* have functioned in local scale with autonomous income sources, budget and administrative staff, whereas after the foundation of *Evkaf Nezareti*, the institution gained a central budget and administrative

¹ While only the general meaning and basic information on *vakıf* are given here, the term "*vakıf*", its different definitions and its application in the Ottoman period are explained in Chapter 2.1.1. p.10-25 in detail.

structure. With the economic and political condition of the period, the incomes of the *vakıf* slowly vanished and at the end *Evkaf Nezareti* is defined as the destroyer of the *vakıfs*, not the savior (M.Nuri Paşa, 1992:287). *Evkaf Nezareti* was replaced by *Evkaf* General Directorate in 1924; at present it serves as the General Directorate of Pious Foundations (GDPF) in the same statue.

Today, considerable part of the buildings which are constructed through the *vakıf* system and which belong to *mazbut* or *mülhak vakıfs*² have gained the status of cultural property to be preserved. The immovable cultural properties that the GDPF owned constitute 82%³ of the monumental cultural property of the country. Moreover, according to the current legislation, the General Directorate of Pious Foundations is responsible for the conservation and utilization of the *vakıf*-based⁴ immovable cultural properties. This gives an important responsibility to the GDPF in the conservation of cultural properties.

However, the General Directorate of Pious Foundations, as the heir of the old *vakıf* system, is far from the main and primary principle of old *vakıf* system, along with its central administration and financial organization dependent on the state. This principle lays down the repair of buildings as a primary condition for ensuring the continuity of the *vakıf* and in order to realize this, continuous maintenance and repair are suggested with the sources allocated to that building. However, GDPF has still not adopted a clear conservation policy with technical, administrative and financial foundations that remained effective during the Republican period. Also, GDPF as a central institution dependent on the state is involved in the bureaucracy of the state, which makes it inactive and unable to sufficiently accomplish the acts expected from it. On the other hand, the restoration activities carried out by the institution intensively in recent years are not a result of a comprehensive, continuous and autonomous institutional conservation policy; the acceleration is more due to political reasons. However, taking into account the number of cultural properties that GDPF owns and the concept of repair which is originally put forward and developed by the *vakıf* system, GDPF has a potential role in defining and undertaking the conservation policy of the country's immovable cultural property.

² *Mazbut vakıf* and *mülhak vakıf*, are the *vakıfs* which were founded before the civil code dated 1926. According to the *Vakıf* Law no 2762 dated 1935, while *mazbut vakıfs* are administered by GDPF, *mülhak vakıfs* are administered by their *mütevellıs* and supervised by GDPF.

³ According to the report of TUIK about GDPF, the institution has 19.656 registered cultural property in 2007. Ministry of Culture and Tourism, on the other hand, stated the number of registered cultural and natural properties as 81.887 all around Turkey. From the list of TUIK it is seen that GDPF has 19.577 registered cultural property with monumental quality (except residential architecture). And there are 23.857 registered cultural property with monumental quality around Turkey when the number of residential architectures, natural properties, ruins and registered streets are eliminated from the total number. From these data it can be said that GDPF owns (under its administration or supervision) 82% of the registered monumental cultural property in Turkey.

⁴ The term "*vakıf* based immovable cultural property" is used to indicate all of the immovable cultural properties which were constructed through the *vakıf* institution, regardless of their current ownership. Detailed explanation is given in Chapter 4.3. p:126.

At another level, some part of the *vakif*-based cultural properties is currently under another ownership apart from the *vakif* system due to the reasons such as being sold or being allocated to various public institutions and foundations. Nevertheless, major part of the *vakif*-based cultural properties belongs to GDPF.

Besides the complexity in the ownerships of the *vakif*-based immovable cultural properties, the conservation activities conducted by GDPF, private or corporate bodies and municipalities etc. are far from the main approach of the *vakif* system that suggests continuous maintenance and simple repair. In an opposing manner, GDPF's approach is more comprehensive in its repair of *vakif* buildings. With no regard for the future, comprehensive but short-term repairs are carried out with unplanned allocation of funds and then the buildings are forgotten until the need of next repair. However, conservation of the cultural properties should be based on the concept of continuous repair that is not influenced by personal and political reasons; in order to realize this there must be a financial, technical and organizational mechanism.

Buildings which were constructed by means of *vakif* and most of which are now accepted as cultural property, provided their continuity with the concept of *vakif* system, which base on the repair of the buildings for continuity of the *vakif* with legal regulations, financial and administrative organizations which execute continuous maintenance and repair.

Briefly, reasons such as fundamental changes of the principles and bases of classical *vakif* system⁵ and the absence of the continuity of monetary funds are seen as the contemporary problems in the conservation of *vakif*-based cultural heritage.

1.2. Aim and Methodology of the Study

As pointed out above, *vakif* institution was the main institution in the formation and conservation of the built environment before the *Tanzimat* era. The institution stipulated the repair of the *vakif* buildings as the primary task for providing the revolving and continuity of the system. The change in this main understanding and the institutional structure of the *vakif* institution after the *Tanzimat* period caused increase in the ruinous condition of the *vakif* buildings due to lack of efficient repairs. Also in the Republican period GDPF has not played an important role in the conservation of *vakif*-based cultural heritage in Turkey although the *vakif* culture that it has inherited played such an active role in the repair of

⁵ The term "classical *vakif* system" refers to the *vakif* application in the classical Ottoman period, which is explained in detail in Chapter 2.1.1 p:12-25.

buildings in the classical Ottoman period. In this line, this thesis puts forward the hypothesis of “the conservation of buildings created by the *vakıf* system and protected by this system for many centuries can be preserved through adapting the positive sides of the *vakıf* system into the current mechanism”. From this perspective, this thesis aimed at forming a model for the conservation of *vakıf*-based cultural properties that is based on the positive sides of the classical *vakıf* system in terms of legal, administrative and financial organization.

This model does not aim at changing the current status (in means of possession) of the *vakıf*-based cultural properties into their initial *vakıfs*, but it aims to provide the conservation of the buildings with the attitude which includes the legal, administrative and financial arrangements for continuous maintenance and repair by being based on the classical *vakıf* system. Furthermore, this model only includes the *vakıf* properties which have cultural property qualities. These are the *vakıf* properties belonging to *mülhak vakıf*, *mazbut vakıf* or GDPF. Non-Muslim foundations and the *vakıfs* founded after the Turkish Civil Code are not the subject of this thesis.

The study deals with various topics. The first one is to learn about the *vakıf* system and detailed approach of the *vakıf* institution in relation with conservation activities. It also includes institutional changes on conservation interventions throughout history to depict positive and negative sides. Since the thesis aims to form a model for conservation to be executed at a public institution in Turkey, the *vakıf* institution and current legal, administrative and financial mechanisms for the conservation of cultural properties are analysed in detail.

The changes seen in the *vakıf* organization throughout history necessitates to examine the *vakıf* institution based on two criteria: “period” and “theme”. In this case the theme of *vakıf* institution is separated into two parts: the first part is about the general framework of *vakıf* institution while the second part is on the the relation of the *vakıf* institution and the conservation acts. Both parts, with the change of *vakıf* institution in history are separated into subtitles and analysed. Nowadays, *vakıf* instution with its versatile composition in many disciplines, such as history, law, economics, philosophy, theology, architecture etc. constitutes various research topics. However, throughout the thesis, *vakıf* institution is examined with the aspects related with the formation of the built environment and its conservation.

Within the context of the thesis, examination of the *vakıf* institution and conservation activites have special importance. By taking into consideration the organizational change of *vakıfs*, the *vakıf* institution and conservation activities are examined in three periods: classical Ottoman period, Tanzimat period and Republican period. Furthermore, to examine

the subject in detail with all its aspects, vakif institution and conservation activities are studied with its legal, administrative and financial aspects under the three main period of the *vakif* institution.

The aim of this thesis is not only to construct a theoretical model, but also to evaluate current problems and potentials of *vakif*-based cultural properties. In order to propose a model including the correct attitudes, the data coming from the problems and potentials of the *vakif*-based cultural properties is used for build the model and show its feasibility.

With this aim, historical commercial centers (HCC) of the cities, which include considerable amount of *vakif*-based cultural properties with all kind of problems and potentials are examined. These areas are important in terms of including two different types of *vakif* properties: first one is *hayrat* buildings such as mosque, *medrese*, tomb etc. and the second type includes *hans*, baths, *bedestens*, shops etc. which are classified as *akar*. According to the administrative status, some of the buildings are *mazbut vakif*, which are under the administration of the GDPF, and some of them are *mülhak vakif* which are administrated by a *mütevelli* and controlled by GDPF. Some of them are private properties under the control of their owners. Some of the cultural properties which are under private ownership are originally *vakifs* but became private property through selling⁶.

The conservation problems of the *vakif*-based cultural properties, located in HCCs and still used and/or having usage potentials, diversify in terms of quality and scale. This makes conservation interventions even more complicated. In addition to this, functional values, potentials for contemporary uses and economic values are important aspects to be considered and are taken as potentials for conservation interventions and the model that is designed.

Based on this, HCCs of Kahramanmaraş and Gaziantep are examined comprehensively due to various potentials and problems of their *vakif*-based cultural properties in building scale and their coexistence in urban scale. Within the context of the thesis, this data is handled with the aim of sampling the problems and potentials of the *vakif*-based cultural properties, and at a more general level, they are used in order to design the proposed model for the conservation of all *vakif*-based cultural properties.

In other words, it is aimed to form a model in the conservation of *vakif*-based cultural heritage by regarding legal, administrative and financial organization of GDPF, current legal,

⁶ On the other hand, some of them existed as direct private property which has been seen since the second part of 19th century.

administrative and financial organization related with conservation of the cultural property in the country, the problems of existing *vakif*-based cultural properties and by adapting the positive sides of the classical *vakif* system into the current conservation mechanism of *vakif* buildings.

It is necessary mention the methodology used in writing the text of the thesis. There are a lot of words that originate from Ottoman Turkish or Arabic that are difficult to translate. On the other hand, at present there are some disorders or different uses in the translation of these words among scholars. Therefore some principles are determined to avoid confusion. Words/terms of the Ottoman language; words/terms which are already being used in English as in their original language by scholars, and words/terms which do not have complete translation or have different translations are used in their original form and written in italic style. For instance *darüşşifa*, *imaret*, *bedesten*, *mütevelli* etc. The word “*vakif*” is translated as “*waqf*” or “*wakf*” in English written sources, but it was preferred to use its Turkish spelling in this thesis as it accurately covers the original Arabic word. Words/terms which have already settled in English and are well known, such as mosque, caravanserai, bath etc. are used in their English spellings. Private names are used as they are in italic. All of these words/terms are explained in the glossary of the thesis. In forming the glossary, Ottoman Turkish to Turkish and Turkish/Ottoman to English dictionaries are used. In addition, especially the sources, glossaries and styles of Halil İnalçık (1989), Suraiya Faroqhi (1999) and Howard Crane (2000) are taken as models.

1.3. Sources of the Study

The sources that are evaluated in this thesis are classified as:

- **Primary Sources:** *vakfiyes*, account books and *vakif* legislation
- **Secondary Sources:** Published bibliographic sources related with *vakifs*, *vakif* institution, the sources observing *vakif* legislation, the sources related with Ottoman history, state’s financial and administrative structure and its applications, sources observing *vakif* and conservation relation, GDPF publications.
- **Official documents of the Republican Period:** budget laws, final account laws of GDPF and the state, laws related with the conservation of cultural heritage.

It is necessary to explain the data including in *vakfiyes*, account books, *vakif* legislation and budget laws which are the original sources that are examined and evaluated throughout the thesis.

Vakfiyes: documents giving *vakıfs* their legal status, which are prepared in the presence of the *vâkif*, witnesses and *kadı* that include information on the *vakıf*'s identity, aim, possessions, the staff that will work there and determine the expenses⁷. Within this thesis, the stipulations for conservation of buildings in *vakfiyes* are evaluated initially. In *vakfiyes*, there are prerequisites determined by the *vâkif* for the conservation of buildings, financial resources, the staff that will work in the repairs, prayers and curses about the preservation of buildings. Examining these data, the *vakıf* institution's attitudes and approaches related with conservation of buildings in the Ottoman period are described. The second field that *vakfiyes* are used for is to explain the management of repairs in G.Antep and K.Maraş HCCs through *vakıfs*. Part of the *vakfiyes* that are observed are published especially in *Vakıflar Dergisi* or in some related publications. The *vakfiyes* belonging to G.Antep and K.Maraş are taken from GDPF's archive. Most of them are translated by GDPF translators.

Account Books: notebooks in which annual income and expenses of *vakıfs* are written. These notebooks include important information about the operation of *vakıfs* when compared with *vakfiyes*. While *vakfiyes* define in general how a *vakıf* operates, account books include more realistic information about the operation of the *vakıf*. They include the quality and quantity of all expenses and income of the year. Most of the *vakıf* account books, which are published in limited numbers, were studied by Ömer Lütfi Barkan. The study of Tevfik Güran was evaluated as an important source in terms of following the period. Güran's study dealt with the account books of two big *vakıfs*, thorough which approximately 250 years of a *vakıf* can be followed. The thesis also examines *vakıf* account books to depict the amount allocated by *vakıfs* to the repair of buildings and the percentage of these within their annual expenses. In this way, data in publications were sometimes directly used or sometimes they were used by making calculations and charts to define the proportion transferred to conservation interventions.

Vakıf Legislation: decisions or regulations related with *vakıfs* during the Ottoman period. The main source is "*İthaf-ül Ahlâf Fi Ahkâm-il Evka'*" written by Ömer Hilmi Efendi in the 19th century, which includes decisions about *vakıfs*⁸. The translated publication of this source is used to examine the *vakıf* institution, conservation interventions and legal attitudes towards the *vakıf* in the Ottoman period and to make a comparison with the current laws.

Budget laws: by dealing with budget laws and final account laws of GDPF, financial funds allocated to conservation since the Republican Period and the proportion of this to annual income and outcome were depicted. Because of the information that the budgets include, they were not exact data; they were evaluated in order to determine an approximate

⁷ See Chapter 2.1.1. .p:13-14 for detailed information.

⁸ Detailed information about the source is given in Chapter 4.2.p:106.

attitude. In fact, final account laws include the exact expenses of the year, but they do not give the content of expense details. However, in budget laws the content of expense details is given more comprehensively. On the other hand, they do not include exact expenses because budget laws involve proposed budgets. Moreover, budget details do not always give the details of repair and new construction separately. Because of these kinds of handicaps in the content of the budgets, the portion which was allocated to conservation by GDPF can be determined approximately. The second group of budget law that is examined is state budgets. Using these budgets, the development speed and proportion of GDPF was calculated.

1.4. Content of the Study

The thesis includes six chapters. The definition of the problem, aim and methodology and sources are given in the introduction section which makes up the first chapter.

Vakif institution is analysed in two subtitles in the second chapter called “*Vakif* Institution before the Republican Period”. The meaning of the *vakif* institution, its founder, its aim, the place of *vakif* in the social and economic life of the society, qualification of the property which is donated, possession types, administration of *vakif* properties, *vakif* management and control, and qualification of *vakif* staff are analysed and the main frame of the institution is tried to be drawn. Then, the causes of centralization acts in the *vakif* institution is handled and the structure of *Evkaf Nezareti* is studied generally. At the end of this section, *vakif* institution and the changes throughout history are evaluated.

The relation between the *vakif* institution and conservation is examined in the second subtitle of the second chapter. Here, the *vakif* institution’s focus and attitudes towards the conservation of buildings are analysed during the Ottoman and Tanzimat periods. This relation is examined with its three aspects: legal aspects that are formed for conservation of buildings, administrative aspects that will execute the conservation, and financial aspects that will support financial dimension for conservation. The legal, administrative and financial aspects that are followed by *vakif* institution for conservation are observed for every period to determine the relation of *vakif* institution and conservation.

In the third chapter, the *Vakif* Institution in the Republican period and current legal, administrative and financial organization of conservation of cultural properties in Turkey are discussed taking into account *vakif*-based cultural properties under the responsibility of GDPF and the place of the GDPF in the conservation field in Turkey. Since GDPF is an active institution responsible for the conservation of a considerable amount of the cultural

property in Turkey, the conditions of GDPF and current conservation field in Turkey are discussed in the same chapter.

In the fourth chapter, the necessity for a new model is established. The process of the *vakıf* institution and conservation activities is evaluated, the positive and negative sides of the classical *vakıf* system and GDPF's conservation of *vakıf* buildings are compared, current physical and organizational problems and potentials of *vakıf*-based cultural properties are examined.

This is followed by the fifth chapter entitled "A New Model For Conservation of *Vakıf*-Based Cultural Heritage". In the first part of the chapter, the collected data used in shaping the model is handled. In the second part, the model is formed. Also the legal, administrative and financial regulations that will be followed to accomplish the model are taken up within the formation of model.

The thesis ends with a chapter devoted to a final evaluation and conclusion. Also some suggestions for future studies are mentioned within this chapter.

Appendix B examines the problems and potentials that occur in Gaziantep's and Kahramanmaraş's HCCs, which form the basis of a new model for the conservation of *vakıf*-based cultural properties. In this section, general features of Gaziantep's and Kahramanmaraş's HCCs are examined; problems and potentials related with conservation and use of *vakıf*-based cultural properties and other cultural properties are depicted. The legal status (conservation plan, registration) of the buildings and the area are studied. To observe the conservation of the historical commercial centers through the *vakıf* system, the approaches for conservation of buildings in these *vakfiyes* are evaluated. In the existing situation, the location of HCCs, building types, existing functions, ownership patterns and the conservation implementations executed until today are examined. The executors of the conservation implementations, the organizational and financial bases used are observed and evaluated.

CHAPTER 2

VAKIF INSTITUTION BEFORE THE REPUBLICAN PERIOD

This chapter which aims to examine the *vakif* institution before the Republican period consists of two main parts. In the first part, general features of the *vakif* institution are examined throughout the history with respect to its organizational aspects. Here, *vakif* institution is evaluated in terms of the formation and conservation of the built-up environment instead of its religious, sociological and philosophical aspects. In addition, the general framework of the *vakif* institution is tried to be explained through the *vakif* applications in the Ottoman Period till the *Tanzimat*. Then the centralization movements in *vakif* institution by considering its causes and consequences are examined. The alterations and the new arrangements in the organizational structure of the *vakif* institution in *Tanzimat* era are taken up. Afterwards, a general evaluation of the *vakif* institution is made. By considering the institutional change, in the second part, *vakif* institution and conservation activities are studied in two periods, which are the classical Ottoman Period and *Tanzimat* Period, in detailed.

2.1. *Vakif* Institution in General

Vakif which is an Arabic term, means “to prevent, restrain”, therefore, means “preventing an individual’s property from all kinds of acts like selling, conquering and utilizing for charity works (Heffening, 1934: 1096). Although using the personal properties for charity works was seen in the societies before the Islamic era, *vakif* institution, which was formed in accordance with the Islamic law, had completed its formation and legal basis during the Ommayad and Abbasid periods and spread out with the Seljuks. In the Ottoman Empire era, as the *vakif* institution which had formed its legal and economical background then, provided services for the welfare of the society which would be normally expected from the state, turned the *vakif* into a multifunctional institution, operated in a wide range of activities.

There hasn’t been an agreement on the origin of the *vakif* among the scholars whereas affects of *vakif* and similar applications of different societies on the Islamic foundation has still been an inexplicit subject⁹. Köprülü (1942:7-10) compares the characteristics of

⁹ Köprülü (1942:3-9) groups points of views about the *vakif*’s origin in his article. According to this, islamic jurists mentione that *vakif* is an Islamic institution and is accepted that its origin is based on Islamic formation. According to some Roman jurists, Roman law is very important factor in the formation of the Islamic law, and the *vakif* is based on the local people’s applications lived in Rome. Some jurists, on the other hand, put forward that *vakif*

Byzantine charity foundations and Islamic foundation¹⁰, stresses out that Byzantine effect is very strong about the *vakıf*'s origin by considering the interactions of Byzantine and Islam cultures and doesn't think of the *vakıf* directly as Islam-based. Öztürk (1983:40) who mentions that charity works take place in every society, states that *vakıf* institution has developed with Islam. Akgündüz (1996:67), on the other hand, accepts the attributes to the *vakıf* directly as Islam-based. However, as culture is a matter that needs continuity, it's possible that *vakıf* understanding in Islam has adopted some principles of *vakıf* and *vakıf* sort, which was seen in other cultures and adopted this to its own Islamic rules (Köprülü, 1942:11 – Yediyıldız, 1986:155).

Sources, on which *vakıf* understanding had risen in the Islamic world based on, are stated as the terms "alms" and "offering" concepts of Koran and the study of the Prophet Muhammad's in which *vakıf* term is used (Öztürk, 1983:40-49). These concepts mostly mention helping to the poor while *vakıfs* were established for the service to all Muslims with religious and social spaces through the time. Although the *vakıf* understanding and application are based on Islamic laws, there are differentiations according to the sects or even to the *imams* in these sects (Schacht,1953:444-52 – Akgündüz,1996:83-94). However, when the *vakıf* concept in the Ottomans is considered, principles of the *Hanefi* sect are carried out with the corporation of the *şer'i* and customary (*örfi*) laws. Therefore, by changing the rules, which oppose to the Islamic laws with these customs, limitations on the *vakıf* applications are cancelled and *vakıf* concept is developed (Hatemi, 1985:1658-61 - Imber,2004:149-173).

Before the Ottomans, the *vakıf* institution was also effective in Seljuk and Principality period in Anatolia. It is seen from the *vakıf* documents that communal services such as religious, education, health, trade etc. were carried out through *vakıfs* also in these periods in Anatolia¹¹. From Yüksel's study which is based on 74 *vakıf* documents from Anatolian Seljuks, the *vakıfs* of the mentioned period owned 14 mosques, 17 mescids, 30 *zaviyes*, 12 tombs, 15 *medreses*, 2 schools, 2 libraries, 2 *imarets*, 6 fountains, 4 caravanserais, 23 *hans*, 497 shops, 22 baths, 53 houses (2006:317-21). When the diversity of the building types are taken into consideration, it can be said that considerable part of the built-up

institution has Byzantine origin, and is taken from the religious organizations in Syria and Egypt under the Byzantine Empire. Furthermore, see:Öztürk, 1983: 30-40, Akgündüz, 1996: 64-67. Barnes (1987:8-16) stress out the Roman and Byzantine effects on Islamic *vakıf*.

¹⁰ About the similarities of Byzantine and Islamic *vakıfs*, Yıldırım (1999) shows the similarities of the Byzantine and Seljuk *vakıfs* by comparing the two periods' *vakıf* documents. Akar (unpublished research) also mentions the similarities of the habits about the conservation of the *vakıf* buildings in the Byzantine and Islamic *vakıfs* in the Anatolia.

¹¹ It can be seen in some *vakfiyes* which were published. For instance Celaleddin Karatay, the sultan of the Seljuks, had a *vakıf* including a mosque, a *medrese* and a caravanserai (Turan, 1948). Şemseddin Altun Apa's *vakıf* was composed of a *medrese* and a caravanserai (Turan,1947a), and Mübarizeddin Ertokuş had a *vakıf* including a mosque, a *medrese* and a caravanserai (Turan,1947b).

environment were owned by *vakıfs* or *vakıfs* had an important role in forming the built-up environment before the Ottoman period in Anatolia. According to Bayburtluođlu-Madran's (1976) article which determined 1100 monumental buildings from Turkish-Islam period in Anatolia and 55% of these buildings which have reached today, somehow they might built by various *vakıfs*. Therefore, the Ottoman civilization, took over and developed the *vakıf* institution which was constructed and used before themselves by the Turkish-Islam period in Anatolia.

Vakıf institution has developed together with the tangible and moral issues of the societies in which it took place, and has blended in with the political, social, economical and cultural structure of the society. As the most glorious era of the *vakıf* was during the Ottoman period and the major *vakıfs* were built during the times in which the economical and social levels were high (Köprülü,1942:14). The administrative, political, financial and legal structure of the Ottomans has formed the suitable opportunity for the development and expanding of the *vakıfs* in the Ottoman lands. Therefore, the *vakıf* institution which is used by the Ottoman state and society together provided the religious, charity, municipal, educational, social and health services. The institution has accomplished this with the buildings and development activities that were formed through the *vakıf* institution. By taking this into consideration, the operation of the *vakıf* institution in the Ottomans is tried to be surfaced with given to emphasis on the underlying conception of the *vakıf* of forming and conserving the spaces.

2.1.1. General Features of the *Vakıf* Institution

Definition of *Vakıf*

There are some definitions of *vakıf* which are based on *vakıf* concept due to the applications in the Ottoman period. The legal definition of the *vakıf* which is done by Ömer Hilmi Efendi (1977:13) is "prohibiting the property, which is possessed by God and used for public welfare, from selling and buying"¹². Another definition of *vakıf* is done by Yediyıldız (1986:154) as *vakıf* "is a legal process of appropriation of movable or immovable property to a religious, charitable and social intention by a person for the purpose of gaining the consent of God, together with social and public service forever". From these definitions the points that should be underlined in the *vakıf* act are;

- *vakıf* is an individual enterprise,
- individual property is donated for the public welfare forever¹³,

¹² "menfaatı ibadullahâ ait olur veçhile bir aynı, Cenabı Hak'kın mülkü hükmünde olmak üzere temlik ve temellükten mahbus ve memnu kılmahtır."

¹³ Although there are different opinions on this subject according to the sects, the application in the Ottoman accepted the opinion of Ebu Yusuf in which the property subject to a *vakıf* can not be changed to a private property again after the declaration of the *vakıf* (Singer, 2004:24).

- and from now on the donated property is accepted as the property of God.

Religious, charity and social services that were formed under the *vakif* identity for the society' welfare came into existence with some spaces. *Vakıfs* built mosques, *medreses*, schools, *hans*, baths, shops, *bedestens*, *imarets*, fountains, etc. for serving the society. Forever existence which was the basis of the *vakif* concept could only be possible with the continuity of the *vakif* buildings and so the properties of God could be lived forever only with this way. Therefore, *vakıfs* were effective in formation and conservation of the built-up environment. *Vakif* founders who were aware of this fact were providing the administrative, financial and legal terms in order to accomplish this and documenting this with the foundation deed.

Vakfiye

These *vakif* documents which were called *vakfiye* are the written documents which describe the purpose and the operation of *vakif* (Yediyıldız, 2003:4). *Vakfiye* gives a formal identity to the *vakif* as a legal certificate after being approved by the *kadı*. *Vakfiye*, which was generally written on paper or parchment, sometimes was also written on stone blocks and put on the *vakif* building¹⁴. It's possible to divide the structure of the *vakfiye* into seven parts (Yediyıldız, 2003:4-5). Signature and stamp of the *kadı*, after the prayer and identification info of the *vâkif*, the definition of the properties of the *vakif* comes. These properties include the buildings that are the task of the *vakif* and the buildings, agricultural lands, taxes etc. which will provide income for the *vakif*. After this part, the utilization and operation style of the charity buildings and the income sources, personnel to be employed, wages to be paid and the part , in which the expenditures that will be made with the income of the *vakif*, take place. Text is completed with the visions of the important Islamic lawyers, curses, date and the signature of the witnesses.

Vakfiye used to be prepared in the final stage of the establishment of a *vakif*. In the Ottoman Empire, first of all a person decides upon establishing a *vakif*, later he builds the *hayrat* and *akar* buildings of the *vakif*, or decides on the income sources that he will donate, and then *vakfiye* is prepared, it's approved by the court and is recorded in the legal registers and the original copy is given to the founder of the *vakif* (Öztürk,1999:37). Although the activation of the *vakif* was made formerly after the arrangement of the *vakfiye*, *vakif* institutions could function before the preparation of the *vakfiye*. For instance, *imaret* and income sources which belong to the *vakif* that was founded by Hürrem Sultan in Jerrusalem, were servicing

¹⁴ *Vakfiyes* on stone blocks can be full text or abstract of a *vakfiye*. Istanbul Atif Efendi Library and Amasya Beyazid II. Mosque can be given as examples for the buildings which have stone *vakfiyes* (Kunter,1938:116-117). Also see Cantay, 1994.

before the *vakfiye* was written (Singer,2004:124). After the *vakfiye* was arranged, new income sources and charity organizations could be added in time. These were added to the main *vakfiye* with the documents called *zeyl*¹⁵ .

Vakfiyes, basically are general drafts for the operation of the *vakıf* and *vakıfs* were administered in accordance with the rules in the *vakfiye* until the establishment of *Evkaf Nezareti*. Basically, main principle of the rules identified in the *vakfiye* by the *vâkıf* is to provide the long-existence of the *vakıf* without any changes. While the variable factor was the individual with life duration in this process, permanency of the people who would be in charge of administering and controlling the *vakıf* was also thought by the *vâkıfs*. However, *vakıfs* and income sources, which were enterprises in different scales, faced with different conditions and daily requirements different from the ones emerged in the establishment era through the time. Therefore, trustee of the *vakıf* made little alterations in order to meet these changes without changing the main aim of the *vakıf* (Singer:2004:12) . Furthermore, *kadı*s and *şeyhülislams* also applied some alterations, which were beneficial for the *vakıf*, without changing the mission of the *vakıf* (Imber,2004:162-67).

Qualifications of the Vakıf Founders and their Approaches

As immovable properties such that *hayrat* and *akar* and movable properties were donated as a result of an individual entrepreneurship in order to provide versatile communal and individual benefits, it might be wondered who the founders of the *vakıf* were and what these benefits were. Founder of the *vakıf*, namely *vâkıf*, should have the jurisdiction of owning the property subjected to *vakıf* and founding a *vakıf*, and should have been a free and mature person as well as his property shouldn't have been under any cancellation or mortgage as a result of debts and extravagance (Akgündüz, 1996:174-181). As the founder of the *vakıf* was making a donation of his own property, it might be thought that they were wealthy persons. In the Ottoman Empire, founders of the *vakıfs* were mostly *sadrızam* (grand viziers), viziers, *beys* and commanders. In the researchers¹⁶, when the founders of the *vakıfs* were compared between soldiery and the *reaya* or the governing and the governed, governing class was 83.16% in the 16th century, 68.97% in the 17th century and 65.07% in the 18th century. Meanwhile the governed class has a percentage of 2.82% in the 17th century and 1.82% in the 18th century during the Ottoman era. This very small percentage of *reaya* was tradesman or craftsmen. This shows that to be a founder, a person should have had many properties more than providing his living and it is seen that these were found mostly at the governing class.

¹⁵ A *zeyl*, which has Arabic roots, means additional text, appendix of an object.

¹⁶ For 16th century see Yüksel, (unpublished research), for 17.th century see Yüksel, 1998:216 and for 18th century see Yediyıldız, 1982:146.

It's obvious that fortune of the governing class (both personal-based and public-based) was transferred to the public indirectly through the *vakıf* institution in forms of service, employment, food, security etc. At the same time, founders of the *vakıfs* were also providing themselves with many tangible and moral benefits by establishing *vakıfs*, which meet social and public necessities. These benefits, which may be referred as individual (small-scaled) benefits, are given below (Yediyıldız,2003:10-14).

1. Primary reason of establishing a *vakıf* is always religious. Reasons like getting closer to God, grace, charity and finding happiness after the life by helping others provided religious benefits to the *vâkıf*.
2. There are also physiological benefits like having a good name in the society and desire for having an everlasting name in the society.
3. Social benefits like uplifting the social status in the society and having an important place, prestige within the society were also encouraging people to establish *vakıfs* which met people's needs in its time.
4. There were also financial benefits like having a fortune, and securing this fortune by turning it into a *vakıf*, as well as securing the lives of their families in economical terms for a long time.

The fortune, which is mostly composed of public-based properties and belonged to the governing class, was transferred to the society with the *vakıf* by means of public policy¹⁷. Therefore, with the *vakıfs*, besides many small-scaled (individual) benefits, large-scaled (communal) benefits were also provided. While there are social, political, economical and religious benefits in the large-scaled benefits, society was served with public needs and it was used as a political tool by the governing class. Large-scaled benefits can be classified as follows:

1. While the upper level of the governing body, the *sultan* and his family maintain the prestige and monarchy within the empire frontiers with the *vakıfs* that they had established, they also met the expectations of the public by being a caliph and the emperor at the same time, and by being a great ruler, representation and conservator of Islam (Singer, 2004:192-3).
2. There were missions like letting the public feel the power of the government, and assimilating people with the Ottoman culture indirectly with the *vakıfs* that were built in the suburbs by the *sultans* family or the upper level bureaucrats like viziers.
3. Furthermore, it was aimed to diffuse the religious and political views with the *medreses* and *tekkes* that were built by *vakıfs*.
4. *Vakıfs* which were built by the governing class, were again helpful for keeping the economic life alive. *Vakıfs*, which helped the regular flow of commerce with the

¹⁷ Kozak, 1985; Kunt, 1995; Öztürk, 1999.

caravanserais built outside of the cities, were also providing commerce opportunities by building bazaars, shops, *hans*, *bedestens* located in the cities.

5. Caravanserais and *derbents* which belong to *vakıfs* were providing the secure flow of commerce as well as it provided the safe journey of the society.
6. Cash *vakıfs* were very essential elements for economy.
7. *Vakıfs* were again effective in the continuance of the empire economy, which was based on agriculture. In the beginning of the 16th century 20% of the Ottoman Empire lands were included in the *vakıf* mechanism¹⁸ (Tabakoğlu,1999:134) and the income coming from these lands made up the 12% of the total public incomes¹⁹ (Barkan,1955:251). It's mentioned that this income might have increased to 20% in 17th century and to 25% in 18th century²⁰. This shows the importance of the *vakıfs* in the financial structure of the Ottoman Empire.
8. At the same time, in the Ottoman economy *vakıf* institution was effective in the process of the agricultural product from production to consumption, in other words, until the product comes to the end user from the land. For instance, the process of the wheat which was cult in the *vakıf* lands, after it was ground in the *vakıf* mills, sold in the *vakıf* bazaars or khans and until it came to the ovens which is again a *vakıf* property, was all dominated by the *vakıf* mechanism.
9. Furthermore, major *vakıfs*, which were established by the top level-governing class, were very important sources of employment. For instance, 936 people were employed in the Süleymaniye Mosque and *imaret vakıf* of Kanuni Sultan Süleyman (Barkan, 1971:117).

Therefore, it can be said that *vakıfs*, which were established with the religious and charity purposes, harbored many small-scaled and large-scaled personal and communal benefits in reality.

Administration and Control of the Vakıf

As it's told before the basic principle in the *vakıf* institution was to be eternal. Therefore, maintaining the continuity of the *vakıf*, operational and administrative aspect of the *vakıf* should be appropriate and accurate. *Vakıf* institution, which was very far from a central

¹⁸ This situation is given as 25% in the 19th century by Pamuk (2005:103-5). He mentions that 25% of the cultivable lands belongs to the *vakıfs* in the Ottoman Empire in 1896 according to a research of which the writer is suspicious about and was written by the English Embassy about the land possession and renting process and style of Ottoman Empire in Asian cities.

¹⁹ This share actually is composed of the incomes coming from the land. *Vakıf* buildings, cash and other incomes aren't included in this share.

²⁰ Tabakoğlu (1999:133) stresses out that by weakening of the *timar* system in the 17th century, some part of the *timar* lands were turned into *vakıfs*. In the light of this, it's presumed that 12% share which is the percentage of the *vakıf* lands' income in the 16th century could be increased to specified rates in the 17th and 18th centuries. Yediyıldız (1986:160) tells that *vakıf* incomes make up more than the one fourth of the government budget, on accordance with the *vakıf* incomes which he calculated from the 18th century *vakfiyes*.

structure before the establishment of *Evkaf Nezareti*, was administered by the people from the family in accordance with the principles that are made by the *vâkîf*. Although administration and control of the *vakıfs* were independent from the state in accordance with the principles of their founders, state had been effective in the administration and control of the *vakıfs* with *kadı*s. However, usually this interference only covered actions in order to maintain order and strong administration, and prevent corruption (Imber,2004:168). Even though they were independent, they were under the control of the state as their establishment records were entered in the court records, and recorded to the title deed books of the state and the *vakîf* recordings (Imber,2004:168). This shows that *vakıfs*, which were established as the result of an individual entrepreneurship, in reality, weren't independent of the state and the state played an encouraging and controlling role for the *vakıfs* from their establishment to their termination.

Administrative aspect of the *vakîf* was determined by deciding upon the principles, which were decided in the *vakfiye*, such as designation of the tasks, qualities of the designated people, their wages, way of elections, and the quality of the employees that would work in the *vakıfs*. Administrative aspect of a *vakîf* was composed of an administrative part called *tevlîyet* (administration) and a controlling part called *nezaret* (supervision). *Mütevelli* was the head of the *vakîf* administration. *Mütevelli* was responsible for conserving the *vakîf* against corruption, spending the incomes in the most efficient way in accordance with the articles of the *vakfiye*, controlling the *vakîf* employees and maintaining the functioning of the *vakîf* activities as stated in *vakfiye* (Yediyıldız,1981-82:177). Usually, *vâkîf* was the first manager of the *vakîf*, later a *mütevelli* was assigned by *kadı* in accordance with the conditions specified in the *vakfiye*²¹. While many *vakıfs* conditioned that their own descents or close relatives could serve as *mütevellis*, some of them preferred that a *kadı* or *nazır* could designate the *mütevelli*²². Choosing the *mütevellis* from the founder's own descent would make their own family benefit both in tangible and moral terms and also with an ownership concept, *vakîf* would live for long years. Here, *mütevelli*'s coming from the family's descent wasn't enough, therefore, this person should have been a sane adult in legal terms, and righteous and confident person who could maintain *vakîf* works truly as this person would be responsible for administering the all movable and immovable properties of the *vakîf* and controlling every economical activity²³.

²¹ Ratio of *vâkîf* being the first *mütevelli* of the *vakîf* was 37% in the 17th century *vakıfs* (Yüksel,1998:61), and 51% in the 18th century *vakıfs* (Yediyıldız,2003:178).

²²Ratio of being *mütevelli* among the *vâkîf*, his family and relatives was 56.54% in the 17th century (Yüksel,1998:59-61) and 56% in the 18th century (Yediyıldız,2003:177-178). Furthermore, in the 33% of the 18th century *vakıfs*, there was a condition that stated that *mütevelli* would be chosen by *kadı* or *nazır*.

²³ For a detailed information on the qualities of a *mütevelli* see. Akgündüz,1996:314-320.

Sometimes an assistant for the *mütevelli* (*kaim-makam-ı mütevelli*) would be designated by *kadı*, if required²⁴. There were also other designated people called *katip* and *cabi* in order to help the administrative and financial activities. *Katip* was responsible for keeping the financial records of the *vakıf*, *cabi* is, on the other hand, was responsible for collecting the *vakıf*'s income. While *mütevelli* could undertake all the responsibility and fulfill all the duties in a modest *vakıf*, in large scale *vakıfs* or in *vakıfs* which have properties found at different places of the empire, one or more *katip* and *cabi* could be designated in accordance with the business density of the *vakıf*²⁵.

In order to maintain the continuity of the *vakıf* both for the benefit of the *vakıf* and the society, the supervision of *kadı* who was the judicial body of the state, was always seen. *Vakıfs* could also have an autonomous supervision mechanism. This supervision was fulfilled by a person called *nâzır* who was designated in accordance with the principles of the *vakfiye*. Percentages of the *vakıfs* which designate *nâzır* for their *vakıfs* are 44.4% in the 17th century (Yüksel,1998:64), and 36% in the 18th century (Yediyıldız,2003:188). *Vakıfs*, which didn't designate any *nâzır*, were controlled by the *kadı* directly. While *kadı* had the right to control all *vakıfs*, for the ones who had designated a *nâzır*, *kadı* needed to take the permission of the *nâzır* in order to control the *vakıf* (Yediyıldız,2003:188). *Nâzır* had the right to control all activities that were fulfilled by *mütevelli*.

While *vakıfs* were administered by the *mütevelli* and supervised by the *nâzır*, there was also an internal supervision mechanism, which worked as a self-control system (Pay, 2000). Personnel or students like *imam*, teacher or *müderris* were responsible for the smooth functioning of the services. Furthermore, sometimes personnel of the *vakıf* could administer each other for various works or had the right to interfere with the works of *mütevelli* and *nâzır* in order to maintain the welfare of the *vakıf*.

Vakfiye covered the articles like the quantity of the personnel and their wages besides identity and selection of *mütevelli* and *nâzır*. While *imam*, *müezzin*, *müderris*, *muallim*, *ferraş*, *bevvap* used to work in *vakıfs*, also employers²⁶ like plumbers, *kurşuncu*, carpenters and architects might be employed. While *vâkıf* chose the personnel from the family, they also looked for some expertise in order to fulfill the tasks. For instance, person who would be a *cabi*, must have the understanding of calculation process and accounting. *Vakfiye*

²⁴ *Mütevelli* assistant could be designated in order to maintain the *vakıf* works or maintain a case that belonged to the *vakıf*, if the *mütevelli* had been under age, or if the *mütevelli* had gone to a journey without leaving an assistant, or hadn't been available (Akgündüz,1996:313-314).

²⁵ Generally the *vakıfs*, which belong to high class bureaucrats, the *vakıf* incomes were not always found in and around one city, it might be widespread.

²⁶ Detailed info about the personnel who worked for the repair of the buildings is given under Chapter 2.2.1.2 p:42-43.

documents also illuminated the wages of the *vakıf*'s personnel. According to these personnel used to get their wages in cash or goods.

In summary, although the *vakıf* institution was under the control of the state by *kadıs*, the system had a quite autonomous organizational structure which accelerates the operation of the system. Also this autonomous organizational structure established the system which controls itself for the sake of the *vakıf*.

Properties subject to *Vakıf*

Vakıf term also refers to the movable and immovable properties which were mentioned in the *vakfiyes*. *Vakıfs* can be divided in two parts with these terms. First part is referred as "benefited from on its own"²⁷ or "*müessesat-ı hayriye*" or "*hayrat*" as original terms. Mosque, *medrese*, *imaret*, *zaviye*, *darüşşifa*, school and fountain are included in this group. Second one is referred as "benefited from on their income"²⁸ and these are the *vakıfs* called as "*akar*". These are composed of income sources such as buildings, lands, cash etc. which provide the continuous, and orderly functioning of the first group. This group, which provides the financial infrastructure for the long-term existence of the *vakıf*, is composed of *hans*, baths, *bedesten*, shops, vineyards, gardens, fields, goods, money etc. As it is seen it can be said that the major part of the cultural properties that should be preserved today have been constructed through the *vakıf* institution.

The only condition in the Ottoman application for this variety of movable and immovable properties to be donated is that they should be under the absolute possession of the founder of the *vakıf* and they should be sources of the income with permanence²⁹ (Öztürk,1995: 74-77). This situation makes the ways of owing a property to be asked. Lands of the Ottoman Empire in Anatolia and Rumeli were called as *miri* (state owned) land³⁰. The

²⁷ "*aynıyla intifa olunan*"

²⁸ "*aynıyla intifa olunmayan - geliri ile intifa olunan*"

²⁹ There are opposite views about the donation of the movable properties and cash amounts between the sects and Hanefi jurists. However, in the Ottoman application, the donation of all kind of properties which can be measured and weighted, were accepted with an only condition. This condition stipulated the property being under the complete possession of the donater (Imber, 2004:152-57). For more detailed information, see: Akgündüz, 1996:186-233.

³⁰ Until the Land Law dated 1858, Ottoman lands were divided into three categories called as tithe land=*öşür arazi* (Hicaz and Basra cities), tribute land= *haraç arazi* (Syria and Iraq lands) and stateowned lands =*miri arazi* which were subject to *timar* system (Anatolia and Rumeli). Tithe and Tribute lands were subject to private property, and there were tithe and tribute taxes that should be paid. As the *miri* land was treasury land in legal terms, it was under the use of the sultan's authority.

Miri lands covering Anatolia and Rumeli, were divided into three classifications: lands whose possession belonged to private bodies, *vakıf* lands and lands whose possession belonged to the state. Lands whose possession belonged to private bodies, were areas like fields that were located in villages, and cities, and areas like vineyards, gardens, orchards located near the settlement areas. *Vakıf* land, on the other hand attributes to the lands that belong to a *vakıf*. They were building lots in the urban areas and lands like vineyard, gardens or orchards. In the rural lands, these were the lands of which usage right or taxes belonged to the *vakıfs*, however their bare possession still belonged to the state. *Miri* land whose possession belonged to the state was under the usage of the sultan. Such lands were subject to *timar* system. In conclusion, while private property could be seen in the urban areas in

usage right of the *miri* land which was subject to the *timar*³¹ system, was granted to the military or to the government officials against to their service. Therefore, turning these *miri* lands such as fields, cultivated lands and villages into private properties was made by *temlikname*³². Another way was to revive the infertile land. This way is mostly used in the transformation and donation of the vineyards, gardens located around the urban areas (Yediyıldız,2003:122-130). In the urban areas, on the other hand, usage rights belonged to the possessors of the buildings, areas or lots as they were subject to private property³³.

Anatolian and Rumeli cities, *miri* land regime of which usage rights were given to a *vakıf* or to the possessor of the *timar*, were seen in the rural areas.

After the Land Law, Ottoman lands were divided into five categories. These are given below:

Arazi-i memluke, these were the lands that were subject to private property. These are divided into four categories: fields located in the villages, towns and cities and the areas which are located in the neighboring area and consist of five hundred square meters at most, lands which are turned into estates from state-owned lands in accordance with the law, lands called as *arazi-i oşriyye* and *arazi-i haraciyye*.

Arazi-i Miriye: lands whose possession belonged to the state and whose usage right belonged to the private body.

Arazi-i Mevkufe: *vakıf* lands

Arazi-i Metruke: lands which are given for the public use like roads, grasses.

Arazi-i Mevat: lands which aren't owned by nobody, and of which usage right is unowned. For instance, rocky and waste lands.

For more detailed info, see: Barkan,1980, Cin, 1987:9-41, Üçok-Mumcu-Bozkurt, 2002:285-86, Imber, 2004:125-148, Yediyıldız,2003:123, Halaçoğlu,1998:88-91, Yılmaz,1999:59-65, Küçükkalay,1999:53-58.

³¹ In the *timar* system which is applied on *miri* lands, the income sources like agricultural land, mine, customs, harbour were divided into units which is called *dirlik* according to their annual income amounts. These *dirliks* were allocated to the militaries or officials to meet their service or expenses of their service. *Dirliks* were divided into *has*, *zeamet* and *timar* according to their annual income. *Timar* was a *dirlik* of which annual income was 20.000 *akçe* at most. *Zeamet* included the *dirliks* of which annual income were between 20.000-100.000 *akçe* and *has* had an annual income more than 100.000 *akçe*. From these, *timars* were found mostly. *Zeamets* were given to the high class officials and *has*, on the other hand, was given only to sultan and his family. The possessors of the *timars* were shared *timar* lands to farmers, and collected the taxes of these lands.

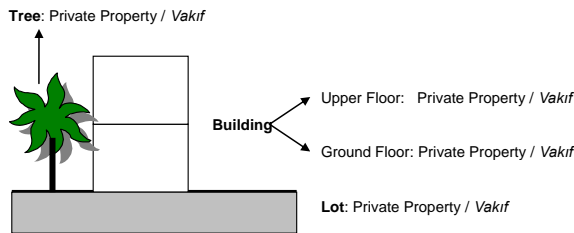
Since the money transfer were not widely used in the Ottoman economy which was based on agriculture, the wages of the officials and militaries were paid by this way as well as the agricultural field was controlled.

For more detailed info, see: Barkan,1997:286-333, Inalcık,2003:111-123, Imber,2006:253-270.

³² *temlikname* was a document showing that the sultan had transferred the possession of the *miri* land to individuals.

³³ In the urban areas both private property and *vakıf* property were existent. But, generally, buildings like *hans*, *hamams*, stores and houses, building lots, vineyards, gardens and trees were turned into *vakıfs*. If an individual who has a private property and doesn't have any descendants after his death, his properties were given to the treasury of the state, in other words, "*beytü'l mal*". Therefore, there were employees called "*beytü'l mal emini*", controller of the treasury, in the cities.

Possession in the urban area could be diversified horizontally. As it's shown in the figure below, building lots, buildings, building stories and the trees on the lands could be private property or *vakıf* property separately. For instance, a shop belonged to a *vakıf* could be constructed on a lot that belonged to the *vakıf* (which might belong to different *vakıfs*), and a room could be constructed above the shop as a private property, and a tree which is privately owned could be planted on the *vakıf* land.



This situation divides the *vakıfs* in terms of possession to *sahih vakıfs* and *irsadi vakıfs* (*gayri sahih vakıfs*). *Vâkif* owns the movable, immovable and the cash in the *sahih vakıfs*. In *irsadi vakıfs*, on the other hand, *miri* land is donated after being turned in a private property with *temlikname*. However, the donation isn't the bare possession of the land but its taxes or its usage right (Yediyıldız,1986:157). However, donated properties didn't always belong to one group. *Vâkif* could have the right to donate both his own private property and the property, which is gained with *temlikname*. Yüksel refers such *vakıfs* as semi *sahih* - semi *irsadi vakıfs*. Among the *vakıfs* founded in the 17th century, 21.08% of them were semi *sahih* -semi *irsadi vakıfs*, 10.68% were *irsadi vakıfs* and 68.05% were *sahih vakıfs* (Yüksel,1998:95).

Classification of the *Vakıfs* according to their Purpose

Vakıfs are divided into three categories according to their purposes (Yediyıldız,2003:14-19): charity *vakıfs*, family *vakıfs* and semi-family *vakıfs*. In the charity *vakıfs*, the founder of the *vakif* used to allocate the all income of the *vakif* to his establishments, his family or he didn't benefit from the income. In the family *vakıfs* income of the *vakif* is allocated to the family or to the founder. In the semi-family *vakıfs*, founder of the *vakif* and his family used to take place in the administration of the *vakif* and got paid, and the surplus of income were given to the family while the expenses of the foundation that were formed for the benefits of the public, were deducted from the *vakif's* income. Basically, as the *vakif* incomes were distributed to the poor living in the holy cities when the descendants of founder ended, it can be said that family *vakıfs* and semi-family *vakıfs* were turned into charity *vakıfs* in the end (Singer,2004:38-39, Yediyıldız,1986:154). When the *vakıfs* that were established in the 17th century are considered, charity *vakıfs* made up the 23%, family *vakıfs* made up the 33% and semi-family *vakıfs* made up the 43% (Yüksel,1998:91-2). In the 18th century, on the other hand, charity *vakıfs* with 18%, family *vakıfs* with 7% and semi-family *vakıfs* with 75% were established (Yediyıldız,2003:14-19).

As a result, it is obvious that *vakif* institution which provided both tangible and moral benefits at the same time, was a very important income source for the founder of the *vakif* and his family. However, it can be said that institution did not just aim for the individual benefits³⁴, but it also aimed for the individual and public benefits at the same time.

***Vakif* Incomes³⁵**

In the *vakif* application in the Ottoman Empire, individual could donate his/her both immovable and movable properties. While the immovable properties basically can be identified as land, building or tree, movable properties can be varied as pots and pans,

³⁴ Decrease of the family *vakıfs* from 33% to 7% is an example to this.

³⁵ The quality of the incomes of the *vakif* and its relation with the conservation are examined in detailed in Chapter 2.2.1.3. p: 43-54

books, money etc. Further, these income sources can be identified as public based and private based property due to its origin.

Donation of the income sources that belong to the state was generally undertaken by the sultan and the sultan's family as well as the high-level governors. According to the sources, in years of 1530-40 17% of the incomes that belonged to the state in the Anatolia were in the hands of *vakıfs*. Barkan (1963a:242) refers these *vakıfs*, which were formed by utilizing the state sources for the public services that should be met by the state by the governmental officials, as public institution even though individuals established them. It's seen that these public-based income sources that belong to the *vakıfs*, which are found by the *sultan* and the high-level governors, were being used for public purposes. These large-scaled *vakıfs* provided the necessities of the society, employment³⁶ and their incomes were being used for different purposes by the state.³⁷

Basically, it can be said that chairs representing the state were encouraging for establishing small-scaled *vakıfs* other than the sultan and vizier *vakıfs*. *Kadıns* and *muftüs* were designated by *Şeyhülislam* in the 18th century in order to support the ones who wanted to establish *vakıfs* to meet the necessities of the society (Yediyıldız,2003:46). Percentage of the incomes that belonged to the state was 12% in the 16th century and 15.97% in the 17th century within the *vakıf* income sources³⁸. This shows that act of establishing a *vakıf* was supported by the state as a policy.

Donation of the movable properties, especially the donation of the cash, together with the immovable properties is also very frequent act. Donation of the cash, which was very important for the financial aspect of the society, had always been a controversial subject in the Ottoman era³⁹, and the cash *vakıfs* which were based on the legal grounds since 16th century, started to become widespread as an institution that meets the cash requirement of the society. 46% of the 16th century *vakıfs*, 22% of the 17th century *vakıfs* and 28% of the 18th century *vakıfs* donated cash (Yediyıldız,2003:118). While cash was donated with the other immovable properties within some *vakıfs*, donation of only cash could be seen in

³⁶ Barkan (1963a:242) mentions that with utilizing the public based income sources, 45 *imaret*, 342 mosque 1055 *mescid*, 110 *medrese*, 626 *zaviye* and *hankah*, 154 *muallimhane*, 1 *kalenderhane*, 1 *mevlevihane*, 2 *darülhuffaz*, 75 *han* and *caravanserai* were operated under the *vakıfs*. 121 teacher, 3756 religious officials and 3299 *şeyh*, student and *mütevelli* were working in these *vakıfs*.

³⁷ Income surplus was being transferred to the treasury in the *sultan vakıfs* or some payments were being made under various names. For instance, payments which were made by Şehzade Süleyman Paşa *vakıf* by the end of the 17th century to the Darüssaade Treasury is more than one third of the *vakıfs* income (Güran, 2006:74). Mantran (1990:161) also mentions that income surplus of the *sultan vakıfs* were transferred to the *evkaf* treasury and the government had utilized this source as the result of income deficit by the end of the 17th century.

³⁸ See Barkan,1988:121 for 16th century and for 17th century, Yüksel,1998:100.

³⁹ Cash *vakıfs* which are accepted as an Ottoman institution, and donation of cash were always a controversial subject between the sects and major *imams* of the sects. The possibility of donation of cash was based on the approach which accepts the donation of movable properties of the Hanefi sect. The widespread application of cash *vakıfs* in the 16th century was forbidden by Çivcizade, then it was set free again by Şeyhülislam Ebusuud Efendi. But, cash *vakıfs* were always discussed by Islamic jurists. For detail info see Özcan,2003:28-50.

some other *vakıfs*. This shows that donation of the cash was an acceptable in the society and it was also an important income source for the *vakıfs*. Moreover, 32% of the total incomes of the 18th century *vakıfs* came from the donated cash (Yediyıldız,2003:116).

When the application types of the cash *vakıfs* are considered, it is seen that it was used for cooperation and social security by a specific society (Özcan,2003:79). Cash *vakıfs* took form in the *avarız vakıfs*⁴⁰ which were established for a specific village or a neighborhood or trades boxes that tradesmen had prepared among themselves⁴¹. These *vakıfs* were utilized to meet some usual or unusual expenses. As these expenses cover the installation and repairs of the pavements and water installations of the villages or quarters as well as the repairs⁴² of the commercial spaces and streets of the market or bazaar areas of which the tradesmen used, were executed through these cash *vakıfs*. So it can be said that cash *vakıfs* also played a role in the repair of the built-up environment.

The Operation of Vakıf Properties

In order to maintain the continuity of the *vakıf*, *vakıf* had to have properties to be operated for income and they had to be operated accurately by the *mütevelli*. These operations took place in accordance with the regulations specified in *vakfiye*. According to the works of Yüksel (1998:80-84) and Yediyıldız (2003:133-141) who evaluated the 17th and 18th centuries, only operating procedure of the *vakıf* properties was renting. Duration of the renting process and rentals were the elements that identify renting procedure. Renting procedures of the *vakıf* properties are named as “*icare-i vahide*”, “*icare-i tavile*”, “*icareteyn*” and “*mukata’a*”. *Vakıfs* usually conditioned their donated *akars* to be rented with “*icare-i vahide*” procedure. With this renting procedure duration of the renting was limited, land could be rented for three years and other real estates could be rented for one year. This renting procedure was beneficial for the *vakıfs* as it provided increase the rentals as the renting duration was limited. “*icare-i tavile*” and “*icareteyn*” procedures allowed long-term renting. *İcare-i tavile* procedure was usually used to repair the *vakıf* buildings, which were demolished during the first era of the Ottomans. *İcareteyn* procedure which was first

⁴⁰ *Avârız vakıfs* were founded with the aim of providing various necessities of the society living in a quarter or a village, especially for the taxes.(Özcan,2003:80). From these necessites, the repair of pavements and water installations which were under the common use of the society, were executed (Ömer Hilmi: mesele36). As the term *avârız* means ; unusual taxes that the state collects from the public when the unusual conditions or expenses occur, like in the war times (Barkan,İA II:13-19).

⁴¹ There were ‘*otıyam* boxes’ which were formed by the Janissaries and ‘*etyam* boxes’ that were formed for the orphans other than the boxes of *avarız vakıfs* and trades boxes. For more detailed info, see. Özcan,2003:80-87.

⁴² Ergin, 1995:680-81. Trades boxes which have incomes from the rental, cash, will, donation etc, expenses like wages, donations were paid while the streets of market places that are used by the tradesmen were repaired. In the account book of the Hallac craftsmen box of 1873-74, 800 *kuruş* were spent under the repair heading and 150 *kuruş* were spent under the repair of the bazaar street. It was observed that money that was spent for the repair was 4.7% of the all expenses in this entry.

applied⁴³ in the 17th century was for the repair of the *vakif* buildings, which were ruined during the fires in Istanbul and in Anatolian cities. This renting procedure is also called double renting as the tenant used to pay an amount which was the half of the market value of the property for one time to the *mütevelli* at the beginning of the renting process and this money would be used for the repair of the property. This was called *icare-i mu'accele*, in other words, earlier rent. Tenant, also used to pay a fixed rental amount to the *mütevelli* and this was called *icare-i mü'eccele*, in other words, later rent. This second rental was quite less than the normal rental rate. In the *icareteyn* procedure, which allowed long-term renting, tenant could transfer his renting rights to his children.

Another renting procedure was *mukata'a*. While this approach was utilized generally in the first era of the Ottoman Empire, in the 18th century this approach started to disappear. However donation of the properties on a land with *mukata* was a very common practice in the 18th century. In the *mukataa* procedure, *vakif* land was given to another party in exchange for a specified amount, however, tenant had the right to construct his own building on the land he had rented, transfer the land to his descendants and had the right to donate the building, tree etc.

By renting the *vakif* properties accurately and by gaining income from these rentals, *vakıfs* would live forever. Therefore, *vâkıfs* gave special importance on the renting procedures in *vakfiyes*. These can be specified as; renting by "*ecr-i misli*", in other words, renting with its market price, limitations to long-term renting and limitations to the tenants in order to stop them from harming the property (Yüksel,1998:82). In the 17th century *vakif* founders used to prefer "*icare-i vahide*" procedure. In the 18th century, on the other hand, the most common renting approach was *icareteyn*.

Founders who wanted to perpetuate their *vakıfs*, aimed at identifying the financial sources that will bring income and protecting these sources without any decreasing or disappearing. Therefore, short-term renting with the market price was very beneficial for the *vakif*, while dynamics of different eras and societies' needs brought up different renting procedures. However, *icareteyn* and *mukata'a* procedures, which were used frequently, weren't beneficial for the *vakıfs*. As these procedures let very low rentals, long-term renting period, and they also let the tenants to benefit from the *vakif* property as they wished, right to hand down and construct a building on the *vakif* property, they were considered as a hidden sales procedure (Yediyıldız,2003:140). This procedure ended up with decreasing and disappearing of *vakif* income sources and *vakıfs* started to extinct.

⁴³ While Ottoman jurists mention the starting of the *icareteyn* application is 1611, contemporary researchers state that this date is 1534, furthermore, Akgündüz who tells that *icare-i tavile* is the same thing as *icareteyn* concept, tells that the starting date goes back to 10th century. See. Öztürk,1983:108-112 and Akgündüz,1996:451-453.

In conclusion, when the general structure of the *vakıf* institution in the Ottoman era is considered, the structure of the *vakıf* in order to exist eternal was formed by considering the conditions of the *vakıf* founders in *vakfiyes* and the legal procedures of the state with the beneficial mechanism of the ongoing system which met the religious, economic, social and cultural needs of the society and the founder. While this structure formed the administrative order for the functional continuity of the *vakıf*, it was also aimed to provide the *vakıf* continuity with its financial mechanism which did not require another source.

2.1.2. A New Era for the *Vakıf* Institution: Centralization

First steps towards Centralization

As stated above, in the modest scaled local *vakıfs*, administration and supervision mechanism were generally maintained by the *kadı* and *mütevelli* in accordance with the principles that *vâkıf* had specified. In the large scaled *vakıfs*, in other words, *vakıfs* that were owned by the *sultan*, his family or high level governors like *sadrızam*, vizier and which spread all around the empire and in the *vakıfs* that were located or donated to the holy cities, there were different solutions for operating the *vakıfs*. As a result of the fact that *sultan* and his family had left the administrative tasks of their *vakıfs* to various offices. Furthermore, supervision of thousands of *vakıfs* called, *Harameyn vakıfs*, which were established in different parts of the empire for the cities of Mecca and Medina, was granted to the *Dârüssaade ağas*. Thus, an organization called *Evkaf-ı Harameyn Nezareti* was established in order to supervise the *Harameyn vakıfs* from a central supervision in 1586. After this central organization that was built for *Harameyn vakıfs* in the 16th century, other organizations for the *sultan vakıfs* followed in the 18th century. Osman III., Mustafa III. and Abdülhamid I. had formed private buildings for the central administration of their *vakıfs*, and designated officials for these headquarters. This seemed to be the first step in the Ottoman Empire in the name of the gathering the *vakıfs* under central administration (Yediyıldız,1986:162-3). *Laleli* and *Hamidiye vakıfs*, which emerged as the result of these actions, came together in 1788. Later, Mahmut II. transferred his *vakıfs* to the *Hamidiye-Laleli vakıf* organization in 1809. After Janissary concept ended, *vakıfs* of which supervision had maintained by the Janissary *ağas*, were granted to the *Hamidiye-Mahmudiye vakıfs*. With these ongoing centralization actions, *vakıf* organization got bigger and stronger, and ended up in formation of *Evkaf-ı Hümayun Nezareti* in 1826.

Causes of Centralization

From now on, major part of the administration and the supervision of the *vakıfs* located in the Ottoman Empire lands, was granted *Evkaf-ı Hümayun Nezareti*. The reason for this radical change in the *vakıf* institution was the institution's desire for finding solutions for its

problems within its own framework and reforms of the *Tanzimat* era as well as the political and economic conditions of the period also played role in this change.

When the *vakıf* institution's problems are considered, it can be said that the failures and corruptions that existed with different scales in every era within the supervision and administration of the *vakıfs*, started to increase in the 18th century⁴⁴ and the system started to degenerate. As many of the *vakıfs* were extinct and granting the *mütevelli* position to some suitable people as a official post (M.Nuri,1992 III-IV:285), resulted with inaccurate administration of the *vakıfs*. As the *mütevellis* and *vakıf* staff didn't work properly, *vakıf* incomes started to decrease, and the repairs of the *vakıf* buildings started to be neglected, therefore, this situation made the *vakıf* staff and the people living in the neighborhood complain about the services. While the repair of the ruined *vakıf* buildings was possible by transferring sources between *vakıfs* belonged to *Harameyn Nezareti*, in other autonomous *vakıfs* which has less income couldn't benefit from this mechanism⁴⁵ and they couldn't be repaired (Öztürk,1995:70). Furthermore, as nearly all buildings and building lots were turned into *vakıfs* especially in Istanbul, some problems started to occur about the usage right of the properties and corruptions of *mütevellis* and *cabis* started to surface (M.Nuri,1992III-IV:285). These problems occurred within the *vakıf* institution required to be solved by improving and reorganizing the structure of the *vakıf* institution.

In the reorganizing process of the *vakıf* institution, besides the internal causes there were also external causes. Westernization movements in the 19th century in Ottoman Empire pushed the state structure to be rearranged. Strengthening the central authority and connecting of the governmental bodies to the central authority in administrative and financial terms would be possible with institutionalization and legalization acts. Furthermore, *Tanzimat* reforms conditioned that any kind of government income would be collected in the central state treasury and all kind of expense would be deducted from this treasury (M.Nuri,1992 III-IV:288). However, as the major part of the empire lands was turned into *vakıf* property with *temliks* given by sultans, the incomes of these lands of which belonged to the state actually, were transferred to the *vakıfs*. Mahmut II's target was to transfer these incomes, which should have been granted to the state at first, to the state again with centralization of the *vakıfs* and *vakıf* incomes under *Evkaf Nezareti* (Barnes,1987:83-6). Thus, state treasury would grow stronger with this way, and other governmental bodies would also benefit from these incomes. Furthermore, Mahmut II, also targeted to pay the personnel wages and repairs of the religious buildings with this income by centralizing the incomes under his authority. In the end, he was planning to decrease the power of *ulema*

⁴⁴ For the corruptions took place in the 17th and 18th centuries, see Yüksel,1998:65-67 and Yediyıldız,2003:192-96.

⁴⁵ Source transfer between *vakıfs* is not possible according to the *vakıf* law (Ömer Hilmi::mesele 340).

class, who were opposing the westernization acts, by controlling the religious organizations, which were the economic power of this class (Lewis, 2004:94). Thus, central government would grow stronger and stronger with getting the financial and administrative power under its authority, by collecting the *vakıfs* under a central institution, and with institutionalization in the name of westernization, transferring of the *vakıf* incomes to different fields and controlling the organizations who were opposing the reforms would be provided.

Furthermore, European countries that wanted to control the weakened Ottoman Empire, couldn't fulfill their requests of possessing lands and properties, as the major part of the Ottoman lands were under *vakıf* possession and state owned situation. European countries were pushing the Empire to make them cancel this situation of the lands in order to possess these lands⁴⁶.

New Institutional Attempts

Vakıf institution was rearranged because of these internal and external effects and *vakıfs* were administered under a centralized structure. With the establishment of *Evkaf Nezareti*, it was planned to gather the *vakıf* administration under one authority, stop the corruptions, heal the *vakıfs*' administration in favor of the society and the organization itself, rearrange the government in accordance to western structure, make possible the benefiting of different sectors from the *vakıf* incomes that would be collected in the *Evkaf* treasury and support the *vakıfs* which didn't have enough income (Öztürk,1995:69).

After the establishment of the *Evkaf Nezareti*, *vakıfs* were divided into three groups in terms of their administration⁴⁷. *Vakıfs* called as "*Evkaf-ı mazbuta*" were administered directly by *Evkaf Nezareti*. Second group was called "*Evkaf-ı mülhaka*". These were administered by their *mütevelli*, and supervised by *Evkaf Nezareti*. Third group was called "*müstesna evkaf*". These *vakıfs* belonged to veterans and/or ecclesiastics, and they weren't administered or supervised by *Evkaf Nezareti*. Until *Tanzimat*, many *vakıfs*; *mazbut* or *mulhak*, were administered and/or supervised by *Evkaf Nezareti* (Öztürk,1995:75-77).

Administrative structure⁴⁸ of *Evkaf Nezareti*, which was the *mütevelli* and *nazır* of the *vakıfs*, anymore was made of three chambers in the beginning. However the administrative structure expanded by forming three more chambers in 1832 after many *vakıfs* connected to the institution. Until 1880 administrative structure of the institution was maintained by

⁴⁶ Hamdi Yazır who worked as a *Evkaf* Inspector for a short period, wrote a book about *vakıf* law and Öztürk who has collected and made the compilation of his book, tells in his work that (1995b:190-5) Yazır, about collecting the *vakıfs* under *Evkaf Nezareti*, mentions the entrepreneurship of the external political effects for gaining estates in the Ottoman lands.

⁴⁷ Ömer Hilmi:mesele 33-35, Akgündüz,1996:367-69.

⁴⁸ For central organizational structure of *Evkaf Nezareti*, see.Öztürk, 1995:77-80, Kahraman, 2006.

forming new chambers or strengthening the existing chambers (Öztürk,1995:78). Forming of the *Evkaf-ı Hümayun Nezareti* with very similar structure of today's institution was possible with the "Law of *Evkaf Nezareti İdare-i Merkeziyesi Teşkilat ve Vazai*" dated 1912 (Öztürk,1995:79). With this law *Evkaf Nezareti* had the responsibility of administering all *mazbut vakıfs* in the Ottoman Empire and supervision of the other *vakıfs*, which weren't classified as *mazbut*. Therefore, in order to conduct these tasks, the institution reached a wide central organization in the beginning of the 20th century.

Before the establishment of the regional organizations of the *Evkaf Nezareti*, the *vakıfs* found in provinces administered with the help of the regional officials with the supervision of the regional judges. In 1842, however, this application was considered unsuccessful, it was planned that local *vakıf* officials worked under supervision of governor. However, it was seen that local *vakıf* officials was again unsuccessful and couldn't administer their local areas, and it was planned to designate *evkaf* directors from Istanbul and enough clerks and officials would be present in the directorates in 1845⁴⁹. Consequently, with the directors designated from the central organization, the administration of the provincial *vakıfs* had started (Öztürk,1995:84).

Regional organization⁵⁰, which was administered by *evkaf* directors designated from the main office, was responsible to the *Evkaf-ı Hümayun Nezareti* and dependent on the city councils. Regional organization was divided into two categories called "accountancy" and "directorate" in accordance with the region and the workload. Furthermore, there were *evkaf* offices in the districts. While the number of the regional organizations of the *Evkaf Nezareti* except *evkaf* offices in the last quarter of 19th century was 120, the number of regional organization of the institution turned out to be 104 in the beginning of the 20th century after the rearrangement of governmental offices in 1878 (Öztürk, 1995: 85-6).

By the way, new *vakıfs* were also being formed during the *Evkaf Nezareti* era. However, these *vakıfs* were small-scaled and they aimed for repairs, heating and illumination of the former *vakıfs* instead of building new *hayrats*, and they were reciting the Koran for their founders⁵¹. Anyhow, with the rearrangements of the state structure after *Tanzimat*, constructions and repairs of the public buildings which were executed by the *vakıfs*, were being held by the state⁵². 57% of the *vakıfs* that were founded in the 19th century were cash

⁴⁹ As Öztürk states that (1995:81) some researches mention that *evkaf* directors were designated to the regions in 1835. Kahraman (2006:7) points out that *evkaf* directorates were formed in the Rumeli and Anatolian city centres in 1835.

⁵⁰ For regional organization of the institution, see Öztürk, 1995:81-86.

⁵¹ For the general characteristics of the *vakıfs* formed in 19th century, see Öztürk,1995:31-48.

⁵² State which was rearranged with a reformist approach in *Tanzimat* era, constructed public buildings such as barracks, ammunition stores, weapon factories, civil buildings, schools, quays and customs buildings. This was seen as the spending of the 39% of the *Hazine-i Amire* (*Hazine-i Amire* didn't be the state treasury alone, but was

vakıfs, 70% of which income was based on the movable properties and were established by *reaya*. Changes of the 19th century *vakıfs* were the result of the social and economic changes of the society as well as the enhancement of the private property after the cancellation of *temlik* and confiscation procedures by *Tanzimat*. It was seen that as the 19th century *vakıfs* were small scaled and didn't have enough income for the establishment of *hayrat*, they were a burden for the *Evkaf* and *Harameyn* treasuries as their expenses were more than their incomes, and it was also seen that the family members were designated for taking advantage of the military service exemption (Öztürk,1995:32). In conclusion, *Evkaf Nezareti* brought limitations to the *vakif* establishment and formed some stipulations like requirement for the *hayrat* that would be used by the local people, donating enough income that would meet the *vakif's* expenses and military service requirement for the designations (Öztürk,1995:32).

Consequences of the New Arrangements

While it was aimed to rehabilitate the *vakıfs* with the *Evkaf Nezareti*, which was improved with the central and regional organizations, centralization movements in the *vakıfs* hadn't been the answer to the problems of the *vakıfs*. Especially, as the result of the fact that *vakif* incomes were collected in the *Evkaf* Treasury and these amounts were transferred to state treasury or to the other organizations of the state, *Evkaf Nezareti* got into debt for its own expenses⁵³ (Öztürk,1994:36). *Evkaf* incomes were transferred to the governmental expenses like establishment of the Eyup thread factory, construction and administration of the sellers' boats (an organization which lost 40% of its money every year was alienated to *Evkaf Nezareti*), installation of the Üsküdar-Kısıklı-Alemdağ tramway system and the expenses for the ceremonies of the sultans. Giving these amounts to the public institutions as a debt, but later canceling these amounts by the government authorization was seen (Öztürk,1994:297-305). After *Tanzimat*, it was decided to collect the taxes that were taken from the *vakif* lands by finance office and given it to the *Evkaf* Treasury from the finance. As Mustafa Nuri Paşa who was the *Evkaf* ministry mentioned (1992 III-IV:287), these taxes were nearly 44.000 *kese* and these were given to the *vakıfs* at the beginning by segmenting them into months, but later this money was transferred to the state treasury in case of a deficit, and only the one fourth of this money was given to the *vakıfs* as an "aid". Therefore, *vakif* incomes that were collected in the headquarter weren't transferred to the institution, and Mahmut II's enterprises of spending the *vakif* incomes for different purposes became a standard mechanism in later periods and as a result *Evkaf Nezareti* couldn't find any allowance even for the repair and maintenance of the *vakif* buildings (Lewis,2004:95).

one of the treasures of the state like *Mansure* Treasury and *Tersane* Treasury) in 1254/1838, as the building repair and construction under 'ebniye expenses' entry (Cezar,1986:271).

⁵³ Ozturk details the transfers from *Evkaf* treasury to the other organizations of the state and these are stated under various publications of him. See. 1994:31-38, 1995:285-299.

However, reasons for establishment of the *Evkaf Nezareti* as it was mentioned in the *sultan* decrees were stated as “maintaining the successful administration of the *vakıfs*”, “maintaining their supervision” and “repairing their *hayrats* and fulfilling of their purposes”. With the incomes that were collected under one central treasury, *Evkaf* Treasury, it was planned to repair the *vakıf* buildings by transferring incomes sources for the *vakıfs* without enough income (Öztürk,1995:69).

Furthermore, the fact that *Evkaf Nezareti* was both the *mütevelli* and the *nazır* of the *vakıfs*, corruptions and wrong applications couldn't be prevented⁵⁴. Surplus of the employees in the *Evkaf Nezareti*, corruption and burglary nature of some of them, their inefficiency in legal matters, abuses against the administration, spending of the *evkaf* incomes for the workers' wages, donations and dervish lodge constructions resulted in the fact that there wasn't any money left for the repair of the *vakıf* buildings and requests for repair was underestimated (M.Nuri,1992 III-IV:285-87). As the treasury of the institution which couldn't maintain the administration of the *vakıfs* accurately, was also emptied by the state. Thus income transfer between the *vakıfs* couldn't be achieved and their exhausted situations couldn't be prevented (Öztürk,1994:40-41). So *Evkaf Nezareti* was a thread for the *vakıfs* instead being a guardian for them (M.Nuri,1992 III-IV:287).

Evkaf Nezareti which was responsible for the administration and supervision of the *vakıfs* from the first quarter of the 19th century to the first quarter of the 20th century, and was one of the members of the cabinet, changed its name to *Seriye* and *Evkaf Vekaleti* in May 2, 1920 and then to General Directorate of *Evkaf* (GDPF) with law no 429 dated March 3, 1924. *Evkaf Nezareti* which was presented as a member of the cabinet until 1924, was connected to the ministry of state after turning into GDPF. GDPF which is one of the most fundamental institution in the country as the inheritor and protector of the *vakıfs*, *vakıf* buildings and *vakıf* heritage which reached our century from Turkish-Islam era living in Anatolia for 9 centuries, is still maintaining its tasks even today.

2.1.3. General Evaluation of the *Vakıf* Institution

When the period of *vakıf* institution starting from the Ottoman era is considered, the *vakıf* institution is evaluated as a system, which meets the religious, social, political, cultural, financial and municipal needs with religious and charity purposes, formed with an individual entrepreneurship. With this concept, it's wrong to say that *vakıf* institution is merely a religious and charitable institution. At the same time, it's impossible to evaluate the

⁵⁴ For corruptions during the *Evkaf Nezareti*, see Öztürk,1994:28-31.

institution as an action against the law of inheritance in order to protect the absolute fortune as many researchers stresses out⁵⁵. And critics which state that the *vakif* institution is an act of deception of state owned lands can not be accepted as completely correct. However, there are some applications, which approve these critics within the system. But when the *vakif* institution considered as a whole, it is system with many actors / many versatile benefits. Therefore, *vakif* found a wide range of functioning in the Ottoman era. The partnership of state-society-individual trio is seen in the center of the versatile, many faced characteristics of the benefits that maintains the effectiveness of the *vakif* institution. In other words, state will create the legal and financial atmosphere, society will need and make the request and the individual will fulfill the role. Actually, even though the *vakif* institution is an individual entrepreneurship state, society and the formed system are the pushing powers for the individual to form the *vakif*. These pushing powers can surface in conditions such as power, monarchy, prestige, getting good credits, protecting one's property from all kinds of risks, protecting the family, maintaining security, maintaining comfort, and keeping the religious, financial and social life alive. When this scheme is considered, it is seen that there is a benefit network between the individual-society-state trio from small-scale to large-scale (Figure 2.1).

The *vakif* institution which was started by the individual, started to lose its quality with the negative events between individual-society-state trio. Individual *vakif* act, which is enhanced, supported and encouraged as a state policy has been institutionalized by being centralized again as a state policy. Changes in the system which surrounds the individual and formed by the state and the society, within the *Tanzimat* era, destroyed the pushing powers that made the individuals to form *vakif* and protect their *vakif*, and this situation weakened the *vakif* culture and *vakif* perspective. Institutions that emerged as *Evkaf Nazareti* and GDPF had an understanding, which collects the remaining of the *vakif* culture of the Ottoman era, and protects this *vakif* heritage with a different point of views.

Before *Evkaf Nazareti*, *vakif*, which were generally administered and supervised in domestic terms by the descendants of the founder, was administered and supervised from the central organization by the designated officials after the institution had formed. This led the institution turn into a clumsy, unprocessed and weakened institution. Furthermore, state's commandeering of the *vakif* incomes, transferring them to different sectors, weakened the

⁵⁵ Mustafa Nuri Paşa (1992:1-2/310-11) defends this view with stating the following reasons:

- If the *vakıfs* were built with the mere idea of leaving a legacy to the successors, charity works would have been less and works with profits would have been more in quantity.
- *Vakıfs* were sources of employment, therefore, not only the family but also many other people would benefit from these positions.
- *Vakıfs* were meeting people's various needs and requirements
- People who didn't have descendants, also formed *vakıfs*.

institution and turned it into an actless system. As this continued throughout the Republic period, and it existed in the government with an annexed budget even today, turned the *vakif* institution into an inefficient organization which couldn't fulfill its tasks as it should have done.

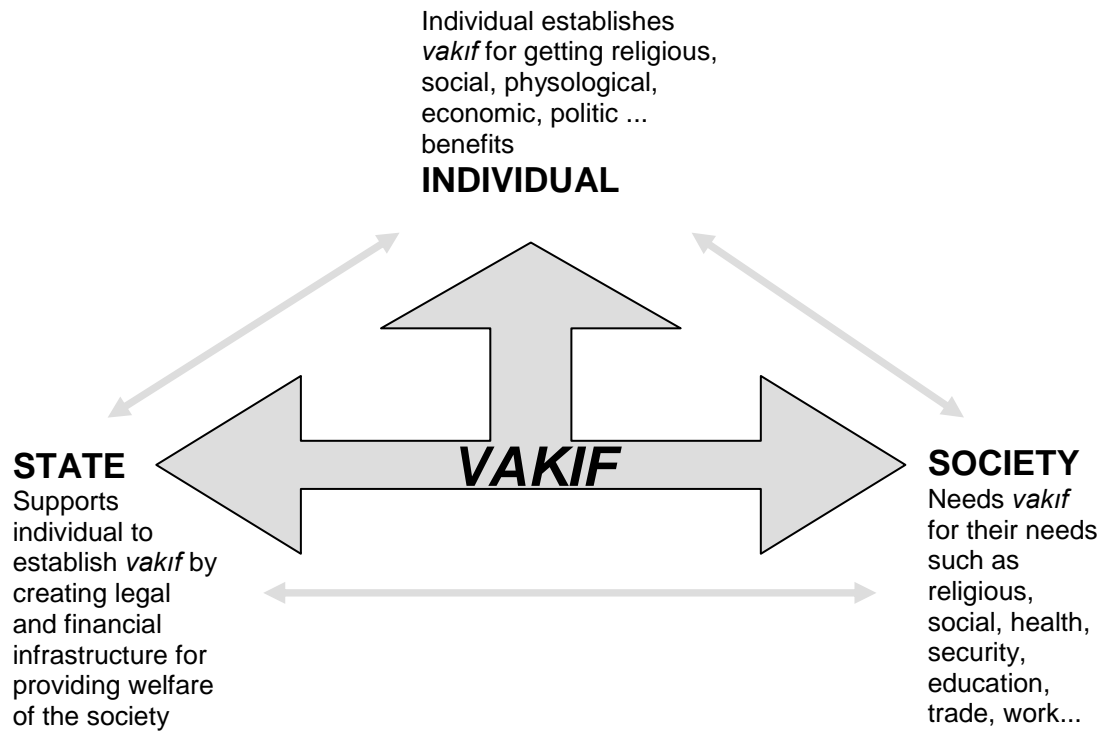


Figure 2.1. the partnership of the state-society-individual trio in establishing *vakif*

In the Ottoman era, *vakif* institution showed its physical existence with the spaces that it owned. The most important point of the institution was the idea of serving the society forever and perpetuating the properties which were accepted as God's properties, gave the *vakif* a task of protecting its properties and perpetuating them forever. Consequently, *vakif* institution formed the necessary regulations for the continuity of the *vakif*, and the continuity of the spaces, which would fulfill this task.

Within the *vakif* institution, which was institutionalized with *Evkaf Nezareti*, the remaining *vakif* buildings were in ruins as the major part of the *vakif* institution had become extinct, or its income sources weakened/destroyed or it weakened in administrative terms. As the *vakif* corporate body also was disappeared with *Evkaf Nezareti*, the only thing of which

permanence aimed was the remaining *vakif* building. When the republic formed, most of the *vakif* were emptied, they were inefficient and in functional and only the buildings / shell left of them.

Consequently, the idea of conserving the “*hayrat*” buildings which are still functional and are attributed to as “relics of ancestors” occurred within the acts of conserving the buildings during *Evkaf Nezareti* era. The *vakif* heritage that GDPF inherited, of which was disappeared as a system, only a little amount are continued with *mülhak vakıfs*, is founded as a building stock that should be conserved and perpetuated under the name of “historical monument” and then “cultural property”. And GDPF is responsible for the conservation of this building stock with using its legal, administrative and financial structure, with an idea of contemporary conservation.

2.2. Vakif Institution and Conservation Activities

Most essential mission of the *vakıfs*, which have met the religious, social, cultural, economic needs of the society for centuries, has been maintaining their services forever with continuity. Therefore, physical existence of the *vakıfs*, namely buildings, should also be perpetuated for long years and maintain their services. This basic principle of the *vakif* institution made the *vakıfs* institution have the concept of conserving these *vakif* buildings. As it's told above section, organizational alterations of the *vakif* institution throughout history, ended up in changing the conservation mechanism of the *vakif* buildings. Consequently, this thesis has aimed for forming a model that is based on the mechanism of the *vakif* institution about the conservation of the *vakif* buildings by adapting this mechanism to today. Therefore, *vakif* institution's mechanism for conserving the *vakif* buildings should be evaluated in detail.

Consequently, when this mechanism is considered it is seen that the mechanism of the *vakif* institution for conserving the *vakif* buildings is composed of various legal regulations for the conservation process, existence of administrative and technical staff that will maintain the conservation process and a financial structure for preparing the sources for the conservation acts. These legal, administrative and financial aspects make up the institution's conservation policy.

Therefore, the legal, administrative and financial aspects that *vakif* institution has formed are evaluated within this section. Actually, these aspects can be evaluated in various parts such as reason for their coming out, development and different stages they go through in the application process. However, here these aspects will be observed by stressing out the

conservation of the *vakif* buildings and the conservation and repair policy of the institution will be evaluated. Therefore, in this chapter *vakif* institution and conservation acts will be observed in two stages as Ottoman era and *Tanzimat* era by considering the organizational alterations of the institution throughout history.

2.2.1. Legal, Administrative and Financial Aspects of the *Vakif* Institution related with Conservation Activities in the Classical Ottoman Period

In the Ottoman period, *vakif* institution which is influential in the formation and continuity of the built environment was in charge of execution of development, construction and repair activities of the empire to the greatest extent. Construction facilities realized in the Ottoman classical period is observed to have been executed either by individuals or the state (Cezar, 1983:261-282). Except for the housing constructions by individuals *vakif* aimed or for private use, public works like mosque, *medrese*, *bedesten*, shop ect. are again built by individuals through the institution of *vakif*. Apart from these, fortifications, castles, bridges, roads that are classified as military and public works, are known to have been built by the state as *miri* construction. Double choice seen in the construction facilities also continues in the repair facilities. Now that the effectiveness of these two groups is also seen in repair activities of buildings by individuals built or owned through *vakif* and *miri* buildings built by the state. Madran (2004:45-61) considers also the repair activities of the Ottoman period as *miri* repairs and *vakif* repairs because of the differences in the repair process. Considering the *vakif* building quantity, it is realized that *vakif* institution takes on a major of the repair activities in the Ottoman period, as a result repair activities were institutionalized by *vakif* in the Ottoman period (Madran, 2004:92).

Madran (2004:19-37) in his work, classifies attitudes concerning cultural heritage in Ottoman period as positive and negative attitudes and has reached the conclusion that negative attitudes that Ottomans had shown towards buildings and remains which belong to former periods before Ottoman period had generally taken its source from lack of knowledge and the resultant unawareness. Apart from that, curiosity, religious value, respect for inherited artifacts and besides, mostly because of usage value, positive attitudes were also seen towards historical artifacts.

Also in the repair activities executed through the *vakif* institution, again the most important element is the achievement of continuation of utilization of the building. In this way, while both income and charity issues are continuing without interruption, *vakif* continuity as the major intention is also achieved. It is important to point out that it is not really possible to compare the conceptual structure of conservation acts that take part in *vakif* system with a

contemporary conservation approach. Here, achievement of continuation of buildings by conservation is given importance if it supports benefits of the *vakıf* and is necessary for public welfare. If benefits of *vakıf* and public welfare stipulate replacing the *vakıf* building after demolishing, use of it for another purpose by partitioning, possibility is given for these process by the permission of *kadı* and *mütevelli* legally. For example, on the contrary that it is not approved to alter a *vakıf* building by any intervention, such an action is allowed in case of *vakıf* benefit (Ömer Hilmi:mesele 267). When a *vakıf* bath has high heating expenses for its being spacious, besides being unable to provide adequate income because of not having excessive customers, transformation of the bath to a profitable purpose by a repartitioning, like the reorganization of certain parts as shops could be done through the permission of *kadı* and *mütevelli*. Replacement of a *hayrat* that exist in an abandoned area or demolition of a *mescid* which does not meet the needs of the public, to built a bigger *mescid* on its land (Ömer Hilmi:mesele 344,185) is also an accepted practice when public benefit is considered.

When repair activities by means of *vakıf* institution in Ottoman period are considered technically, they were activities that vary in scale and quality according to the needs of the building, executed for the aim of sustaining *vakıf* buildings, in fact for providing the eternity of *vakıf*. In 18th century documents, intervention needs of buildings are expressed through intervention types varying from cleaning to consolidation, repair to reconstruction⁵⁶. This situation is observed as repair of the existing condition in certain buildings while reconstruction could also be the subject matter in some cases if the building is in ruins. In the case of reconstruction of buildings in ruins, it is seen that the former building is generally rebuilt. Moreover remains of building in ruins are observed to have been reused as building material⁵⁷. However, there wasn't a conservation approach like today in the Ottoman period, these implementations were executed for the functional continuity of the building with the most convenient technical and financial solutions.

Eternity of *vakıf* not only meant the continuation of public services supplied by the institution, but also the permanence of tangible and moral benefits *vakıf* provides to the individuals, the public and the state. Therefore, everyone (individual-public-state) utilizing *vakıf* had to support buildings' repair that was necessary for the continuation of *vakıf* and constitute the

⁵⁶ Mazlum (2001:xiii, 41) classifies the intervention types seen in the repair documents belonged to 18th century as: *tahtire muhtaç* (require of cleaning), *tamir ve termime muhtaç* (require of repair), *meremmata muhtaç* (require of repair), *fena-pezir* (in a bad condition), *şikest* (broken), *rahnedar* (damaged), *inhidama/haraba mütemayil* (to be inclined to collapse), *müşrif-i harab/ haraba müşrif* (in ruin condition), *gayet-ül gaye harab* (extremely ruined), *mühedim* (collapsed), *külliyen mühedim* (completely collapsed), *kabil-i tamir değil, müceddeden binaya /tecdide muhtaç* (impossible to repair, should be rebuilt).

⁵⁷ In the 18th century documents, rebuilt or reconstruction of the buildings based on its original condition and the use of material of the ruined buildings are stated as : "*vaz-ı kadim üzere tecdid*" (rebuilt according to its former condition), "*enkaz-ı mevcudeyle tecdid*" (rebuilt with its materials) or "*nakzıyla tecdid*" (rebuilt with its materials). From the documents it is seen that in the repair of the one of the minarets of Süleymaniye Mosque and in the repair of Fatih Külliyesi after the earthquake, its construction materials were reused (Mazlum,2001:41-42).

infrastructure. Besides, *vakif* founded by high-level governors; sultan *vakıfs*, *vakıfs* founded by *viziers* and local administrators, since they were conveying political signification at the same time, their being well-cared supported the permanence of *vakif*, along with symbolizing the continuation of political administrative power (Singer,2004:191). For these reasons, repair of *vakif* buildings were primarily supplied by *vâkif* and the legal (terms determined by *vakfiye*), administrative and financial infrastructure established by it, while the state had an important role in ensuring repair of *vakif* buildings through legal rules carried out by judgmental system, supervision and financial support where necessary and users of *vakif* buildings by means like complaints, financial support.

As a matter of fact, the relationship of *vakif* institution with repair activities has been observed since the beginning of *vakif* act, such that some *vakif* had an effective role in repair activities so far from establishment phase. The situation emerges by the donation of some *hayrat* buildings, which was constructed before by someone else but became a ruin in time, after its repair executed by the *vâkif*⁵⁸. *Vâkif* which donates such a *hayrat* ensures re-functioning of a *hayrat* after repair which is already serving or has the potential to serve the public, by using phrases like "...wishing the repair of existing fountain"⁵⁹ ("...olçeşmenin tamir ve termimini murad edüp...") in his *vakfiye*. Addition of an existing building to *vakif* by repair is handled not only in *hayrat* buildings, but also by providing repair of a profitable building⁶⁰ or by repair and construction of a ruined building without a valid function to use for a different purpose⁶¹. A functional or non-functional ruined building, being the subject matter of a *vakif* by its repair shows that the usage potential of buildings were evaluated by *vâkifs*.

2.2.1.1. Legal Aspects

As it's mentioned before, repair acts that are maintained by some *vakıfs* in the starting stage, was held after the establishment of the *vakif*. This is present in the *vakfiye*, which symbolizes the establishment of the *vakif* legally and is a legal registration document. After the founder stressed that he had donated the *hayrat* and *akar* properties, he used to mention how to spend the incomes and which expenses would be met. Generally, primary expense was the repair expense. This is shown in the *vakfiye* as "...first repair and

⁵⁸ Yüksel (2006:319) mentions that 24% of the *hayrats* belonged to the *vakıfs* in Anatolian Seljuk period were the revitalized buildings. For the Ottoman period this information is only given in Yüksel's (1998:129) study. According to this, the ratio of the *hayrats* that were revitalized by the *vakif* founders in the 17th century is 3,45% within the total number.

⁵⁹ The *vakfiye* of Baradoğlu Miğdis who founded a fountain *vakif* in Gümüşhacı village (Kunter, 1938:120)

⁶⁰ In 17th century a *han* which belonged to a *vakif* was revitalized by repair in Kurşunlu village in İnegöl (Yüksel, 1998:129).

⁶¹ Singer (2004:86) states that a house belonged to Tunşuk Hatun before, was repaired and widened with the aim of using the building as an imaret which belonged to Hürrem Sultan *vakif* in Jerrusalem.

maintenance...⁶². Although it was mentioned in the *vakfiye* that primary expense should be the repair, there were some exceptions. One of them is the application, which conditioned that repair expenses would be met after the income was allocated for various expenses⁶³. Furthermore, there were also different applications in the *vakfiye*, which stressed out that repairs could be held when necessary⁶⁴. In some *vakfiyes*, on the other hand, while there wasn't any condition about the repair acts, it was comprehended as a mandatory process, which should be applied at present⁶⁵. Consequently, *vakfiyes* always stressed out the importance of the repair acts even if they mentioned it or not or mentioned it with different words or conditions. Moreover, this condition was also applied by the *vakıf* law. Even though *vâkıf* hadn't formed any priority for the repairs or opposed for the repair acts, this would be underestimated and repair act would be maintained in accordance with *vakıf* law and it was expressed that the repair of the *vakıf* should come first (Akgündüz,1996:401-402).

Repair conditions in the *vakfiye* generally mentioned that all *evkaf* should be repaired, in other words all *hayrat* and *akar* buildings that belong to the *vakıf* should also be repaired. However, some founders only mention repair process for the *hayrat* properties while he doesn't stress the *akar* repairs. In some *vakıfs*, on the other hand, repair of the *akars* was the primary condition. Underestimating repair of the *akars*, or mentioning them together or giving priority to one of them, show that *vakıf* institution has always had the idea of repair and maintenance. Moreover, *vâkıf* didn't just condition the repair of a *hayrat* that belonged to his *vakıf* but it also could condition the repair of a *hayrat* that was built by someone else in the *vakfiye* and it could even undertake the repair of the pavements which were used by the society⁶⁶. Basically, the fact that the repair of the pavements in front of the *vakıf* buildings was the sole responsibility of the *vakıfs*, was also observed in the decree which was written

⁶² "...evvela tamir ve termimine...". There are several terms used for indicating repair act in *vakfiyes*. These are; "tamir", "termim", "tecdid" and "meremmet". For further detail, see Madran,2004:45.

⁶³ After the *vâkıf* had stated the wages that would be given to the *vakıf* personnel in the *vakfiye* belonged to Fettullah Efendi bin Abdülatif *vakıf* dated 971 H./1563-4 M, and said that "...the remaining amount is kept by the judge of the district and the *mütevelli* and it is used for the repair and maintenance of the *vakıf*.." ("...bundan sonra artarsa beldenin hakimi marifet ile mütevelli onu zapteder ve onu israf yapmaksızın ve fazla kısmaksızın vakfın tamir ve meremmetine sarf olunur..."), GDPF archives, notebook no:608/1-147-176/1.

⁶⁴ In the Kalender Paşa's *vakfiye* dated 1221 / 1806-7 , it was stated that "...if the *vakıf* buildings needed a repair, it would be spent from the *vakıf*'s income sources ..." ("...medresesi mezkurelerin tamir ve termimi iktiza ederse evkafı mezkure galletindan sarf oluna..."), GDPF archives, notebook no: 618-115.

⁶⁵ While there wasn't any statement about the repair of the mosque in the *vakfiye* dated 1065 /1655 belonged to Ali oğlu Ebubekir Bey, it was stated that "...if the mosque was in ruins and wasn't repaired properly, the incomes would be donated to the poor in holy lands..." ("...camii mezkur münhedim olur ise ihyası birvechile kabil olmaz ise haremeyni şerfeyn fukarasına vakıf olsun..."). This statement means that even if there wasn't any article about the repair in the *vakfiye*, repair and maintenance acts were always in mind and they were also appreciated. GDPF archives, notebook no:611-120-121.

⁶⁶ In the *vakfiye* that belonged to Hoca sultani Atullah Efendi, dated 979 /1571-2, it was conditioned that "...repair of the fountain of Cennet Hatun who is from my country..." ("...Yeni Mahallede hemşiresi Cennet Hatun çeşmesinin tamiri...") and "...and the repairs of the distorted roads and the pavements will be done by the supervision of the judge, *mütevelli* and the *nazir*..." ("...ve yine fazladan hakim, mütevelli, nazir marifetile bozuk yolların kaldırılmalarının...yapılması...") with the remaining *vakıf* incomes (Kunter, 1938: 126-127).

to the *kadı* of Istanbul, dated 1572 M. Decree shows that pavements in front of the *vakıf* buildings must be repaired by the *mütevelli* of these *vakıfs*, the administration duty of *mütevellis*' might be cancelled if they didn't obey (Ahmet Refik, 1988:61-62). It was obvious that repair of the bazaar streets was being met by the *vakıfs* or by the tradesmen boxes which were a kind of a cash *vakıf* (Ergin, 1995:2/681). It is seen that while the *vakıf* institution was responsible for repairing the *vakıf* buildings in order to maintain its own continuity, it also had the responsibility for repairing of other buildings or urban elements which the society had been using with the desire for providing the welfare of the society.

Another element that was mentioned in the *vakfiye* certificates about the preservation of the *vakıfs* was about prayers and curses. Prayers and curses which didn't let the *vakıf* rules change, provide efficient service for the society, and allow the *vakıf* to be administered accurately, were moral encouragements and threads for the administrators, the employees and the society (Kunter, 1962:263). Curses contained some threads about preserving the buildings, revitalizing them, preventing them from being demolished, preventing the *hayrat* to be destructed and curses about the possibilities, which would let the *vakıf* turn into an inactive organization⁶⁷. Therefore, it can be said that, *vâkıf* who thought about every condition (administrative, financial and legal) to preserve the *vakıf* buildings in order to continue the *vakıf* institution, also enhanced the moral pressures.

Tasks of conserving the *vakıf* buildings and the *vakıf* institution were also responsibilities of the state. State had the right to audit and supervise the *mütevellis* and the *vakıfs* and the incomes, expenses, renting and other elements of the *vakıfs*, which were under the responsibility of the *mütevelli*. Furthermore, there were many canonical laws about the conservation of the *vakıfs* and their properties. Many cases about the *vakıfs* were seen in accordance with these laws. There were inspector *kadı*s who were designated to see the *vakıf* cases in the Ottoman courts. Three of them were in Istanbul, one of them was in

⁶⁷ In the Ateş's (1983:5-54) article about the prayers and the curses in the *vakfiye* documents, the curses that contain threads about the repair of the buildings are as follows:

- For the bridge that was built, it was stated in the *vakfiye* that belonged to Sultan Beyazıt , dated 1495 M., that "for its endurance for days, months and even years, this bridge is constructed with good people's prayers" (p.45) ("*günler, aylar ve yüzyıllar boyunca ayakta durması için, iyi meziyetli kişilerin dualarıyla yapılmış olan köprü ki*")
- It was stated in the *vakfiye* that belonged to Şeyhülharem Esseyid Elhac Mehmed Çelebi İbn-i Abdülkadir dated 1657 M., that "...whoever.. supports the growing of *vakıf* income and works for the well being of the *vakıf* from collapsing, destroying.... god bless them...." (p.46) ("*Kim vakfın ...mahsulatının çoğaltılması için çaba gösterir, onu yıkılmak, yokolmak ve haleden korursa...onun mükafatını...Ulu Allah versin...*")
- In the *vakfiye* that belonged to Murat II, dated 1456 M. , it's stated that "...it cannot be permissible for no-one to harm, decrease, change the *vakıf* or make it inefficient, whoever works for harming the institution, God will damn these people..." (p.54) ("*insanlardan hiç birine, bu vakfı bozmak, eksiltmek, değiştirmek, ihmal etmek ve âtil hale getirmek helal olmaz...kim...hayratının tahrip edilmesi...için uğraşır ve çaba gösterirse Allah'ın gazabına uğrasın...*").

Edirne and one of them was in Bursa as there were many *vakıfs* in these cities⁶⁸ (Karal, 1976:138). From the 27 courts which were located in Istanbul, *Evkaf-ı Hümayun Müfettişliği* and Istanbul *Evkaf Muhasibliği* were just accepting *vakıf* cases (İpşirli, 1996:37). *Evkaf-ı Hümayun Müfettişliği* court, which was responsible for dealing with the *vakıf* cases starting from the beginning of the 17th century till the Republic period, was also responsible for preparing the cost estimation of the *vakıf* buildings (Sahillioğlu, 1973:136). Therefore *vakıfs*, which were administered by the regulations stated in the *vakfiyes*, mentioned by their founders, were also administered in accordance with the general laws that were prepared for all of the *vakıfs* by the state's legal system.

There are many regulations in the canonical laws, which were prepared for the *vakıfs* and would be the basis for the *vakıf* law in the future, about the permanence of the *vakıfs* and conditions as well as the administrative system, which would fulfill the permanence mission. These canonical laws attribute to each *vakıf* as a separate legal body. As the canonical laws also accept, conditions that are mentioned in the *vakfiye* are mere effective regulations and cannot be changed⁶⁹. Such that, mission of the *vakıf* cannot be changed and transfer of income between *vakıfs* cannot be applied without the consent of the *vakıf* (Ömer Hilmi⁷⁰: mesele 340,342,343). This can only be possible by transferring the income of a *hayrat*, which cannot fulfill its mission and cannot be repaired, to a *hayrat*, which has the same mission as the first one. For instance, an income of a *medrese* in ruins could only be spent for the expense of another *medrese*, and couldn't be spent for something else even if it belonged to the same *vâkıf*. It might be said that this approach has both positive and negative aspects for the conservation of the buildings. Generally, requirement for a *vakıf* to form its own livelihood with the incomes and expenses pushes the *vâkıfs* to donate the efficient amount of income sources that can meet its expenses. In the contrary, if enough income sources were not provided for the *vakıf* buildings, the probability of ruining the *vakıf* buildings and harming the *vakıf* system could have appeared, so the society's necessities couldn't have covered. However, as the source transfer even between the *vakıfs*, which belonged to the same founder but with different missions, was also prohibited, resulted in the source scarcity for the repair of the buildings and descending of the *vakıfs*. Another matter about the *vakıf* sources was that incomes and the expenses of a *vakıf* was spent in that fiscal year, in other words, annual fiscal budget was prepared. Wages of the workers

⁶⁸ About this topic, Ergenç tells that Faroqi had attributed to these courts as private courts, but he mentions that this attribution is wrong, and there were designated inspector *kadıns* who were responsible for attending the *vakıf* cases, and mentioned in his unpublished proceeding that there wasn't such a thing as private courts in the Ottoman Empire era.

⁶⁹According to the Islamic law, *vâkıfs* conditions are same as the God's laws, and cannot be changed (İpşirli, 1996:36). However, it's important to mention that conditions which weren't for the welfare of the *vakıf*, and also opposed with the legal terms, even though they were conditioned by the *vâkıf*, it was laid down by *şeyhülislam* that *kadı* could cancel these laws and regulations (İmber,2004:170-171).

⁷⁰ The detailed information about the source which was written by Ömer Hilmi Efendi and which was including the legislation about *vakıfs* in the Ottoman period, is found in Chapter 4.2. p: 107

were also expensed from the annual income, and the next year's income wasn't meant to be used for the previous year's expenses (Ömer Hilmi: mesele 359). Even though this didn't seem like a rule that was directly related with the conservation of the *vakif* buildings, by prohibiting the changing of *vakif*'s mission, prohibiting the source transfer between the *vakifs*, prohibiting the utilization of the next year's incomes for the previous year's expenses and spending the income in that year, protected the repair funds by stopping corruptions.

Canonical laws had formed some rules that would benefit the *vakif* for its permanence of at the time of offbeat situations. These are generally solutions, which would clear the way for the *mütevelli* when the *vakif* couldn't meet the expenses or when the incomes would be used for the repair of the *vakif* buildings. In such situations, canonical laws provided the *mütevelli* with proper action by getting the *kadı*'s approval, and the possible attacks against the *vakif* from the employees or descendants, were stopped. For instance, when the income of the *vakif* couldn't meet its expenses, *mütevelli* applies to *kadı* and saving is practiced with the approval of the *kadı*. Saving was practiced for the expenses other than the repair expenses, *kadı* had the right to stop or lessen paying the wages or donations⁷¹ and this situation could continue until the *vakif* had balanced its budget (Ömer Hilmi: mesele 363). Not applying the saving practice for the repair expenses, applying the repairs of the *akar* buildings accurately and in time let the *vakifs* maintain their functionality and protect the *vakifs*' income sources. Consequently, it was aimed for preventing the capital from being destroyed, which has been one of the most negative thing that could happen, and aimed for increasing the capital (Imber, 2004:163-4). Repair expenses should be met before all other expenses. If there is a requirement for repair in the *vakif*, income should be transferred for the repair expense. If the wages and donations were paid, *mütevelli* had to pay it back. *Vakif* relatives didn't have the right to oppose the transferring of the income for the repair (Ömer Hilmi: mesele 411,413). In the end, repair of the buildings was a priority within the law, *mütevelli* was supported in every action about repair with the approval of the *kadı* and personnel and *vakif* descendants who were benefiting from the *vakif* income didn't have the right to oppose.

There were also visions about the conservation of the *vakif* buildings in the *fetvas* as well as the canonical laws. These visions also stressed out the fact that *vakif* buildings would be protected and repaired in order to maintain the income, and the *vakif* building could not be turned into and changed form. For instance, the *mütevelli* wasn't allowed to demolish a bath which is in ruin condition and to rent its land with *mukataa* (Özcan, 2003:207). Therefore,

⁷¹ Akgündüz (1996:402), based on the *fetvas* of Ebussuud in the footnote 4-5, mentions that, neither *sultan* nor another court decisions could oppose the decision of the *kadı* about applying saving actions at the expenses. Furthermore, it is also stated that saving in terms of wages didn't include the wage of the *mütevelli*, there wouldn't be any deductions in his wage as he was very important for the administration of the *vakifs*.

the conservation of *vakif* building both for the *vakif* benefits and society benefits were taken into consideration.

It's obvious that founders of the *vakıfs* had proposed some rules in their *vakfiye* in order to maintain the permanence of their *vakıfs*. Moreover, state, which had formed the public services through the *vakıfs*, formed legal regulations in order to implement some actions in the name of the conservation of the *vakif* buildings and provided the application of these regulations by *kadis*.

2.2.1.2. Administrative Aspects and Repair Process of the *Vakif* Buildings

Repair process of the *vakif* buildings started with the need for repair. Repair need could be surfaced in three forms. First one was the need for a repair, which was caused by natural process and wear with effect of time of utilization. Second reason could be repair need as a result of natural events⁷² like fire, earthquake, strong winds, and thunderbolt etc. Third reason was the repair need as the result of human effect. While the first two causes for repairs were supported by the *vakif* institution's incomes and/or support of the state according to the magnitude of the repair, for the third cause was solved by charging the person who caused the harm by paying the cash or turning the buildings into its former condition (Kunter, 1962:263). If the building which was destroyed is *hayrat*, person who destroys the building should built it again. If the building is a *akar*, person who destroys the building pays the expenses so that *mutevelli* could repair the building (Ömer Hilmi: mesele 407).

After the need for a repair surfaced, repair request would be formed legally for the *vakif* building. *Mütevelli* was the first person that was determining the repair⁷³. Then, workers in the *vakif* building or people who used them or rented them had the right of request for a repair by through *mütevelli*⁷⁴. People living in the neighborhood, legal or administrative directors of the district could also request for a repair. Letting people who were benefiting from the *vakif* buildings directly or indirectly make requests for a repair other than the

⁷² While strong winds harmed the lead coverings of the roof, thunderbolts might collapse the minarets. As the buildings were very close to each other and usage of timber materials mostly made the buildings to get harmed during fires. As it can be observed in the article of Cezar (1963), fires and earthquakes damaged the built environment with drastic results.

⁷³ Madran (2004:45-6) grouped the ones that requested for repair by observing the *vakif* buildings and all other buildings except *vakif* buildings. The first group covered *mutevelli* who was also responsible of the repair implementation, *nazır*, *vâkif*, *kadı* and *naib*. Second group composed of the local people who didn't join the repair process directly, but their requests and their demands were evaluated.

⁷⁴ Pay (2000) mentions in the foot note 77 that, students that lived in the İvaz Paşa Medrese located in Bursa in 1801, requested for a repair of the mosque which was damaged because of a fire and they put pressure on the *mutevelli* to take quick actions about the repair.

mütevelli or *nazir* who were directly involved in the request process, was logical, as the benefit of a *vakıf* would also benefit of the people who were using it. This was mentioned as a pushing power in the conservation of the *vakıf* buildings.

Legal repair process⁷⁵, which was starting with notifying the *kadı*, continues with consent of the *kadı*, then the preparation of the first cost estimation and the repair report in some cases, followed by giving of these documents to the *kadı*. Then *kadı* used to apply to the *divan* with cost estimation and repair report. *Divan* approves the cost estimation and reports the approval to the *kadı*. Later, *kadı* gives his approval to the *mütevelli* who is responsible for the repair. *Mütevelli*, who maintains the financial source and the necessary personnel, starts the implementation of repair. After the implementation is done, second cost estimation is prepared and submitted to *kadı*. First and second cost estimations are matched upon by the *kadı* and it is reported to the *mütevelli*.

During the repair process, *mütevelli* who was the administrator of the *vakıf* was responsible of the repair actions, and had to maintain the process by forming the technical and financial background of the repair. Obtaining of the repair personnel, and construction materials and financial source⁷⁶ that was formed by the *akars* were resolved in the local scale. This is seen as a characteristic, which accelerated the repair acts.

Technical people like architect, *kurşuncu*, *benna*, *neccar*, *su yolcu*, *meremmetçi* who would work⁷⁷ in the repair acts, weren't experts in repair actions and it's essential to stress that as the techniques and materials of the repairs were the same with the construction techniques and materials of the ongoing projects of other buildings, they were just specialized in the building construction (Madran, 2004:73). These people who would work for the repair process were employed by the founder of the *vakıf* in some *vakıfs* and their wages were mentioned in the *vakfiye*. Furthermore, for the intense repairs of the sultan *vakıfs*, architects belonged to *hassa ocağı* were also working other than the repair personnel designated by the *vakıf*. Bakırer (1973:121), who evaluates the employment of the personnel about the repair and the regulations about the repair states that repair actions were comprehended as a general perspective in *vakfiyes* dated before the 15th century in the Ottoman Empire. .But after this era repair subject was detailed and overestimated in the *vakfiyes*, and there were more detailed information about the share that would be transferred to the repair, personnel

⁷⁵ Information about the repair process of the *vakıf* buildings taken from Madran's (2004:45-63) study.

⁷⁶ While *akars* of a modest *vakıf* were located generally in that district or near surrounding, in large scale *vakıfs* like *vakıfs* of *sultans* or *viziers*, *akars* and *hayrats* might in every place of the empire. In this cases, the number of the *cabi* who is a personnel of the *vakıf* and responsible for collecting the income, might be more than one person.

⁷⁷ Madran (2004:73-91) observes the repair workers who worked in various kinds of buildings in the Ottomans between 16th and 18th centuries by dividing them into two categories in accordance with their service types and employment methods. Here, not just the technical personnel about the construction works but also the other employees both administrative and legal are also observed.

to be designated and their wages. *Vakfiyes* didn't always cover the employment of repair personnel. This can be thought as the fact that this subject would be decided upon when there was a need for repair in the *vakıf* (Bakırer, 1973:121). There were also employees who worked as freelances and started working whenever there was a need for repair without being included in the permanent staff (Madran, 2004:89). It's obvious that while the *vakıf* institution considered the repairs as the prior task, it also employed the necessary personnel who would work whenever a repair was needed. This approach planned to remove the time factor, which was an effective factor in repairing of the buildings, and maintains the functionality of the buildings. Furthermore, as the employees that would work in the repair process were specialized only in the building construction, *vakıfs*, which didn't have permanent staff, could easily employ these people when they needed.

Other than the existence of employment of the permanent repair staff, existence of the necessary repair materials located in the storages of the *vakıf*, allowed quick repair actions without requiring for intense repairs (Kunter, 1962:265).

The repairs which were held by the permanent or temporary workers in the *vakıf* buildings, was divided into two categories in the *vakıf* law (Ömer Hilmi: mesele 29,30 - Akgündüz, 1996:401): "*meremmet-i müstehleke*" kind of repairs which cannot be detached from the construction like plaster and whitewash and "*meremmet-i gayr-i müstehleke*" repairs or additions which can be removed from the construction like stair, pantry, glass partitions or marble floor covering.

When the repairs of the *vakıf* buildings are considered with current measures, there were three styles of intervention (Madran, 2004:54-58): maintenance, intense repairs (restorations), and rebuilt or reconstruction. Interventions like plastering, jointing, renewal of the lead covering of the roof, repairing the window glasses are classified as maintenance as they didn't affect the spatial, elemental and structural characteristics. Basically, after the *vakfiye* and account books evaluation, the result is that the repairs were mainly applied to roof covering (maintenance or renewal of the lead and tile covering or maintenance of the soil layer on the roof) as well as the repair of the waterline installations (Bakırer, 1973:125 – Madran, 2004:55). Anyway repair of the roof covering and the infrastructure aren't included in the intense repair classification, they are part of the maintenance process. It can be said that intense repairs were generally implemented after a fire or an earthquake destructions or if the mentioned repairs; repairs of the roof and infrastructure, hadn't been implemented regularly and properly. For the intense repairs, which were implemented after disasters, state funds; technical and financial were allocated except *vakıf* sources.

2.2.1.3. Financial Aspects

For the repair of the *vakif* buildings, incomes, which were own sources of the *vakif*, were used, and when these incomes weren't enough, *mütevelli* used to find the financial support either by borrowing or utilizing his own sources. Sometimes, the user or the tenant had to fulfill the repair process. Moreover, inhabitants or the state sometimes supported financially for the repair expenses (Figure 2.2). In this line, the financial sources of the repair activities can be grouped as follows:

- a. *vakif*'s own sources coming from *akars*
- b. other sources & contributions
 - b.1. sources of the *mütevelli*
 - b.2. contributions of users or tenants
 - b.3. contributions of *vakif* personnel / local people / charitable persons
 - b.4. state contributions

a. *vakif*'s own sources coming from *akars*

The major source for the repair of the *vakif* buildings usually came from the *vakif*'s own sources which was coming from the *akars*. Yediyıldız (2003:95-121) based on the 18th century *vakıfs*, divided the income sources into four categories. First group which were called as agricultural enterprise, were composed of lands, vintage, garden, orchard, *mezraa*, agricultural field, farm, village, country, *mukâta'a* mine and fish trap. Second group was composed of the buildings; third group was composed of the cash while the fourth group was composed of donated movable properties. Buildings were also divided into categories like houses (*menzil, saray, yalı, oda-hane*), buildings which were rented for public service (financial office, customs house) and commercial buildings like khan, shop and storage and other industrial establishments like bath, mill and factory. When these were evaluated as urban based and rural based, it is seen that urban-based incomes were mostly coming from the rentals of the buildings and operating incomes. 32% of the 17th century *vakıfs*' incomes and the 38% of the 18th century *vakıfs*' incomes were composed of the rentals and incomes coming from the buildings and enterprises⁷⁸. It is mentioned in Barkan's (1963:253) study that income sources of the Ayasofya Cami and Edirne Eski Cami *vakıfs* were all urban based. This shows that incomes from the buildings were being spent for the repair of the *hayrats* and *akar* properties and importance of the repair of the *akars* surfaced in order to perpetuate income for the repair expenses (Madran, 2004:117). Actually, some *vâkıfs* conditioned the repair of the *akars* primarily as they had already realized this fact. Consequently, *vakif*'s continuity would be fulfilled without any cancellations and deductions in the *vakif*'s income.

⁷⁸ Yüksel,1998:266 – Yediyıldız,2003:96-97.

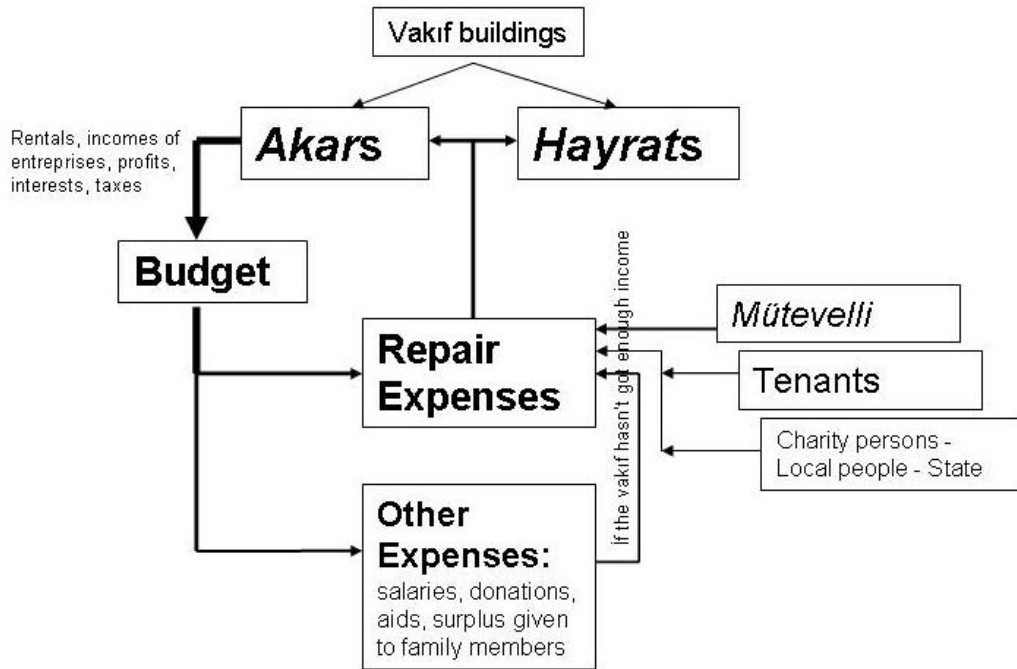


Figure 2.2. Financial mechanism of repair of *vakif* buildings

Quantity and quality of the income sources used to vary according to who the founder was and the magnitude of the *vakif*. In other words, a *vakif* could have incomes coming from agricultural fields, taxes, rentals of the buildings and enterprises in the urban areas and donated cash amounts. While the diversity in the income sources was about the *vakif*'s assets, it also introduces the idea that it might be raised as a solution that would protect the *vakifs* from deductions, cancellations of the income sources based upon various reasons. However the incomes of the sources could vary according to some external factors. For instance, factors like fire and earthquakes could harm the buildings, epidemic diseases or droughts could affect the enterprise's incomes⁷⁹, decrease of the yield, insects and droughts could affect the output from the agricultural lands, and inflation⁸⁰ could also affect the *vakif*'s incomes as it could also effect the overall economy and currency. Therefore, diversity of the income sources can be thought as important for the permanence of the *vakif* incomes and conservation of the *vakif* buildings.

⁷⁹ Inefficient use of the Esir caravanserai, which was counted between the income sources of Istanbul Ayasofya Cami *vakif*, in 896 /1490-1 as a result of an illness existed in Istanbul made the income sources decreased (Barkan,1963b:342). As the result of a plague and a drought seen in the 16.th century in Trabzon, there were decreases in the rentals of the caravanserai and baths that belonged to the *vakifs* located in the city of Trabzon (Jenings,1990:277-285).

⁸⁰ Pamuk(2003:212-14) mentions that there was an increase of 300% in Istanbul for the general prices between 1469 and 1914 and also mentions that there were two rapid inflation eras in the Ottoman Empire starting from the end of the 16th century - middle of the 17th century and the end of the 18th century - middle of the 19th century.

Cash *vakıfs* were also very important among income sources. 49% of the *vakıf* incomes in the 17th century (Yüksel, 1998:120) and 32% of the income sources in the 18th century was coming from the *vakıf* cash (Yediyıldız, 2003:116). Donated cash were being transferred to various services of which one of them was repair expense (Çizakça, 1995:338-340).

The donated income sources which are mentioned in *vakfiyes*, sometime without giving any priority to repair of the some buildings, were primarily spent for the repair of the all *vakıf* buildings while sometimes akar incomes were chosen in order to repair specific buildings. Like in this case, *vakıf*'s income was spent for the repair of that specific building primarily (Akgündüz, 1996:402). When some akar incomes were specifically spent for some expenses, source transfer could take place between the sources in case of decrease in one of the income (Ömer Hilmi: mesele 341).

Another application that was aimed to be conserving the *vakıf* buildings was *ihtiyat akçesi* application. 10 *akçes* was set aside daily for the repairs of the castle and the mosque, which didn't require cost estimation, was stated in the *vakfiye*, dated 1116H. /1704M belonged to Hasan Pasa's *vakıfs* in Hatay-Karamurt (Ateş, 1982:11). *Vakfiye*, which belonged to Maraşlı İskender oğlu Hacı Bayazıd, stated that a specified amount would be set aside annually for the repair of the water channels and whenever this amount wasn't spent, it would be spent for the next year repairs⁸¹. *İhtiyat akçesi* was also enhanced by the *vakıf* law. Even if the *vâkıf* hadn't mentioned anything about the *ihtiyat akçesi* in the *vakfiye*, for the cases which the income surplus was given to the descendant, whenever there was legal request and need for repair, a *ihtiyat akçesi* would be set aside and the descendants didn't have the right to oppose this decision (Ömer Hilmi: mesele 366). Existence of an amount for the repairs allowed the quick solutions for repairs without waiting for collecting of the *vakıf* incomes. Transfer of the *vakıf* incomes to the repair of the *vakıf* buildings were also stated in the annual account books. Barkan (1963a: 245), who stated the importance of this documents, mentioned that account books which recorded all annual income and expenses of the *vakıfs*, were more important documents than the *vakfiye* in the name of stressing out the operation of the *vakıf* and its periods' social and economical structure. Furthermore, as these documents covered detailed info about the transferred money for the repair of *vakıf* buildings, materials to be used and employment wages, they were helping to define the *vakıf*'s repair implementations.

When the account books of the *vakıfs* are considered, it is obvious that repair expenses had a major portion within the annual expenses, and these repair expenses were permanent throughout the years, in other words expenses were spent for the repair of the *vakıf*

⁸¹GDPF achieve, notebook no:1966-150-166.

buildings regularly⁸². When the Barkan's (1963b) article which is about the account books of the Ayasofya *vakıf* dated 893-895 H. /1488-1491 is considered, that ratio of the repair expenses to annual expenses throughout the consecutive three years, were 12,6%, 11,7% and 18%⁸³. This is inevitable for a *vakıf* of which income sources were composed of different kind of buildings including factories or enterprises like shops, *hans*, baths, bakeries and paint houses located in Istanbul. Setting aside an orderly and in excess amounts for repair was necessary for perpetuating the *vakıf*'s income.

It's possible to monitor the *vakıf*'s transfers and spending for the repair expenses throughout the account books including 250-300 years recordings⁸⁴. As it's evaluated in the 172 recordings of the Süleymaniye *vakıf* belonged to period between 1585/6 – 1837/8, repair expenses weren't recorded just in three years, (1590-1, 1593, 1781-2) while a major amount of money was spent in the other years. 50% of the recordings show that repair expenses were less than 5% of the overall expenses and this was mostly from the first 200 years of the *vakıf* institution. In the 30% of the recordings, while the amount that was given for the repair was between 5-10%, 20% of the recordings show that repair expenses were more than 10% in overall expenses. Highest share set aside for the repair was in the account book dated 1823-4 fiscal year with share of 44%.

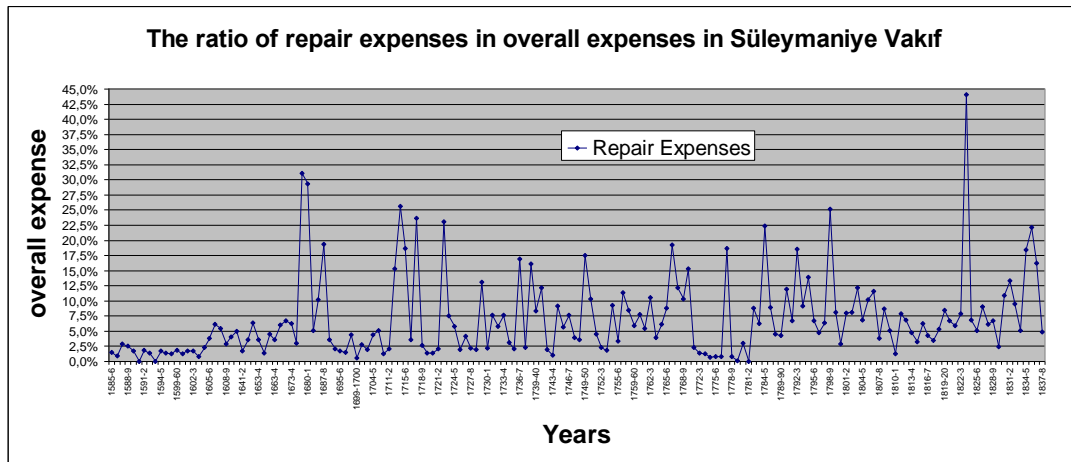


Figure 2.3. The ratio of repair expenses in overall expenses in Süleymaniye *Vakıf*

⁸² Barkan (1963b:291) who evaluate the account books belong to the years between 1490-91, mentioned that the expenses made for the repair of the vakıf buildings show that there was great importance and elaboration for the conservation process.

⁸³ Rate of the repair expenses given here to the annual expenses, were found by comparing the expenses in the entry 'B' in the account book to the total expenses.

⁸⁴ Data of the Süleymaniye and Şehzade Süleyman Paşa Vakıfs were evaluated based on Güran's (2006) study while, data of the Bursa İvaz Paşa *Vakıf* were evaluated based on Pay's study (1996).

While there wasn't any spending for repair in the 18% of the 81 account recordings that belonged to Şehzade Süleyman Paşa dated 1582/3 – 1775/6, 50% of the recording show that repair expenses were less than 3% compared to overall expenses. 14% of the recordings show that expenses were between 3-6% of the all expenses, while 16% of the recordings show that the expenses for repair was more than 6% compared to overall expenses. Highest levels are, 21% in 1632-3, 21,3% in 1720-1 and 20,6% in 1724-5.

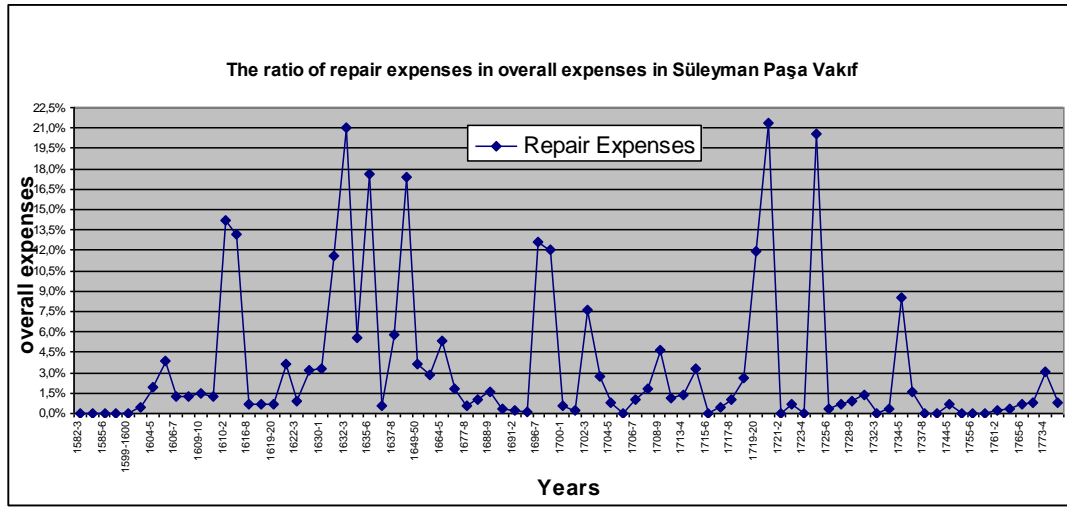


Figure 2.4. The ratio of repair expenses in overall expenses in Süleyman Paşa Vakıf

When the repair expenses of Bursa İvaz Paşa vakıf in the overall expenses are considered, it is obvious that *kulliye* buildings were gone through various repairs with different scales and magnitude. In 1607, 75,3% of the overall expenses were spent for the repair. It's possible that the bazaar that belonged to İvaz Paşa vakıf had gone through an intense repair according to the repair expense amounts. Furthermore, there is very high level of repair expenses in 1553, 1639 and 1763. In the other years, *kulliye* buildings again went through repairs; but there weren't any recorded repairs in 1574 and 1815. Moreover, there wasn't any repair expense recording after 1819.

High costly of expenses surfaced for the repair after a fire or an earthquake, and this made the vakıf take repair interventions according to its financial conditions. The interventions such as using timber in the reconstruction of masonry domes⁸⁵, supporting the dome and

⁸⁵ In the repair estimation that belonged to Hafız Ahmet Paşa vakıf, the expense was defined by saying that "... if it is constructed in masonry, it will cost 10.252 *куруş* while if it's constructed in wood it will cost 8.332,5 *куруş*..."

pillars with irons, which were seen in the repairs after the earthquake in 1766 in Istanbul, are evaluated as taking shape of the repair interventions according to the *vakıf*'s financial condition (Mazlum, 2001:127).

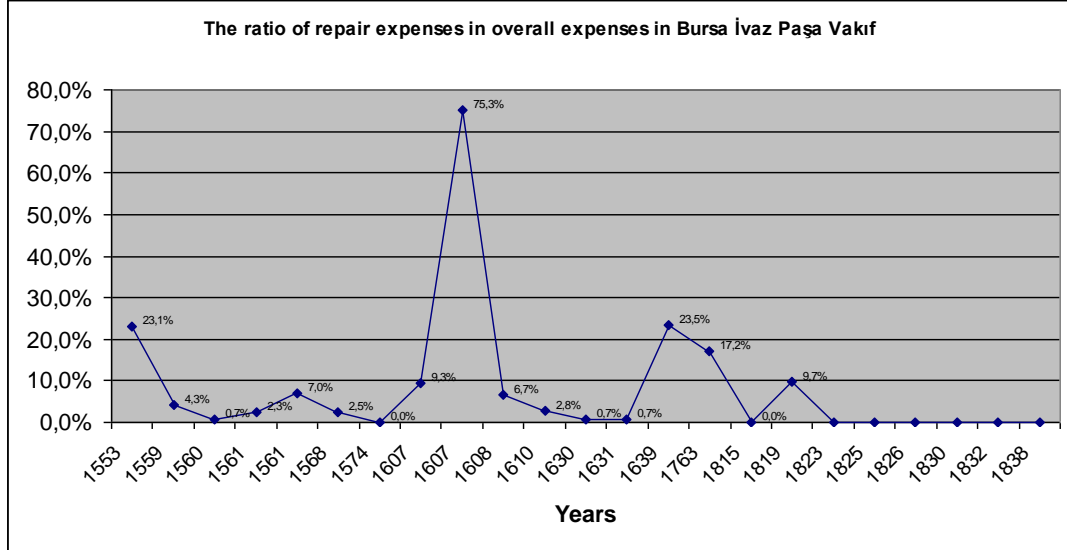


Figure 2.5. The ratio of repair expenses in overall expenses in Bursa İvaz Paşa Vakıf

b. Other Sources & Contributions

b.1. Sources of the *mütevelli*

When the *vakıf*'s incomes wasn't enough, the person who would be primary responsible for finding source for the repair expenses was the *mütevelli*. *Mütevelli* could use his own sources with the consent of the *kadı* when the sources of the *vakıf* wasn't efficient, and could get refund for the expenses he had made later (Ömer Hilmi: mesele 348). Basically, aside from the characteristics that a *mütevelli* should have for administering the *vakıf*, it was important for him to be rich in order to use his own sources in order to support the *vakıf* and repair the buildings⁸⁶. Another procedure was that the *mütevelli* could borrow some money for the repairs. If the *vakfiye* conditioned the article that the *mütevelli* could borrow in case of income inefficiency in *vakıf*, *mütevellis* had the right to borrow money without taking the

("...vaz'ı kadimi üzere kârgir olursa 10.252 kuruşa ahşaptan olur ise 8.332,5 kuruşa..."), and the *vakıf* had 2.163 *kuruş* already, so the remaining amount was borrowed from the *nezaret* (Mazlum,2001:159-60).

⁸⁶ *Mütevellis* of Hürrem Sultan *vakıf*, located in Jerrusalem, other than their wages in exchange for their tasks in the *vakıf*, also were the owners of *zeamet*, which showed that they possessed major incomes sources. These rich *mütevellis*, used their own income sources when the *vakıf* needed and they helped the *vakıf* by preventing some delays from happening (Singer,2004:121-140).

approval of the *kadı* and repair was done. However, if the *vakfiye* hadn't covered such condition, *mütevelli* provides the amount with the consent of the *kadı* (Ömer Hilmi: mesele 346,347). Therefore, it can be said that in case of an income efficiency in *vakıf*, there were many ways that the *mütevelli* could find the source in order to fulfill the repair process. This means that a successful administrator could apply various actions for the benefiting of the *vakıfs*.

b.2. Contributions of users / tenants

When the *vakıf* didn't have the enough income, it is seen that users/tenants used to undertake the repair expenses. It was a common execution that the houses that belonged to the *vakıf*, were given to the use of the descendants or to the *vakıf* personnel like *imam* or *müderris*. It was a main rule that in such situations user had the responsibility to undertake the repairs such as painting, plastering or whitewash which were called as "*meremmet-i müstehleke*" repairs⁸⁷ (Akgündüz, 1996:403). Or the founder could condition that a certain amount of the repairs of the houses had to be met by the users, while the expenses more than this amount could be met by the *vakıf*. For instance, it was stated in the *vakfiye* of Hocasultani Ataullah Efendi dated 979 H./1570-71M. that the repairs of the summer and winter houses that he had donated in Birgi for the use of the *müderris* of *darülhadis*, would be met by the *müderris* up to 30 *dirhem* while for the amounts more than 30 *dirhem*, the remaining amount would be met by the *vakıf* (Kunter, 1938:126). When the repair expenses were under the responsibility of the *vakıf*, and the *vakıf* didn't have the enough income, users would be spending the money. When the user of the houses couldn't meet the expenses or refused to pay, the house would be rented to another person who was able to meet the repair expenses with the approval of the *kadı* (Ömer Hilmi: mesele 412). Consequently, users of the *vakıf* buildings had to contribute to the repair expenses in different amounts. This made the users to utilize the buildings with great care, as they needed to pay the expenses when a problem occurred while they were responsible of the building they used.

In additions to the houses, *akars'* repairs were also met by the *vakıf's* incomes primarily. When the *vakıf* didn't have the enough incomes, tenant used to meet the expenses in exchange for the rental fee. This was effective even if the *mütevelli* wasn't absent. When there was a repair need and the *mütevelli* wasn't present, the tenant used to pay for the expenses and deducted these amounts from the following rentals with the consent of the *kadı* (Ömer Hilmi: mesele 396).

⁸⁷ In these buildings, interventions called "*meremmet-i gayri müstehleke*" were undertaken by the users and these interventions were accepted as the possession of its owner.

Tenant's paying for the expenses is a condition, which usually occurred in the *icareteyn* renting method. As it was mentioned before, the most effective renting procedures for the *vakif akars* were *ecri misli* and *icare-i vahide* procedure, which was a short-term renting style. *Icareteyn* procedure which started in the 17th century, allowed long-term renting duration and is a procedure of which bare ownership belonged to the *vakif* while the right disposal belonged to the tenant and in case of the decease of the tenant, the agreement wasn't cancelled but the right of disposal was inherited by the descendants or the tenant had the right to rent the *vakif* akar to another person. This approach of renting was a solution formed by the state and the approach was used for the repair of the buildings and the cities, which were in ruins as the result of fires, happened in the various districts of Istanbul and the cities in Anatolia. *Icareteyn* approach generally was a procedure that was formed out of misery and was applied when it was really necessary; therefore, this type of renting required sultan's approval (Akgündüz, 1996:460). When the *vakif* building was in ruins and the *vakif's* income wasn't enough to the repair, it was legally stated that *mütevellis* could repair the building by borrowing, or buildings in ruins was rented with *icare-i vahide* method and it was repaired and constructed exchange for the rental, or if there wasn't any renting request, it could be rented with *icareteyn* approach, otherwise the *mütevelli* didn't have the right to rent the real estate with *icareteyn* style (Ömer Hilmi: mesele 275 – Akgündüz, 1996:459-60). Consequently, it's obvious that *icareteyn* style was used when there wasn't any other solution so it was the last resort out of many choices. Because this style, different than the other approaches, used to give the tenant many rights of transfer and inheritance (transfer or inheritance of the right of disposal) and the tenant had many rights nearly close to having the sole ownership (Hatemi, 1969:80). *Icareteyn* style of renting which granted many benefits in order to attract people to rent the buildings didn't benefit the *vakifs* and instead it was dangerous and harmful for the *vakif* institution as the result of the abuses of *mütevellis* and the tenants (Ömer Hilmi: 54-55).

Muaccel rental, which in equal amounts of the real value of the building, was determined with the expertise report by the court (Akgündüz, 1996:462). This amount could be spent for the benefiting of the *vakif* by repairing or reconstructing the *vakif* buildings, which were in ruins. Primarily, the repair of the *vakif* akar that was rented was applied. This could happen in two ways (Akgündüz, 1996:461). In the first case the tenant used to give the *muaccel* rental to the *mütevelli*, and *mütevelli* have the repair or the reconstruction made and then gives the building to the tenant. In the second case, tenant implemented the repairs on account of the *muaccel* rental. In this situation, amount of the repair expenses that was undertaken by the tenant and the fact that if it was equal to the *muaccel* rental or not, was evaluated by the expertise and it was approved by the court. Tenant, who had the right of disposal of the akar after the repairs and reconstructions, had the right to undertake any repairs, additions, changes, and constructions of the akar with the approval of the *mütevelli*.

Akar which was rented with the *icareteyn*, had to be repaired by the *vakıf* if it had the enough income or by the tenant in exchange for the *muaccel* rental one more time, in case of any fire or earthquake (Özcan, 2003:391). This situation let the right of disposal, which was for 90 years, continue forever by being renewed and the functionality of the *vakıfs* as well as the *vakıf* buildings was harmed by loosing of incomes.

Another case which was generally observed with the *icareteyn* way of renting and which effected the *vakıf* building's conservation was the common use of the *vakıf akar*. This let the buildings be separated⁸⁸ while it might get hard the repair process. Because when the building needed repair, all tenants should have been informed in order to start the repair. If one of the tenants accepted the repair request and the others opposed, the tenant who wanted to execute the repair had to take the approval of the *kadı* and the *mütevelli* and then could start the repair with his own finances and benefited from the *vakıf akar* alone until he was equaled the amount of the other shareholders (Ömer Hilmi: mesele 242-243).

b.3. Contributions of vakıf personnel / local people / charitable persons

Vakıf personnel, local people and some charitable persons who were also benefiting from the *vakıf* buildings, could also provide the sources for the repairs. Generally this group of people used to meet the expenses of the *hayrat* buildings which need repair⁸⁹. In this situation, even if the *vakıf* had the enough source of income to meet the expenses, the beneficent person could meet the expenses according to the *vakıf* law (Ömer Hilmi: mesele 182).

b.4. State contributions

Another source for the repair of the buildings was the state contributions. This generally came into reality by paying the expenses from the state treasury when the *vakıf* didn't have enough income for the repair of the *hayrat* buildings (Akgündüz, 1996:403). When the *vakıf* didn't have the enough income, the meeting of the expenses by the state weren't just observed in the small-scaled *vakıfs* but it was also a common situation for the sultan *vakıfs*. After the Istanbul earthquake in 1766, Fatih medrese's repair expenses were paid from the *Haziney-i Hümayun* with the approval of the sultan, Mustafa III. as the Fatih *Vakıf* didn't

⁸⁸ Secretion of the akars that were commonly used with *icareteyn*, was legally accepted. In order to apply the secretion, the building should be in a situation to be utilized after the secretion, in other words, the building should be divided and divided shares should be suitable for utilization, and the secretion should be for the benefit of the *vakıf*. If these conditions were met, the secretion was applied with the consent of the *mütevelli* and approval of the *kadı* (Ömer Hilmi:mesele 227).

⁸⁹ For instance in 1692, mosque which belonged to Ahmed Fakih *vakıf* located in Konya needed repair, and as the *vakıf* didn't have the enough income, the chief of the *vakıf's zaviye* applied to the court in order to pay for the repair expenses (Atçeken, 1998:55). Another example is that in 1083 H., the mosque that was built by Sultan Süleyman Han located in the village of Derende needed repair and it was recorded that a charitable person called Dede Mehmed wanted to pay for the repair expenses (Erdoğan, 1968:belge11).

have the enough income (Mazlum, 2001:77,127). Meeting of the expenses by the government after natural disasters was a common application.

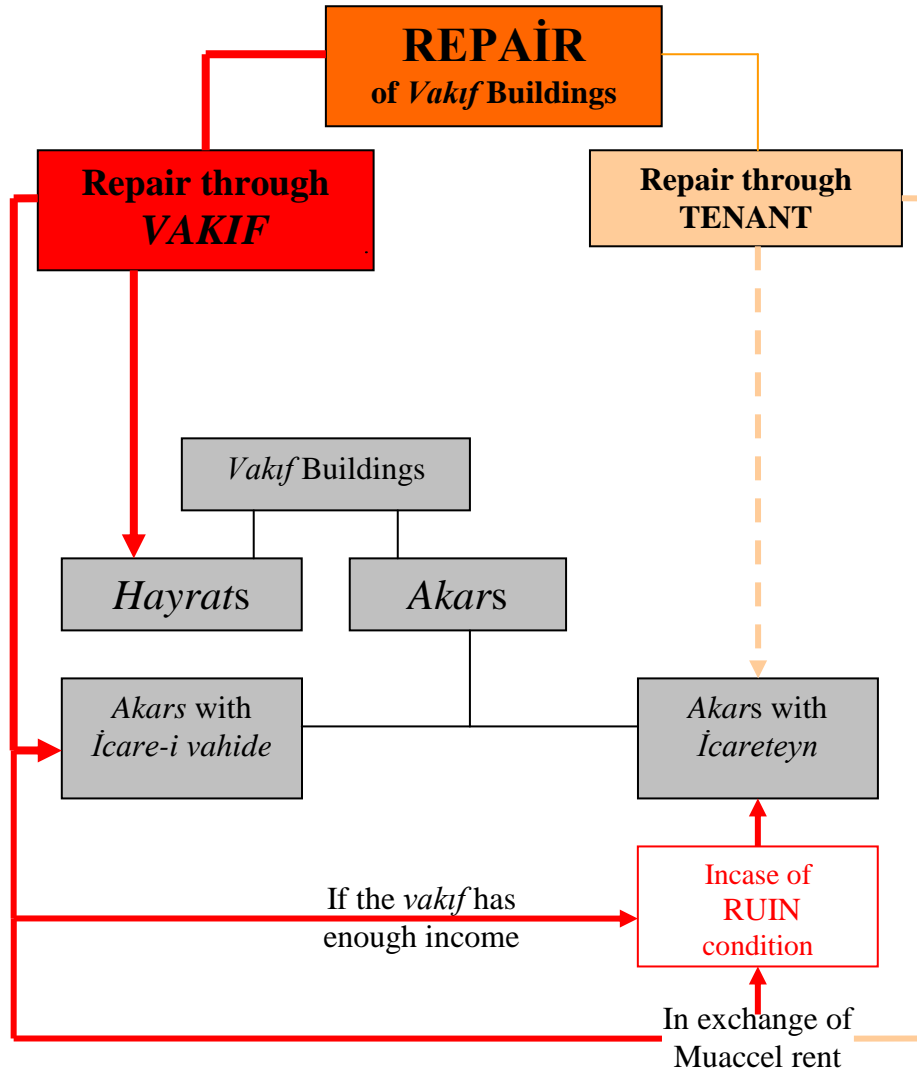


Figure 2.6. Repair of *vakıf* buildings

In conclusion, the financial sources for the repair of the *vakıf* buildings in the classical Ottoman period can be summarized as:

- It's obvious that for the repair expenses of the *hayrat* buildings which served the communities with public services, were met by the *vakıf* itself primarily but when the *vakıf* didn't have the enough income, state, local people, charitable persons and even the *vakıf* personnel could pay for the repair expenses and

this was a proof for the communal awareness, religious belief as well as the charitable causes.

- For the **akar buildings**, when the *vakif* didn't have the enough incomes, meeting of the **expenses by the users or the tenants** showed that the individual benefits and the *vakif* benefits were living together. Legal mandatory regulations also accelerated the repair acts. In reality, it is obvious that individual, society and the state were always responsible for meeting the repair expenses of the *vakif* buildings with different amounts and scales.
- **Most important and permanent one of these sources was the own sources of the *vakif*.** It can be said that *vakıfs* set aside an amount for the repairs each year and this amount was a major part of their budgets in some years. When the repair expenses in the whole expense records are considered (in accordance with the *vakıfs* of which account books are evaluated above), it can be said that there were three groups: **repairs with high costs, repairs with middle costs and repairs with low costs.** Repair interventions can be defined in accordance with the repair costs. In this case, it can be said that with the high costs of repair, the building might have gone through an intense repair or a repair of which unit price was expensive repair such as renewing the roof leads. Middle costs might represent the partial repairs while the low cost repairs might represent the maintenance repairs. In accordance with the data of the Süleymaniye and Süleyman Paşa *vakıfs*, which had many consecutive account sheets, it was obvious that **in 50% of the lifetime of a *vakif*, low cost repairs were reported. Therefore, need for comprehensive repairs were delayed.** Furthermore, it shouldn't be forgotten that intense repairs were usually applied after the natural disasters like fire and earthquake. Consequently, it can be said that *vakif* institution had a permanent income, which was primarily and continuously used for the repairs and maintenance acts, which were seen as main principles of conservation policy of the *vakif* institution in the classical period of the Ottoman.

2.2.1.4. General Evaluation

Consequently, it's obvious that in the classical period individually operated *vakıfs* were usually far away from the supervision and audit of the central authority while the bureaucratic works were in minimum in them as well as they provided efficient services with quick and local solutions (Öztürk, 1995:73). This situation let the *vakif* act quickly during the repair process. Furthermore, founder of the *vakif* also formed the administrative, financial and legal regulations for the conservation of the *vakif* buildings in accordance with the permanence of the *vakif*. Moreover, state which supported and enhanced the *vakif*

institution, had formed the legal background for the conservation of the *vakif* buildings, and formed a supervision right over *vakif*'s administration, repair process and financial sources with various regulations. Therefore, in order to destroy every obstacle that could prevent the *vakif* buildings from being conserved, legal system, or in other words, the *kadi* could use his supervision right and take the necessary precautions for conserving the *vakifs* and their permanence.

Most important elements of the conservation of the *vakifs* were maintaining the continuous income sources, saving these sources for the repair expenses primarily, continuous and orderly repair and maintenance works and designating a staff for undertaking these acts. This allowed quick and practical solutions to fulfill the repair acts, with continuous and small-scaled repair and maintenance; thus the intense repairs were delayed and even stopped.

Conservation acts, of which permanence was secured with administrative, financial and legal regulations, were only possible with the financial mechanism, which was accurately formed and didn't decrease. Nevertheless, *icareteyn* procedure, although it was applied for the repair of the *vakif* buildings and had benefited the *vakifs* in a short-term period, it was a negative effect on the *vakifs* as it was the reason for the deductions in the *vakif* incomes in long term. Furthermore, as the *mutasarrif* who had the right of disposal of the akar rented with *icareteyn*, these *vakif* buildings were diverged from the conservation cycle and repair act, which was institutionalized within the *vakif*, had turned into an individual process. As the individual repair acts hadn't been applied orderly and accurately, and there wasn't a legal system that would push this, they weren't considered success.

2.2.2. Legal, Administrative and Financial Aspects of the *Vakif Institution* related with Conservation Activities in *Tanzimat* Period

Vakifs that founded a central structure with the *Evkaf Nezareti*, as the result of the *vakifs*' losing their legal personalities, disappearing of their autonomous administration and financial mechanisms, there were differentiations in the conservation of *vakif* buildings. In this section *Evkaf Nezareti*'s legal attitudes which was settled by the regulations, its administrative formation as well as the financial mechanism for the conservation acts are evaluated.

2.2.2.1. Legal Aspects

With the foundation of the *Evkaf Nezareti* institution, belonging of the *vakifs* to the central institution, legal regulations after the *Tanzimat*, brought new essentials for the maintenance

and repair works which were maintained by the *vakfiye* and canonical laws in the classical *vakif* system. This legislation covered the regulations about the administrative structure of the institution as well as the financial aspects of the repairs.

With the regulations that had been effective in 1840, it was stated that the administration of the *vakıfs* and their incomes would be handled by the institution and the incomes would be sent to the *Evkaf* Treasury. With another regulation dated 1858⁹⁰, the repair expenses of the *mazbut vakıfs* that were administered by the institution and the body that would authorize the repair were stated (Madran, 2002:36). While the regulation, which was about the working principles of the regional organizations of the institution and the directors dated 1863, was the most comprehensive legal arrangement, had been effective until the acceptance of the Regulations on *Vakif* Law dated 1936 (Yediyıldız-Öztürk, 1992:574). In this regulation dated 1863, limitations about the repair of the *hayrat* buildings and *akars* with *icare-i vahide* that belonged to *mazbut vakıfs* and the bodies that would state the authorization for the repair, had been defined⁹¹ (Kahraman,2006:117-8).

It's obvious that, legal legislation had brought some limitations for the financial aspects of the *vakıfs* with the *Evkaf Nezareti*, when the expense of the repair was higher, need for request from the central administration and the treasury, had complicated the repair in terms of bureaucracy and *Evkaf* couldn't use its own incomes. However, there wasn't any limitation about financial aspects of the repair of the *vakif* buildings in the canonical laws in the *vakif* system. Moreover, while the repair expenses were considered as the most important expense, they were met before every other cost. With the institutionalization of the *vakıfs* with the *Evkaf Nezareti*, repair expenses were limited; *vakif* incomes were transferred to various areas of the state⁹². Furthermore, general part of the legal regulations was about the repair of the *hayrat* buildings. However, main principal of the *vakif* system was about providing the functionality of the *akars* with repairs and maintain its income source quality.

2.2.2.2. Administrative Aspects

In the *Evkaf Nezareti*, which was structured as central and regional organization, it was considered that *mütevelli*'s tasks and responsibilities in the classical period were transferred

⁹⁰ "Masarif-i Hazain-i Şahane'de Rüyeyet Olunan Bilcümle Ebniye Hakkında Nizamname"

⁹¹ In the legislation it was stated that if the *mazbut vakıfs* had enough incomes, expenses up to 2500 *kuruş* could be met by the *evkaf* directors with the council approval. If the *mazbut vakif* didn't have the enough income for the repair expenses, it would be reported to the central institution and approval would requested (21.article). In the *mülhak vakıfs*, on the other hand, *mütevellis* were authorized for the repairs up to 500 *kuruş*, for the above amounts up to 2500 *kuruş*, the repairs could be applied with the *evkaf* directors' council's approval (22. article). For the amounts that would surpass 2500 *kuruş* for both *mülhak* and *mazbut vakıfs*, it was necessary to get the treasury's approval (23.article).

⁹² See Chapter 2.1.2 p: 29-30

to the institution (Madran, 2002:9). *Mütevelli*'s responsibility of monitoring of the repair needs of the buildings for their conservation and administrative, technical and financial planning of the repair acts were all under the responsibility of *Evkaf Nezareti* now and then. This required specialized units that would be responsible for the repair of the *vakıf* buildings within the central organization of the institution.

First structuring in the *Evkaf Nezareti* about the repair of the *vakıf* buildings was seen in 1832. "*Rûznâmecilik*" department, which was formed in this date, was responsible for maintaining the repair of the *hayrats* like mosques, and *imarets*⁹³ (Yediyıldız, 1986:163). In 1847, on the other hand, *Evkaf Nezareti* had formed a department called "*Bina Eminliği Müdürlüğü*" in its central organization. After this formation, it was decided to discuss the cost estimations in the council called "*ebniye meclisi*" which belonged to mentioned department. Anyhow, units about the repair of the buildings had always been available in the central organization of the *Evkaf Nezareti*. In 1911, in the budget account book of the *Evkaf Nezareti*, there was a unit called "*Tamirat ve İnşaat Kalemî*" which was responsible for repair of the mosques and other *hayrats* in the institution's central organization (Kahraman, 2006:16,140).

In the regional organizations of the institution, on the other hand, *evkaf* directors were responsible for regulating and supervising of the *vakıf* building's repairs and also were responsible for the repair implementations in their own regional areas. Existence of the specialized units about the repair of the *vakıf* buildings in the regional organization was mentioned in the budget account book dated 1911. It was stated in this book that repair of the *vakıfs* would be administered by the construction committees that were formed in some districts (Kahraman, 2006:16,140).

Evkaf Nezareti with this organizational structure had managed to undertake few repair works especially in Istanbul⁹⁴. However, about the repair of the *vakıf* buildings of which the *Evkaf Nezareti* was responsible for, it was stated that repair works were very important and specialized act, there weren't enough specialized personnel in the institution and the institution needed to form a system that would suggest a continuous maintenance for the

⁹³ Madran (2002:11) states that this unit even though it was only responsible for the repair of the *hayrat* buildings, was important as it was the first central unit that was formed for the repair of the buildings within the institution.

⁹⁴ *Evkaf Nezareti* executed intensive repair actions especially in Istanbul together with also in the regions. Yeni Cami Külliye, Şehzade Sultan Mehmet Cami Külliye, Ayasofya Külliye had gone under repair completely. Between the examples of repairs of *vakıf* buildings in the regions, the repair of the mosques in Damascus in 1843 , especially the Selimiye külliye, in 1858 the repair of the *hayrat* in Salihye which was belonged to Damascus, in 1845 the repairs of some mosques, *hans*, baths and shops, and the repairs of the Ertuğrul Gazi Tomb in Söğüt as well as the repair of the water lines, can be taken into account (Yediyıldız-Öztürk, 1992:579).

buildings⁹⁵. In 1908, Mimar Kemaleddin who had prepared a report about the development of the Construction and Repair Department existed in the institution's structure of *Evkaf Nezareti* about the repair of the buildings, suggested that continuous repair was very important for the conservation of the buildings, institution had to stress out this fact and repair interventions should have approved by a council which was composed of only experts (Tekeli-Ilkin, 1997:91-92).

In the beginning of the 20th century, *Evkaf Nezareti* which gathered the all *vakıfs* in its system within the Ottoman Empire, it was observed that it wasn't well organized about the repair of the buildings, didn't have the organizational structure that would aim repair the *vakif* buildings in accuracy and permanence. Moreover, it was stated by Halil Hamdi Paşa who was an *evkaf* administrator one time, that institution didn't even know the number of the *vakif* properties of which repair and maintenance task was granted to the *Evkaf Nezareti*, and as a result it couldn't fulfill its repair tasks (Madran, 2002:13).

Organizing the *vakıfs* under a central organization, gave the responsibility of monitoring the *vakif* buildings' problems, and implementing of the repairs to this central organization. However, while the organizational structure of the *Evkaf Nezareti*, was far away from the organizational structure of the *vakıfs* which made up fast and efficient solutions for the maintenance and conservation of the *vakif* buildings in the classical period, and considering the *vakif* buildings as historical monuments and repair was turned into an act which needed expertise made the *Evkaf Nezareti* to turn into an inefficient organization that couldn't meet the expectations.

2.2.2.3. Financial Aspects

With the *Evkaf Nezareti*, the application of gathering the *vakif* incomes in the *Evkaf* Treasury was started. It was planned to meet the repair expenses of the *vakif* buildings from this treasury and the *vakif* buildings without enough incomes would be repaired with the income from this treasury. However, as the *Evkaf* Treasury was used by the state treasury and the incomes were transferred to the other organizations of the state⁹⁶, *Evkaf Nezareti* couldn't spend enough money for the repair of the *vakif* buildings⁹⁷.

⁹⁵In the legislation dated 1863, it was stated that with small scaled repairs that would be applied to *hayrats* and to *akars* with *icare-i vahide*, the comprehensive repair needs would be delayed, and the *evkaf* directors were informed and mentioned about this subject (23.article) (Kahraman, 2006:118).

⁹⁶ See chapter 2.1.2. p:29-30

⁹⁷ Madran (2002:29) compared this situation with the annual expenses of an archeological excavation that was held in that period, and it was stated that while the one of the foreign excavations, Magnesia, held by foreigners in the Ottoman lands had 4000 lira annual budget for the excavations, in that year one of the two funds that was given *Evkaf Nezareti* for the repair of the *hayrat* buildings was 4600 lira.

Vakıfs' incomes coming from the *akars* were mainly decreased as the result of the *icareteyn* way of renting. Incomes coming from the *vakıf* lands were collected in the finance treasury and these incomes weren't being transferred fully and in time to the *vakıf* treasury as M.Nuri Paşa also stated (1999III-IV: 287). Furthermore, as the result of spending the existing income for the expenses of the institution and for various areas, it was stated that the cash which was seen on the records weren't exist actually, so the demands of repairing the *hayrats* were send back (M.Nuri,1992III-IV:286).

There were always some limitations for the utilization of the existing *vakıf* incomes for the repair of the buildings. For instance, it was stated in the regulation dated 1858 that *evkaf* directors could meet the mazbut *vakıfs'* repairs up to 1000 *kuruş* in Istanbul, 2000 *kuruş* in the regions, and it was stated in another regulation dated 1863 that *evkaf* directors could only meet the repair expenses of the mazbut and *mülhak vakıfs* up to 2500 *kuruş* even if they had the enough incomes, and for the repair expenses more than this amount, approval from the treasury was requested. This means that even if the *vakıf* had the enough incomes, it couldn't use it for its repair expenses. It is seen that system of using the incomes primarily for the repair expenses in the classical *vakıf* mechanism, didn't apply in *Evkaf Nezareti* era.

Consequently, as the state didn't give the *vakıf* incomes in full amounts to the *Evkaf Nezareti* in this era, and the *Evkaf* used the existing incomes for its institutional expenses, resulted with remaining not enough sources for the repair of the buildings. Perspective of the classical *vakıf* system which had an approach of giving priority to the repair of the buildings and sometimes giving privilege to *akars* for maintaining the continuity of the income, didn't exist in the *Evkaf Nezareti* era, and only the repairs of the *hayrat* buildings was in consideration. However, one of the most important aspects of the *vakıf* system was the permanence of the sources and the buildings for the permanence of the *vakıf*. This change is considered as the modification of the underlying idea of the *vakıf* system and its revolving.

Transferring the *vakıf* incomes to different areas by the central authority, inefficiency of the number of the specialized repair personnel in the institution, failure to form a system that requested and maintained continuous repair, and turning the repair acts into an expertise work, complicated the repair act of *vakıf* buildings.

CHAPTER 3

VAKIF INSTITUTION IN THE REPUBLICAN PERIOD AND THE CURRENT LEGAL, ADMINISTRATIVE AND FINANCIAL ORGANIZATION OF CONSERVATION IN TURKEY WITH SPECIAL EMPHASIS ON VAKIF INSTITUTION

This chapter aims to focus on the current *vakif* institution, General Directorate of Pious Foundations, with its legal, administrative, final aspects of conservation and conservation policies that it has executed since the Republican period. The chapter also aims to determine the place of the *vakif* institution and *vakif* heritage in the current organization of conservation of immovable cultural properties in Turkey. Within the chapter covering the three parts; the legal, administrative, financial aspects of conservation and conservation policies of *vakif* institution in republican period is being observed primarily, then the current legal, administrative and financial mechanism that covers the conservation of cultural properties in Turkey is examined. Third part, covers the *vakif* institution and the *vakif* immovable cultural properties within the mechanism, which provides conservation for the cultural properties, are being observed.

In the first part, the legal, administrative and financial mechanisms of GDPF about the conservation of the cultural properties that it owns and the conservation policy of GDPF since Republic are evaluated generally and the recent conservation activities that are held by GDPF will also be assessed. The scope here is not stressing out all the developments about the subject throughout this time, but is to express the general mentality, which the foundation maintains for the conservation of the cultural properties. In this process, the approach of GDPF about conservation of the cultural properties since 2003 will be evaluated separately and will be expressed in each section. In addition, the technical and scientific aspects of the conservation conducted by GDPF during the Republican period, GDPF's applications in getting the projects and implementations and their correctness and appropriateness are not discussed within the scope of this thesis.

Today, conservation has an extensive range in terms of sort and scale. It's obvious that cultural and natural properties which are subject to conservation have been diversified, furthermore, intangible values have being protected and, in terms of scale, conservation of object (movable cultural property), building (immovable cultural property) and site scale, have been seen. Conservation, which takes its place in the *vakif* system, on the other hand, is the "repair – maintenance" approach of building scale. In terms of the extensive range of the subject and the fulfillment of the study, current legal, administrative and financial

mechanism of the conservation of the cultural properties is being observed by making some limitations. First one of these limitations is observing the cultural property with its immovable characteristic and the second one is the mechanism of the conversation in 'building scale'. Movable cultural properties and natural properties as well as the site scale and planning phase are not evaluated.

Consequently, processing of the current system about conserving the *vakif* immovable cultural properties has been evaluated and potentials that will be utilized for the future model have been determined. Hereby thesis aims developing the current legal legislations instead of creating new legislations if unnecessary. Therefore, evaluation of the current system is very essential in terms of estimating the status and mission of the *vakif* institution, which owns the biggest part of country's cultural properties' stock, in the conservation policy of the cultural properties. Furthermore, present role of the *vakif* institution, of which conservation policies had been institutionalized in pre-Republic era, within the conservation policy is also being evaluated within the model which will be suggested in this thesis.

3.1. Legal, Administrative, Financial Aspects of Conservation and Conservation Policies of *Vakif* Institution in the Republican Period

Vakif institution and conservation activities is examined in terms of legal, administrative and financial aspects during the Republican period as the same method conducted in other periods of the institution. Although the lifespan of the *vakif* institution during the Republican period hasn't been a so long period, there have been some turning points in the legal and financial structure of the institution and also there have been different attitudes towards the conservation of the *vakif* properties due to the changes mainly in the legal and financial structure of the institution. Further each aspect has different timetables referring its turning points. Therefore, *vakif* institution during the republican period is examined as whole by referring its turning points under the legal, administrative and financial sub titles. However the conservation policies of *vakif* institution in Republican period are examined separately.

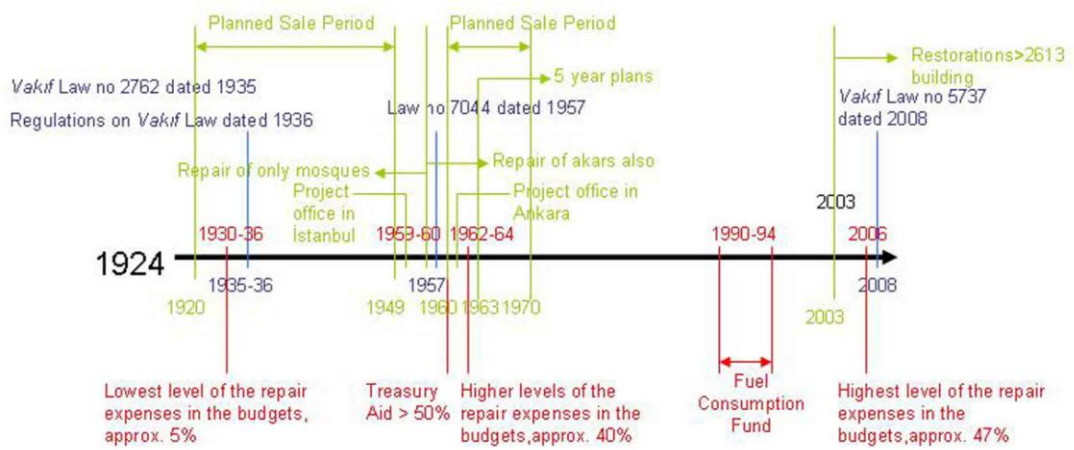


Figure 3.1. Turning points in the legal and financial structure and in operational condition of GDPF

3.1.1. Legal Aspects

General Directorate of Pious Foundations' attitude towards the conservation of the historic buildings that it possess; the real estates which are considered as immovable cultural properties today is formed together with the legal legislations which the foundation depends on. First and the most comprehensive one of these legislations is the *Vakif* Law with the law number 2762 dated 5.6.1935. With this law, tasks of GDPF are defined in the *Vakif* Regulation (*Vakıflar Tüzüğü*) dated 1936 and principles subject to application are identified. With the regulation dated 1940, Law numbered 6760 dated 1956 and with the Decree numbered 227 dated 1984 GDPF's administrative structure and tasks are formed. Moreover, Law numbered 7044 dated 1957 shows important approach in conserving the *vakif* based historical monuments. This legal legislation, which GDPF is subject to, has been cancelled almost completely with the new legislation named as "*Vakif* Law" with law number 5737 dated 20.2.2008. Here, tasks and responsibilities of GDPF in conserving the *vakif* immovable cultural objects in accordance with the recent *Vakif* Law have been assessed.

When the first legal legislation; *Vakif* Law (2762:1935) and *Vakif* Regulations (1936), of GDPF is considered, while both positive and negative approaches, some contradictions are also seen. Following are the positive approaches:

- First article of the *Vakif* Regulations assigns the GDPF about the "protection and development of the historical monuments which have architectural and historical value and are administered by the *vakif*". In other words, GDPF is responsible for the conservation of the buildings, which are considered as *mazbut vakif* and have historical and architectural value.
- With the *Vakif* Law, a source is created in order to conserve the *vakif* buildings by providing income and property transfer between *vakifs*. 16th and 17th articles of the

Law numbered 2762 dated 1935 which allows changing the *vakif* conditions, has assigned the *vakif* council and the general directorate. Consequently, it's planned to perpetuate the *vakifs* by transferring sources from the *vakifs*, which don't have charity functions any more or have income surplus to the *vakif* of which incomes don't enough for their expenses. (Article 16). Furthermore, in accordance with the 43rd article of the law, it's stated that source transfer will continue from one *vakif* from another before this law.

- Application of *icareteyn* and *mukataa*, which is a renting type of *vakif* properties, is cancelled with the 26th article of Law number 2762 dated 1935. This application had been decreasing the incomes of the *vakifs* by providing the leaseholder with a half ownership right and a low rental price. Canceling this application of renting which were unprofitable for the *vakifs* and renting the real estates with the going market prices would benefit the *vakifs* as well as provide an important source of income.

Following are the negative approaches of the *Vakif* legislation about the conservation of *vakif* buildings:

- 10th and 12th articles of the Law numbered 2762 dated 1935 which allows the sales of the *vakifs* buildings includes some contradictions and negative attitudes for the conservation of the buildings. 10th article of this law suggests that *hayrat* buildings, which are considered as useless or ineffective, can be alienated to another *vakif* with same mission or can be sold and the income can be transferred to another *vakif* with same mission. It's stated in this article that buildings with architectural and historical value cannot be sold. 12th article of the law, on the other hand, states that *akar* buildings, which belong to *mazbut* and *mülhak vakifs* can be sold or can be negotiated with another real estate. However, there isn't a sign against selling the *akars* with architectural and historical value. It's obvious that GDPF consider only the *hayrat* buildings like mosque, *mescid*, and *medrese* as "work of art with architectural and historical value" and doesn't count *akar* buildings like *han*, bath and *bedesten*. These articles, which enable the selling of the *vakif* immovable properties has caused many historical monuments to extinct by changing possession⁹⁸. Furthermore, renting incomes, which are very essential source for the conservation of the *vakif* buildings and continuation of *vakif* functions, have been destroyed with the sales of the *akars*. Nonetheless, instead of restoration, which is

⁹⁸ GDPF has charged of the major part of its possessions till 1970s with the selling of the *vakif hayrats* and *akars* and their transfer to public institutions and organizations which Öztürk (1995:381-495) evaluated in detail in his work. It's stated that these sellings and transfer actions weren't just based on the 10th and 12th articles of the *Vakif* Law numbered 2762 dated 1935, but they also depended upon some other articles of the former budget laws and some other legislations. Furthermore, it's also mentioned that selling process didn't take into account the historical monument value of the buildings even in *hayrat* buildings; mosques and *mescids*.

expensive and a long-term process, the idea of demolishing and constructing new buildings has caused destroying the *vakif* buildings. These same articles, on the other hand, by enabling transfer of the income of the sales to other *hayrats* or providing these incomes for the *vakif*'s existing *akar*'s repair, has created a contradiction in the name of conservation of the *vakif* buildings.

Nevertheless, the second article of the Law numbered 2950 dated 1936 which states selling of the *vakif* properties, renting of these properties and the utilization of the income, grants these incomes to the intense repairs of the "monuments" by transferring a specified amount (200.000 TL) from the selling amount that belongs to *mazbut* and *mülhak vakıfs* to the *hayrat vakıfs* selling amount. As it's stated here, "historical monument" concept then consisted of *hayrat* buildings. Furthermore, while it approves the sales of the buildings, it also suggests that the sales income should be used for the repair of the buildings. Öztürk (1995:489), who stresses out that debts are provided with some special laws in order to utilize the mosque selling incomes for the repairs of the mosques while he identifies this approach as "sell one, repair the other".

- 27th article of the Law number 2762 dated 1935, which cancels the *icareteyn* and *mukataa* application, with a one fifth of an amount of the market prices of the *vakif* immovable, which are rented in such way, has decided to sell them to the possessors with a "*taviz bedeli*" (compensation amount). With this law a major part of the *vakif akar* immovable buildings has been turned into a private property. While this collapses the *vakif* system and the income source, selling of the real estates with low prices hasn't provided enough benefit to the *vakif* institution.

As it's realized in the legislation to which GDPF is subject, it's aimed to decrease the number of 'historical monuments', which are in ruins by enabling their selling and alienation. Furthermore, with modifications to the legislation such as gained incomes and source transfer between *vakıfs* and new renting style, it's aimed to create source for the repair of the historic monuments.

In the beginning of the 20th century, it was planned to alienate *vakif* buildings to public institutions and organizations and protect these buildings by utilizing them. However, as this plan did not work well, with the Law number 7044 dated 1957, it's decided upon to transfer the possession of the *vakif*-based buildings with historical and architectural value of which possession is transferred to treasury, municipalities and provincial private administrations with various laws, to the responsibility of GDPF again (article 1). This law is very essential in

the name of conserving the *vakif*-based immovable cultural properties which aren't owned by the *vakifs* currently⁹⁹.

Vakif Law numbered 5737 dated 2008, which cancels a major part of the legislation about the *vakifs*, has arranged the responsibility of the GDPF including the tasks of administration, supervision, conservation activities of the *vakif* cultural properties, operating and utilization of the *vakif* properties. It's obvious that in order to conserve the immovable *vakif* cultural properties there have been some modifications to the articles of the Law number 2762 dated 1935, and new sources have been created in order to provide financial support for the conservation of the *vakif* cultural properties. When the new *Vakif* Law numbered 5737 dated 2008 is evaluated in comparison with the former *Vakif* Law, new approaches of the current law for the conservation of *vakif* cultural properties are seen in Table 3.1.

In the light of this legislation which GDPF is subject to, it's realized that in the first half of the 20th century, GDPF aimed to decrease the number of many immovable properties which the foundations has inherited by implementing alienation and selling actions. It also has planned to repair only the *hayrat* buildings with the limited *vakif* incomes. When the second half of the 20th century begun, it's decided to take back some of the properties with historical monumental quality which are lost with selling and alienation. Nevertheless, starting from the year 2008, it's accepted that GDPF is the only responsible body for the conservation of the all *vakif* based immovable properties with the most current *vakif* law. Granting the *vakif* identity again to the *vakif* based immovable cultural properties, which have been modified as a result of various reasons, has been adopted. This process shows that GDPF, who tried to sell *vakif* based immovable cultural properties with laws in the first half of the 20th century, started looking after the *vakif* based cultural properties even though they are located abroad in the first half of the 21st century.

⁹⁹ However, this law includes the *vakif* based historical monuments which are owned by the treasury, municipalities and provincial private administrations at present. It doesn't cover the *vakif* based cultural properties, which are subject to conservation and as well as owned by private or corporate bodies. Furthermore, it's stated that alienated historical monuments should be transferred to GDPF corporate body instead of its own *vakif* with the Law number 7044. This surfaces three different possessions within the *vakif* immovable cultural properties which are administered or supervised by GDPF: *mazbut vakif* possession, *mülhak vakif* possession and possession that belongs to GDPF corporate body.

Table 3.1.: The Comparison of the Old *Vakif* Law numbered 2762 dated 1935 with the New *Vakif* Law numbered 5737 dated 2008.

The Comparison of the Old <i>Vakif</i> Law numbered 2762 dated 1935 with the New <i>Vakif</i> Law numbered 5737 dated 2008		
	<i>Vakif</i> Law numbered 2762	<i>Vakif</i> Law numbered 5737
Conservation of <i>vakif</i> immovable cultural properties		<ul style="list-style-type: none"> • Inventory of the immovable <i>vakif</i> cultural properties that is located both in the country and abroad, conservation of the ones of which possession belong to GDPF and <i>mazbut vakifs</i>, expropriation of the properties of which possession has been altered, maintenance, repair and utilization are under the liability of GDPF (article 28). • The revitalization of the <i>vakif</i> cultural properties that is located both in the country and abroad is under the liability of GDPF (article 36-d). <p>The protection/preservation of the <i>vakif</i> immovable cultural properties is undertaken by the public institutions and private – corporate bodies which are the users of these properties as well as GDPF (article 29).</p>
Transfer		<ul style="list-style-type: none"> • <i>Vakif</i> based cultural properties which have been owned by treasury, municipalities, provincial private administrations and village corporate bodies in any way, are transferred to their <i>mazbut vakif</i> (article 30).
Expropriation		<ul style="list-style-type: none"> • The expropriation of <i>vakif</i> cultural properties of which possessions are changed hands and the expropriation of the buffer zones of cultural properties are undertaken by GDPF (article 28).
Insurance		<ul style="list-style-type: none"> • It's mandatory that users should insure the buildings against fire, burglary and natural disasters (article 24).
<i>Vakif</i> immovables and planning act		<p>Related public institutions and organizations should consul to GDPF for the applications such as conservation plan acts, development regulations and parcellation (article 22).</p>

Table 3.1. continued

<p>Sale</p>	<ul style="list-style-type: none"> • <i>Hayrat</i> buildings, which are considered as useless or ineffective, can be alienated to another <i>vakif</i> with same mission or can be sold and the income can be transferred to another <i>vakif</i> with same mission (article 10). • <i>Akar</i> buildings, which belong to <i>mazbut</i> and <i>mulhak vakifs</i> can be sold or can be negotiated with another real estate (article 12). • Only the <i>hayrat vakif</i> immovables with architectural and historical value cannot be sold (article 10). • <i>Vakif</i> immovables which are rented by <i>icareteyn</i> and <i>mukataa</i> are transferred to their tenants with a “<i>taviz bedel</i>” which is one fifth of an amount of the market prices of the <i>vakif</i> immovable (article 27). 	<ul style="list-style-type: none"> • <i>Hayrat</i> buildings, which can not be used with its original function, can be used with an another purpose or can be alienated to an <i>akar</i> or can be sold, and the income can be transferred to another hayrat with the authorization of <i>Vakif</i> Assembly (article 15). • The immovables which have <i>icareteyn</i> and <i>mukataa</i> record on their title deeds, can be sold with the amount of 10% of its property taxes (article 18).
<p>Rental</p>	<ul style="list-style-type: none"> • Application of <i>icareteyn</i> and <i>mukataa</i>, which is a renting type of <i>vakif</i> properties, is cancelled (article 26). 	<ul style="list-style-type: none"> • Maximum renting duration is three years for the immovable that belongs to GDPF or <i>mazbut vakif</i> (article 20). • The renting duration of <i>vakif</i> immovables can be up to 20 years to 49 years in case of renting in return of repair (article 20).
<p>Allocate</p>		<ul style="list-style-type: none"> • immovable <i>hayrats</i> that belong to <i>mazbut vakif</i> can be allocated to public institutions and organizations, <i>vakifs</i> and charities in return of repair and restoration regarding the conservation of the immovable cultural properties (article 16)
<p>Change of vakif stipulations</p>	<ul style="list-style-type: none"> • The tasks and stipulations of the <i>vakifs</i>, which can not be carried out any more, can be changed with the authorization of <i>Vakif</i> Assembly and General Directorate (article 14) 	<ul style="list-style-type: none"> • The stipulations of the <i>vakifs</i>, which can not be carried out actually and legally, can be changed with the authorization of General Directorate in <i>mazbut vakifs</i> and <i>Vakif</i> Assembly in <i>mülhak vakifs</i> (article 14).

Table 3.1. continued

<p>Source transfer between the vakifs</p>	<ul style="list-style-type: none"> • General Directorate is authorized to transfer source between vakifs (article 16). 	<ul style="list-style-type: none"> • Vakıf Assembly is authorized to transfer source between mazbut vakifs regarding the conservation of vakıf immovable cultural properties (article 28)
<p>Financing of the conservation</p>	<ul style="list-style-type: none"> • The income getting from the sales of the <i>akars</i>, can be spent for buying and constructing new <i>akars</i> or repairing of the existing <i>akar</i> (madde 12). 	<ul style="list-style-type: none"> • 10% of the corporation tax of GDPF's enterprises and affiliates is transferred to GDPF for the repair of the cultural properties that belong to <i>mazbut vakifs</i> with insufficient income (article 28). • The income getting from the sales of the <i>mazbut vakif</i> immovables and <i>taviz bedeli</i>, is spend for repairing or constructing the immovables of the <i>vakif</i> or buying new immovables for the <i>vakif</i> (article 40).
<p>Privileges</p>	<ul style="list-style-type: none"> • The immovable properties, which are owned by the <i>mazbut</i> and <i>mülhak vakifs</i>, benefit from the privilege of state property identity (article 9). 	<ul style="list-style-type: none"> • The immovable properties, which are owned by the <i>mazbut vakifs</i> and GDPF, benefit from the privilege of state property identity (article 77). • The immovable properties, which are owned by the <i>mazbut vakifs</i> and GDPF, are exempt from all kinds of taxes and tributes (article 77). • Vakıf immovable properties are exempt from inheritance taxes (article 77). • All expenses such as costs, donations, and sponsorship expenses that will be undertaken by private and corporate bodies for the maintenance, repair, restoration, environment planning and expropriation acts of the immovable cultural properties are deducted from the income tax assessment (article 77).

While GDPF look after and claim for the *vakif* based cultural properties, it also creates new models to form a financial source for conservation of the *vakif* based immovable with the Law number 5737 dated 2008. With long-term renting in exchange for repair and allocation in exchange for repair, support of the private enterprise and public institutions and organizations are sought for the repair of the *vakif*-based buildings. Nevertheless, tax deduction for the donation, support and sponsorship expenses and a share from the GDPF administrations' and affiliates' corporation tax for the repair of the *vakif* based immovable cultural properties are evaluated as important approaches.

Even though there are some beneficial developments about the conservation of the *vakif* based cultural properties with the provisions of the current *Vakif Law* (5737:2008), former perspective which lasted nearly for a century has weakened the *vakif* institution's potential role of conserving the country's immovable cultural properties.

3.1.2. Administrative Aspects

GDPF has been implementing its responsibility for the conservation of *vakif* based immovable cultural properties with its central and regional organizations. Furthermore, *Vakif Council* has also authorization for the repair of the immovable cultural properties as it is the last decision-maker position about the allocation, expropriation, long-term renting for repair acts for the immovables of *mazbut* and *mülhak vakıfs*.

Central Organization

Two units are in charge within the GDPF's central organization for the conservation of the *vakif* based cultural properties. In reality, "Department of Monuments and Construction¹⁰⁰" is the main unit responsible for the conservation of the immovable cultural properties, which are owned by *mazbut vakıfs* and GDPF within the GDPF central organization. Nevertheless, "Department of *Mülhak Vakıfs* and New *Vakıfs*¹⁰¹" is also responsible for assessing the repair requests for the *mülhak vakif* immovable cultural properties.

Department of Monuments and Construction, which is the main service unit within the GDPF central organization, is named as "Department of Arts and Construction¹⁰²" in the Law numbered 5737 dated 2008. Following are the tasks of the unit:

- Identification and inventory of the *vakif* based immovable cultural properties
- Preparing annual or five-year repair programs or having them prepared

¹⁰⁰ *Abide ve Yapı İşleri Dairesi Başkanlığı*

¹⁰¹ *Mülhak ve Yeni Vakıflar Dairesi Başkanlığı*

¹⁰² *Sanat Eserleri ve Yapı İşleri Dairesi Başkanlığı*

- Preparing the measured survey, restitution and restoration projects of the immovable cultural properties, which are owned by GDPF and *mazbut vakıfs* and, implementing expropriation process when necessary.
- Undertaking the repair and restoration of the *vakıf* based immovable cultural properties, or having them repaired and restored and acting as a controller.
- Maintaining the repair and construction tender processes belong to the immovable cultural properties, which are owned by *mazbut vakıf* and GDPF.
- Buying the necessary materials for repair, founding construction sites and controlling these sites
- Preparing the unit price analysis of the *vakıf* cultural properties

As it's realized, Department of Arts and Construction starting from the inventory of the *vakıf* based immovable cultural properties, has undertaken the supervision of the purchased services with controller mechanism while they also can take place directly within the project and implementation process for the conservation of the buildings. Unit, which is also responsible of preparing the annual and 5-year term repair programs for the conservation of the buildings, is responsible for defining the policy which GDPF will implement for the conservation of the *vakıf* based cultural properties in reality.

Unit, which is responsible of the immovable cultural properties that belong to *mülhak vakıfs*, on the other hand, is Department of *Vakıf Services*¹⁰³ with law numbered 5737 added 2008 (Formerly known as Department of *Mülhak Vakıfs* and *New Vakıfs*). *Mütevellıs* are responsible for the conservation of the immovable cultural properties, which belong to *mülhak vakıfs* only with the authorization of GDPF. *Mütevellıs*' demands for their repairs are evaluated and permitted by this department.

Regional Organizations

14th article of the Regulations on *Vakıf* Law, has assigned the regional directorates to prepare annual reports about the repair necessities of *vakıf* immovable cultural properties (owned by *mazbut vakıf* and GDPF) located within their mission area and submit these reports to the general directorate. In other words, monitoring and determination of repair necessities and restoration demands of the *vakıf* immovable cultural properties are under the responsibility of regional directorates.

As of today, the *vakıf* institution has 25 regional directorates. Although article 66 of the law numbered 5737 dated 2008 states that working pattern of regional organization will be identified with a regulation, this hasn't been effective yet.

¹⁰³ Vakıf Hizmetleri Daire Başkanlığı

3.1.3. Financial Aspects

A. In General

Within the organization of *vakif* institution, repair costs of the buildings were covered by *vakif*'s own income sources as it's explained in section 2.2.1. However, with various implementations in the 19th and the first quarter of the 20th centuries, *vakif* income sources have lessened as *vakif* income sources have been transferred to government's other public organizations, *vakif akars* and lands have been allocated and sold¹⁰⁴. Considerable amount of the institution's income sources have dried off when the GDPF has inherited the sources in 1924. Moreover;

1. Income decrease of the institution has continued as the result of allocation, alienation, transfer and selling of the immovable property in the GDPF era. It's also obvious that GDPF hasn't put the remaining income sources to good account. .
2. For a long time, GDPF didn't know the quantity of the immovable property that it has owned and could be turned into an income. Moreover, even in the year 2003, GDPF didn't have a healthy real estate inventory. It's obvious that even with the Identifying the Inventory of *Vakif* Immovable Project (CBS), which is executed in recent years, it's stated that number of immovable properties has increased.¹⁰⁵
3. *Vakif* immovables' rentals, which are way under the market price also shows that GDPF couldn't allocate the income sources, as it should have done.
4. Furthermore, as GDPF is an institution with an annexed budget, it had to utilize the income sources with bureaucratic limitations with authorization of the government.

¹⁰⁴ Some as follows: transfer of the *vakif* incomes of which purposes are over and utilization of medreses, libraries, tombs and museums to the Ministry of education, transfer of the various enterprises, water works and graves to the municipalities, transfer of the *vakif* lands and areas in the city to the development directorates and municipalities, transfer of the compulsory cession tax of the *vakif* immovable to the treasury, transfer of the schools and dervish lodges to the special provincial administrations, transfer of the *vakifs* of which *akars* and *hayrats* were located in the same village, to the village corporate bodies, expropriation of the *vakif* mines and forests, allocation of the *vakif* lands, olive groves, plantations to the villagers without lands and turning the *vakif* farms into government production farms with the land reform. Furthermore, by canceling the tithe which made up the one third of the *vakif* incomes in the first years of the Republic decreased the considerable amount *vakif* income source.

Application of giving the *vakif* incomes as a debt to the public organizations which started in 19th century through 20th century, ended by elimination of the all credits and debits which were taken or given until the end of the fiscal year 1934 between the General Directorate of Pious Foundations and public organizations in accordance to the legislation number 2879 dated 1935.

¹⁰⁵ CBS project has aimed for scanning the register of the title deeds accross the country, and fulfilling the inventory of the *vakif* immovable properties. Finally, while the number of the immovables that GDPF possessed was 178.229 before the project, this number has increased to 203.767 after the project. Source:VGM İnterraktif Tanitim CD'si, 2008.

As a result, GDPF, which doesn't have enough income or couldn't make a good use of these sources, also granted an inefficient source for the repair of the *vakif* immovable cultural properties. Consequently, this isn't only the result of an inefficient income sources, this is also the result of the inefficient conservation policy of GDPF.

Here, the financial policy of GDPF since 1924 and the available sources for the conservation of the *vakif* immovable cultural properties will be evaluated.

B. Sources

There are direct and indirect supporting sources for the conservation of the *vakif* immovable cultural properties today as well as throughout the GDPF era. These are:

- GDPF's Own Resources
- Fuel Consumption Fund
- Allocations assigned by Treasury
- Restore-Operate-Transfer model
- New sources defined in the Law numbered 5737

B.1. GDPF's Own Resources

GDPF, which is assigned to be responsible for the repair and restoration of the *vakif* immovable cultural properties, is also responsible for providing the financial for these actions. Own sources of GDPF can be classified as rentals, company profits, shared company incomes, administration and supervision shares, incomes of the selling of the immovable properties that belong to *mazbut vakifs* and general directorate, *taviz bedeli*, donations and treasury aids. GDPF has been spending these incomes for the the conservation of the immovable cultural properties within the scope of its annual and five-year term programs.

Furthermore, sources utilized have been differentiated based on the ownership pattern of the *vakif* immovable cultural properties. There are three types of ownership for the *vakif* immovables that belong to GDPF: general directorate's corporate body, *mazbut vakif* and *mülhak vakif*. While GDPF grants a share from its incomes for the conservation of the cultural properties which are owned by general directorate, repair and restoration expenses of the *mazbut vakif* immovable properties of which income and expenses are taken into account separately (Law no 5737, article: 31), and expensed from their own budget. For the *mazbut vakifs* with inefficient income, on the other hand, source transfer can be available with the authorization from the *vakif* council (Law no 5737, article: 15,28). For the *mülhak vakifs*, expenses are spent from the *vakif*'s own budget. *Mütevelli* have the right to undertake the authorized expenses for their *vakif* immovables. 48th article of Regulations

on *Vakıf* Law assigns the *mütevellis* to meet the expenses up to 20 billion TL¹⁰⁶ only by documenting in the account books. For higher expenses, authorization of GDPF and preparation of the first cost estimation is necessary. When the *vakıf* doesn't have enough income, repair expenses are entered as debt to the its budget¹⁰⁷.

Here, it's aimed to find the share which is given to the repair of the *vakıf* immovable cultural properties from the GDPF budget and therefore, identify the financial policy in order to conserve the *vakıf* immovable properties. Moreover, a comparison is made between GDPF budget, and general budget of the government in order to identify the alterations in the GDPF budget. In order to accomplish this, GDPF budget laws and final accounts law, government's general budget laws and final accounts data of the GDPF, which belong to recent years, are utilized.

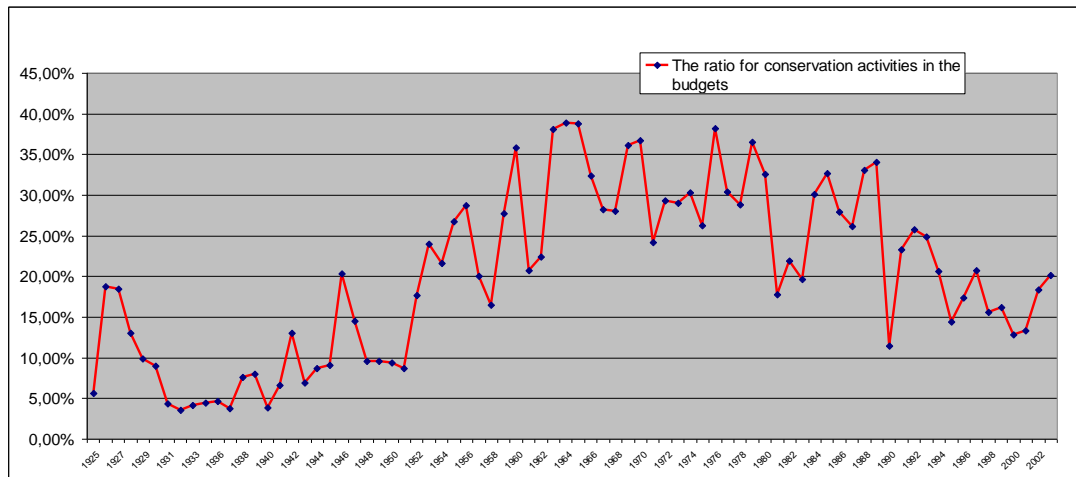


Figure 3.2: The shares which GDPF have put aside for the conservation of the immovable cultural properties between the years 1924-2002

Between the years 1924-2002, when the shares which GDPF have put aside for the conservation of the immovable cultural properties (Figure 3.1.), these shares are generally under 10% of the GDPF expenses¹⁰⁸ even though they show some increases till 1950.

¹⁰⁶ This spending limit is increased to 20 billion TL with the current decision number 136 dated 27.2.2003 by *Vakıf* Council.

¹⁰⁷ Regional Directorate of Pious Foundations in Gaziantep stated that they deducted the restoration expenses of the cultural properties belong to *mülhak vakıfs* from its budget if the *vakıf's* account had enough amount, if not, they entered the restoration expenses in the debt section to the account of the *vakıf*.

¹⁰⁸ However the budget laws include equal budgets (incomes and expenses are equal), the ratio of the share that GDPF grants for the conservation of cultural properties in the total expense and income entries are the same.

Repair expenses which have been monitored as an increasing line with some decreases in between from 1950 to 1959, are composed of the 36% of the GDPF expenses in 1959. It's also obvious that expense line has reached the highest level in 1962-3 and 1964 with a 39% percentage. This has a direct proportion with the development plans, which are formed by DTP that is established in 1960 and also by every organization of the government after 1963. Between 1963-79 repair expenses make up 25 – 38% of the GDPF's total expenses. Between the years 1980-82, repair expenses, which have decreased to 18 – 22%, can be mentioned as the political turmoil, which the government had been experiencing in that era. Later, repair expenses, which have increased up to 34%, decreased to 11% in 1989. While it increased for the later years, it reached a level of 14-20% of the GDPF's total expenses in years between 1994-2002. Progress after year 2002 is being evaluated in the next graphic in order to identify the GDPF's repair policy in the most recent era.

When evaluated without stressing out the year element, GDPF has put aside a percentage of 35% of its annual income only for 8 years. While it put aside a percentage of 25-35% of its yearly income for 21 years, it spent a 15-25% percentage of its yearly income for 22 years. For 27 years, on the other hand, less than 15% is granted for the repair expenses. However, majority of this percentage is gathered in the era of first 25 years of GDPF and Turkish Republic.

In the light of this graphic, we can say that GDPF conservation policy has shown some alterations with some political and organizational alterations. GDPF, which didn't grant much share for the immovable cultural properties till 1950s, has made positive attacks between 1950 and 1960 and finally repair expenses have reached their highest percentage by entering the planned era. GDPF, which has granted more than 25% of its income for the repair till 1980s, started to grant less than 20% after this era. However, although we might think that the rates have increased after this era with increased in the number of the immovable cultural properties which are under the responsibility of GDPF with inventory between these years (1924-2002), and also there has been an awakening of the mind for the conservation concept, decreases and cutbacks have also been encountered throughout this process. As GDPF has an annexed budget, it is still affected by turmoil and punctuations of government and political administrations. This shows that GDPF doesn't have an established policy with continuity for the financing of the cultural property's repairs.

GDPF has demonstrated some developments for the restoration of the immovable cultural properties in the last era. Therefore, amount, which was granted for the repair and restoration of the immovable cultural properties between 2003-2007, has been compared to

the total income and expenses of the budget by being evaluated separately¹⁰⁹. As it's seen in the below graphic (Figure 3.2.), ratio of the repair expenses in the total income is less than its ratio in the total expense. This is the result of unused or cancelled allowances.

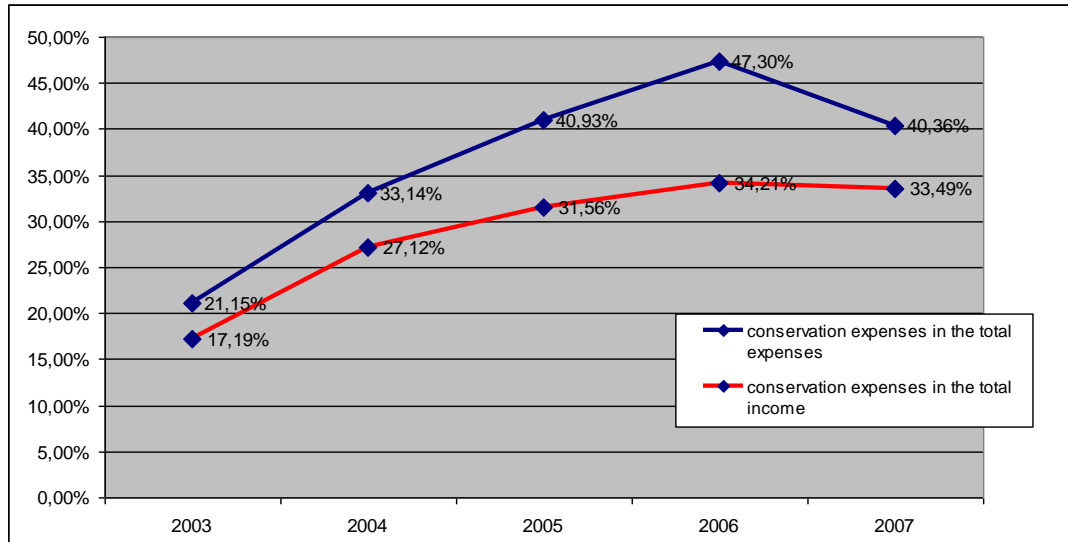


Figure 3.3: The ratio of the share for the conservation of the immovable cultural properties in the total expense and income between the years 2003-2007

Dimensions of the restoration activities in GDPF in the last five years can also be monitored from budget data. As it is seen, with an increasing line from 2003 to 2006 repair expenses have increased to 47% from 21% in overall expenses. In 2007, this percentage is 40%. Especially, GDPF has been spending more than 40% of its total expenses for the conservation of the immovable cultural properties in last three years (2005-2007).

Alterations in GDPF Budgets

It's mentioned before that *Vakıf* institution has entered an era, which it started to lose its income sources starting from 19th century with alterations in its organizational structure. Today, however, it can be said that it's the institution that owns the most number of immovable property after Treasury. Company and affiliate incomes are also very important sources other than real estate income. Nevertheless, is the *vakıf* institution developing/improving after it had been connected to Prime Ministry with a general directorate position after the Republic.

¹⁰⁹ These are the final account data which is submitted by GDPF Strategic Development Department.

In order to confirm the developments- if there is any- in the GDPF budget when compared to state's general budget, GDPF budget incomes are being compared to the state's general budget incomes. Final account laws have been considered; if they aren't available data of the budget law is utilized. Here, below graphic has been formed by comparing GDPF income to the general budget income with 5 years intervals in order to surface the general process of the alterations of the GDPF budget.

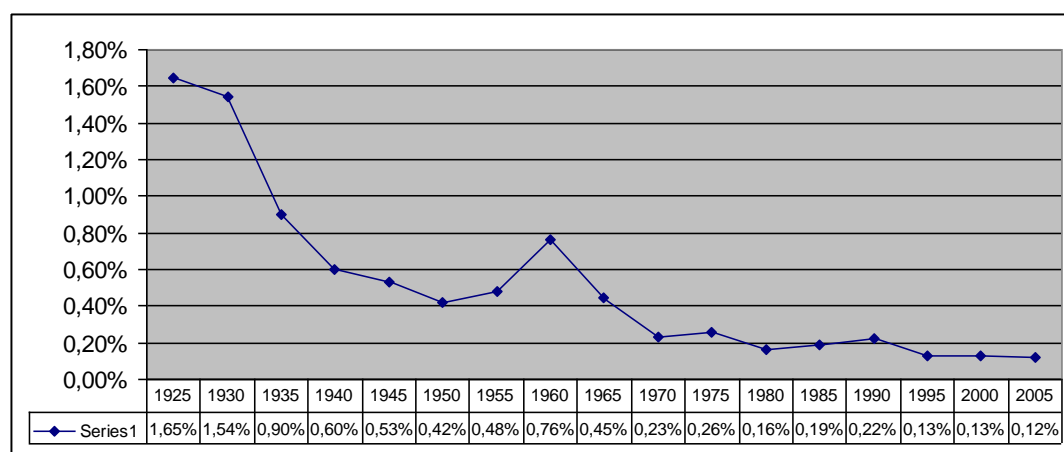


Figure 3.4: The ratio of the budget of GDPF to state's general budget since Republic

Above graphic (Figure 3.3.) stresses out that while the ratio of the GDPF income in 1925 to the general budget income is 1,65%, this ratio has decreased gradually, it has increased only in the 1960s but the ratio has decreased to 0,12% in 2005. In result, GDPF budget hasn't increased with the same ratio of the state's budget, as yet it has a gradually decreasing process.

B.2. Fuel Consumption Fund

In order to form a source for the conservation of the *vakif* immovable cultural properties, an idea of transferring the 0,5% share¹¹⁰ of the fuel consumption tax proceeds to GDPF for the repair of the *vakif* immovable cultural properties has come up in accordance with the 6th article of the Law numbered 3074 named as "Fuel Consumption Tax Law". From the year 1989 till 2000 in which the law has been cancelled, share that has been transferred from fuel consumption fund in the final accounts of the budget can be monitored. When this share

¹¹⁰ The ratio of share is determined by the decision of the cabinet council.

is evaluated within the GDPF incomes, while increases are monitored between years 1990-94, it's obvious that it has decreased gradually after 1994 (Figure 3.4.).

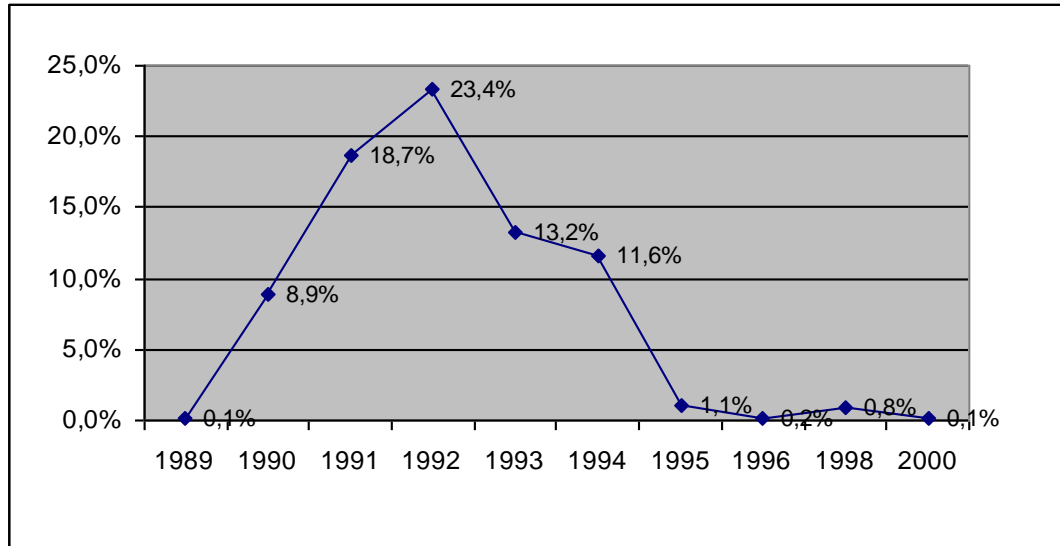


Figure 3.5: The ratio of the share of Fuel Consumption Fund, which is transferred to GDPF, in the annual income of GDPF.

It's obvious that the source, which is created by the government in order to conserve the cultural properties, is also a discontinuous source. However, when it's realized that the amount, which is transferred from this fund to GDPF in 1992, make up the 23,4% of the GDPF income, which might be a considerable fund for the conservation of *vakif* immovable cultural heritage.

B.3. Allocations Assigned by Treasury in GDPF Budgets

This graphic is created by comparing the amount, which is named as treasury aid in the GDPF final accounts since 1925, to the total income. Here it's aimed to monitor the share of the treasury aid in the GDPF overall budget income.

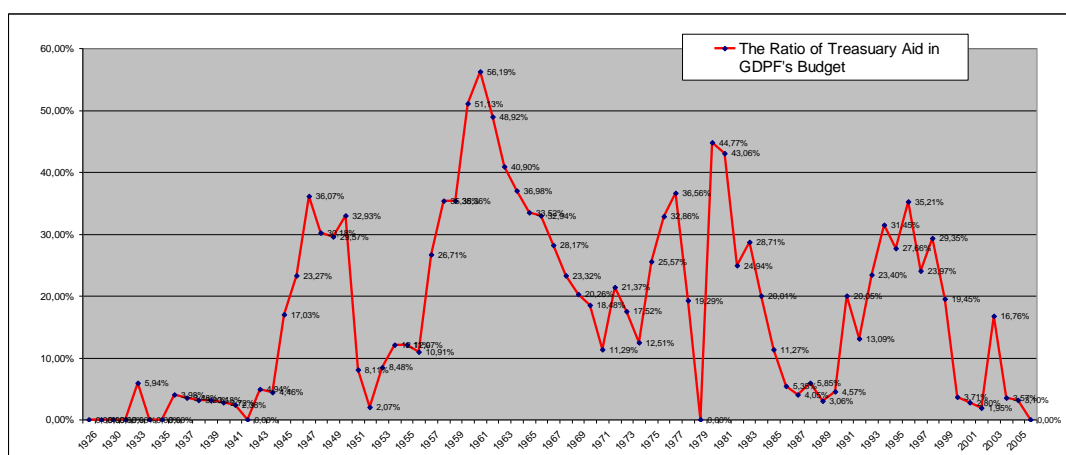


Figure 3.6: The ratio of treasury aid in the total income of GDPF.

As it's shown in the Figure 3.5., there isn't any treasury aid until 1934 except the year 1931. Between 1934-43 treasury aid is less than 5% of the GDPF income. While it had high rates between 1944 and 1949 (min.17%, max.36%), it decreased down to 10% in the following three years. Treasury aid, which is comparatively high between 1952-58, has made up more than half of the GDPF budget income with 51% in 1959 and 56% in 1960. While it has a share of more than 20% till 1978, there isn't any treasury aid in the budget records of 1978. The following year, although treasury aid had increased to 45%, decreased down till 1985 and it was under 5% between 1985-89. Treasury aid, which made up approximately the 20% of the GDPF budget income between the years 1990-98, later it has always been under 5% except year 2002 (17%). In 2005, on the other hand, there wasn't any treasury aid available. Now and then, GDPF states that it is the only administration with annexed budget, which doesn't get treasury aid¹¹¹.

It's obvious that state has supported GDPF with a major donation scheme called treasury aid. However, as it's seen in the graphic, this continuous support has not been in consistency as well as it has an instable progress with increases and decreases. When the number of the immovable cultural properties, which GDPF is responsible for conserving, while it has been increasing through the inventory process since the establishment GDPF, aid ratio that state has granted to GDPF for the conservation of the immovable has always been instable.

¹¹¹(2008), Interaktif Tanıtım Cd'si, Section" The Budget" ,GDPF.

B.4. Restore-Operate-Transfer Model

General Directorate of Pious Foundations has aimed for using some sources other than its own sources for the conservation of the *vakif* immovable cultural properties. In order to achieve this, it has implemented Restore-Operate-Transfer model. This model allows the long-term renting of immovable cultural properties in exchange for repair. System also states that immovable cultural property, which will be rented in exchange for a repair with the authorization of general directorate and *Vakif* Council, will be operated by private sector after being restored and used with the authorization of conservation council and supervision of RDPF. Immovable cultural properties can be rented up to 49 years with the authorization of the *vakif* council.

In the restore-operate-transfer model, during the rental period, the contractor is responsible for maintaining the minor repair and maintenance of the immovable cultural property, and changes or renews the functional elements that need to be renewed or changed with informing RDPF. Within the Restore-Operate-Transfer model, which allows long-term renting, contractor is responsible the necessary maintenance and repair actions that will maintain the continuity of the building.

Within GDPF's effective policy, this executes restoration of many immovable cultural properties, with the restore-operate-transfer model a major part of the restoration that the buildings need is also undertaken. With the collaboration which is named as "Silk Road Project" between Ministry of Culture and Tourism, it's aimed to repair caravanserais with the "Restore-operate-transfer" model and use them with tourism purposes. GDPF, which suggests this model for buildings other than caravanserais, started their restoration of 71 immovable cultural properties with this model between 2003-2008 and 35 of these properties are put out for tender.¹¹²

B.5. New Sources that are Formed in the Law Numbered 5737

Current *Vakif* Law numbered 5737 has formed a new source to be transferred for the repair of the *vakif* immovable cultural properties. Just one of the following articles is new while the other two sources are applied with a former legislation before:

- 28th article of the law numbered 5737 dated 2008 states that 10% of the corporation taxes of companies and shared companies of GDPF, are granted to GDPF in order to form a source for their repair of *hayrats* that belong to *mazbut vakif* with inadequate income.
- Allocation of *hayrat* immovable cultural properties, which are owned by *mazbut vakif*, to the public institutions and organizations and to the *vakifs* and associations,

¹¹²(2008); VGM interaktif tanıtım CD'si, "Yatırımlar – Restore et-İşlet -Devret", VGM Vakıf Medeniyeti Su Yılı

which work for public good (5737: article 16). Actually, allocation, which has been applied in accordance with the regulation numbered 23362 dated 1998, has been covered in the current *Vakif* Law. Here, the point is that *vakif* immovable that will be allocated belong to *mazbut vakif* and cannot be used in commercial affair and can only be used for public services in exchange for its repair. While the repair of the buildings is possible with this approach, which is in accordance with the underlying philosophy (public service) in the formation of the *hayrat vakif* buildings, it also includes the idea of supporting the conservation of the *vakif* buildings through the state organizations and bodies.

- Sponsorship activities are supported by law numbered 5737 dated 2008 for the conservation of the cultural properties. 77th article of the law states that all sponsorship expenses, donations and supports that will be held with the audit of GDPF for maintenance, repair, restoration, environment planning, and expropriation of the *vakif* immovable cultural heritage. Basically, this application is included in the *vakif* law while it was available in the law numbered 5035 dated 2003.

As a result it is seen that GDPF has not allocate regular and continuous financial source for the conservation of *vakif* immovable cultural properties during the Republican period. Although GDPF has allocated considerable amount to the conservation activities in recent years, the institution is also aware of that this is not a result of a financial policy towards the conservation. With the recent *vakif* law, the institution is also seeking for new financial sources which are independent from the budget for the conservation activities. Nevertheless, the main principle of the classical *vakif* system has still forgotten, which suggests the repair expenses above all other expenses. However, today, GDPF's own budget is mainly used for the current expenses of the institution, whereas for the finance of the conservation, secondary sources such as; treasury aid, fuel consumption fund (for a while), rentals in exchange of repairs, allocation due to political influences etc. have been used.

3.1.4. Conservation Policies of GDPF

GDPF, with the heritage taken from the Ottoman Empire, is an important institution for the nation's economical and cultural existence with its possessions while it is the most fundamental and long-standing institution of Republic of Turkey. While it was assigned to conserve the buildings with historical and architectural values, the heritage that it inherited was mostly in ruins. Ruined *vakif* buildings that form the major part of the built environment especially the public areas, weren't suitable also for the developing young Republic. In the first half of the 20th century, concept of conservation of the monuments wasn't as developed

as of today's. Furthermore, instead of maintaining and repairing the *vakif* buildings primarily, in the first half of the 20th century major importance was given in constructing new *akar* buildings to increase the institution's incomes and to take part in constructing the new capital¹¹³. In the light of these circumstances, the question of "What kind of a cultural property policy did GDPF follow starting from the establishment of the Republic" should gain importance. Does GDPF really have an existent cultural property conservation policy and a long-term conservation program starting from the establishment of the Republic?

It's obvious that GDPF has engaged in many activities in order to conserve the *vakif* immovable cultural properties. It's seen that the first action is inventory and registration for the conservation act. Identifying the inventory of the *vakif* immovable cultural properties, in other words, identifying the building stock that GDPF is responsible for conserving, is actually an entry which will help to form the conservation policy of the cultural properties. However, GDPF couldn't implement the inventory and identification process of the cultural property stock for a long time. From 1924 till 1990s, it can be said that immovable cultural property inventory of GDPF hadn't been completed. Until 1990, 7607 monuments were inventoried and 2500 monuments were registered¹¹⁴. Today, on the other hand, according to the 2007 data, GDPF has 19656 immovable cultural properties that should be conserved¹¹⁵.

When the conservation policy of immovable cultural heritage of GDPF is considered, the institution followed a conflicting conservation policy which aimed both the selling and repairing the cultural properties with the profits getting from the selling, in the first half of the 20th century. Before the *Vakif Law (2762)*, the selling of *vakif* immovables and lands was suggested with the articles that are included in the budget laws and a part of this income from the sales was suggested to be spent for the repair. As the legislation part also stresses out, GDPF sold off many of its immovable with a cultural property value, with regulations that allow the selling of *hayrats* and *akars* with *icareteyn*. Öztürk¹¹⁶ reported that total of 3900 *vakif hayrat* immovable have been sold between 1926-72 and thousands of *akars* were sold with scheduled selling between the era 1920-49 and 1960-70. One of the GDPF publications mentions that with these sales of the immovables, GDPF has gotten out

¹¹³ In 1908 Mimar Kemalletin was assigned as the headmaster of The Construction and Repair Department of Evkaf Nezareti by Halil Hamdi Hammade Paşa who was the *nazır* of the institution at the time. After that especially with the assignment of Hayri Efendi as the *nazır* of the institution, The Construction and Repair Department with presidency of Mimar Kemaleddin worked as an architectural office and realized new *akar* constructions to increase the *vakif* incomes (Yavuz, 1981:17). Between the period 1909-11, lots of new constructions, not only *akars* also new *hayrat* buildings in Istanbul were constructed. This process was interrupted with the wars, but after the constitution of the republic it continued for a while especially in Ankara with the aim of constructing the capital. In this period the constructions such as Ankara Palas, Vakıf Han, I. -II. Vakıf Apartments, *vakif* dwellings were built by the *vakif* institution in Ankara.

¹¹⁴, Son On Yılda Vakıflar 1980-1990, VGM yay., p:18-19

¹¹⁵ <http://www.vgm.gov.tr> TÜİK 2007 Statistics accessed on 12 February 2008

¹¹⁶ Öztürk (1995); p:435-46, 543.

of difficulties and the country is free of ruins¹¹⁷. Furthermore, as it's mentioned above in the legislation part, GDPF's concept of conservation was limited with *hayrat* buildings. As the repairs were limited, only the mosques, especially the mosques with higher architectural and historical value are handled first.¹¹⁸ When the repair activities of GDPF are evaluated, these repairs were mostly applied to the mosques from 1924 until 1954¹¹⁹. However, it's seen that after 1950, *akars* like *bedesten*, *khan* and *baths* are also repaired (Çal, 1990:192-204). While this approach is not in consistency with the cultural property conservation approach, it's also contrary to the underlying philosophy of the *vakıf* institution¹²⁰.

GDPF which maintains the conservation process in accordance with budget resources, tried to direct its repair and restoration program with five year and annual plans after entering the planned era. After 1963, like other governmental bodies, GDPF has also updated to the planned era and accomplished to plan which monuments should be repaired in what extent and how much to spend for these repairs within the scope of 5 years plans¹²¹. It's suggested that ongoing repairs should be completed, urgent repairs should be handled first and the monuments can have priority according to their locations (tourism zones, important place of the city etc.) as the criteria of the selection process of the monuments to be handled within the 5-year plan (Şişman, 1985:114). Even though annual and five-year plans are prepared, inadequacy of the quantity and quality of the repairs which GDPF has implemented has been questioned in order to find the solutions by uttering the problems such as inadequate allowance granted for the conservation of the buildings, inconsiderable number of the GDPF's technical personnel and expert construction firms, inadequacy of qualified repair craftsmen and quantity of buildings that should be conserved in the *vakıf* week symposiums.

However, GDPF executed the repair of 6321 monuments through the years 1924-82 (Çal, 1990:201). Çal mentions that there has been a major increase in the number of repairs that GDPF executed after 1952¹²², and number of the repairs has reached approximately 325-365 repairs between 1975-77. Between 1924-82, 77% of the repairs done in Turkey are undertaken by GDPF while 22% of these repairs are undertaken by General Directorate of Historical Monument and Museums (Çal, 1990:225). As seen in the numbers, GDPF has a

¹¹⁷(1943); 20 Cumhuriyet Yılında Vakıflar, VGM yay., p:7

¹¹⁸(1943); 20 Cumhuriyet Yılında Vakıflar, VGM yay., p:15

¹¹⁹ In the Çal's study (1990:197-8) which includes the list of the repairs of GDPF between 1924-82, it is stated that 8 mosques in 1924-30, 33 mosques and 1 tomb in 1930-35, 112 mosques in 1936-40 were repaired.

¹²⁰ As it is stated in Section 2.2.1 that, *vakıf*'s incomes should be permanent for its continuity. Therefore, some *vakıf*s keep the repair of *akars* as mandatory in order to maintain the income for the *vakıf*'s continuity.

¹²¹ It's planned to repair 516 monuments in the first 5-year plan and 551 monuments in the third 5-year plan (Cumhuriyetin 50. yılında Vakıflar, p:17).

¹²² It's mentioned in the GDPF publication that more than 1000 monuments were included in restoration program starting from 1950, systematical documentation are being maintained for the repaired buildings starting from 1952 and repairs continue in a fast and planned manner (Cumhuriyetin 50. yılında Vakıflar, p:17).

potential role that will identify the conservation policy of the immovable cultural properties, at least the ones that belong to Turkish-Islam era, in Turkey.

GDPF, instead of identifying the scientific, technical and implementation oriented principles of conservation, has chosen to create a numeric approach in the repair works that it has undertaken. Instead of implementing a qualified and consistent repair policy, “number of the monuments that have been repaired/will be repaired annually” approach has been followed¹²³. Within this period, there has been a repair (only one), which was granted an award. Restoration project of Edirne Rüstem Paşa Caravanserai, which was planned to be utilized as a hotel in 1980, was granted “Ağa Han Architecture Award”¹²⁴. Right along with this approach of repair with a numeric base, GDPF never had an approach for the continuous maintenance and simple repair for the *vakıf* immovable properties other than intense restorations. Although the fact that GDPF should implement an approach of continuous repair policy and should form a technical staff that will apply this policy is stated in the *vakıf* meetings¹²⁵, GDPF hasn't engaged in a continuous maintenance program yet.

It's seen that GDPF has implemented the project of the restorations and a major part of the implementations with the technical staff within its own employees till 1990s. In order to accomplish this, a building survey office was established in Istanbul in 1952 within GDPF, and another one was also established in 1961 in the central organization¹²⁶. Other than this office in which many measured survey and restitution projects are formed, many restoration projects and implementations of *vakıf* immovable cultural properties are executed by Department of Monuments and Construction with the technical staff of GDPF. GDPF has also established a construction company, which has been responsible of implementing the restoration applications. *Vakıf* Construction and Restoration Company, which was established in 1977 and implemented some restoration like the restoration of *Selimiye Cami*, were not very effective for the *vakıf* restorations with the breaking out of the public tender law (Oğuz, 1986:99). The inadequacy of GDPF's technical staff has been always stated when the cultural property stock of GDPF has owned is considered, even though it employed 13 technical staff in 1967, 15 in 1974, 19 in 1980 and 50 in 1990¹²⁷ within GDPF

¹²³ In the VII. Vakıf Week Symposium (1990:226), while the president of the Department of Monuments and Construction stresses out the numerical targets for the repairs, Y.Önge mentions in the meetings that restoration program should be built on quality basis instead of considering about the numerical facts.

¹²⁴, Son On Yılda Vakıflar 1980-1990, p:20.

¹²⁵ Önge,1986:89, İter,1986:92, İter,1990:227, Oğuz,1991:209

¹²⁶, Cumhuriyetin 50.Yılında Vakıflar, p:36.

¹²⁷ Çal,1990:226-7 , Işık,1991:207.

central organization in order to maintain project, implementation, control and some other related works¹²⁸.

Today, GDPF has been buying almost all of the services about project, repair, restoration and implementation with different ways (tender, direct assurance etc.). Buying of the services, which were being executed by the central organization till recent years, now it is under the responsibility of regional directorates. GDPF has transferred most of the restoration works of the cultural properties to the regional directorates. There were 68 architects and 124 engineers who will fulfill these tasks in the central and regional organizations in 2007¹²⁹. It's obvious that even this staff with increased number, isn't merely adequate for the increased restoration activities in the recent years.

Restoration Activities Held in Recent Years

GDPF has executed a major number of restorations with a considerable attack in the restoration of *vakif* immovable cultural properties since 2003. The quantity of the fast and comprehensive restoration activities, which have executed in a very short time, is stressed out instead of the quality of the work. The result of these activities in these five years is the restoration of 2613 *vakif* immovable cultural properties. In 2008, it is declared that GDPF planned to restore 1000 more monuments¹³⁰.

As it's told before, GDPF's policy that considers a quality approach to the conservation of the immovable cultural properties during the Republican era, continues with growing in the recent years. This attitude results in unrecoverable interventions for the conservation of the immovable cultural properties. While these restoration activities which are implemented almost in a competitive manner by regional directorates, aren't totally comprehensive interventions, major part (approx. 90 %¹³¹) of these restorations are attributed as comprehensive repairs. With this approach which considers fast and comprehensive interventions, the duration of the project and implementation processes isn't enough for creating accurate and qualified results (3 months for project, 5-7 months for implementations), and these restoration results are nearly being questioned in the name of quality.

¹²⁸Problems such as inadequacy of the specialist technical staff and the individual workload surplus as the repair number increases are always debated in the *Vakif Şura* and in the *Vakif* Week Symposiums. See: Önge,1986: 89-92, Işık,1990:223-6, Işık,1991:207-8,

¹²⁹ GDPF Annual Report 2007, http://www.vgm.gov.tr/pdf/2007_rapor.pdf, accessed on 20th April 2008. Today, there is only one architect in the general directorate after the restoration acts are transferred to regional directorates.

¹³⁰(2008); VGM interaktif tanıtım CD'si, VGM Vakıf Medeniyeti Su Yılı 2008.

¹³¹ It is the oral information of the chairman of the Department of Arts and Construction on 21 May 2008.

3.1.5. General Evaluation of *Vakif* Institution in the Republican Period

To conclude the GDPF's overall repair policy as well as its legal, administrative and financial mechanism in the name of conserving the *vakif* immovable cultural properties, it might be said that GDPF hasn't formed a long-term conservation policy for the *vakif* cultural heritage during its century-long lifetime, as it preferred engaging in various short-term approaches. GDPF, which charged off the *vakif* heritage that it owned once by selling or transferring until 1950s, hasn't really appreciated this heritage, or hasn't formed an efficient source for repair and also engaged in very few monumental mosque repairs. While the institution had engaged in positive activities between 1950 and 1980, has decreased its developmental speed till 2000s. After 2003, GDPF restored many buildings by granting 40% of its budget for repair. However this isn't realized as an approach of a long term and radical interventions in the conservation policy of *vakif* cultural heritage, it is seen as a temporary political discourse. And with the new *Vakif* Law (5737:2008), it has accepted the responsibility for the conservation of all *vakif* based immovables, and started to look for new sources to conserve them. Nevertheless, it couldn't display an improved performance in organizational terms for the conservation of the *vakif* heritage.

Within the GDPF's distinctive approach lasted about a century, the reflections of the political and economical conditions that state has gone through and the reflections of cultural property conservation understanding and consciousness in Turkey can be seen. State, which was economically weak and was in a restructuring period in the first half of the 20th century, hadn't got enough possibilities and consciousness to conserve the Ottoman *vakif* heritage, while today it takes the responsibility for the conservation of the Turkish-Islam era buildings, which are attributed as *vakif* heritage. As the result of the fact that GDPF has an annexed budget connected to state and has never appreciated the conservation of the *vakif* cultural properties as its prior task and couldn't develop a long-term, continuous institutional policy for the conservation of *vakif* immovable cultural properties, unfortunately it couldn't gain the potential role in the conservation sector of the country.

3.2. The Current Legal, Administrative and Financial Organization of Conservation in Turkey

3.2.1. Legal Organization of Conservation

Legal current mechanism of conservation of cultural properties in Turkey, defines the state's, public institutions' and associations', local authorities', tenants' and users' responsibilities and tasks as well as creates the organizational and principal system for the

conservation of the cultural properties with scientific facts, identifies the various conservation processes and determines the finance of the conservation and exemptions. All of these are shaped with legal regulations such as various laws, legislations and regulations.

At first, the state is responsible for the conservation of the immovable cultural properties according to the 63rd article of the Constitution of Turkish Republic. With this in mind, it's stated in the 65th article that the government will take all necessary supportive and encouraging precautions in order to conserve these properties and provide the financial sources to accomplish this task.

When regulation is observed in terms of the law, it's obvious that the main document is "The Law of Conservation of Cultural and Natural Properties", numbered 2863¹³². With the law numbered 5226 dated 2004, conservation activities are localized, new local organizations are formed, new sources are allocated for financing the conservation, and encouraging approaches for financing the conservation are adopted for cultural property owners, public institutions and organizations.

The law numbered 2863 defines the concept of cultural property and immovable cultural property. According to the article 6, immovables, which are built until the end of 19th century and the immovables, which are built after 19th century but are registered by Ministry of Culture and Tourism and the immovables, which are located in historic sites, are considered as immovable cultural properties. State's responsibility of conservation of the immovable cultural properties in legal terms, has granted the state property status to all immovable cultural properties, which belong to various public institutions and organizations, properties of its private and corporate bodies with the 5th article of the Law no 2863¹³³. So immovable cultural properties have state property status in theory and various ownerships in practical. While both the Ministry of Culture and Tourism and possessors of every single immovable cultural property is responsible for conserving the cultural properties, local administrations are also responsible for conserving them as these properties are one of the most important elements of the cities¹³⁴.

¹³² The law number 2863, which has been valid since 1983, has been altered with the law numbered 3386 accepted in 1987 and law numbered 5226, which has been accepted in 2004.

¹³³ Specified article of the Law defined only the immovables which belong to mazbut and mulhak vakifs as the vakif property insetad of a state property.

¹³⁴ According to the 7th article of Metropolitan Municipality Law numbered 5216, all municipalities are responsible for "providing the conservation of cultural and natural properties, places which are important for city history as well as the historical texture, and undertaking their repairs and maintenances, re-building the ones which can not be conserved". Also in some cases, such as the responsibility of repair and development of the covered bazaars in Istanbul, Kayseri and Bursa were given to Ministry of Public Works with the Law numbered 2082.

In order to legally conserve these immovable properties, which are described as cultural properties, they should be inventoried and registered. Generally, 7th article of the Law numbered 2863, which has been altered with the Law 3386 and 5177; the task of making inventory of the cultural properties (except *vakif* properties) is given to Ministry of Culture and Tourism. Registration of the inventoried immovable cultural properties is undertaken by regional councils of conservation.

Technical Issues of Conservation in the Current Legal Organization

Current regulation has identified the main points of the conservation activities of the inventoried and registered immovable cultural properties within the law numbered 2863 and high council principle decisions. 18th article of the Law numbered 2863 states that building groups should be identified in order to start the conservation of registered immovable cultural properties. Registered immovable cultural properties of which building group is identified are subject to intervention only with the principle decision of the HCCCNP, no 660. Whereupon, in the legislation the conservation process, intervention types and supervision of the implementations of registered immovable cultural properties are explained.

9th article of Law numbered 2863 states that all of the physical and constructional interventions of the immovable cultural properties will be held according to the decisions of regional conservation councils with the principle decisions of High Council for Conservation of Cultural and Natural Properties and all interventions such as intense repair, construction, installations, drilling and excavation are named as physical and constructional interventions according to the Law. Maintenance and simple repairs identified in principle decision aren't classified in this group.

When the project and implementation process of the conservation of the immovable cultural properties is considered, interventions except maintenance and simple repair, should based on projects (measured survey-restitution-restoration) and the implementation can be started only after the approval of these projects by regional conservation councils. Interventions that will be held under the group of maintenance and simple repair, in other words the interventions described in the 21st article of the Development Law numbered 3194, are subject to supervision of KUDEB or conservation council (if KUDEB is not established) by the clause of the 57th article, which is added by the Law no 5226, in the law numbered 2863 and pre- and post- conditions will be surveyed with photos and reports.

3.2.2. Administrative Organization of Conservation

While the highest body, which is responsible for the conservation of the immovable cultural properties in the country, is the Ministry of Culture and Tourism, conservation Law numbered 2863, has assigned TGNA, Ministry of National Defense and General Directorate of Pious Foundations for the conservation and utilization of the immovable cultural properties in their administration and supervision. Councils, which work under the Ministry of Culture and Tourism, local authorities and the bureaus that are established in accordance with these organizations (KUDEB, provincial bureaus) are also responsible for the conservation of the immovable cultural properties in terms of project, implementation and supervision.

As the conservation process is a scientific act any more, Ministry should provide identification of the scientific criteria about the conservation of the registered cultural properties and application of these criteria across the country. Therefore, 51st article of the Law numbered 2863 which is modified with the Law number 3386, has decided to establish councils; "Regional Councils for Conservation of Cultural and Natural Properties" (RCCCNP) and "High Council for Conservation of Cultural and Natural Properties" (HCCCNP), in order to maintain the tasks and provide the services for the immovable cultural properties in the country in accordance with the scientific facts.

HCCCNP identifies the principles about the conservation and restoration of the immovable cultural properties¹³⁵, assesses the appeals against the decisions of the conservation councils and provides coordination between the regional conservation councils (2863:article 51). On the other hand, Regional Councils are responsible for registering or canceling the registrations of the cultural and natural properties, grouping them, making the decisions about their conservation and taking the decisions about the sites. (2863: article 57). All activities that are applied to immovable registered cultural properties in the country, no matter who they belong to, are subject to the authorization of the regional councils (2863:article 9,14).

Supervision of the implementations of the council decisions which are the responsibility of the local organizations and some other tasks are given to the bureaus which are established by the Law numbered 5226. Whereupon, metropolitan municipalities, provinces, or municipalities which has the authorization of the Ministry can establish KUDEB

¹³⁵ High Council for Conservation's principle decisions are about the building groups, repair interventions of the immovable registered cultural properties, interventions of the unregistered buildings located in the sites and inventions of the cultural properties which are under the administration or supervision of various public institutions and organizations.

(Conservation, Implementation and Supervision Bureaus) by the experts (experts of architecture, city planning, engineering, art history, and archeology) in order to maintain the processes of conservation of the cultural properties in their mission area. Furthermore, special provincial administrations can establish bureaus, which can produce measured survey-restitution-restoration projects; training units, which provide certified building craftsmanship (2863:article10). In general, these bureaus are responsible for the supervision of the implementation of conservation activities, not for doing the implementation.

KUDEB's responsibilities are identified as authorizing for the repair and maintenance activities of the immovable cultural properties which are located within their mission area, supervision of these activities, as well as the supervision of the restoration project implementations approved by conservation councils and supervision of the activities according to the conservation plan decisions in the sites¹³⁶. In other words, KUDEBs are responsible for supervision of plans and projects, which are approved by the conservation councils, and authorizing and supervision of maintenance and simple repair activities of the immovable cultural properties.

It is seen that while the administrative mechanism of conversation is being established and maintained with councils, which depend upon central administration with the scientific principles, the decisions about the conservation implementations that are taken by the councils are followed and supervised by local administrations.

3.2.3. Financial Organization of Conservation

When the financial mechanism which support the conversation of the cultural properties in Turkey is considered, while the government itself, local administrations (municipalities and governor's offices), public institutions and organizations, and other sources which are defined as "local sources" and composed upon possessors of cultural properties and sponsors support this financial mechanism, "outside sources" such as UNESCO and EU funds are also available. Outside sources won't be evaluated here as they are available for limited projects and don't have continuance. Identifying the country's own sources for conserving the cultural properties and allocation of these sources are very important when the nation's conservation policy is considered.

¹³⁶Regulations About the Establishment, Authorization and Operation of the Conservation, Implementation and Supervision Buores, Project Bureaus and Education Units, Article 7.

Two forms of financial contribution are seen. First one is providing financial, material or technical contributions directly, while the second one is composed of the contributions in the form of various tax exemptions, which can be identified as indirect contribution.

Direct Contributions:

Direct contributions to the repair of the immovable cultural properties are composed of the contributions of the Ministry of Culture and Tourism, source that is brought together under the name of “Contribution for the Conservation of Immovable Cultural Properties” and the credits which is provided by the Housing Development Administration of Turkey (TOKİ) for the repair implementations.

12th article of the Law no 2863 states that Ministry of Culture and Tourism will provide construction material as well as the monetary and technical contribution for the cultural properties which belong to private and corporate bodies that are subject to private law. Monetary contribution that will be provided by the Ministry is the one, which is for the preparation of the project and the repair implementations of the registered building¹³⁷. Contributions of the Ministry of Culture and Tourism is identified as a donation and isn't refundable.

“Contribution for the conservation of the Immovable Cultural Properties” which will be collected with the property tax by the municipalities under an account that is opened by the special provincial administrations¹³⁸, will be utilized by the authorization of the governor, will be used for the projects, implementations and expropriations that are used for the conversation and assessment of the cultural properties. This application, which will contribute to the public projects and implementations at most, covers the projects and implementations from urban scales to single building scale. While the repair of the private property won't be covered from this contribution, only the repair of the private property's front elevation for the street rehabilitation projects can be covered from this contribution.

Another source that will contribute for the repair of the cultural properties is the credits that will be ranted from TOKİ and will be used for the maintenance, repair and restoration of the immovable cultural properties¹³⁹. While the TOKİ credits are for the repair implementations, they don't grant credits for the restoration projects. TOKİ credits are prepared for the private

¹³⁷ This contribution is 50.000 YTL. for the project costs, and for the implementation costs it's the 70% of the repair costs which is up to 200.000 YTL and 100% of the repair costs which is up to 50.000 YTL

¹³⁸ Legislation Regarding Providing Contributions for the Conservation of the Immovable Cultural Properties, article 6.

¹³⁹ TOKİ can grant the 70% of the registered immovable property conservation project fee to the private and corporate bodies as a credit. Upper limit of this credit is stated as 80.000 YTL for the year 2008. Reimburse of this money is provided in 10 years by installments with 4% interest rate.

and corporate bodies that are subject to private law; in other words, public institutions and organizations cannot use these credits.

Indirect Contributions:

For the conservation of the immovable cultural properties government contribute and provoke to the conservation indirectly, and provide these contributions as exemptions or discounts from taxes. It's stated in the 21st article of the Law numbered 2863 that registered immovable cultural properties' lots are exempt from the taxes or tributes. Furthermore, it's also stated that the repair activities which are approved by regional councils are also exempt from the taxes and tributes which are taken according to the municipality income law. In accordance with the conservation of the immovable cultural properties, equipment and material that will be imported by TGNA, Ministry of National Defense and GDPF will also be exempt from the taxes. Additionally, with the Law numbered 5226, registered cultural properties are exempt from inheritance tax, and land registry and title taxes for the processes about the alienation and acquisition. Furthermore, properties are also exempt from the value added tax (KDV) for the measured survey, restitution and restoration projects of the cultural properties and for the project implementations, which are approved by the Regional Council¹⁴⁰. With the latest modifications of the law, government's indirect contributions to the conservation activities have increased, and various exemptions are undertaken in order to make contributions for the private and corporate bodies and public institutions and organizations, who possess cultural immovable properties.

It's planned to provoke the conservation of the cultural properties and increase the number of private and corporate bodies who want to invest in conservation activities with the Law numbered 5225. With this law dated 2004 investors are granted important encouragement, therefore, private sector is attracted in order to conserve and utilize the immovable cultural properties.

While the activities of private and corporate bodies' conserving the immovable cultural properties are supported with the Law numbered 5225, public administrations with general and private budgets, special provincial administrations, municipalities, associations working for public interest, organizations and bodies that engage in scientific and research activities are also provided with discount on taxes in order to engage them in activities like repairing, maintaining, restoration of the immovable cultural properties, making restoration projects, salvage and archaeological excavating, field study, and conserving the immovable cultural properties located abroad. They are granted with tax discount with the Law no 5228; "Law

¹⁴⁰New clauses are added to the 18th, 19th and 20th articles of the Law number 5226 in turn, 4th article of the Law number 7338 named as ' Law of Inheritance Tax' , 2nd clause of the 17th article of the Law number 3065 named as ' Value Added Tax Law' , and the 1st clause of the 59th article of the Law number 492 named as ' Duty Tax'

Regarding the Modifications of Some Laws and the legal provision of Law No 178” with its 28th article which modified the 89. article of Income Tax Act, Law no 193.

Furthermore, with the Law no 5035 which is named as “Law Regarding the Modifying of Some Laws”, it’s stated that contributions and donations that are granted to public organizations, will be deducted from the stated income with the annually declaration in order to conserve, maintain, repair, restore and utilization of registered immovable cultural properties which are possessed by or in the use of municipalities and public institutions and organizations (article 14). Besides, these contributions and donations are recorded to the expenses of the public organizations, which they’re granted to (article 16). Consequently, ones who make donations to the said organizations for the conservation of the registered immovable cultural properties which are possessed by these organizations, have the right to benefit from the discounted income taxes, and the organizations which utilize these contributions and donations transfer these contributions to the conservation activities right away.

Another indirect contribution for the repair of the immovable cultural properties is the regulation, which provides extra income for the budget of the Ministry of Culture and Tourism. According to the 19th article of the Law numbered 4962 dated 2003 which is named as “Law Regarding the Modifications in Some Laws and Providing Tax Exemption for the *Vakıfs*”, it’s stated that amount in the budget which isn’t used by the RTUK, will be transferred to the account of the Ministry in order to use it in the conservation of the cultural and natural properties. Consequently, new sources are created for activities of conserving the cultural properties.

In conclusion, it can be said that the majority of the legal, administrative and financial mechanisms in the conservation of the cultural properties consist of the legislation which has been effective in the last five years. Most important point here is the government’s effort in the name of localizing the conservation of the cultural properties and finding new contributions in this context. This gives way to the government to find new sources for conservation of the cultural properties, and provide the private entrepreneurs with encouraging exemptions and discounts for the conservation of the cultural properties with the formations of conservation activities, which let the local administrations, embrace and apply the conservation process. Consequently, the state based approach of the conservation of the cultural properties- this approach increased the expectations from the government about the conservation of the cultural properties and pacified the society and the individuals in the name of conservation- supports the private entrepreneurship to take place in the conservation process again with the policy which government has been implementing.

3.3. **Vakif Institution in the Current Legal, Administrative and Financial Organization of Conservation in Turkey**

In this chapter, place of the *vakif* institution and *vakif* based cultural properties within the current legal, administrative and financial mechanisms of conservation of the immovable cultural properties is examined. This is important in order to estimate the place of an institution which possesses a massive number of country's cultural properties in the existing conservation policy, realize the possibilities and potentials which are built by the current system for the conservation of the *vakif*-based immovable cultural properties and create future suggestions by comprehending the existing situation.

Vakif Institution in the Legal Organization of Conservation

When the articles of the Law of Conservation of the Cultural and Natural Properties, numbered 2863, are considered, it's obvious that *vakif* immovable cultural properties and General Directorate of Pious Foundations have a special place in the conservation activities. General Directorate of Pious Foundations is the most effective body after the Ministry of Culture and Tourism in the act of conserving the cultural properties across the country.

In accordance with the Conservation Law, following paragraphs explain this special place, which is granted to *vakif* immovable cultural properties and GDPF.

1. When we consider the cultural property concept and immovable cultural property concept (article 3 and 6) in the conservation law, it's obvious that almost all of the immovable properties which belong to the *mazbut* and *mülhak vakif*, have cultural property quality. It's also considered that a major part of these cultural properties,, belong to the 1st group building class which are created with the principle decisions of the High Council. This situation proves that the built environment which includes the features of an approximately thousand year old civilization's architectural, social, political, cultural and economical life in Anatolia and reached our era, is under the administration and supervision of GDPF.
2. With the 5th article of the Law no 2863, the immovable cultural properties which belong to private and corporate bodies as well as the government and public institutions and organizations are considered as "state property", whereas the immovable properties which belong to *mazbut* and *mülhak vakif* are subject to a different classification. This makes the *vakif* immovable cultural properties *vakif* property instead of being considered as state property.
3. This approach grants a special authorization to the General Directorate of Pious Foundations. In accordance with the Law no 2863, while the highest body, which is responsible for the conservation of immovable cultural properties, is the Ministry of Culture and Tourism, 10th article of the same Law grants the responsibility of

conserving the *vakif* immovable cultural properties to General Directorate of Pious Foundations. In conclusion, GDPF is responsible for maintaining the activities, which are approved by the conservation regional councils in the name of conserving and utilization of the *vakif*-based immovable cultural properties, which belong to *mazbut vakıfs*, *mülhak vakıfs* and private and corporate bodies. With this article of the law, conservation and utilization of the all-immovable cultural properties, which are *vakif* based and have monumental quality, belong to GDPF. While this is also effective for the *mülhak vakıfs*, which carry on the *vakif* system partially, conservation processes, which are held by *mülhak vakıfs*, are also under the liability of GDPF. Furthermore, recently, conservation responsibility of the all *vakif* based cultural properties, which belong to private and corporate bodies, are granted to GDPF. It's stated that an amount will be granted to the budgets of the Ministry of Culture and Tourism and other public bodies in order to maintain this act.

4. While the utilization of the immovable cultural properties belong to the authorization of Ministry of Culture and Tourism according to the Law number 2863, the utilization right of the *vakif* properties which are *mazbut or mülhak vakıfs* or the properties alienated with the Law no 7044, belong to GDPF (article 14).
5. Another subject that is covered within the conservation Law regarding the conservation of the immovable cultural properties is inventory and registration act. Inventory and registration act shows that immovable cultural properties should be protected legally. While the inventory and registration act belongs to the Ministry of Culture and Tourism in the country, inventory activities of the immovable cultural properties which belong to *mazbut* and *mülhak vakıfs* as well as the *vakif*-based immovable cultural properties that belong to the private and corporate bodies are undertaken by General Directorate of Pious Foundations (2863:article 7). Therefore, just two bodies in Turkey have the right of inventory. Inventories that are undertaken by General Directorate of Pious Foundations are registered by the Regional Conservation Councils of the Ministry of Culture and Tourism.

Vakif institution has special place also in the principle decisions that are made by HCCNCP other than conservation law. In accordance with the principle decision numbered 731 dated 19.06.200, intervention types to the cultural properties that are under the administration and supervision of GDPF, technical aspects of implementation and controls are defined by HCCNCP. Here, it's stated that *vakif* based buildings should be utilized in accordance with their original functions, additions like cabins, shops cannot be built adjacent to or in the courtyard of the mosques and *mescids*, porticos cannot be closed with glass panels, interventions that can be applied to sound installations, illumination, and heating systems are defined and inscription panels about the repairs should be attached to the buildings.

***Vakif* Institution in the Administrative Organization of Conservation**

General Directorate of Pious Foundations and the immovable cultural properties that are subject to conservation and belong to General Directorate of Pious Foundations always have a different statute within the current administrative mechanism of conservation across the country while they're subject to the authorization of the Regional Conservation Councils of the Ministry of Culture and Tourism.

Details of this mechanism and the actors, which make up the mechanism, are given below:

1. 9th article of Law number 2863 assigns the conservation councils about authorization of the physical and constructional interventions of the immovable cultural properties that are subject to conservation. Therefore every single physical and constructional intervention about the *vakif*-based immovable cultural properties is done in accordance with the decisions of the conservation councils.
2. It's stated in the principle decision numbered 731 of HCCNCP that, council cannot take a decision on the *vakif* immovable, which aren't subject to registration and are out of the site.
3. Clause, which is added to the 57th article of the Law numbered 2863 with the Law numbered 5226, gives the maintenance and simple repair responsibility of the cultural properties which belong to the General Directorate of Pious Foundations, to this body. Therefore, while GDPF is subject to the council authorization for the conservation activities, which require project, Foundation itself is responsible for the maintenance and simple repair activities.
4. How to maintain the maintenance and simple repair activities of the *vakif* immovable cultural properties are defined in the 15th article of "Regulation about the Establishment, Authorization and Operation Principles and Procedures of the Conservation, Implementation and Control Bureaus and Training Units". According to this, an expert committee from GDPF about the conservation of the cultural properties, grants the pre-authorizations for the implementation of the maintenance and simple repair of the 1st group buildings by identifying the conditions in accordance with the legislation. At the same time, it reports the interventions to be held with photos and reports to the conservation council by showing the interventions on a draft measured survey. After the implementation is finished, committee prepares the reports and documents by evaluating the implementation, and again it's reported to the conservation council. This approach requires GDPF to be effective in the maintenance and simple repair activities of the properties, which it owns and create expert committees for the maintenance. In other words, GDPF is responsible for the maintenance and simple repairs within its scope in order to ensure the conservation and continuity of the immovable cultural properties.

In conclusion, GDPF has a distinct situation within the mechanism of conserving the cultural properties across the country with its institutional structure and the immovable cultural property stock that it owns. This situation grants a distinct character and authorization to GDPF and *vakif* immovables. As a majority of the immovable cultural properties that GDPF owns are registered or the unregistered ones are subject to registration, conservation councils are authorized for the conservation of these buildings. Therefore, GDPF has to work together in coordination with the conservation councils. Furthermore, it's stated in the recent regulations that GDPF should be effective for the activities of maintenance and simple repairs of the immovable cultural properties.

Vakif Institution in the Financial Organization of Conservation

For the conservation of the immovable cultural properties, biggest financial source of the General Directorate of Pious Foundations with an annexed budget is its own income sources¹⁴¹. However, 10th article of Law numbered 2863 charges GDPF as responsible for the conservation and utilization of the *vakif* based immovables, while it's also stated that an allowance will be granted from the treasury for the conservation activities. General Directorate of Pious Foundations has been engaging in projects and implementations for the conservation and utilization of the *vakif* based immovable cultural properties with these sources. Moreover, with the "restore-operate-transfer" model, as it's detailed in the section 2.2.3, foundation also allows the private entrepreneurs to take place in the conservation activity of the immovable by renting the immovable cultural properties for long-term periods.

When the conservation activity is considered within the current financial mechanism, there are two regulations, which provide financial contributions for the *vakif* based immovable cultural properties. First one is the "Law Regarding the Modification of Some Laws" with Law numbered 5035. This regulation states that contributions and donations should be granted to the bodies and organizations in order to repair, restoration and maintenance of the registered monumental buildings which belong to *mazbut vakifs* that are under the administration and control of GDPF. It's also stated that such donations should be deducted from the reported income (article 14) with the annual manifesto, and should be recorded to the outcome of the organizations, which they are granted to (article 16). Donations and Contributions, which are stressed out in this legislation, are effective only for the registered 1st group buildings, which are considered as *mazbut vakifs*.

Second regulation that will provide financial contribution for the conservation of the *vakif* immovable cultural properties is the "Regulation Regarding the Allocation of *Vakif Hayrat* Immovable". According to this legislation, *vakif* immovable *hayrat* is allocated to the public

¹⁴¹ These sources are defined in section 3.1.3.

institutions and organizations or it's rented to trade chambers or to *vakıfs* and foundations (article 7). 2nd and 7th article of the legislation states that maintenance, repair and restoration of the immovable *hayrats* are undertaken by the organization to which it's allocated or rented.

Consequently, when the current legal, administrative and financial mechanism of the conservation act in Turkey is considered, it's obvious that GDFP and vakıf immovable cultural properties have distinct situation, and as it's the sole authorization body for the conservation and utilization of the *vakıf* immovable cultural properties, the legislation and execution right of the councils which depend upon Ministry of Culture and Tourism is present also for the *vakıf* immovable cultural properties. With the most recent legal regulations, efforts for localization and a new source for conservation increased the role of the local administrations and private entrepreneurship within the conservation activities. This also made the way for creating expert committees in the local organization of the *vakıf* institution and provided new sources for the conservation of the *vakıf* immovable cultural properties.

CHAPTER 4

THE NECESSITY FOR A NEW MODEL: GENERAL EVALUATION OF *VAKIF* INSTITUTION WITH SPECIAL EMPHASIS ON THE HANDICAPS OF THE CURRENT SYSTEM

In this section, the necessity for a new model will be assessed through determining the handicaps of the current *vakif* institution concerning the conservation of buildings, and the conservation and usage problems of the *vakif*-based immovable cultural properties. Through discussing the classical *vakif* system's approach towards the conservation of the buildings comparatively with today's system, it will be researched whether or not the classical *vakif* system's conditions concerning the conservation of buildings may be able to constitute an answer to today's problems. In this context, the following subjects will be discussed;

- General evaluation of the *vakif* institution's mechanism towards the conservation of buildings throughout the institutional change it has experienced
- Positive and negative sides of the classical *vakif* system in the conservation of buildings and thoroughly comparative investigation of positive and negative approaches of the current *vakif* institution in the conservation of cultural properties
- *Vakif*-based buildings' current problems concerning conservation

Therefore, in this section, it is aimed to determine data establishing a sustainable conservation policy for the *vakif*-based immovable cultural properties that eliminates current system's handicaps during the next stage through adapting the positive sides of the classical *vakif* system to current conditions.

4.1. General Evaluation of The *Vakif* Institution's Mechanism Towards the Conservation of Buildings Throughout the Institutional Change It Has Experienced

As it was explained in Chapter 2.1.3, the benefit network generated in the *vakif* institution by the individual-society-state trio ensured the establishment and development of the institution. The individual-society-state trio which was benefiting from the *vakif* institution in different scales and qualities also was seen as having roles in different scales and qualities concerning the conservation of *vakif* buildings. This condition is monitored as follows:

Individual: *Vâkif* who was donating the income sources towards the conservation of *vakif* buildings, was also orienting the *mütevelli* with the condition of repair and the employment of craftsmen who would perform the repair of the buildings, and as for the *mütevelli*, he was observing the problems of the *vakif* buildings, providing the execution of necessary interventions, primarily using the *vakif* incomes for repair and covering the repair needs of *vakif* buildings through his own assets or taking up a loan in case of inefficient *vakif* sources.

Society: (beneficiaries of the *vakif* services and *vakif* employees) had played part in determining the repair need of the *vakif* buildings, controlling the process and providing financial support to repairs when necessary.

State: as for the state, it was generating the legal and financial infrastructure in the conservation of the *vakif* buildings; granting of the *miri* land to individuals through *temlik* and ensuring that these lands would become *vakıfs*¹⁴², establishing a legal order which would immunize *vakıf*'s possession from restraining and *şer'i* inheritance law, supervising the actions concerning the repair and the repair process through *kadıs* and proving financial resource for the repair of the *vakif* buildings in special cases (such as following disasters like earthquake, fire).

Throughout the time, the change at the roles played by the individual-society-state trio within the classical *vakif* system, caused an institutional change in the *Tanzimat* era. The most important element of this change is the change of the mentality towards the conservation of *vakif* buildings. In the classical *vakif* system the main aim of the *vakif* was to exist forever, or in other words, the continuance of the *vakif* services eternally. And the tool to ensure this aim was the *vakif* buildings perform *vakif* services through maintaining their functionalities. Accordingly, the actions of repairing and conserving the *vakif* buildings were a tool used in order to ensure the sustainability of the *vakif*. In the *Evkaf Nezareti* period with the disappearance of *vakıf*'s corporate bodies, forever serving mentality of the *vakif* institution have weakened. Furthermore, starting from the ends of the 19th century, the necessity to conserve the *vakif* buildings surfaced through the "conservation" mentality¹⁴³. Under these circumstances the mentality of conserving the *vakif* buildings which was a means for the

¹⁴² Madran (2004:72) with based on Akdağ's opinion, specifies that there are state resources behind the wealth and properties obtained by individuals through the *timar* method existing in the Ottoman state system, and that the incomes used to establish *vakıfs* are actually state resources. In this way, it is stated that a major part of the resources transferred for the repair was also generated by the state.

¹⁴³ The mentality of conserving the buildings due to their historic values was stated in Mimar Kemaleddin's report dated 1908, concerning the restructuring of Repair Directorate of *Evkaf Nezareti*. Furthermore, conservation of antiquities was stated by the 1909 Budget Book of the *Evkaf Nezareti* as the task of Repair and Construction Department. Also Madran (2002,81) stated that the identification of the architectural monuments of Turkish-Islam period as to be conserved, first time in Regulations on Antiquities (*Asar-I Atika Nizamnamesi*) in 1906.

sustainability of the *vakif* and the *vakif* services transformed to the mentality of concerning *hayrats* which partially maintained their functionality and were relics of ancestors. In this way, the conservation of the buildings in the central *vakif* institution became an aim under “conservation of historic monument” understanding.

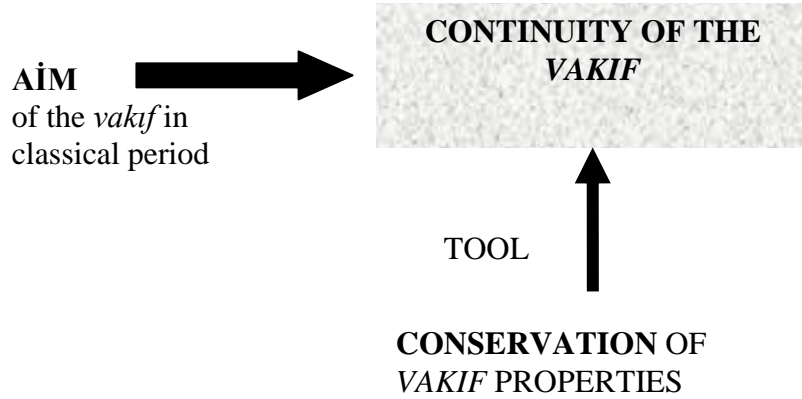


Figure 4.1. Conservation approach in the classical *vakif* system

The change in process of this legal, administrative and financial structure of the conservation of the *vakif* buildings may generally be evaluated under the following subtitles:

Legal Aspects: While during the classical era, concerning the conservation of the *vakif* buildings, the legal rules set by the state and *vâkif* were always considering the repair of the *vakif* buildings as a primary condition, it started to change since the end of the 18th century. The legal infrastructure established after the classical era never adopted the conservation of *vakif* buildings as a primary condition; even it is seen in *vakfiyes*. For instance there isn't any condition concerning the repair of the buildings in the *vakfiye*, belonging to the Raşit Efendi Library, built in 1796 at Kayseri¹⁴⁴. Furthermore it was observed that within the study of Öztürk, where 60 *vakfiyes* pertaining to 19th century were examined, only 4 repair craftsmen were employed within the body of *vakıfs*¹⁴⁵. It may be mentioned that the conditions concerning repair became to appear much scarcely in *vakfiyes*, the main legal documents of *vakıfs*, during the 19th century, compared to the classical period.

¹⁴⁴ For the *vakfiye* copy see Cunbur, 1969:188-195.

¹⁴⁵ However among the *hayrat* buildings belonging to 60 *vakif* examined by Öztürk, there are 36 mosque, 6 *mescid*, 3 tomb, 4 *zaviye*, 4 *medrese*, 3 library, 4 fountain and 2 *sebil* (Öztürk, 1995:55-61)

In addition to *vakfiyes*, the centralized *vakif* institution doesn't either consider the repair of the *vakif* buildings as a primary task anymore, but only considers as one of the task of the centralized institution¹⁴⁶. During the *Evkaf Nezareti* period, the repair of the *vakif* buildings hasn't been defined as a primary task neither in the regulations dated 1863, defining the tasks of the *Evkaf* regional organization nor in the regulations dated 1912, defining the tasks of the central organization. It was only listed among the tasks of *evkaf* directors and the Repair Directorate (Kahraman,2006:117,154). This situation also continued during the Republican Era under the GDPF period. In the first article of the Regulations on *Vakif* Law dated 1936, "...the protection of the monuments belonging to the *vakif*..." was listed among other tasks of GDPF. The new *Vakif* Law numbered 5737 on 2008 doesn't either give any priority to the conservation acts concerning cultural properties of the *vakif*, while it is stated that they will be carried out by GDPF (article 28).

Furthermore, during the classical period, actions in favor of the *vakif* or actions which would ensure the conservation of *vakif* buildings were always supported. However, during the *Evkaf Nezareti* period, the financial limitations of the repairs were always regulated in the regulations¹⁴⁷, and the sale of the *vakif* buildings becoming ruins to derive revenues for *Evkaf* were discussed in the assembly as a draft statute (Öztürk,1995:272). The removal of *vakif* identities of *vakif* buildings due to being sold during the Republican period, also occurred by various laws enacted by the state (2762:article:10,12). Efforts were and are displayed to repurchase and expropriate via acts the buildings also sold and assigned through laws¹⁴⁸.

As a result, it can be said that while the legal structure which the *vakif* institution was subjected to in the classical period, arrange the rules for the repair of the buildings with the aim of ensuring continuity of the system, since then this point of view has lost its importance and many ruined *vakif* buildings were sold by the laws in the Republican period instead of having repaired.

Administrative/Operational Aspects: When the administrative scheme of the conservation of *vakif* buildings during the classical period is examined, it may be observed that the *vakif* manager had the rights and initiatives to monitor the buildings, determine the problems and implement the repairs immediately through using the sources of the *vakif* or when necessary his own sources. This state changed during the *Evkaf Nezareti* period through the assignment of the *mütevelli's* tasks to the *Evkaf* Directors, in other words actions for the

¹⁴⁶ As per the Article 1. of the Regulations on *Vakif* Law dated 1936, and Article 28 of the Law dated 2008 numbered 5737, the conservation of cultural properties of *vakif* are among the tasks of the GDPF.

¹⁴⁷ See chapter 2.2.2.3, p:58-59.

¹⁴⁸ The re-assignment to *vakifs* or expropriation of *vakif* originated cultural properties were provided through the law numbered 7044 dated 1957 and the law numbered 5737 dated 2008 (Articles 28, 30) .

conservation of buildings expected from the *mütevelli* were listed among the tasks of the *Evkaf* Directors. Similarly, today, GDPF and regional directorates are responsible from this task. This position of the *mütevelli*, getting economic and social benefits (receiving wages for the administration duty, also benefiting from the income surplus, heirloom pertaining to his family) from the *vakıf*, was not in question for *evkaf* directors (they only received wages for their tasks, there are not many other benefits). In other words there were not strong economic and social benefits. Therefore it may be thought that the *vakıfs* were not protected adequately during this period. Besides, while the central organizational structure caused the increase of the bureaucratic procedures, it couldn't attain the effectiveness and the speed of the classical-period *vakıfs* which had autonomous structure. The monitoring of the buildings and executing of the necessary interventions slowed down.

Furthermore, while the repair process was performed immediately through the use of local materials and known building techniques by the repair craftsmen who were either among the personnel of the *vakıf* institution or were engaged during the classical *vakıf* system, this process changed with the centralized *vakıf* institution. No more did the institution have within its body repair craftsmen who would immediately intervene to the *vakıf* buildings – or if it did, their numbers were very few and only in certain regions – therefore necessary interventions failed to be performed. For instance, expert persons were sought for the “*Bina Eminliđ*” Directorate established in 1847 within the body of *Evkaf Nezareti* and which was responsible for the repairs (Öztürk,1995:192). And in the 1909 *Evkaf Nezareti* budget book¹⁴⁹, it is specified that the buildings to be repaired are significant monuments, and that these buildings stay in ruins due to their overabundance, the insufficiency of the number of architects in the central organization, and concerning regional organization, the lack of expert personnel. Furthermore, the necessity of the process of the conservation of *vakıf* buildings which were started to be called by the end of the 19th century initially as “historic monument”, then “cultural property” to be based on scientific principles, historic monument repair being an expertise field and the specialization of the individual to perform the repair, the materials and the technique complicated the repair process of the *vakıf* buildings.

Classical *vakıf* system's conservation mentality, observed as implementing continuous maintenance and simple repair and therefore being less in need of intense repairs, changed against the maintenance and simple repair with the centralized *vakıf* institution. For instance, in the regulations dated 1863 defining the tasks of the *Evkaf Nezareti* regional organization and *evkaf* directorates, it is stated that the *evkaf* directors shall monitor the

¹⁴⁹ “...tamir olunacak mebani-i vakfiyyenin...mi'mariyye-i İslamiyyeye aid ve ehemmiyyet-i fevkaladeyi ha'iz...bunların adedi ise binlere baliđ olmaktadır ki kaffesinin tamir ve ihyasını dört beş mimar ile deruhde ve idare etmek kat'iyyen adimü'l-imkandır...taşrada olup ehemmiyyet-i tarihiyyeyitamirati için ise mahalli belediye mühendis ve kalfaları tarafından yapılan ve hiç bir noktası fen ve sanat ile kabil-i tevfik olmayan resm ve keşifnamelerle iş görebilmek ihtimal haricinde bulunduğundan...taşra mebani-i mukaddesesi dahi hal-i harabide kalmakta...” (Kahraman,2006:140-1).

vakıf buildings, execute their maintenance and mind that high-cost repairs wouldn't be needed in this way¹⁵⁰. The central *vakıf* institution whose power to perform repair act decreased due to the institution not protecting the *vakıf* possessions, its failure to employ sufficient number of technical personnel and the transmission of its incomes to other spots through the state hand, chose to perform intense repairs performed in long intervals. It is seen in the lists of repaired buildings conducted by GDPF between 1924-82 (Çal,1990:442-633) that between the mentioned period the cultural properties generally repaired only one time. This condition causes the *vakıf* buildings to lose (originality) value through intense repairs while the interventions to be done in short intervals would ensure their long-term conservation.

Financial Aspects: 12% of the tax income in the state budget, in addition, 17% of the tax income in Anatolian provinces belonged to the *vakıfs* in 16th century (Barkan, 1955: 251). Through these numbers, the significant size of the *vakıf* institution's economic power may be easily observed. However due to the using up of the *vakıf* income sources by state during the 19th and early 20th century, the economic structure of the *vakıf* institution collapsed. *Vakıf* Institution which had money owed to the Treasury during the 19th century (Öztürk,1995:285-90), received support from the treasury during the Republican period under the name of "aid"¹⁵¹. For instance in 1909, *vakıf* institution had 1.737.602 Ottoman Liras owed to various institutions of which state treasury owed 1.073.432 liras of this amount (Öztürk,1995:290), whereas since the Republic period GDPF has been taken treasury aid with the amount of 17% of its annual income at average. It is observed that *vakıfs* which once had an economical power amounting to 12% of the state budget, have in the year of 2005, a rate of 0,12%¹⁵² when comparing their income to the general budget of the state. This circumstance demonstrates to which extent the *vakıf* foundation is worn out and shrank and to which extent its income sources were exploited.

On the contrary, it is seen that the wealth in the financial structure of GDPF in recent years is an irregular situation due to the political influences, not an improvement of the financial structure of the institution. Also it was stated in report of the institutions' financial condition in 2007¹⁵³ that the institution has taken considerable amount of interest profits of Bank of Pious Foundations.

¹⁵⁰ "...cevami ve mesacid ve medaris ve hayrat-ı saire ile icare-i vahidelü musakkafat ve müsteggalatın aralıkda m'ayenesiyle bunların bakılmadığı halde ilerüde masarif-ı külliyyeye muhtac olacak cüz'i tamiratının icrasıyla harabiyetden muhafazalarına ve nezafet ve taharetine ale'd-devam evkaf müdirleri tarafından nezaret ve dikkat olunacaktır..." (Kahraman,2006:118).

¹⁵¹ See chapter 3.1.3, p:77-78.

¹⁵² See chapter 3.1.3, p: 75-76, figure 3.4.

¹⁵³ <http://www.vgm.gov.tr/> , accessed on 27th April, 2008.

The most important feature of the *vakif* system which was economically strong during the classical period was that it had a system that could cover its needs through its own income sources. The system was laying the income primarily covering the repair needs and performance of other expenditures (wages and other costs) afterwards as a condition for the conservation of the *vakif* buildings which would ensure the continuity of the *vakif*. In other words, there was a system providing the existence of continuous income, and the use of this income primarily for repair costs. As for the Republican period, GDPF allocated an average 20% of its incomes to the repair of *vakif* buildings between the years 1924 and 2007¹⁵⁴. It is observed that GDPF which doesn't embrace the repair of *vakif* buildings as a priority also didn't transfer its incomes primarily for repair.

The financial structure of the classical *vakif* system started to lose its power with the application of *icareteyn*, continued with the assignment of the central institution's treasury to the state, and ended with becoming an institution with annexed budget during the Republican period. During this process *vakif* incomes have widely decreased. All the same, state tried to establish additional income to GDPF whose resources were reduced by the state, from resources such as "treasury aid" and "fuel consumption fund", in order to be spent to the repair of the *vakif* buildings.

Besides the changing process in the institutional structure and attitudes towards the repair of the *vakif* buildings, the "*vakif* heritage" containing the works of Turkish-Islamic period became "cultural heritage" and "immovable properties of *vakif*" attained the status of "cultural property" throughout the time. Of course, not all the surviving immovable properties of *vakif* carry the status of cultural property, however;

- *Vakıfs* founded during the 19th century, being generally small scaled *vakıfs* supporting previously established *vakıfs* or for the purpose of performing Islamic memorial service for its founders or Qur'an reading instead of constructing new building-*hayrat* (Öztürk, 1995:31-48),
- as it is, a significant part of the buildings belonging to *mülhak* and *mazbut vakıfs* being constructed before the 19th century,
- Article 6, paragraph a of the Law of Conservation of Cultural and Natural Properties numbered 2863 defining the immovable properties constructed until the end of the 19th century as Immovable Cultural Property,

demonstrate that a significant part of the buildings belonging to *mülhak* and *mazbut vakıfs* currently have the status of cultural property. Nevertheless some buildings although they belong to a *mülhak* or a *mazbut vakif*, because of its construction type and date they don't have any characteristics for being an immovable cultural property. For instance the *vakif*

¹⁵⁴ See chapter 3.1.3., p:72-75

bazaar which belongs to a *mazbut vakif* in Adana, hasn't got immovable cultural property status because it was built in the mid 20th century in the location of a *han* that belonged to mentioned *mazbut vakif*. So, the vakif building stock which are *vakif* immovable cultural properties today, are marks of the “*vakif* cultural heritage” in the built-up environment.

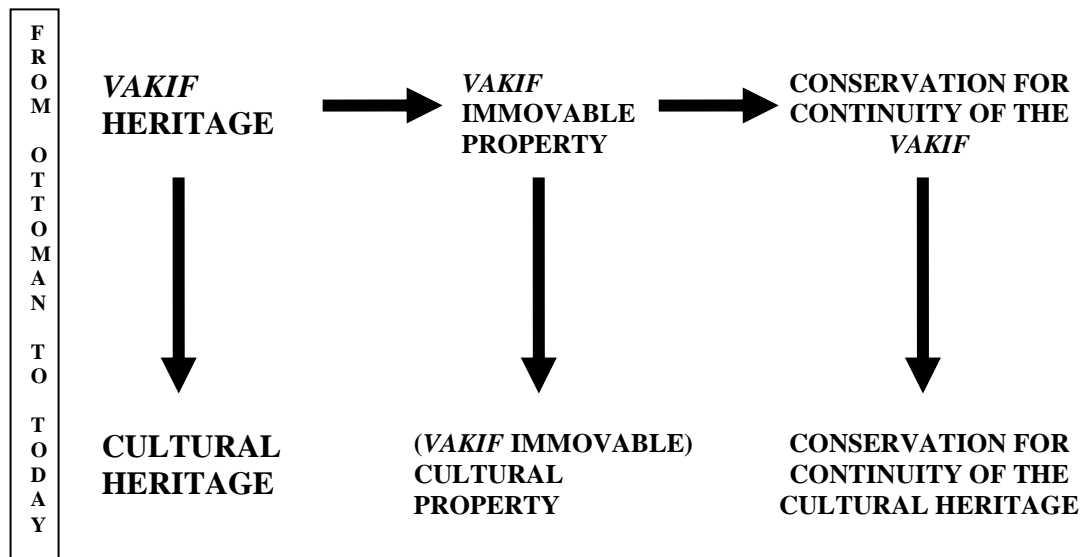


Figure 4.2. *Vakif* heritage from Ottoman to Today

While in the classical *vakif* system, the mentality of maintenance and conservation of immovable *vakif* properties existed for the continuity of the *vakif*, today the mentality of maintenance and conservation of the cultural properties for the continuity of the cultural heritage is witnessed (Figure 4.2). As it is, throughout this period starting from the Ottoman era, it has always been seen that the conservation and repair of immovable cultural properties of *vakif* were essential even for different purposes. With the republic, the task of conserving immovable *vakif* properties having “architectural and historical value” was assigned to GDPF.

4.2. The Comparative Examination of The Classical *Vakif* System with Current *Vakif* Institution Concerning Their Approach in the Conservation of Cultural Properties

The negative and positive aspects of the classical *vakif* system and current *vakif* institution concerning the conservation of *vakif* immovable cultural properties were determined below

in the context of legal, administrative, operational and financial mechanism and were displayed as a whole in Table 4.1.

Sources

Here, while the examination of the classical and current *vakıf* system's attitudes concerning the conservation of *vakıf* properties were constructed on the knowledge taken up in Chapter 2 and 3, addition to this the examination of the attitudes of the classical *vakıf* system were tried to based mainly on the source named "*İthaf-ül Ahlâf Fi Ahkâm-il Evkafl*" which includes judgments about *vakıfl*, and written by Ömer Hilmi Efendi in 1307 H./1889 M.¹⁵⁵. Ömer Hilmi Efendi was a jurist who worked as a member and then as the chief of the Court of Appeal and also who worked as an *Evkafl* inspector. As from the second half of the 19th century, some parts of the law, one of which was the law related with *vakıfl*, started to separate from the canonical laws. After this, the necessity of collection of judgments related with *vakıfl* had occurred. By the time, Ömer Hilmi Efendi gathered and classified the *vakıf* legislation found in canonical laws and customary laws with the aim of organizing and presenting the *vakıf* legislation in use of jurists, law students and *vakıf* officials. As the source explains the legal terms related with *vakıf* and put forward the judgments on the nature, establishment, continuity, variations, stipulations, administration, operations etc.all related subjects on *vakıfl* in its introduction and 21 parts, is accepted as an important and original source. From these, the judgments related with the subject of the thesis are identified and evaluated for defining the attitudes of the *vakıfl* concerning the conservation acts. In the below text, while the references of the judgments were given within the text, the citation from the original document was given at the footnotes.

Legal Aspects

In the classical *vakıf* system, the conservation of *vakıf* buildings was generally laid as the primary condition in *vakfiyes* by the *vâkıf*. Besides, *vakıf* law also considered the conservation of *vakıf* buildings as essential, and viewed the repair of *vakıf* buildings of top priority compared to all *vakıf* services (mesele 411)¹⁵⁶, without taking into consideration if a repair-related condition of *vâkıf* appears in the *vakfiye* or not (Akgündüz,1996:401-402). In other words, the income of the *vakıf* had to be primarily spent to the repair of the buildings. However, neither in the old *Vakıf Law* (no 2762 dated 1935) nor in the new *Vakıf Law* (no 5737 dated 2008) which GDPF is subject, the conservation of the *vakıf* buildings were among the tasks of GDPF, but nonetheless it didn't take the priority and significance.

¹⁵⁵ The transcription of the source which was written in arabic words originally, was published by General Directorate of Pious Foundations in 1977. This publication used in the scope of this thesis.

¹⁵⁶ "*Mesele 411: Mesaif-i ta'miriyye vezaif üzreine mukaddemdir. Binaenaleyh vakıfda tamire ihtiyac varken mevcud bulunan galle vezaife sarf olunmaz. Bu surette müteveli galle-i mevcudeyi vezaife sarf edüp ta'amir için galle kalmasa müteveli vezaife sarf ettiği meblağı zâmin olur.*"

According to the classical *vakıf* law, the individual who intentionally destroys a *vakıf* building is liable to restore the building (if the building is *hayrat*) or to cover its repair costs (if the building is *akar*) (mesele 407, 263)¹⁵⁷. This penal system within the *vakıf* law, concerning the conservation of the *vakıf* building doesn't exist in the current *vakıf* law. The penal sanction implemented to the ones who destroys the cultural property is limited to the Conservation of Cultural and Natural Properties Law no 2863, article 65. The law stipulates prison sentence (between 2 and 5 years heavy prison) and fine (between five and ten billion (TL)) to the individual in case of destroying the cultural property. While imposing of these fines, the quality, dimension and repair costs of the harm given by the individuals to the cultural properties are not taken into consideration, and anyhow the received fine is not used for covering the damage of the cultural property. The approach of the *vakıf* law in classical period, aiming to restore the *vakıf* building in all conditions is absent in the current conservation law. Despite the latter including prison sentence and fine deterring the individual from committing crime; it does not have a mentality providing the restoration of the destroyed cultural property. Despite the centuries between two eras, the approach provided by the *vakıf* law concerning the conservation of the buildings is superior to the mentality appearing in the current conservation law.

In the classical *vakıf* system, the building repairs were always under state control through *kadis*. Although during that period today's conservation mentality didn't exist, therefore the main purpose of the control of the repair was not controlling the quality of the repair itself but controlling the financial process of the repair and individuals responsible from this process. However, in the *vakıf* law, the repair of the *vakıf* meant the repair of the original condition of the *vakıf* building (Berki,1940:239). So the non-deformation of the *vakıf* buildings and the conservation of the building's original condition also came to the fore. Under these circumstances, actually the quality of the repair implemented at the *vakıf* building was also controlled through *kadis*. Today, it is important to carry out of the immovable cultural property repairs scientifically and the state is responsible from the conservation of the cultural properties through the power it is granted by the constitution. The state assigned the task of performing the conservation scientifically to conservation councils. Today conservation councils are concerning with the scientific bases of the conservation not financial bases. Nevertheless the financial dimension of the conservation acts has been controlled with cost estimations by GDPF, like in the classical *vakıf* system. However,

¹⁵⁷ "Mesele 407: Bir kimse mekteb ve ma'bed gibi müessesat-ı hayriyyeden bir akarı bi gayri hakkın tegallüben hedm eylese, ol akar kelevvel kendisine bina ettirilir. Amma müstegellat-ı mevkufeden bir akarı bir kimse tegallüben hedm eylese bina-i mehdumın mebnıyyen kıymeti o kimseye tazmin ettirilir. Yoksa ol akarı kelevvel bina etmek üzere cebr olunmaz."

"Mesele 263: İcareteyn ile bir vakıf akara mutasarrıf olan kimse ol akarın menfaatına maliktir. Yoksa rekabesine malik değildir. Binaenaleyh bir kimse musekkafatı mevkufeden icareteyn ile mutasarrıf olduğu bir akarın binasını hedm ve enkazını âhara bey' ve teslim ile istihlak eylese, ol binanın mebnıyyen kıymetini müteveli-i vakf ol kimseye tazmin ettirir."

different from the classical system, today the conservation process has mainly two phases: project and implementation. The project phase of the conservation is subjected to the approval of conservation councils while the implementation phase under the control of GDPF. When the repair mentality of GDPF¹⁵⁸ and unqualified technical personnel of GDPF are taken into consideration, the supervision of the repair implementations also requires scientific qualifications.

The *vakıf* legislation considered the use of the *vakıf* buildings in line with the *vâkıf*'s vision as essential. In this way, it was aimed for the *vakıf* building to survive by being repaired. However, GDPF adopted the sale of the non-functional *vakıf hayrat* and *akar* buildings in ruins as per the articles 10 and 12 of the law numbered 2762. The idea of surviving *vakıf* building through repair which existed in the classical period, transformed in the hands of GDPF to the idea of disposing of the *vakıf* building through sale. Despite it is provided in the Article 10 of the law that *hayrat* buildings having architectural and historical value shall not be sold, it is cited in the concerning section that that was not the case in practice¹⁵⁹.

Alongside the top priority condition of the *vâkıf* in *vakfiye* concerning the conservation of the *vakıf* buildings, prayers and curses appearing in the *vakfiyes* also generated "moral encouragements and threads" ensuring the users to protect and not harm the *vakıf* buildings (Kunter,1962:263). Today, while there is not such a moral pressure, insensible users and personnel made apparently well-intended interventions which actually harmed the buildings which are cultural properties¹⁶⁰.

Despite the mostly negative changes and transformations listed above, some positive changes and transformations are also observed in certain subjects. An example for this positive change is source transfer between *vakıfs*. The classical *vakıf* system doesn't consider source transfer between *vakıfs* even when their *vâkıf* is the same¹⁶¹ (mesele 340)¹⁶². However, only the source transfer of a ruined *vakıf* to another *vakıf* with the same purpose in the neighborhood was accepted (mesele342,343)¹⁶³. Nevertheless, the *vakıf* law

¹⁵⁸ When the tender specifications and carried out practices are examined, it is observed that the reconstruction of the buildings is generally adopted by GDPF concerning its repair mentality.

¹⁵⁹ See chapter 3.1.1, p:63.

¹⁶⁰ The painting (mostly oil-paint) of the *mihrabs* and *minbers*, which had made by mosque *imams* or society well-intentionally, in line with their own taste may be given as example.

¹⁶¹ Actually it is thought that this practice arises from the fact that the *vakıf* institution violating *şer'i* inheritance law rules and operating like an inheritance institution on one hand and is imposed to prevent *vâkıfs* to establish *vakıf* without devoting adequate income as it was seen in the 19th century on the other hand.

¹⁶² "Mesele 340: İkisinin vâkıfı bir zât olsa bile, bir cihete meşrut olan vakfın vâridatı diğer cihete meşrut olan âhar vakfın mesarîfine sarf olunmak câiz ve meşru' değildir. Mütvellî sarf etmiş olsa, masruf-u kendüye tazmin ettirilir. Mesela: bir kimse iki mekteb bina ve vakf edüp her birine başka başka akar vakf eylese, o mekteplerden birinin akarı gallesinden diğer mektebin mesarîfine sarf olunmaz."

¹⁶³ "Mesele 342: Harab ve müstegniânh olan bir vakfın varidatını re'y-i hakimle diğer vakfa sarf caizdir. Gerek vâkıflar muttehid olsun ve gerek olmasın."

allows the source transfer between the entries of the *vakıf* (mesele 341)¹⁶⁴. The mentality to support *vakıf*s whose incomes are inadequate, through providing source transfer between *vakıf*s was actually adopted with the *Evkaf Nezareti*, and during the GDPF period it appeared in the *Vakıf* Law numbered 2762 (article:16) and the source transfer to *vakıf*s with inadequate incomes from *vakıf*s with adequate incomes was started to be seen as appropriate. This practice is also carried out in the new *Vakıf* Law issued numbered 5737 (article:28).

All these demonstrate that a major part of the rules and implementations of the legal mechanism towards the conservation of buildings and to which *vakıf*s were subject to during the classical period, have superior characteristics to the approaches provided by the current legal structure concerning the conservation of cultural properties of the *vakıf* and to which GDPF is subject to.

Administrative Aspects

During the classical period, each *vakıf* had an autonomous administrative structure in line with the conditions stated by the *vâkıf* in the *vakfiye*. While the bureaucracy was low within this autonomous structure in local scale, the functioning of the *vakıf* was under state control; and *kadı*s had the right to supervise the *vakıf* when necessary (mesele 308)¹⁶⁵. Furthermore, the repair process of *vakıf* buildings was conducted under the supervision of *kadı*. *Vakıf*'s continuity was also in favor of the state, since *vakıf*s take on the state's role of performing the social welfare. Due to this reason, the state had the right to provide and control the actions which may be in favor of the *vakıf* via its *kadı*s and laws. This demonstrates that the autonomous administrative structures concerning the internal affairs of *vakıf*s may always be controlled by the state. So that, the conservation of *vakıf* buildings for the continuity of *vakıf*, was under the supervision of both the *vakıf*'s own administrative structure and the state's judicial system.

Today, GDPF has a central and regional administrative structure and dependent on Prime Ministry. This administrative structure attained an unwieldy structure with the public establishment mentality, where the bureaucratic procedures increased. Its employees and

"Mesele 343: Müessesat-ı hayriyyeden bir vakıf harab ve müstağnianh oldukça, anın varidatı re'y-i hakimle mekânen akreb ve anın cinsinden olup varidatı kalil olan diğer vakıfın mesarifine sarf olunmak caiz ve meşru'dur."

¹⁶⁴ *"Mesele 341: Hem vâkıf ve hem cihetleri müttehid olan iki vakıfdan birinin gallesine zaif târi olsa, diğer vakıfın fazla-i gallesinden anın mesarifine sarf etmek câiz ve meşru'dur."*

¹⁶⁵ *" Mesele 308: Bir vakfın mütevellisi mevcut iken hâkim o vakfın tasarrufâtına müdahale edemez. Fakat hükkâmın evkaf hakkında teftiş ve nezâret icrâ eylemek salâhiyyetleri vardır. Şöyle ki bir vakfın mütevellisinin o vakf hakkında hıyânet ve süi isti'mâli bazı emârât ile his olunduğu takdirce hâkim derhal mütevellinin vakfa dâir olan muamelâtını teftiş ve muhasebesini ruyet ve tetkik eder. Ledettetik mütevellinin vakf hakkında azlini mucib hıyânet ve süi isti'mâli tehakkuk ettiğî halde o mütevellî vâkıfın kendisi olsa bile hâkim anı tevliyyetten azl ve ihrâc eder."*

managers working as officials, those receiving fixed salaries for their duties, the non-existence of strong tangible and moral ties between officials and the institution and the insufficient quantity of expert technical personnel of GDPF caused the GDPF's administrative structure to become clumsy.

In fact, the *vakıfs* operating like a family business during the classical period were run with the private sector mentality (Öztürk, 1995:63). Factors such as the *mütevelli* generally being from *vâkıf's* generation and his right to benefit from the *vakıf* income surplus were encouraging elements for the *mütevelli* to protect and accurately manage the *vakıf*. Besides, protecting the *vakıf* and caring about their benefits were also becoming important for the *vakıf* employees' own benefits¹⁶⁶. Therefore the monitoring and the implementation of the repair of the *vakıf* buildings for the continuity of the *vakıf* and income, were followed-up by the *vakıf* managers and personnel.

An important point in the conservation of the buildings both in today and in the past is the monitoring of the building and immediately covering its repair need. Thus the problems can be solved through small interventions and costs. During the classical period, it was known that the building would be ruined and the repair costs would increase if this small interventions is not performed (Erdoğan,1968: belge 99)¹⁶⁷. Due to this reason, repair personnel were among the staff continuously employed in the *vakıfs*. Besides, by similarity of the building repair being not much different from the new construction concerning technique and materials, it was possible for *vakıfs* which weren't employing repair personnel to easily find repair craftsmen and materials.

Today, the task of monitoring and implementing the repair needs of *vakıf* buildings is assigned to Regional Directorates of Pious Foundations. The 25 regional directorate's ability to monitor the repair needs of *vakıf* buildings within their assignment area and to ensure the supervision of the repair implementation is of course lower than the continuous and local intervention ability of the classical *vakıf* system. Besides regional directorates lacking of technical personnel and material which would allow them to at least perform small scale repair interventions, and getting this through direct purchase or tenders, delays the

¹⁶⁶ The continuity of the *vakıf* and *vakıf* having adequate income were in favor of the *vakıf* employees. Otherwise, the bad operation of *vakıf* and *vakıf's* incomes decreasing would reflect to themselves as job loss or wage cut; therefore there was a mentality monitoring the continuity and benefit of the *vakıf* through maintaining its functionality by conserving the *vakıf* buildings.

¹⁶⁷ In the document that was written by the kadı of Bursa to *divan* in 20 Rebiülahir 1175 / 1761, the repair needs and cost estimation were stated and in case of being not repaired immediately, rising of the repair costs due to the ruined conditions of the buildings, were stated: "*Mahruse-i Bursa'da vaki' Çelebi Sultan cami-i şerifi ve türbe-i münife ve medrese-i celileri kubbeleri ve sair kârgirleri üzerlerinde mebsut kurşunları...naşi rahnedar ve münhedim ve sair ebniyeleri dahi müşrif harab olup...keşif ve muayene eylediklerinde 2770 kuruş masraf ile ancak kaabil olur deyu...bir müddet dahi tamirinde meks olunur ise kışın külliye inhidamları mukarrer olup meblağı kesireye badi olacağı muhakkak olduğu...*"

interventions to be made to the buildings and may cause the need of intense repair due to this delay.

Ultimately, the *vakıfs* run with the private sector mentality in the classical *vakıf* system, were able to act rapidly and efficiently in repair actions of the *vakıf* buildings through their administrative structure. As for the central organizational structure of GDPF, being a public organization and its alienation from the private sector mentality caused the display of a slow and technically inadequate manner in the conservation of *vakıf* buildings.

Operational Aspects

In the classical *vakıf* system the repair of the *vakıf* means the repair of the building's original condition. However, the repair acts had a variety of maintenance to rebuilt due to the condition of the building. As it is stated in previous parts, the general term used in the repair acts of a ruined building indicates the restoration or rebuilt as it was as well as with its ruined material. Addition to this the repair acts which are "*meremmet-i müstehleke*"¹⁶⁸ and "*meremmet-i gayri müstehleke*"¹⁶⁹, were differentiated in the *vakıf* law, since the latter was accepted as private property if it was not donated (mesele 409, 410)¹⁷⁰. So in practice, to avoid and to protect the *vakıf* against to be mixed with the privately owned additions, the repair of the original condition of the building was preferred, and to spend the *vakıf* income for covering the expenses of the repair of the building's original condition became fundamental.

Today conservation approach has to base on international and national norms; these are also suggesting the conservation of the original condition of the cultural property as a fundamental issue. However, when the conservation acts which are conducted by or supervised by GDPF are taken into consideration, it makes the conservation acts questionable in means of scientific principles. Also in some conditions, the functioning of the *vakıf* immovable cultural properties for new uses is questionable in means harmony with the

¹⁶⁸ "Mesele 29: Meremmeti müstehleke: ebniyyeden tefrik ve ahzı kabil olmayan termimamttır. Boya ve sıva gibi."

¹⁶⁹ "Mesele 30: Meremmeti gayri müstehleke: ebniyyeden tefrik ve ahzı kabil olan termimamttır. Müceddeden ilave edilen bina gibi."

¹⁷⁰ " Mesele 409: Süknası meşrut olan bir vakıf menzilde meşrutünlehi vakfa teberru' etmeyerek kendi malından meremmet-i gayr-i müstehleke makulesinden bazı termimat icra eylese, termimat-ı mezkure meşrutünlehin kendi malı olmuş olur. Binaenaleyh mesela süknası ulemaya meşrut bir vakıf menzilde tevcih-i hakimle ulemadan bir zat sakın iken ol menzile kendi malile nefsiçün bezi ebniyye inşa ve ilave ettikten sonra vefat eylese bervech-i meşruh ilave edilen bina müteveffanın veresesine mevrus olur. Bu surette menzili mezkur ulemadan diğer bir zata tevcih olursa, o zat ol binanın kıymetini müteveffanın veresesine edâ edüp, ol binaya mâlik olur. Ol binanın kıymetini edaden imtina' ettiği takdirce, ücretinden ol binanın kıymetini hâsıl oluncaya deği menzili mezkur hakim tarafında âhara icar olunur. Ücretten kıymet-i mezkure tamamen istifâ olundukta menzil-i mezkur tevcih olunan zata aid olur."

"Mesele 410: Süknası meşrut olan vakıf menzilde men lehüssükna olan kimse sıhhatında kendi malile bazı ebniyye inşa ettikten sonra teberruan vakf için bina ettim deyu işhad edüp badehu vefat etse veresesine kendilerine mevrus olmak üzere ol binaya müdahale edemezler. Süknası meşrut bir vakıf menzilde, meşrutünlehi kendi malinden meremmet-i müstehleke makulesinden bazı termimat icra eylese, her halde müteberri' olur."

building. While the decision related with the interventions due to functioning of the building is generally given by GDPF or with the coordination of conservation council, the architect or the entrepreneur, in the classical *vakıf* system, it was determined by the law. *Vakıf* law had judgments on the usage of the *vakıf akars*. Although the *vakıf* law suggests the continuity of the original function of the *akar*, it also accepts the separation of the *akar* buildings if it is in favor of the *vakıf* (mesele 267,227)¹⁷¹.

The effective attitudes towards the conservation of the buildings in the classical *vakıf* system may be observed as; its employment of repair craftsmen despite the fact that repair was a construction activity not requiring expertise¹⁷², the bureaucracy of the repair acts was considerably less and generally in local scale, keeping available construction materials to be used during the repair in their stores¹⁷³, and its continuous maintenance and simple repair interventions. However today, the repair of cultural properties needs specialization, it shall be based on scientific bases, bureaucratic processes are lengthy, it is a long and expensive process, and due to these facts GDPF has to adopt a continuous maintenance and simple repair policy to ensure the conservation of the buildings; however it actually adopts to perform intense repairs at certain intervals. It doesn't either keep technical personnel and materials which would carry out the simple repair interventions.¹⁷⁴

In the classical *vakıf* system, *vakıfs* not only repair the buildings belonging to themselves, but also execute municipal activities such as the repair of the pavements, sewerages or waterlines. As for the repair of the bazaar streets, they were sometimes covered by the tradesmen cash *vakıfs* also generated by the tradesmen. Today, GDPF no longer conducts municipal activities and it only performs activities concerning the repair of the *vakıf* cultural properties under its administration and supervision. Besides, until the new *Vakıf* Law

¹⁷¹ "Mesele 267: Müsekkafâtı mevkuferinin, hâl-i kadimini teğyir câiz değildir. Fakat tağyirde zaruret ve vakıfca menfaat tahakkuk ederse, ol halde re'yi hâkim ve izni mütevellî ile tağyir câizdir. Mesela icareteynli bir vakıf hamam, gayet vâsi' olmağla ısınması mesarifi kesireye muhtaç olup halbuki etrâf ve civârında sükkân ve ehâli az olmağla nef' hâsil olmayup hamam alâhâlihi ibka olunduğu takdirce muattal kalup, vakıf hakkında gadr-i külliyyi mucib olacağı tahakkuk etmekle, hamamın bir mikdarını ifrâz ile vakf için küçük bir hamam bina ve bâki kalan mahalline dahi vakf için dükkan ve han gibi akar binası vakf hakkında nâfi' olduğu tahakkuk etse, mütevellî reyî hakimle berveçhi muharrer bina etmek üzere hamamı mezkurin bilicareteyn mutasarrıfına izin verse, izni meşrû' ve müteber olur."

"Mesele 227: İcareteyn suretile müştereken tasarruf olunur vakf akarda beyneşşürekâ taksim câizdir. Fakat iki şartla meşrûttur. Evvelkisi ol akarın kabili taksim olması yâni ol akar taksim olundukta şürekâdan her birine isâbet edecek hisse ile intifa' mümkün olmasıdır. İkincisi taksimın vakf hakkında enfa' olmasıdır. Binaenaleyh icareteynli vakf akarda kabili taksim olmayan ve yahut kabili taksim olup ta taksimi vakf hakkında muzır bulunanların taksimi sahih olmaz. Bu şartlar tahakkuk ettikten sonra taksimın izni mütevellîle olması dahi şarttır. Binâenaleyh icareteynli akaratı mevkufeder bilâ iznilmütevellî vuku bulan taksim sahih ve müteber değildir."

¹⁷² See chapter 2.2.1.2, p: 42-43

¹⁷³ Kunter (1962:265) specifies that there were construction materials in the *vakıf*'s storehouses and the repair actions were immediately carried out by these materials. Furthermore in the document no 114 in the article of Erdoğan (1968), it is stated that no reserve lead planes was left following the repair carried out in 1251./ 1835-6, therefore a serious repair need occurred in 1266, adding that by storing of the reserve construction materials, repairs with high cost may be avoided through immediate intervention.

¹⁷⁴ A lead workshop only exists in Ankara Ostim, to be used for the roof cover.

numbered 5737 on 2008, it didn't display any activities concerning *vakıf* cultural properties dependent on private or corporate bodies. The structure of the classical *vakıf* system pursuing public welfare and working as a "construction and repair institution" was not adequately adopted by GDFP despite this heritage under the status of "antiquity"- "cultural heritage" and it failed to put the potential of becoming a "Conservation Institution" of the Republic of Turkey.

As it may be observed, the continuous maintenance and simple repair policy has to be adopted and the organization to carry out this policy shall be established within its body for the GDFP to become effective in the conservation of the cultural heritage, and for the use of the sources in an efficient way.

Financial Aspects

The most important factor in the classical *vakıf* system was the fact that the *vakıf* had its own income and this income was primarily transferred to the repair of the buildings as stated in the legal structure. The only operation method of the *vakıf* incomes was renting and the *vakıf* system embraced the *icare-i vahide* method which was a short-term renting, and the renting of the immovable property from its market value for a period of three years was an implementation suggested by the *vakıf* law (mesele:389,392,272)¹⁷⁵. However during the time *vakıfs* implemented rents with *icareteyn* and *mukataa* method in a widespread manner despite these methods being long-term, providing the rights comparable to ownership and disfavoring the *vakıf* with the low rentals. This negative approach of the classical *vakıf* system reducing the *vakıf* incomes and indirectly affecting the conservation of the *vakıf* buildings was cancelled with GDFP (2762:article 26). Furthermore through the determination of the maximum rent period as three years¹⁷⁶ with the new *Vakıf* Law numbered 5737 (article 20) it was aimed for the income to be obtained from the immovable properties of the *vakıf* to be at the market value. Nevertheless long-term renting is still in use as restore-operate-transfer model which also includes some of the negativeness of the long term renting in classical *vakıf* system.

¹⁷⁵ "mesele 389: Mâl-ı vakf ecri mislile icâr olunur. Mütevellî ecr-i mislinden nâkıs bir ücret tesmiyyesile icâr eylese nazar olunur. Eđer noksan fâhiş ise icâr sahih olmaz. Ve eđer yesir ise sahih olur."

"Mesele 392: Bir vakıf akarı mütevellîsi ecri mislinden noksân-ı fahişle icâr eylese, ecr-i mislin ikmalî lâzım gelir. Müste'cir ecri mislin ikmalinden imtina' ederse, o surette mütevellî icareyi fesihle ol akarı ecri mislile âhara icâr eder. Müstercir kablefesh ol akarı bir müddet tasarruf eylemişse ol müddet için kendisinden ecr-i misil alınır."

"Mesele 272: Vâkıf tarafından müddet-i icâra dair bir güne şart zikr olunmadığı takdirde, icâr olunacak mâlî vakf çiftlik ve arazi makulesinden ise, üç sene ve akarat-ı saireden ise bir seneden ziyâde müddetle icâr olunamaz..."

¹⁷⁶ This is valid for rents except long term rents in exchange of repair.

In the classical *vakıf* system where continuous repair of *vakıf* buildings to ensure the continuity of the *vakıf* is suggested, “*ihtiyat akçesi*” practice (mesele 366)¹⁷⁷ established in order to cover the repair costs when necessary is also in question, along with the practice of primarily transferring incomes to repair. As it may be observed the *vakıf* developed various practices to generate sources allowing the repair of the *vakıf* building. This practice doesn't exist today. However, there is the possibility of generating additional sources through additional allocations within the annual budget system, but this may only be executed through the approval of the government and the assembly.

In the *vakıf* law, *mütevelli* has to spend the *vakıf* incomes primarily for repair (mesele 411). In cases where the *vakıf* has not enough income, *mütevelli* may cut the costs through the approval of *kadı* (mesele 363)¹⁷⁸ or execute the reserve fund implementation for the necessary repair expenditures, and descendants benefiting from the *vakıf* incomes and personnel receiving from the *vakıf* may not object to this situation (mesele 413)¹⁷⁹. On the other hand the budgets are annually prepared in the *vakıfs*, in other words subsequent year's income may not be used to pay the salaries of the previous year (mesele 359)¹⁸⁰. Therefore, cuts made to the salaries of the *vakıf* employees may not be paid from the income of the subsequent year. This circumstance leads to the accurate use of the *vakıf* income sources. This would be achieved with establishing of an order which would allow the *vakıf* incomes to be spent without the need of high cost repairs, through regular maintenance and repair. So *vakıf* employees would pursue the benefit of the *vakıf* buildings through pursuing their own benefits. As it is seen *vakıf* law put forward the use of *vakıf* incomes primarily to the repairs, in this direction it put limitations to beneficiaries of the *vakıf*. This situation demonstrates the importance given by the *vakıf* institution to the repair of *vakıf* buildings and also encourages the *vakıf* descendants and employees to pursue the *vakıf* benefits for the sake of their own benefits. As for today there is no practice of cutting other costs for covering the repair costs within the body of GDPF. Furthermore, as it is stated

¹⁷⁷ “Mesele 366: Bazı keşâna meşrut bulunan fazla-i vakıfdan vakfın i'marı için ihtiyat akçesi tevkif olunur. Mesela mesarifi muayyeneden fazlası evlad-ı vâkıfa meşrut olan bir vakfın akaratı, filhal i'mara muhtac olmasa bile, ledelhâce i'mara sarf olunmak üzere mütevelli fazla-i vakıfdan münasip mikdar ihtiyat akçesi tevkif edüp maadayı şart-ı vâkıf mucibince evlâda itâ eder.”

¹⁷⁸ “Mesele 363: Bir vakfın varidatı mesarifine tekabül etmese re'yi hakimle mümkün mertebe tasarruf tarafına gidilir. Şöyle ki, bir vakfın varidatına külli noksan târi olup ta varidat-ı vakıf mesarifine kifayet etmese mütevelli hakime müracaat eder. Hakim dahi vezaif-i vakıfdan mühim olmayanlarını bilküllüye ref ve mühim olanlarında dahi tahammüllerine göre tenzilât icra eder. Bu surette vakfa vus'at gelinceye değin mütevelli hakimın re'yi mucibince amel eder. Vakfa müs'at geldikte şart-ı vâkıf mucibince vezaifi tamamen ifa eder.”

¹⁷⁹ “Mesele 413: Gallesi evlada meşrut olan vakıf akar, harab olup tamire muhtac oldukça mütevelli hâsıl olan galleyi tamirine sarf etmek istedikte, evlad râzı olmayup galleyi beynimizde iktisâm ederiz diyemezler.”

¹⁸⁰ “Mesele 359: Her senenin vazaif o senenin gallesinden edâ olunur. Yoksa bir senenin vezaifi diğer senenin gallesinden edâ olunmaz. Şöyleki bir sene vakıfda galle hasıl olmamağla o senenin vezaifi ifa olunamayup ikinci sene ma'aziyadetin vakıfda galle hâsıl olsa, mürfazika ikinci senenin vezaifi tamamen aldıktan sonra fazladan sene-i ulânın dahi vezaifini alırız diyemezler. Bu surette sene-i ulâ vezaifinin sene-i sâniye gallesinden edâsı lâzım gelir za'mile mütevelli sene-i saniye gallesinden sene-i ulâ vezaifi için mürtezikaya bir mikdar meblağ vermiş olsa, mütevelli meblağı mezburı mürtezikadan istirdad eder. Fakat bir senenin vezaifi diğer senenin gallesinden edâ olunması hakkında vâkıf tarafından bir şart zikr olunmuş ise, o surette bir senenin gallesinden diğer senenin vezaifine sarf câizdir.”

above the GDPF employees are officials and have fixed incomes, therefore the development of a model enhancing the conservation fact based on benefit just like in the classical *vakıf* system is impossible.

In the classical *vakıf* system, some efforts were formed to generate various sources when the *vakıf*'s incomes were not adequate for the repair of the buildings. The most significant of these efforts is the *mütevelli*'s using his own sources to cover the repair costs through the approval of *kadı* (mesele 348)¹⁸¹ or to borrow in order to cover the repair (mesele 346, 347)¹⁸². Another solution is the payment of the repair expenses by the tenant or user in exchange of his rental or usage (mesele 396, 412)¹⁸³. Besides the renting in exchange of repair implementation, in other words *icareteyn* method is a method executed when the *vakıf* has not adequate income. According to the *vakıf* law the repair costs of the *akar* with *icareteyn* were paid by the tenant or shareholders (mesele 242, 243)¹⁸⁴. Other than the abovementioned methods, it is observed that the local people also provided financial source for the repair (mesele 182)¹⁸⁵. In other words despite the system establishing its regular income cycle, ways of ensuring the funds required for the repair of *vakıf* buildings are sought when there is not enough income.

¹⁸¹ "Mesele 348: Mütevelli re'y-i hakimle vakfın tamiratına vakfa rücu' şartile kendi malından kadr-i ma'ruf akçe sarf eylese, masrufını galle-i vakıfıdan istifa eder. İstifa etmeksizin vefat ederse verese müteveffanın yerine nasb olunan mütevelli yedinde olan galle-i vakıfıdan müteveffanın masrufını ba'dessübut istifa eder."

¹⁸² "Mesele 346: Bir vakfın akarı muhtacı tamir olup ta vakıfta galle mevcut olmasa nazar olunur. Eğer vâkıf ledelhâce mütevellinin vakf için istidane etmesi hakkında bir şart zikr etmişse, mütevelli hodbehod istidane edüp tamire sarf eder. Ve eğer vâkıf böyle bir şart zikr etmemişse, o surette vakf için istidane hakimnin reyine mütevakkıftır..."

"Mesele 347: Bir vakfın müstegallâtı tamire muhtaç olup lâkin vakıfta galle mevcut olmayup ribinsiz istidane dahi mümkün olmasa, mütevellisi emr-i hakimle alâ vechilmuameletüşşerriye ribihle akçe istidane edüp, ol müstegallâtın tâmirine kadr-i maruf sarf eder. Bu surette mütevelli, asıl deyn ve ribhi ile galle-i vakfa rücu' eder."

¹⁸³ "Mesele 396: Bir vakıf akarın akarın bazı mevaki-i tamire muhtac olup mütevellisi âhar diyarda bulunmağla ol akarın müsteciri emr-i hakimle o vakfa rücu' şartile mâlinden kadr-i ma'ruf meblağ sarfile muhtacı ta'mir olan mevazî tamir eylese masrufını ücrete mahsub edebilir."

"Mesele 412: Süknası meşrut olan vakıf menzil, harab olduktan nazar olunur. Eğer o menzilin galle-i vakıfıdan tamiri vâkıf tarafından şart kılınmış ise, şart-ı vâkıf mucibince vakfın galle-i mevcudesinden tamir edilir. Ve eğer vâkıf tarafından berveçhi muharrer şart edilmese veyahut edilip te vakıfta galle mevcut olmasa, o suretlerde süknanın meşrutünlehi ol menzili kendi malından tamir eder. Meşrutünlehin tamire iktidarı olmadığı veyahut olup ta tamirden imtina' ettiği takdirde, ol menzil re'yi hakim ve maarifet-i mütevelli ile ücretine mahsuben tamir etmek üzere âhara icar olunur."

¹⁸⁴ "Mesele 242: İcareteynli müşterek bir vakf akarın mutasarrıflarından biri şerikinin emri olmaksızın ol akarı hodbehod kendi malından akça sarfile tamir eylese masrufundan şerikinin hissesine isabet eden mikdarı andan mütalebe edemez. Fakat şerikinin bişartirrücu' emr ile tamir etmiş ise o surette şerikinin hissesine isabet eden mikdarı andan mütalebe edebilir."

"Mesele 243: Kâbil-i kısmet olmayan veyahut taksim-i vakf hakkında muzır bulunan icareteynli müşterek bir vakf akar, harâb olup hissedarlardan biri masrufu muacceleyle mahsub olmak üzere kendi malından para sarfile tamir etmek isteyüp diğer hissedarlar berveçhi muharrer tamirden imtina' eyleseler, tamire tâlib olan hissedar hakime müracaat eder. Hâkim dahi rey mütevelli ile ol akarı veçhi meşruh üzere tamir ve mesarifi tamiriyyeden sair hissedarların hisselerini ol akarın ücretinden istifa etmek üzere tamire kenduye izin verir. Badelizin kendi malından kadr-i maruf meblağ sarfile ol akarı veç-i meşruh üzere tamir eden hissedar, mesarifi tamiriyyeden sair hissedarlara isabet eden mikdarı istifa edinceye değin ol akarı icar ve ücretini ahz eder."

¹⁸⁵ "Mesele 182: Harâb olan bir müesse-i hayrinin tâmirine vakfında müsâde olsa bile, âshâbı hayrdan biri anı kendi malından teberruan lîlvakf tâmir etmek istese men' olunmaz."

While GDPF transfers source to the repair of *vakif* buildings within the scope of budget allotments, new ways are also sought which would provide financing to the repair of *vakif* immovable cultural properties by both GDPF and private enterprise through some implementations carried out in the last few years¹⁸⁶. However these recent approaches generally suggest the repair of *mazbut hayrats*.

In the classical *vakif* system, it was seen that the state provided source for the repair of the *vakif* buildings when the income of the *vakif* is inadequate or after the disasters such as fire and earthquake. As for today, the state is constitutionally responsible (article 65) from ensuring the conservation of the cultural properties. For this purpose, it was declared that the state will annually add an allotment to the budgets of public institutions and organizations for the conservation of cultural properties under their possession (2863: article 10). In this line, GDPF receives treasury aid. When the average of the treasury aids made to the GDPF is taken, it is 17% of the GDPF budget incomes. Actually an interesting result also comes into picture here. The average share that GDPF transfers for repair, until now is 20% of its annual income. While the treasury aid made by the state to GDPF for the conservation of cultural heritage constitutes 17% of the annual income in average. This fact means that GDPF transfers a very small share of its own income sources, (3%) for repair. In other words the *vakif* incomes are scarcely or never used for the repair of *vakif* buildings, the *vakif* incomes cover the current expenditures of the institution, and essentially the treasury sources transferred to GDPF for repair are used. In consequence during the classical period a significant part of the shares transferred for repair were provided from the sources allocated by the state to individuals, or in other words the fact that state resources were being used in the financing of the repair (Madran, 2004:72), continues today with much of the financing of the repairs conducted by the GDPF are state-originated.

¹⁸⁶ See chapter 3.1.3, p:79-80 and chapter 3.3., p:96-97.

Table 4.1. Positive and negative aspects of classical vakif system and the current system concerning the conservation of buildings

POSITIVE AND NEGATIVE ASPECTS OF CLASSICAL AND CURRENT VAKIF SYSTEMS CONCERNING THE CONSERVATION OF THE BUILDINGS IN THE CURRENT VAKIF SYSTEM		POSITIVE ASPECTS		NEGATIVE ASPECTS	
IN CLASSICAL VAKIF SYSTEM		POSITIVE ASPECTS		NEGATIVE ASPECTS	
POSITIVE ASPECTS		NEGATIVE ASPECTS		LEGAL ASPECTS	
Repair of the buildings being primary condition in most of the vakfiyes					The conservation of the vakif immovable cultural properties is not stated as the primary task of GDPP in current legislation
Even there is no condition concerning the repair of the buildings in vakfiyes, vakif legislation considered the repair of the buildings as primary condition and repair expenses take priority over all other expenses (mesele 411)					There isn't any application like this
In case of destroying a vakif building by an individual intentionally, vakif law stipulates the repair of the building or covering of the repair costs (mesele 263, 407)					In vakif law there is not any article on this subject. Today the penalty system in case of destroying a cultural property is given according to the conservation law no 2863
				Vakif law did not allow source transfer between vakifs (mesele 340)	With the law no 2762, the source transfer between vakifs in order to support vakifs with inadequate income has been accepted
Vakif law allow source transfer between the entries of the vakif (mesele 341)					There isn't any application like this in the budget of GDPP
Vakif law allows source transfer of a ruined vakif to another vakif with the same purpose in the neighborhood (mesele 342, 343)					There has not been any condition for the source transfer between vakifs in the vakif laws no 2762 and 5737.

Table 4.1. continued

<p>Kadı (state) had the right to supervise the operation of the <i>vakıf</i> and repair of the <i>vakıf</i> buildings. However, the general attitude of the period was to supervise the financial dimension of the repair activities instead of its qualitative dimension</p>		<p>Today the qualitative dimension of the conservation (project phase) is under the authorization of the state body with the conservation councils</p>	<p>The implementation phase of the conservation of <i>vakıf</i> immovable cultural properties is under the supervision of GDPF. However the dimension of the scientific implementations is also important.</p>
<p>In the <i>vakıf</i> law, the repair of the building and the use of <i>vakıf</i> building with the donated purpose was fundamental. Basically sale, demolish, etc. of the <i>vakıf</i> building were not a preferred situation (mesele 93).</p>			<p>GDPF had an opposite view which allowed the selling of the <i>vakıf</i> properties till 70s with the law numbered 2762.</p>
<p>With prayers and curses found in <i>vakıfiye</i> moral encouragement and threads were provided for the conservation of <i>vakıf</i> buildings</p>			<p>There isn't any moral pushes for the conservation of <i>vakıf</i> cultural heritage in <i>vakıf</i> law or in anywhere</p>
<p>ADMINISTRATIVE ASPECTS</p>			
<p>Local and autonomous administrative structure</p>			<p>Central institution dependent on the state</p>
<p>Generally <i>mütevelli</i> was a member of the founder's family, he benefited from the surplus of the <i>vakıf</i> income, thus it was resulted with a good managing and stake a claim on the <i>vakıf</i> by the <i>mütevelli</i></p>			<p>The managers are officials which have fixed salaries.</p>
<p>The <i>vakıf</i> personnel were caring about the benefits of the <i>vakıf</i> for their own benefits. They had a close relation financially.</p>			<p>The personnel of GDPF are officials having fixed salaries, they haven't any expectation or close relation with the institution.</p>

Table 4.1. continued

<p>The repair needs of the <i>vakif</i> building were always monitored by the <i>mütevelli</i> and <i>vakif</i> personnel</p>			<p>Today the monitoring of the <i>vakif</i> immovable cultural properties are the responsibility of regional directorates, but it doesn't conducted as in the classical system</p>
<p>There were repair craftsmen among the personnel of the <i>vakif</i> or getting from the market</p>		<p>Conservation acts require specialized technical personnel.</p>	<p>There is not any repair craftsmen for the implementations within the body of GDPF. Also the technical personnel are not in enough number and qualification.</p>
<p>The operations of the <i>vakifs</i> were under the supervision of the state. The continuity of the <i>vakif</i> was also in favor of the state</p>			<p>There is not any strong benefit network between the <i>vakif</i> cultural properties and state or GDPF. However according to the laws (constitution, 5737, 2863) it should.</p>
<p>OPERATIONAL ASPECTS</p>			
<p>The repair of the <i>vakif</i> means the repair of the building's original condition. Because of being private property of the additions to a <i>vakif</i> building (mesele 29, 30, 409, 410), the repair of the original condition of the building was preferred</p> <p>In the repair understanding of the period, besides the conservation of the buildings original condition, the repair acts had a variety of maintenance to rebuilt.</p> <p><i>Vakif akars</i> can be separated if it is in favour of the <i>vakif</i> (mesele 227, 267)</p> <p>Repair of the buildings were not a specialized act</p>		<p>According to the contemporary conservation approach, the conservation of the original condition of the cultural property is fundamental</p> <p>Today conservation approach has to base on scientific principles</p> <p>Functioning of the <i>vakif</i> immovable cultural properties</p> <p>Today conservation is a specialized act</p>	<p>The qualities of the restorations of <i>vakif</i> immovable cultural properties are questionable in means of original value</p> <p>GDPF in some cases embraced the reconstruction instead of contemporary conservation approaches</p>

Table 4.1. continued

The bureaucracy of the repair was less and generally in local scale			The bureaucracy of the conservation is more
Regular repair as well as maintenance and simple repair were in question..			GDPF generally aims comprehensive repair, the institution hasn't got maintenance and simple repair approach
There were depots of the vakrifs for storing construction material for the repair acts			There is not any application like this
Users, tenants, local people can request for repair, the necessity of repair of the building was always monitored		Tenant can request for repair	
Vakrifs may also have other public buildings, pavements, waterlines... repaired			GDPF has only conducted the repairs of the vakrif cultural properties under its responsibility.
FINANCIAL ASPECTS			
Vakrif had own income resources			GDPF has to use its own resources under the bureaucracy of the state
Continuous income			GDPF has to use its income according to the budget appropriations
For ensuring the continuity of the income, akars might be repaired primarily			Especially in the first half of the 20th century GDPF hadn't got a like this approach
(Short-term) renting and renting in market price (mesele 272, 389, 392)		Short-term renting with the law numbered 5737	Long -- term renting
	<i>icareteyn and mukataa type of renting</i>	Cancellation of <i>icaretyen</i> and <i>mukataa</i> with the law 2762	
Reserve fund for the repair acts (mesele 366)			There is no reserve fund application

Table 4.1. continued

<i>Mutevellii</i> had to spend income primarily to the repair expenses			There is no any obligation on GDPF for spending its income primarily to the repair acts
Deduction in the expenses of the <i>vakif</i> income in case of not having enough income for the repair expenses (mesele 363, 411)			There is not any application like this
<i>Vakif</i> personnel may not object to cutting of the salaries in order to spend the income for repair (mesele 411)			No validity
Descendants benefiting from the <i>vakif</i> may not object to cutting of the expenditures in order to spend the income for repair (mesele 413)			There is not any application like this
Annual budgets. Next year's budget may not be used for the previous year's expenses (mesele 359)			Annual Budget. In the restoration acts, current years budget can be used for the previous year's uncompleted restoration acts.
<i>Mutevellii</i> may use his own incomes for the repair of the <i>vakif</i> buildings (mesele 348)			No validity
<i>Mutevellii</i> may borrow money for the repair of the <i>vakif</i> buildings (mesele 346, 347)		With the law numbered 5737 new sources are formed for the conservation of the <i>hayrat</i> buildings belong to mazbut <i>vakif</i> which have inadequate income	No validity
Tenant may spend the repair cost in exchange of rentals (mesele 396)		Restore-operate-transfer model	Application failures in Restore-operate-transfer model.
Tenant(s) spend the repair costs of the <i>akars</i> with <i>icareteyn</i> (mesele 242, 243)			
User may spend the repair cost if the <i>vakif</i> has not enough income or not having the repair condition (mesele 412)			

Table 4.1. continued

cash vakifs of the users/tenants for the repair of the common areas of the vakif building			There is not any cash vakifs today, but similar applications can be observed
Renting in exchange of repair		Allocation of vakif hayrats in exchange of repair	
Financial support of the charitable and local people in repair acts (mesele 182)		Aid and donations for the conservation of hayrat buildings	
Financial support of the state in repair acts		Treasury aid	Not regularly in amount

Evaluation of the Both Systems

In consequence, in the classical *vakif* system, the major points in the conservation of buildings are; *vakif* having permanent income, transferring such income primarily to the repair and generating new solutions for the repair of the *vakif* buildings when the income is inadequate. Besides, individual-society-state may provide financial contribution to the repair when necessary, according to their degree of benefiting from the *vakif* buildings (*havrat* and *akar*). The only negative aspect of the classical *vakif* system concerning the conservation of *vakif* buildings were determined as the implementations of *icareteyn* and *mutakaa* method rents. Due to these implementations, the permanent income source of the *vakif* was interrupted, its income decreased and besides the ruin condition of the buildings increased. This demonstrates that the most important characteristic of the institution in the conservation of the *vakif* buildings is the fact that it has autonomous income source and the need to operate this income source accurately and getting permanent income.

While GDPF cancelled the implementations of *icareteyn* and *mutakaa* method rents, the following were observed as negativities; it is only allowed to spend its income resources in line with the budget allocation of the state, it doesn't transfer its income primarily to repair and it doesn't follow a repair policy with continuity. All the same, through the arrangements made during the last 10 years and the new *Vakif* Law dated on 2008, there are new pursuits and approaches for the financing of *vakif* immovable cultural properties.

When a general evaluation is performed, the most important mechanism ensuring the conservation of the buildings in the classical *vakif* system may actually be summarized as **“permanent income → priority of financing of the repair → continuous maintenance/simple repair”** or in other words the permanence of the institution's income, its transfer primarily to repair and the implementing of continuous maintenance and simple repair through this income. As for the GDPF, the situation may be summarized as **“permanent income → partial finance for repair → intense repair at long intervals”** in other words the institution has a permanent income, in average, 20% of this income is transferred to repair and the repairs are conducted in long intervals carrying the characteristics of intense repair¹⁸⁶

¹⁸⁶ For example the intense repair of Payas Sokullu Külliye was performed between 1964 and 1985 in parts and for the subsequent repair it was rented out to an operator under the restore-operate-transfer model. Another example is Ağzıkarahan; its intense repair was carried out in 1960's and its subsequent repair was carried out in 2005 through project purchase and then implementation tender. In the above mentioned buildings no maintenance or simple repair interventions addressed to the conservation of the building were made between intense repairs.

Due to these aforementioned reasons, the historical commercial centers were examined in order to determine the *vakif*-based immovable cultural properties' conservation problems and potentials. After all, it can not possible to explain these problems of *vakif*-based cultural properties without giving examples. Accordingly, Kahramanmaras and Gaziantep historical commercial centers were chosen for the exemplifications due to having below positive and negative features:

- Nearly all of the buildings were constructed through the *vakif* institution
- Considerable part of these buildings turned into private ownership
- Having preserved their spatial integrity
- Still used and having usage potentials
- Conservation problems due to ownership patterns or acting together of the owners

In this line, it is necessary to clarify which building types are meant with “*vakif*-based immovable cultural properties”. The immovable cultural properties established through *vakif* which are currently under various properties are meant¹⁸⁷. As it was mentioned before¹⁸⁸, during the classical period, almost all of the buildings having monumental qualities except the houses located in urban areas¹⁸⁹ were generated through the *vakif* institution. While some of these buildings established through the *vakif* system still continue their *vakif* identity even today, some of them are removed of their *vakif* identities through various methods such as sale and transfer. Besides, the law numbered 2863 article 10¹⁹⁰, consider the GDPF responsible from the conservation of the immovable cultural properties of the Turkish-Islamic period even they are currently under various properties. In addition, the *Vakif* Law numbered 5737 dated 2008 article 28¹⁹¹, stakes a claim to the buildings whose *vakif* identities were removed. Under the guidance of all these information, the following conclusion was drawn; the building stock located in the historical commercial centers were established through the *vakif* system (except the ones established as private property starting from the 19th century) and GDPF is responsible from the conservation of these buildings. For this reason, the “*vakif* based immovable cultural property” qualification was used for the building stock located at historical commercial centers based on the period they were generated, independent of their current possession.

¹⁸⁷ *Mazbut vakif* property, *mülhak vakif* property, property belonging to GDPF corporate body, property belonging to private and corporate bodies, property belonging to public institutions and organizations and property belonging to treasury.

¹⁸⁸ See chapter 2.2.1. p:34

¹⁸⁹ As it may be observed through the examined *vakfiyes*, some of the houses are also included in the *vakif* system.

¹⁹⁰ “After taking the conservation council's decision, the conservation and evaluation of cultural and natural properties pertaining to *mazbut* and *mülhak vakifs* under the administration or supervision of GDPF and cultural properties which are under the private or corporate bodies such as mosque, tomb, caravanserai, *medrese*, *han*, bath, mesjid, *zaviye*, Mevlevi dervish lodge, fountain shall be carried out by the General Directorate of Pious Foundations”

¹⁹¹ “...the expropriation, evaluation, repair and restoration....of the cultural properties of *vakif* whose possession changed hands....shall be carried out by the General Directorate”

When the problems of the *vakif*-based immovable cultural properties in the urban areas were examined, they were categorized as follows;

- Problems based on ownership
- Problems concerning repair activities
- Problems concerning using
- Problems concerning Conservation Management / Planning

Problems based on ownership

The following were determined as problems based on ownership observed in the *vakif*-based cultural properties located in the historical commercial centers:

- **The changes in the status of possession of *vakif*-based cultural properties:** The removal of *vakif* identities of buildings built and ensured continuity within the *vakif* system through procedures such as sale and removal contains negativities concerning both for the *vakif* institution and for the conservation of the building. First, if some examples must be given to this type of building groups; Adana Ramazanoğlu Bazaar was belonging completely to the Ramazanoğlu *Vakif* in the 16th century, and was among the *akars* transferring income to the *vakif* (Akar,2002:51-76). As for today the *vakif* possession at the bazaar is barely present, and nearly all of the shops constituting part of the bazaar and having the characteristics of cultural properties are under private property. *Vakif* property only exists in the part of the bazaar called *Gön Hanı*, which is consisted of newly-constructed buildings today (Akar,2002:76-79). In the classical *vakif* system during the 16th century, the buildings located in the bazaar were providing source for both the repair of *akar* buildings and the repair of *hayrats* belonging to the *vakif*¹⁹². Currently, the removal of the *vakif* identity¹⁹³ of the buildings under the status of immovable cultural heritage not only cuts off the income source provided to the *vakif* but also, despite this building group still having revenue bringing attributes, fails to have a structure capable to repair itself through the income it provides to its owner.

Another example is *Kavafklar Çarşı* and *Bezirgan Çarşı* constituting the closed bazaar in Kahramanmaraş historical commercial area. It is perceived that the bazaar shops, which are now nearly all under private property, belong to the *Alaüddevle Vakif*¹⁹⁴. Furthermore, the existence of shops belonging to various *vakifs* is observed in the examined *vakfiyes*; however today no *vakif* property remains except shops belonging

¹⁹² *Hayrats* belonging to the *vakif* located at the city center during the 16th century: Cami-i Cedid (Ulu Cami), with its *medrese* and *imaret*, Cami-i Atik (Yağ Mosque), its *medrese* and *imaret*.

¹⁹³ It was stated by the Adana RDPF personnel that the Ramazanoğlu Bazaar was sold during the first half of the 20th century as per the Article 12 of the Law numbered 2762, providing the sale of the *akar* buildings.

¹⁹⁴ See Appendix B.1.

to *Bayezitli Vakıf*¹⁹⁵ and *Taşhan*. If the fact that these buildings located in the Kahramanmaraş bazaar had their repairs materialized within the *vakıf* organization through bringing revenue to their *vakıfs* is taken into account. It may be observed that these buildings currently bring revenue to their owner but that these revenues are not quite spent for the repair of the building.

As it may be observed the removal of the *vakıf* identity of buildings surviving for centuries through the *vakıf* institution till the first half of the 20th century, while providing a monetary source for GDPF via their sale prices, decreased its own income sources in the long term by eliminating the source which would bring permanent income. And concurrently these buildings which lost their *vakıf* identities remained alienated from an approach which would provide their repair under private property.

In the classical *vakıf* system, there are cases where the incomes coming from *akars* are primarily spent for the repair of the *akar* building. Today, these areas, such as the Kahramanmaraş closed bazaar, are places of high income and the shop incomes are also high by courtesy of the functionality. However the obtained income is not quite spent for the maintenance and repair of the building. Furthermore, no rules exist enforcing and encouraging the individual to repair the building of which he/she gains income.

- **Shared Property:** From the *vakıf* based immovable cultural properties which lost their *vakıf* identities and currently are under private property, turned into shared properties through inheritance. This situation is reflected as a problem concerning conservation actions due to the increase in the number of the owners, in getting together, staking a claim on the building and carrying out the repair. For example, there exists a shop of 6 m² in Kahramanmaraş HCC, located on block 172 lot 34, under the status of immovable cultural property, which has 22 shares¹⁹⁶. In a conservation action to be carried out in covered bazaar, 160 parcels have to be organized and the carrying out of this conservation act through bringing together these shares existing within the lot is nearly impossible. However, in the classical *vakıf* system, and even today in *vakıf*, the conservation acts pertaining to the buildings would be carried out institutionally, owing to the fact that an immovable property belonging to any *vakıf* may not be split through inheritance.

¹⁹⁵ The shops located under the mosque and at the north of the mosque currently belong to the *Bayezitli Vakıf*, a *mülhak vakıf* which Saraçhane Mosque is also affiliated with. In *vakfiyes*, 72 shops belonging to the *vakıf* are mentioned. See Appendix. B.1

¹⁹⁶ The list of holders is provided in the Registration List Appendix of AKTVKK's decision issued under no 1442 on October 3, 1996

Another example to the shared property is *Yeni Han* and *Tuz Han* located at Gaziantep, consisted totally of private properties. In these *hans* which are single buildings, have all the shops share separately.

Problems concerning repair activities;

- **The need for various types of implementations** (planning, comprehensive repair to maintenance) :. Need of various-scale repair may be observed in *vakıf*-based cultural properties located at the historical commercial centers. These vary from the need of comprehensive repair to maintenance, as per the building's need. While some buildings may be conserved through low-cost maintenance and simple repair, some are in need of high-cost comprehensive repair.

For example, mosques and shops located at Kahramanmaraş belonging to *Bayezitli Vakıf* which is a *mülhak vakıf* are in good condition and may be rehabilitated by some interventions containing maintenance and simple repair, *Marmara Hamamı*, also located at Kahramanmaraş under private property, is in need of a much more comprehensive intervention. The bath's dome was demolished and a three storey hotel building rising on the bath whose reinforced concrete columns ascend from the inside of the bath. While the bath, now located under the hotel is need of comprehensive repair, the bath may only be visually perceived through the demolishing of the building illegally constructed over the bath.

Yüzükçü Han, located at Gaziantep historical commercial center is in ruins and in need of intense repair. Neither the *vakıf* nor the private property executes repair work in the *han*, which is under shared (*mülhak vakıf* and private property) property. Most parts of the *Hışva Han* are in ruins. Restoration project works were initialized by the municipality for the *han* which is under municipality property and in need of a seriously comprehensive repair.

These areas, which are historical commercial centers of the cities where *vakıf*-based immovable cultural properties are located, are registered sites due to their harboring immovable cultural properties in various quality and quantity, and they have Conservation Plans. A big part of these plans don't suggest an organizational and financial model towards the conservation of these buildings, and don't offer any planning capable to solve any problems other than the identifying the registered cultural property and construction. The Conservation Plans of Gaziantep and Kahramanmaraş don't contain any plan decision concerning the methods, mechanisms and equipments through which the immovable cultural properties in need of conservation would be conserved.

- **Intentional Improper Interventions:** individual's intentional interventions damaging the registered immovable cultural properties and the failure to monitor their restoration. The vaulted super structure of *Yeni Han*, located at Gaziantep was demolished and reinforced concrete floor was constructed. It is stated that the individual performing the act was punished, however the intervention made to the building could not be restored, and currently, the roof of the *han* is used as a parking garage. Also in Gaziantep, the arcades of *Mecidiye Han* were demolished and replaced with reinforced concrete arcades. As verbal information, it is stated that the individual who performed this act received prison sentence. The reinforced concrete arcades still exist.

As it is stated in the abovementioned parts, in the classical *vakıf* system, the individual intentionally damaging the building has to repair the building or cover its repair cost. Today, Article 65 of the Law numbered 2863 provides fine and prison sentence but doesn't contain any provision which would return the intervention made to the building which is cultural property. Due to the current legal system's penal sanction's failure to solve and monitor the effects of the intervention made to the immovable cultural property, the penal sanction loses its deterrent characteristic when compared to the benefit that the individual will get from the building which is cultural property.

- **The problem of owners acting together:** *arasta*, closed bazaar, etc. contains lots of shop and also lots of properties in its structure; however due to the architectural character of the building, obligation to act in an integrated manner exists. Acting in an integrated manner is necessary in order to generate problems concerning the architectural togetherness and harmony of super structure, elevation, common walls and street. For example, the problem of the humidity at the super structure of Kahramanmaraş closed bazaar may not be solved through a single shop repairing its own roof. This situation was taken into consideration in some Conservation Plans and individual interventions were prevented. For example Conservation Plan of Adana refuses individual repairs in the *Ramazanoğlu* bazaar. In the bazaar where Special Project Areas are determined, integrated interventions of owners residing in these areas are approved. In the classical *vakıf* system, despite the fact that the problems of these buildings existed for different lessee units, the repair interventions were performed institutionally by the *vakıf*.

Besides, the capability to act together may also be potentially observed in areas, and sometimes this situation may be monitored as a problem due to improper interventions. For example, *Yeni Han* and *Tuz Han*, located at Gaziantep are under shared property. Here, common problems such as maintenance, safety and roof

repair may be solved between the shop owners themselves through the management they established. Here, tradesmen acting together were observed as a potential. Tradesmen performing various interventions through the money collected among themselves for necessary interventions were monitored as a problem in Kahramanmaraş *Bezirgan Çarşı*. There, the tradesmen have made plaster, whitewash and paint interventions of bazaar street elevations. Cement plastered of the bazaar street elevations were painted in line with the tradesmen taste and they are not physically and aesthetically suitable interventions for the building. The lack of any expert to which tradesmen may consult while performing this intervention¹⁹⁷, caused the potential intervention appear as a problem.

Similar acts also exist in the classical *vakıf* system. The repair of common areas of bazaar may be carried out through artisan funds (cash *vakıfs*) established by tradesmen

- **Lack of a repair policy having continuity:** In *vakıf*-based cultural properties both under private property and *vakıf* property, a repair policy having continuity isn't followed. The repair activities monitored in Gaziantep are go on in a speedy manner through GDPF's recent restoration push, the repairs carried out in Gaziantep via funds transferred in the context of European Union Project, repairs carried out by the Municipality via using its contribution to repair as per the law numbered 5226 dated 2004 and individual initiatives arising from the tourism potential of the city. However these are not emerging as products of conservation policy having continuity, they are consisted of individual funds, comprehensive repair interventions accelerated by courtesy of political statements. They don't have a model which would provide the continuous maintenance and repair of the buildings following the completion of the restoration activities. For example, *Millet Han*, *Şıra Han*, located at Gaziantep were restored but are not used since 4 years. No maintenance intervention was made following the restoration; therefore they start to need repair again. However the classical *vakıf* system, has the mentality to provide the continuity of the *vakıf* building through a mechanism which would continuously repair the buildings.

Problems concerning using

Today these buildings located in the still active and living historical commercial centers of the cities may continue their functionalities, however the fact that they exist in the city areas with high land values, bring some pressures and problems concerning the conservation of the buildings with itself, along with new potentials. These pressures and problems are as follows:

¹⁹⁷ KUDEB isn't established yet at the Kahramanmaraş municipality.

- **Problems based on land value:** The fact that *vakıf*-based immovable cultural properties are located in city areas where land values are high and that they are still close to or within the city's administrative and other social areas, generated and still generate pressures concerning construction and development in these areas. Due to this reason, some buildings having the characteristics of cultural property were demolished and destroyed through process. For example, it is known that the covered bazaar located at Kahramanmaraş once had another street alongside the currently existing *Bezirgan* and *Kavaf Çarşısı* . This street was destroyed in 1948 because of the newly constructed Atatürk Avenue (Özkarcı,2002:1221). Furthermore the under use problem occurs in cases where an urban land value isn't in question. For example the commercial center in the city of Adana moved to other areas, and no using demands exist for the shops located in the south side of the main street at Adana Ramazanoğlu Bazaar, causes these shops to remain empty. However, these areas are located at the city center; therefore there is a potential of the conservation of the *vakıf*-based immovable cultural properties together with using.
- **Overcapacity use:** At Kahramanmaraş in the *Kavaf* and *Bezirgan Çarşısı* the size of the shops are small, and however the product load of the business enterprises are high and this fact both affects the use of the common area, the bazaar street, along with the shop elevations and causes the failure for the visitors to perceive the buildings. Similarly at Gaziantep, the overcapacity use of areas in the streets of *Kemikli Bedesten* where lots of jewelry and drapery shops exist causes the failure for the visitors to perceive immovable cultural property.
- **Under capacity use:** Shops located at the south side of the main street at Adana HCC, are empty or are used as depot; *Büdeyri Han*, *Kürkçü Han*, *Gümrük Han*, *Şeker Han* are partially used or used as depots. In other words the using potential of the buildings are not put into good use.
- **Improper use:** *Emir Ali Han*, *Mecidiye Han* located at Gaziantep are used as parking areas.
- **Non-use:** It may arise due to the building being in ruins and/or lack of planning. For example *Hışva Han* at Gaziantep remains empty due to its ruined condition and *hans* such as *Millet Han*, *Şıra Han* and *Yemiş Han* are empty due to administrative and organizational reasons despite having repaired.
- **Furnishing problem:** The furnishing, shop elevation order, signboards and panels, advertisement boards of the shops are lack of aesthetical values and also cause failure for the visitors to perceive the buildings.

Problems concerning Conservation Management / Planning

Actually in the center of the problems related to ownership, repair and using lies the lack of coordination, lack of management and lack of planning this coordination and management need. This is a contemporary problem of the conservation which is not found in the classical *vakıf* system. Actually the conservation activities which were conducted by various *vakıfs* in urban scale in the Ottoman period, now requires a management and a planning process.

- **Lack of Master Plan:** As it was stated, conservation plan's don't quite develop significant decisions concerning conservation planning. The repair activities which were recently increased within the body of GDPF, new financial sources created through the law numbered 5226 dated 2004 and various implementations of municipalities and special provincial administrations through one-time external sources¹⁹⁸ made a push to be experienced in the repair of immovable cultural properties. But still the country doesn't have a Conservation Master Plan pertaining to GDPF and local administrations, working in coordination. For example an important part of the building stock having the characteristics of immovable cultural property located in Gaziantep historical commercial center was repaired and the repair works are still in progress. During the last five years a planning concerning the repair of Gaziantep historical commercial center and the efficient use of these buildings have not been followed. For example, *Millet Han*, *Şıra Han* and *Yemiş Han* still remain empty despite being repaired. Was the necessary planning executed in order to increase the already under capacity use of these buildings following the repairs? Furthermore, the master plan concerning conservation isn't only about the conservation – using balance; a planning providing continuous maintenance and repair and establishing its technical, financial and organizational infrastructure is required. Despite the fact that repairs are performed within the body of GDPF through five year and annual plans, a planning which would cover the continuous maintenance and repair need after restoration isn't observed.
- **Lack of Management – Coordination:** Now, although GDPF is responsible from the conservation of *vakıf*-based immovable cultural properties as per the legislation, there is not any activity in practice yet concerning the repair of the *vakıf*-based immovable cultural properties under private property. For example the repair of *Taş Han* and *Ulu Cami* located at Kahramanmaraş HCC under GDPF property was carried out, but no steps were taken in the direction of other *vakıf* based immovable cultural properties. All the same, local administrations generally carry out conservation acts having the characteristics of street rehabilitation. For example the project concerning the rehabilitation of the covered bazaar's west elevation seeing Atatürk Avenue in

¹⁹⁸ At Gaziantep, Naip Bath, Dayı Ahmed Ağa Mansion, Rural Coffee House and Boutique Hotel restoration projects were carried out through EU funds.

Kahramanmaraş, is carried out exclusively by the municipality and no steps were taken by GDPF in the direction of other *vakıf*-based immovable cultural properties located there. The measured survey-restitution-restoration project of the closed bazaar has been prepared by a private architectural office with the tender made by the municipality. In the meantime, tradesmen collect money among them in the same bazaar and perform the plaster-paint intervention in the bazaar street.

As it may be observed, despite the possession becoming varied in these areas consisted of *vakıf*-based immovable cultural properties, the architectural form may be single structure, tradesmen may perform interventions in themselves, municipalities procure the preparation of projects and perform street consolidation and GDPF doesn't stake claim on the areas. Therefore problems such as the abovementioned ones are monitored arising from the lack of coordination and management. This situation causes time, labor and money loss in the conservation of the immovable cultural properties.

As a summary, it can be said that the historical commercial centers of the two cities have various problems related with the conservation of cultural properties mainly based on ownership pattern. At the time the buildings which were conserved through the *vakıf* institution, today even simple repair interventions can not be implemented due to being not acting together of the owners. Besides, the current conservation implementations which have increased recently and which have been conducted by various stakeholders, are far from a sustainable conservation due to lack of coordination, management and continuous repair policy. It is observed that in the areas neither the *vakıf* system nor a contemporary conservation policy has been implemented. However, *vakıf* system which constructed the observed areas in the Ottoman period, still be a potential for establishing the sustainable conservation in the area. This can be realized by taking the methods of the *vakıf* system towards the problems which were already existed at that time and developing contemporary approaches towards the problems which belong today.

CHAPTER 5

A NEW MODEL FOR THE CONSERVATION OF VAKIF-BASED CULTURAL HERITAGE

In this chapter a new model for the conservation of *vakif*-based immovable cultural properties is presented. The basic strategy of this model is to reuse the positive aspects developed by the classical *vakif* institution concerning the conservation of buildings, to adapt those aspects considering the legal, administrative and financial regulations that the institution and the immovable cultural properties are currently subject to and to ensure the continuity of the conservation process.

The road map drawn in line with this strategy contains two stages, namely the collection of necessary data and building-up the model. In the first stage, the data collected from the previous chapters are gathered and evaluated, and in the second stage, the model is built. Also the necessary legal and/or organizational arrangements for the functionality of the new model are established under the model proposal.

5.1. Towards a New Model: Collection of Necessary Data

The data used in constructing the new model are classified under the groups below and gathered in Table 5.1. according to legal, administrative/operational and financial aspects.

1. **Positive aspects of the classical *vakif* system to be used with some minor or major adaptations.**
2. **Negative aspects of the current system to be changed or rearranged completely or partially.**
3. **Current physical and organizational problems related with the conservation of *vakif*-based cultural properties (mainly based on field studies).**
4. **Potentials and requirements existing within the current conservation policy of cultural property in the country.**

1. Positive aspects of the classical *vakif* system to be used with some minor or major adaptations

As pointed in out Chapter 2.2.1 and Chapter 4.2., the classical *vakif* system developed rules to ensure the continuity of *vakif* buildings. When the general attitudes and the *vakif* legislation in the classical Ottoman period are evaluated, it is seen that the repair of the *vakif* buildings is a fundamental issue. In order to enable repairs, the *vakif* legislation stipulates the financial conditions for the repair of the buildings. The *vakif* legislation gives

priority to repair expenses and specifies primary and secondary sources as well as reserve source in funding repairs. The primary source is the *vakif*'s own income, but in the case of insufficient income, the legislation calls for the *mütevelli*'s, users' or tenants' own financial resources for the repair expenses as a secondary source. For unexpected repair expenses or for future repairs, use of a reserve fund is also possible. Besides these legal provisions, social consciousness is tried to be provided for the preservation of *vakif* buildings through the prayers and curses written in *vakfiyes*. Further, with the penalty system in *vakif* legislation, the repair of the building is always considered in any case. The local and autonomous administrative structure which enables the employment of personnel, purchase of material for repair and monitors buildings for repair needs make the institution active in the conservation of *vakif* buildings.

In light of the abovementioned positive aspects, the general approach of the classical *vakif* system that will be used for structuring the new model is gathered at the table below. It is necessary to state that it is not possible to use all of the positive aspects of the classical *vakif* system in the conservation of *vakif* buildings classified in Table 4.1. Because either it is no longer possible to adapt some rules to the contemporary milieu or some rules and applications have lost their validity. For instance, in the classical *vakif* system, if the *vakif* did not have enough income, the salaries of *vakif* employees were reduced in order to cover repair expenses. However, in the today's mechanisms, this would not be possible. It is viable to use some of the positive aspects of the classical *vakif* system directly or with minimum adaptation whereas in some cases major adaptations may be required. For instance "repair will primarily be handled among the other services of the *vakif* system" may directly be adapted to the current *vakif* law, whereas the adaptation of the penalty system in case of intentional damage to *vakif* building requires major arrangements in the current laws.

Thus, it can be said that it is not possible to easily adapt the positive aspects of the classical *vakif* system to today's condition. Accordingly, the necessary arrangements can be grouped as;

- Arrangements which can be solved within the current *Vakif* law without requiring change in the law (those that can be solved with regulations)
- Arrangements which can be solved within the current laws also without requiring change in the laws
- Arrangements which require changes in the current *Vakif* Law or in other laws

The necessary arrangements for the functionality of the proposed model will be mentioned within the structure of the model.

2. Negative aspects of the current system to be changed or rearranged completely or partially.

In brief, although the GDPF is the heir of the classical *vakif* system, the institution has not taken on the conservation of the *vakif* immovable cultural heritage as the primary task of the institution. Therefore, priority is not given to the repair expenses of the cultural properties and the financial resources allocated to the repair of those buildings are irregular. In recent years, financial sources for conservation are being sought in certain ways such as the allocation of *hayrat* buildings in exchange of repair or long-term renting, but the fundamental handicap of the institution remains, in that it is not allowed to use its own resources, and instead, the administrative structure that is dependent on the state causes the institution to be affected by the political and economical conditions of the country. Furthermore, lack of a continuous conservation policy makes the institution unable to develop necessary technical infrastructure for monitoring and solving the repair needs of the *vakif* immovable cultural properties.

Some types of limitation are also in question for the negative aspects of GDPF, since the thesis aims to form the adaptation of classical *vakif* system's attitude within the limits of the current system abstaining from radical changes. For instance, GDPF's state-dependent administration and budget are far away from the system of the classical *vakif*'s and this is evaluated as a negative factor, but this cannot be changed at this stage because it requires fundamental changes which should be based on studies of various disciplines such as law, administration, economy etc. On the other hand, for an effective funding of conservation, some rearrangements are proposed within the model.

3. Current physical and organizational problems related with the conservation of the *vakif*-based cultural properties (mainly based on field studies)

When the current physical and organizational problems related with the conservation of *vakif*-based cultural properties examined during the field studies (described in Chapter 4.3.) are evaluated, a chaotic situation is seen in conservation interventions. This is mainly due to the absence of the *vakif* identity in the observed areas, in other words problems raised from the ownership pattern. The buildings which were originally constructed by a single *vakif* and maintained themselves through this *vakif* have now become private properties and the repair needs which were taken care of by one single institution are now expected from many individuals. This is the basic problem of the *vakif*-based cultural properties of *akar* qualities. Also, lack of monitoring of the repair needs, lack of continuous maintenance and simple repairs, lack of expert units to guide the repair interventions and lack of expert repair craftsmen to carry out the interventions with suitable repair materials are the main physical problems. Furthermore, lack of coordination and management between the stakeholders conducting conservation and the necessity of a conservation master plan are evaluated as

contemporary conservation problems. While conservation actions were conducted by many *vakıfs* in a city in the classical Ottoman period without the need of managing all conservation actions of the *vakıfs*, today managing the conservation actions in a city or in a region is required.

4. Potentials and requirements existing within the current conservation policy of cultural property in the country.

In structuring the new model, the state's constitutional responsibility to preserve cultural properties and the special status of *vakıf* properties in the current laws are considered as potentials. Also, KUDEB regulation and the requirement for expert committees within the GDPF according to this regulation are used in the new model. Due to the constitutional responsibility of the state and various tax exemptions in the conservation of cultural properties, a new tax exemption is proposed within the model.

In the table below, the data which will be used in forming the model is arranged in order.

Table 5.1. Collected data

LEGAL	<p>Positive aspects of the classical vakrf system to be used</p> <ul style="list-style-type: none"> • <i>Vakrf</i> legislation and <i>vakfiyes</i> consider the repair of <i>vakrf</i> buildings as a primary task. According to this, repair expenses take priority over all other expenses. • With the moral issues found in the <i>vakfiyes</i> as prayers and curses, social consciousness were tried to be provided for the preservation of <i>vakrf</i> buildings. • The penalty system found in the <i>vakrf</i> legislation protects the building and promotes the repair of the building. 	<p>Negative aspects of the current system</p> <ul style="list-style-type: none"> • Although the GDPF is assigned to protect <i>vakrf</i>-based cultural properties in the country and abroad, there is no article in the current <i>vakrf</i> law indicating the repair of the <i>vakrf</i> immovable cultural properties as the primary task of GDPF. 	<p>Current physical and organizational problems of the <i>vakrf</i>-based cultural properties</p> <ul style="list-style-type: none"> • Problems based on ownership. 	<p>Potentials existing within the current cultural property conservation policy</p> <ul style="list-style-type: none"> • State's constitutional responsibility to conserve cultural properties • Special status of <i>vakrf</i> properties and GDPF in the Conservation Law.
-------	--	--	---	---

Table 5.1. continued

ADMINISTRATIVE/OPERATIONAL			
<ul style="list-style-type: none"> • Local and autonomous administrative structure • Employing repair personnel and material through <i>vakıfs</i> • Continuous monitoring of <i>vakıf</i> buildings • Interventions mostly aiming continuous maintenance and simple repair • Close financial benefits between the <i>vakıf</i> institution and the <i>mütevelli</i> descendants and employees of the <i>vakıf</i> enables them to take care of <i>vakıf</i> buildings • Repair of "akar"s being a priority • Monitoring of the <i>vakıf</i> buildings by <i>vakıf</i> personnel, users, tenants and locals • Cash <i>vakıfs</i> founded by the users/tenants of the <i>vakıf</i> buildings to cover common repair expenses 	<ul style="list-style-type: none"> • The monitoring of <i>vakıf</i> buildings and carrying out repair activities are under the responsibility of regional directorates. However the regional directorates have not enough qualified personnel. • <i>Vakıf</i> personnel are officials and have fixed salaries. • No repair craftsmen for the immediate interventions within the body of GDPF • GDPF's current approach is to aim the repair of only the <i>vakıf</i> immovable cultural properties under its possession. • Conservation policy: tendency to intense repair, avoidance of continuous maintenance. 	<ul style="list-style-type: none"> • Lack of monitoring of the conservation problems of buildings • Lack of continuous maintenance and simple repair • Lack of expert units to manage maintenance and simple repair interventions • Lack of expert repair craftsmen to carry out interventions with suitable repair materials • Lack of coordination and management in the repairs carried out • The necessity of a conservation master plan • The necessity of collaboration of the users /owners in conservation actions of a single building having many owners, such as in situations concerning covered bazaars or <i>arastfas</i>. 	<ul style="list-style-type: none"> • Establishment of KUDEB's • Committees to be established by GDPF to carry out the KUDEB task in <i>vakıf</i> properties according to KUDEB regulations

Table 5.1. continued

<p style="text-align: center;">FINANCIAL</p>	<ul style="list-style-type: none"> • Sources are <i>vakif</i>'s own sources • permanent income • Reserve fund to be used for unexpected repair expenses • Repair expenses are considered more important than all others: other expenses are removed or deducted in order to cover necessary repair costs when the income is inadequate • The persons benefiting from the <i>vakif</i> may not object to the deductions in their salaries or incomes made to cover necessary repair costs • Tenants/users may spend repair expenses in exchange of rentals • <i>Vakif</i> legislation allows renting the <i>vakif</i> building to a person who can cover repair expenses increase the income of the <i>vakif</i> inadequate to do so or the present tenant/user can not/objects to cover repair expenses • Society's and state's contribution to the repair when the income is inadequate • Short term renting process, renting in market price • Renting in exchange of repair 	<ul style="list-style-type: none"> • Repair expenses of the cultural properties are not considered as the primary expense of GDPF • Source allocated to repair actions are irregular • Long term renting; "restore-operate-transfer" model has both negative and positive aspects 	<ul style="list-style-type: none"> • The (private) owners of the <i>vakif</i>-based immovable cultural properties do not allocate regular and adequate sources for the repair of their buildings 	<ul style="list-style-type: none"> • Allocation of <i>vakif</i> buildings to the use of various institutions or organizations in exchange of their repair • Tax exemptions for financial contributions of entrepreneurs for the repair of <i>vakif hayrafs</i>
---	--	--	---	--

5.2. Building up The Model

During the classical period, the *vakif* institution ensures *vakif*'s continuity through conserving and repairing the immovable properties of the *vakif*. Here, the *vakif* property in question is deemed as God's property after being donated, gains a public characteristic, and owns certain privileges and immunities. Among these privileges is the fact that, a *vakif* property's original condition cannot be changed and it has to be used for the same purpose as it was donated for.

Immovable cultural properties are not only accepted as properties of their owners but as also as the common cultural heritage of the society and all humanity by being registered as cultural property. Registration gives them a public character and enables certain privileges and immunities. It shall be protected through standards such as ensuring the conservation of the registered immovable cultural property according to contemporary and scientific principles, accepting authenticity (original condition) as a value and conserving the original condition of the immovable property and using it in conformity with its architectural character to ensure its continuity.

With this point of view, a parallelism exists between *vakif* properties and immovable cultural properties. While in the classical *vakif* system, *vakif* property is conserved in order to ensure the continuity with the purpose of religious and charitable aims, today the cultural property is conserved through cultural and social awareness with the purpose of ensuring the continuity of the common cultural heritage. The main philosophy of the repair is also parallel: the care taken to conserve the original condition of the building. While in the classical *vakif* system, the conservation of the *vakif* building and thereby the continuity of the *vakif*, provided economical, social and political benefits to the individual-society-state, today, the conservation of the cultural property, which ensures the continuity of the cultural heritage, provides national and international economical, social, political and cultural benefits to the individual-society-state.

In this case, the roles of the "Individual - Society - State" trio, which existed in the classical *vakif* system concerning the conservation of buildings, can also exist today. Today's trio is: GDPF- Society - State. If the state supported the establishment of *vakifs* for covering the public services, created the infrastructure and supervised its continuity in the classical period, today's state can also support the conservation of the cultural properties through the constitutional task assigned to it (Article 63) and create the necessary infrastructure and supervise its continuity.

Actually, this parallelism brings out the potential to directly use the mechanisms generated by the *vakif* system on the conservation of *vakif* buildings for the conservation of cultural properties today. The model devised within the scope of this thesis study, adapts the positive aspects of the classical *vakif* system to improve current conditions. However, besides the positive aspects of the classical *vakif* system concerning the conservation of *vakif* buildings, there are also some aspects which are independent from the classical *vakif* system in order to form a contemporary approach.

Accordingly, the legal, financial, administrative and operational main principles of the model are as follows:

Legal Aspects:

In fact, *vakif* legislation's adaptive rules are not only the rules under this heading, mentioned aspects at below are only related with legislation. However the others are evaluated under the related headings which also require legal adaptations.

- GDPF, the heir of the *vakifs*, shall accept the repair of the buildings as a primary task and state this fact in the *vakif* law, the way it used to be in the classical *vakif* legislation in order to ensure the continuity of the cultural heritage under its own responsibility. Therefore, the statement “**Conservation of *vakif*-based immovable cultural properties is the primary task of GDPF**” shall be added to the *Vakif* Law. This can be adapted by article addition or change in the related article in the *Vakif* Law.
- The provision for the restoration of the building or covering of its repair costs in the case of an intentional damage to building, which appears in the classical *vakif* legislation, shall be adapted to the Article 65 of the current Conservation Law numbered 2863 providing penal sanction. Therefore, the statement includes “**...prison sentence and fine which covers the restoration expenses of the damage given to the immovable cultural heritage...**”. Although the penal sanction is found only in the Law numbered 2863 of the current legislation, it can be added to the *Vakif* Law for cases when a *vakif* immovable cultural property is damaged. This requires changes in Article 65 of Law numbered 2863 and an additional article to the Law numbered 5737.

The adaptation of the penal sanction to the current legislation shall be as follows: Today, the prison sentence and fine are implemented to the individual who intentionally damages the (*vakif*-based) immovable cultural property; the prison sentence shall remain the same, while **the fine to be implemented shall be heavy**

enough to cover the repair/restoration costs of damage given to the building. For this, the **court shall ask a panel of experts to issue a report determining the cost of the necessary intervention for restoring the building** and impose this fine along with the prison sentence. Besides, it states that the **individual shall complete project and implementation** (approved by the relevant Conservation Council and supervised by GDPF) necessary to restore the cultural property **within 6 months at most**. If the restoration of the building is carried out within the provided time, the court may reduce the prison sentence. Otherwise, the prison sentence and fine shall be implemented. The received fine shall be transferred to GDPF, and GDPF is required to carry out the necessary interventions within 6 months at most.

Financial Aspects:

- GDPF, which accepts the conservation of the *vakif*-based cultural properties as a primary task, shall transfer its incomes primarily to repair. Therefore, the statement **“GDPF shall transfer the sources of its annual budget primarily to the conservation, repair, use and expropriation of *vakif*-based immovable cultural properties. The funds to be transferred shall never be less than 40-50% of the general budget income”** shall be added to the *Vakif* Law. This requires an additional article to the current *Vakif* Law numbered 5737.
- Besides, GDPF shall attain an autonomous financial structure which will not be affected by political influence or the state’s economical structure. Only this way can it follow a sustainable policy in financing the repair. In the classical *vakif* system, the *vakif* property was considered as God’s property; therefore it was exempted from procedures such as all kinds of sale, transfer, seizure, and theoretically the state inspected the *vakif* incomes. In this way, the *vakif* income sources were used only to cover the costs of the *vakif*, including the repair costs. Today, it is also necessary for GDPF, whose primary task will be to protect *vakif*-based cultural properties, to use its income sources only in covering the costs of the actions it will carry out, just like it was the case in the classical *vakif* system.
- GDPF may also put into practice a **reserve fund** (*ihtiyat akçesi*), which was used in the classical *vakif* system, for implementations not mentioned in the annual and five-year plans. It should be used independently from the annual budget in order to be used for repairs. For this, it may be necessary to add to the *Vakif* Law a regulation that requires **“the transfer of the budget’s funds which could not be spent and therefore would be cancelled in the current budget year to the reserve fund account”**.

- Measures shall be taken to encourage the owners and users of *vakif*-based immovable cultural properties in private ownership to perform continuous maintenance and repair. Expenses spent for the maintenance and simple repair of buildings with commercial functions, such as shop or *han*, are already exempt from various taxes and fees.
- Some of the expenses may also be deducted from the annual income tax. The statement is “**the maintenance and simple repair costs of the *vakif*-based cultural properties (which will be conducted by *Vakif* KUDEBs) are deducted from the annual income tax**”. This may be valid for the *vakif*-based immovable cultural properties under private ownership. In order to encourage cultural property owners to perform continuous maintenance and repair, all the maintenance costs performed in 2-5 years intervals can be deducted from their income tax. In cases where repair is done once in 10 years, half of the maintenance costs may be deducted from the income tax. With this approach, the owners of cultural properties can be supported and encouraged in performing continuous maintenance. This application requires a new law, or change in the law related with income tax.
- For the *vakif*-based immovable cultural properties which belong to GDPF. Tenants or users of the *vakif*-based immovable cultural properties have the necessary maintenance and simple repair done (conducted by *Vakif* KUDEBs). Costs of the related interventions are deducted from the rentals. This application can be adapted with regulation.
- If the tenants or users of the *vakif*-based immovable cultural properties are object to have the necessary maintenance and simple repairs done, GDPF may cancel the rental contract. This application can be adapted with regulation.

Administrative and Operational Aspects:

- Taking into consideration the number of cultural property that GDPF owns and is responsible from, the institution needs to develop an institutional and continuous conservation policy with the role of being the main institute for the conservation of Turkish-Islamic period cultural properties in the country. With this role, GDPF will have a strong potential to guide the cultural property policy of the country. Despite the fact that it is a directorate dependent on the Prime Ministry, it will no longer be affected by political influence and continue with the conservation of *vakif*-based cultural properties through its own institutional policy.

- The policy that GDPF will follow in the conservation of *vakif*-based immovable cultural properties shall mostly depend on the continuous maintenance and simple repair principle of the classical *vakif* system. In the classical *vakif* system, repair means the conservation of the *vakif* buildings in its original condition without making essential changes. Today in the conservation of cultural properties, authenticity value means the same; therefore the approach of the classical *vakif* system providing continuous maintenance and simple repair is also valid and important for today's conservation approaches.
- In order to realize this, GDPF shall procure the establishment of “**Vakif KUDEB**”s in their regional directorates. The task of these (mobile) teams will be as follows:
 - To perform the continuous monitoring of the *vakif*-based immovable cultural properties in their region borders, to determine the repair needs,
 - To implement and control maintenance procedures and simple repairs non-subject to permit of *vakif*-based immovable cultural properties,
 - To carry out the planning of the conservation actions of *vakif*-based immovable cultural properties by ensuring coordination between GDPF, municipalities, special provincial administrations and private – corporate bodies.

This team must consist of adequate number of expert architects and repair craftsmen according to the architectural features of the area (mason, carpenter, plasterer etc.)

This team, capable of performing both supervision and implementation, shall also store repair material in warehouses provided by GDPF relevant with the construction material features of the area and be able to transfer them to the site where a simple repair intervention is diagnosed.

This application requires regulation.

- *Vakif* KUDEB's are not only responsible for the supervision and implementation of maintenance and simple repairs of the *vakif* immovable cultural properties, but also from guidance and (if required) supervision, maintenance and simple repairs of the *vakif*-based immovable cultural properties the under private ownership. The owner will document the repair costs by presenting an invoice to *Vakif* KUDEBs and will receive income tax deduction. Thus, GDPF may provide specialization in the maintenance and simple repairs of *vakif*-based immovable cultural properties.
- The repair craftsmen who will work in this team may be provided through the Certificated Master Builder Education Program to be opened by Special Provincial

Administrations according to the law numbered 5226; GDPF may even lead the establishment of this program or be collaborate. GDPF may also establish educational programs for craftsmen to perform the repair of these buildings according to the *Vakıf* Law numbered 5737.

- In cases where the ownership pattern is multi-shared and the conservation interventions cannot be carried out due to ownership problems, expropriation of these *vakıf*-based immovable cultural properties should be used as a tool to overcome these problems.
- The repair interventions, where the expropriation would be costly due to the overabundance of the building quantity, for example in areas such as K.Maraş Covered Bazaar or Adana Ramazanoğlu Bazaar, **GDPF shall perform the repair of the *vakıf*-based immovable cultural properties as the responsible institution and charge the building owners.** This situation is the reverse of the approach that existed in the classical *vakıf* system, which enabled the *mütevelli* to repair the *akars* through the incomes it receives from the *akars*; GDPF (in other words the biggest *mütevelli*) carries out the repairs concerning *vakıf*-based immovable cultural properties under private ownership and collects repair costs from the owners.
- In the classical *vakıf* system, the *vakıf* personnel were caring about the benefits of the *vakıf* for their own benefits. If the private sector approach is adopted in the administrative structure of GDPF, if financial benefit between the personnel and the institution is established in addition to their fixed salaries (such as premium method) or instead of fixed salaries, thus the developments in favor of the *vakıf* become also in favor of the employees, by this way the personnel may stake claim on the *vakıf* institution as it was the case in the classical *vakıf* system.

CHAPTER 6

CONCLUSION

6.1. Conclusion

Vakif institution, based on Islamic understanding, lived its most brilliant period in the classical Ottoman era. It was the main institution in the construction and conservation of the built environment in the Ottoman state. The underlying concept and the structure of the institution changed in time due to many reasons. Since the Republican period, General Directorate of Pious Foundation has been the heir of the *vakif* institution and *vakif* heritage in Turkey. Although GDPF inherited the *vakif* institution, their attitudes towards the conservation of the *vakif* properties are far from the understanding of the classical *vakif* system. From this perspective, this thesis started with the aim of adapting the positive aspects of the classical *vakif* system into the GDPF's conservation mechanism of *vakif* properties. The thesis studied in detail the classical and current *vakif* systems' legal, administrative and financial approaches towards conservation. During this study, the examination of the current legal, administrative and financial structure of the cultural heritage conservation mechanisms of the country became important, since the thesis' aim was to make an adaptation within the limits of the current system. To present the current conservation problems of *vakif*-based cultural properties, the sampling in the historical commercial centers of Gaziantep and Kahramanmaraş was carried out.

In general, the *vakif* institution, established with religious and charitable intentions, covers both the individual's and society's religious, physiological, social, political, cultural, financial, municipal etc. needs, tasks some of which were expected from the state for the welfare of the society. The Ottoman state supported the *vakif* institution as a public policy and arranged the legal and financial bases for the development of the institution all around the Ottoman territory. The benefit network between the state-public-individual through the *vakif* institution made the institution effective in providing the continuity of the *vakifs*. In time however, the changes in this benefit network by internal (degenerations in the *vakif* system) and external causes (westernization movements) resulted with the centralization / institutionalization of the *vakifs* in the *Tanzimat* era. The *vakif* institution, which was supported by the state in the classical period, was shrunk and weakened by diminishing financial sources as a result of the state policy in the 19th century. This has also continued during the Republican period, and General Directorate of Pious Foundations inherited this

weakened centralized institution and its building stock, most of which gained the status of cultural property to be preserved.

In the classical Ottoman period, *vakıf* had an autonomous and local structure which set its legal, administrative, technical and financial bases for the continuity of the system. It served with the understanding of a private enterprise which developed methods for its functionality for long periods through revolving its own expenses from its own sources. Accordingly, the repair of *vakıf* buildings was seen as a fundamental issue for ensuring the functionality and continuity of the *vakıf*. The aim of serving forever and gaining financial benefits for long periods encouraged the *vâkıf*, the descendants and the employees to protect and to monitor the *vakıf* buildings in every condition, both for their favor and for the *vakıf*'s favor. Also the state, with its legal system protects the *vakıf* for the state's favor. These form the necessary environment where the repair of *vakıf* buildings is prioritized. This is realized by receiving permanent income, allocating the income for the repair expenses and ensuring continuous maintenance and simple repair. Furthermore, the implementation and monitoring of repairs are realized immediately through its autonomous and local scale structure and its own technical staff and material for repairs.

The approach of the classical *vakıf* system, which takes the repair of *vakıf* buildings as a fundamental task, was transformed during the *Tanzimat* period with *Evkaf Nezareti* and became against the repair of *vakıf* buildings. The main reason underlying this fact was the centralization of the financial structure of the institute and the allocation of the institution's funds to fields other than the repair implementations both by the state and by the institution. Limitations on the utilization of *vakıf* incomes for repair expenses were indicated in the regulations, although the *vakıf* had sufficient income for those expenses. As a result, the change of the main concept of the *vakıf* system after the classical period of the Ottoman increased the ruinous state of *vakıf* buildings.

This centralized public institution structure of *Evkaf Nezareti* was adopted by the General Directorate of Pious Foundations. Thus, the state-dependent administrative and financial structure of the GDPF has been influenced by the economical and political condition of the state throughout the Republican period. Accordingly, the institution was not able to develop a sustainable institutional approach or policy in the conservation of *vakıf* immovable cultural properties. Although the institution was unable to make use of its own resources, the state sought for funds for the conservation of cultural properties under the name of "treasury aid" or "fuel consumption fund". However, the approach, together with the manner of the GDPF that does not give priority to repair expenses, makes the institution inactive in the financing of conservation activities.

At another level, the legal structure of the GDPF also displayed an indecisive manner in the conservation of *vakif* properties. GDPF encouraged both selling and conserving of the *vakif* cultural properties until the 1970s. Although the most current *vakif* law started looking after *vakif*-based cultural properties located abroad, there is no indication that the conservation of *vakif*-based cultural properties is the main task of the GDPF, as it was in the classical *vakif* legislation.

During the Republican period, as it is also today, GDPF has taken up a numeric approach in the conservation activities it has undertaken, instead of a quality-based approach founded on scientific principles. The conservation policy of GDPF is based on partial funding of conservation without any priorities and conducting comprehensive repairs at long intervals instead of performing continuous maintenance and simple repair. This is a result of an institutional approach which allocates the income of the institution primarily to current expenses of the institution, which is an understanding far from that of the classical *vakif* system.

Today, the current legal, administrative and financial mechanism of the conservation in Turkey suggests a situation distinct to GDPF and *vakif* immovable cultural properties. According to this, GDPF is responsible for conservation and utilization activities of *vakif*-based cultural properties with the approval of Conservation Councils. Also, the recent legislation related with KUDEBs transfers the *vakif* cultural properties related duties of KUDEB to expert committees that will be established within GDPF. Thus, all kinds of control mechanism of conservation actions (from comprehensive repair to maintenance) are gathered under the responsibility of GDPF. Accordingly, GDPF has to raise the qualification and specialization of its technical staff.

The thesis aimed at presenting all the ongoing problems of *vakif*-based cultural properties, whether they are the result of the lack or deficiencies in the conservation policy of the GDPF or whether they are based on different inputs, such as the physical problems in the building and environmental scale, problems concerning ownership and problems concerning planning and management of the conservation. It is seen that GDPF's approach is insufficient and isolated; in other words, the institution is interested (and insufficient also) in the conservation problems of only the buildings they have own today. However, the conservation of privately owned buildings (especially bazaars) which originally belonged to a *vakif* in historical commercial centers, become more complicated due to there being many owners in one single building. Also, although GDPF implemented some repairs, the private owners generally made immediate interventions for ensuring the buildings' functionality, which cannot be considered as conservation.

Although it was not possible to state clearly the formation process of the historical commercial centers of Kahramanmaraş and Gaziantep through *vakıfs* based on the information gathered from the *vakfiyes*, it can be said that nearly all of the buildings belonged to some *vakıf*. The current conservation law numbered 2863, gives particular emphasis on GDPF for the inventory and conservation of monumental buildings from the Turkish –Islamic period. In addition the new *Vakıf* law numbered 5737, takes the responsibilities of all cultural properties with *vakıf* origin. Furthermore, with new financial resources allocated to local authorities and GDPF, the city centers have become conservation work sites. But lack of conservation management plans and coordination among stakeholders bring only temporary solutions which cannot provide sustainable conservation.

In this context, considering the handicaps of the current system, the necessity for a new model which takes the positive sides of the classical *vakıf* system and adapts them into GDPF's structure is required for the improvement of the system in favor of cultural properties. It is not possible to use all of the positive sides of the classical *vakıf* system due to their potentials of applicability. However, some of the positive sides (one of which is "the repair of the *vakıf* buildings comes at first among all the other tasks of the *vakıf*" according to the classical *vakıf* legislation) were adapted by the current *vakıf* law whereas some positive sides could not be adapted due to there not being a possibility of application. For instance, deducting the salaries of *vakıf* employees in order to use them to cover repair expenses when the *vakıf* had inadequate income, can not be taken on by the current system. Some positive sides of the classical *vakıf* system were used with some alterations, such as the adaptation of a penalty system of the classical *vakıf* system in case intentional damage occurred to the *vakıf* buildings. Besides these adaptations, some additions or changes in the current laws or a new law were suggested for the proper functioning of the model, whereas sometimes new regulations were suggested.

The proposed model does not claim to solve all of the problems of GDPF that are related with the conservation of *vakıf* immovable properties. An improvement of the system is aimed through the adaptation of the classical *vakıf* system's applicable approaches towards the conservation. Based on this background, taking into consideration the current problems and potentials of *vakıf*-based cultural properties and the conservation mechanism in Turkey, the model was formed. The main concept of the model was structured on;

- conservation of *vakıf*-based cultural properties becoming the primary task of GDPF,
- expenses related with conservation activities having priority among the other expenses of GDPF,
- allocation of regular and continuous funding for conservation
- creating secondary sources for the conservation

- encouraging the participation of users and tenants during the conservation process
- having a continuous conservation policy based on monitoring and maintenance and simple repair,
- establishing expert offices for the supervision and implementation of maintenance and simple repair,
- being the responsible institution for the conservation of *vakif*-based cultural properties,
- being the managing institution in the conservation of cultural properties in city centers.

Back to the hypothesis of the thesis, it can be said that the approach and the manner of the classical *vakif* system in the conservation of *vakif* properties are more effective than the current system. Although the conservation of the cultural property is more difficult when compared with the classical *vakif* system (due to numerous reasons such as the change in the understanding of conservation and implementation of construction etc), the classical *vakif* system's mechanism is needed for providing sustainable conservation. So, this situation puts forward the validity of the hypothesis, which suggests that the conservation of the buildings created by the *vakif* system and have been protected by this system for many centuries can be provided through adapting the positive sides of the *vakif* system into the current mechanism. However, with the model based on this hypothesis, not all the conservation problems of *vakif*-based immovable cultural properties can be solved; merely the main principles for the conservation of *vakif*-based cultural properties are tried to be formed through the main understanding of the classical *vakif* institution. But there are many more arrangements that are needed for a complete improvement of the GDPF towards the conservation of *vakif*-based cultural properties.

Once again it is necessary to point out that the *vakif* institution established such a perfect operational system that it put conditions for ensuring the continuity of the buildings through periodic repair and guaranteed the continuity of the *vakif* in general. Today, although the corporate bodies of individual *vakifs* no longer exist, the *vakif* properties are still standing as cultural properties to be preserved. Even the aim for continuity, which has changed from *vakif*'s continuity to cultural property's continuity, still remains.

In conclusion, it can be said that, the inputs that are needed for the improvement of the *vakif* system can already found in its original structure. This shows the adaptive character and dynamic structure of the *vakif* system, which ensured the continuity of *vakif* properties and stayed valid and operational until today, despite the passing of time and the changes in the concept and theory of conservation.

6.2. Suggestions for Future Studies

Throughout the thesis, the proposed model determines the main principles for the conservation of *vakif*-based cultural properties, which is based on the adaptation of the classical *vakif* system's mechanism to the current system. Detailed sub-principles or arrangements according to these main principles can be formed for the development of the model. For instance, the administrative structure of the institution, especially the structure of the Department of Arts and Construction in the central organization and the related offices in the regional directorates can be studied and reorganized comprehensively according to the proposed model. Also for a thorough development of the institution according to the model, interdisciplinary study with the participation of legal experts, economists etc. can be supervised.

It must be reminded that, the technical aspects of the conservation and restoration of the *vakif* cultural properties conducted by GDPF are not taken into consideration throughout the thesis. Also the current models used for the conservation such as "restore-operate-transfer" model are only mentioned but not examined and evaluated in detail with its positive and negative effects to conservation of cultural heritage. Examination of these is necessary for determining the technical attitudes of GDPF and improving the institutions' manner in its restoration implementations.

Another point for future studies may be the detailed examination of the financial aspects of the conservation of *vakif* cultural properties in the Republican Period through the budget laws. In the thesis, the main attitudes of the institution for the funding of conservation are drawn. However, the provided data has a potential for detailed examination and evaluation. For instance the entries of the budgets can be examined separately and compared with each other, the attitudes of the institution for the funding of conservation can be examined in detail considering the turning points in the legal, administrative and financial structure of the institution and the state, etc.

Also, the classical *vakif* legislation which is examined through the source written by Ömer Hilmi Efendi, requires a comprehensive examination. In the thesis, the articles related with the conservation of the *vakif* properties are studied with the aim of determining the approach of the legislation in the Ottoman period. This source can be studied elaborately considering all aspects of the *vakif* institution. Comparison can be made with the Republican Period's legislation and this can be used for the improvement of the current legislation in favor of the *vakif* institution.

In addition, the historical commercial centers of Kahramanmaraş and Gaziantep can be studied with respect to their spatial formation, the role of the *vakıfs* in this formation and continuity, the alteration process (spatial, institutional, ownership etc.) of the commercial centers throughout time. Besides the technical aspects of the conservation, the role of GDPE, users, tenants and other stakeholders in the conservation of *vakıf*-based cultural properties in these two commercial centers can be drawn for each building or group of building separately. Thus some management and institutional models can be formed for the sustainable conservation of the cultural heritage in these areas.

Above all, new approaches for contemporary problems related with the conservation of *vakıf* cultural heritage are needed for the improvement of General Directorate of Pious Foundations besides the adaptation of its original approaches.

BIBLIOGRAPHY

1. Primary Sources

Ahmet Efendi ibni Şeyh Ramazan *Vakfiyesi* (dated 1140 /1727-28), GDPF *vakfiye* archives, notebook no:2142-131-18.

Ali ođlu Ebubekir *Vakfiyesi* (dated 1065/1655), GDPF *vakfiye* archives, notebook no:611-120-121.

Ali ođlu Kalender Çelebi Ali ođlu Mehmet Çelebi *Vakfiyesi* (dated 1063/1652-53), GDPF *vakfiye* archives, notebook no:607-255.

Fethullah Efendi bin Abdüllatif *Vakfiyesi* (dated 971 /1563-64), GDPF *vakfiye* archives, notebook no:608/1-147-176/1.

Hacı Ali Ađa *Vakfiyesi* (dated 1135 /1722), GDPF *vakfiye* archives, notebook no:623-248-254.

Hacı Mehmet ođlu Basmacı zade Hacı Ömer Efendi *Vakfiyesi* (dated 1141 /1729), GDPF *vakfiye* archives, notebook no:609-268-336.

Hacı Mehmet ođlu Kamalak zade Hacı Hasan Ađa *Vakfiyesi* (dated 1110 /1699), GDPF *vakfiye* archives, notebook no:608/2-76-64.

Hacı Osman ođlu Nakibüleşraf Kaymakamı Hacı Mustafa Çelebi *Vakfiyesi* (dated 1139 /1726), GDPF *vakfiye* archives, notebook no:583-42-55.

Kalender Paşaa *Vakfiyesi* (dated 1221 /1806-7), GDPF *vakfiye* archives, notebook no:618-115.

Koca Emin Ađa *Vakfiyesi* (dated 1138 /1725-26), GDPF *vakfiye* archives, notebook no:617-53-17.

Maraşlı İskenderođlu Hacı Bayazıd *Vakfiyesi* (dated 1027 /1617-1618), GDPF *vakfiye* archives, notebook no:1966-150-166.

Müfti zade Hacı Ahmed Efendi *Vakfiyesi* (dated 1298 /1880-81), GDPF *vakfiye* archives, notebook no:618-129-94.

Süleyman Bey ođlu Alaüddevlle *Vakfiyesi* (dated 906 /1500-1501), GDPF *vakfiye* archives, notebook no:509-105-98.

Süleyman Bey oğlu Alaüddevlle *Vakfiyesi* (dated 916 /1510-1511), GDPF *vakfiye* archives, notebook no:1966-150-166.

Yusuf oğlu Mustafa Ağa *Vakfiyesi* (dated 1050 /1640), GDPF *vakfiye* archives, notebook no:2103-275-300.

Ömer Hilmi Efendi; *İthaf-ül Ahlaf fi Ahkam-il-evkaf* (translated and published by Vakıflar Genel Müdürlüğü), Ankara,1977.

2. Secondary Sources

Adanır, Fatih – Çiftaslan, Veli (haz.) (1995); Kahramanmaraş Tarihi Ticaret Bölgesi Koruma Amaçlı İmar Planı Araştırma Raporu, unpublished report, Kahramanmaraş Belediyesi İmar Müdürlüğü.

Ahmet Refik (1988); *Onuncu Asr-ı Hicri'de İstanbul Hayatı (1495-1591 M.)*, İstanbul, Enderun Kitabevi.

Akar, Tuba (2002); *The Historical Formation of the Traditional/Commercial Center of Adana and a Financial and Institutional Model for Preservation*, unpublished Ms thesis, Graduate School of Natural and Applied Sciences, METU, Ankara.

Akar, Tuba (...); *The Role of Pious Foundations in The Preservation of Buildings During Christianity and Islam in Anatolia and Some Suggestions on the Conservation of Byzantine and Islamic Cultural Heritage*, unpublished research report, Euromed Heritage III Byzantium – Early Islam Project, Project No: ME8/AIDOC/2000/2095-13 CRIS 2003/076-566

Akdağ, Mustafa (1974); *Türkiye'nin İktisadi ve İçtimai Tarihi*, vol. 2, İstanbul, Cem Yayınevi.

Akgündüz, Ahmet (1996); *İslam Hukukunda ve Osmanlı Tatbikatında Vakıf Müessesesi*, İstanbul, OSAV Yay.

Asatekin, Gül (2004); *Kültür ve Doğa Varlıklarımız Neyi, Niçin, Nasıl Korumalıyız?*, Ankara T.C. Kültür ve Turizm Bakanlığı Yay.

Atalay, Besim (1339); *Maraş Tarihi ve Coğrafyası*, İstanbul Matbai Amire.

Atçeken, Zeki (1998); *Konya'daki Selçuklu Yapılarının Osmanlı Devrinde Bakımı ve Kullanılması*, Ankara, Türk Tarih Kurumu Yay.

Ateş, İbrahim (1982); "Hasan Paşa'nın Hatay Karamut'taki Vakıf ve Vakfiyesi", *Vakıflar Dergisi*, vol.XVI, p.5-26.

Ateş, İbrahim (1983); "Vakfiyelerde Dua ve Beddualar", *Vakıflar Dergisi*, vol.XVII, p.5-54.

Bakırer, Ömür (1973); "Vakfiyelerde Binaların Tamirâtı ile İlgili Şartlar ve Bunlara Uyulması", Vakıflar Dergisi, vol.X, p.113-126.

Ballar, Suat (ed.) (2001); Eski Vakıfların Günümüze Ulaşan Uygulamaları, Sorunları ve Çözümleri Semineri 7-8 Aralık 1999, İstanbul, Boğaziçi Üniversitesi Yayınevi.

Barnes, J.Robert (1987); An Introduction to Religious Foundations in the Ottoman Empire, E.J.Brill.

Barkan, Ö. Lütfi (1955); "Osmanlı İmparatorluğu Bütçelerine Ait Notlar", İstanbul Üniversitesi İktisat Fakültesi Mecmuası, vol. 18, p.193-224.

Barkan, Ö.Lütfi (1963a); "Osmanlı İmparatorluğu'nda İmaret Sitelerinin Kuruluş ve İşleyiş Tarzına Ait Araştırmalar", İstanbul Üniversitesi İktisat Fakültesi Mecmuası, vol. 23, no: 1-2, p.239-296.

Barkan, Ö.Lütfi (1963b); "Ayasofya Cami ve Eyüb Türbesinin 1489-1491 yıllarına ait Muhasebe Bilançoları", İstanbul Üniversitesi İktisat Fakültesi Mecmuası, vol. 23, no: 1-2, p.342-377.

Barkan, Ö.Lüfi (1971); "Süleymaniye Cami ve İmareti Tesislerine Ait Yıllık Bir Muhasebe Bilançosu 993-994 (1585-1586)", Vakıflar Dergisi, vol. IX, p.109-162.

Barkan, Ö.Lüfi (1980);Türkiye'de Toprak Meselesi Toplu Eserler 1, İstanbul.

Barkan, Ö.Lüfi (1988); Hüdavendigâr Livası Tahrir Defterleri, Ankara.

Barkan, Ö.Lüfi (1977); "Tımar" article, İslam Ansilopedisi, vol.12/1, MEB Yay., p.286-333.

Barkan, Ö.Lütfi (1997); "Avârız" article, İslam Ansiklopedisi, vol.2, MEB Yay., p.13-19.

Bayburtluoğlu, Zafer – Madran, Emre (1981); "Anadolu'da 1308 M. Yılına Kadar Gerçekleştirilmiş Türk-İslam Yapıları Üzerine Sayısal Sınamalar", VIII. Türk Tarih Kongresi, Ankara 11-15 Ekim 1976, Kongreye Sunulan Bildiriler, vol.II, Ankara, TTK Basımevi.

Bayburtluoğlu, Zafer (1973); "Kahramanmaraş'ta Bir Grup Dulkadiroğlu Yapısı", Vakıflar Dergisi, vol.X, p:234-251.

Berki, A.Himmet (1940); Vakıflar, İstanbul.

Berki, A.Himmet (1962);"Hukuki ve İçtimai Bakımdan Vakıflar", Vakıflar Dergisi, vol.5, p: 9-14.

Berki, Şakir (1969); "Vakfın Mahiyeti", Vakıflar Dergisi, vol. VIII, p:1-8.

Cantay, Gönül (1994); "Türklerde Vakıf ve Taş Vakfiyeler", XI. Vakıf Hattası Kitabı, Ankara, VGM Yay., p.147-162.

Cezar, Mustafa (1963); "Osmanlı Devrinde İstanbul'da Yangınlar ve Tabii Afetler", Türk Sanatı Tarihi Araştırma ve İncelemeleri I, İstanbul Güzel Sanatlar Akademisi, Türk Sanatı Tarihi Enstitüsü Yay. I, p.327-414.

Cezar, Mustafa (1983); Typical Commercial Buildings of the Ottoman Classical Period and The Ottoman Construction System, Türkiye İş Bankası Cultural Publications.

Cezar, Yavuz (1986); Osmanlı Maliyesinde Bunalım ve Değişim Dönemi, İstanbul.

Cin, Halil (1987); Miri Arazi ve Bu Arazinin Özel Mülkiyete Dönüşümü, Konya, Selçuk Üniversitesi Yay.

Crane, Howard (translator and annoter) (2000); The Garden of the Mosques Hafız Hüseyin Al-Ayvansarayı's Guide to the Muslim Monuments of Ottoman Istanbul.

Cunbur, Müjgan (1958); "Vakıflar ve Eski Eserler Konusu ile İlgili Yayınlar", Vakıflar Dergisi, vol. IV, p: 295-328.

Cunbur, Müjgan (1969); "Kayseri'de Raşit Efendi Kütüphanesi ve Vakfiyesi", Vakıflar Dergisi, vol.VIII, p.185-196.

Çal, Halit (1990); Türkiye'nin Cumhuriyet Dönemi Eski Eser Politikası, unpublished Ph.D thesis, Graduate School of Social Sciences, Ankara University, Ankara.

Çizakça, Murat (1995); "Cash Waqfs of Bursa 1555-1823", Journal of the Economic and Social History of the Orient, no. 38, p.313-354.

Çınar, Hüseyin (2000); 18.yy'ın İlk Yarısında Ayıntab Şehrinin Sosyal ve Ekonomik Durumu, unpublished Ph.D thesis, Graduate School of Social Sciences, İstanbul University, İstanbul.

Darkot, Besim (1957); "Maraş" article, İslam Ansiklopedisi, vol.7, Maarif Basımevi, p:310-312.

Erdoğan, Muzaffer (1951-52); "Osmanlı Mimari Tarihinin Arşiv Yayınları", Tarih Dergisi, vol.III, no.5-6, İstanbul Üniversitesi Edebiyat Fakültesi Yay.

Erdoğan, Muzaffer (1965); "Osmanlı Mimari Tarihinin Otantik Yazma Kaynakları", Vakıflar Dergisi, vol.VI, p: 111-137.

Erdoğan, Muzaffer (1968); "Osmanlı Devrinde Anadolu Camilerinde Restorasyon Faaliyetleri, Vakıflar Dergisi, vol. VII, p. 149-205.

Ergenç, Özer (...); unpublished proceeding presented in XIII. CIEPO Congress, 21-25 September 1998, Vienna.

Ergin, O.Nuri (1995); Mecelle-i Umur-i Belediye, vol. 2, İstanbul Büyükşehir Belediyesi Yay.

Faroqhi, Suraiya (1999); Approaching Ottoman History An Introduction to the Sources, Cambridge University Press.

Güran, Tefvik (2006); Ekonomik ve Mali Yönleriyle Vakıflar, İstanbul, Kitabevi Yay.

Güzel, Hatice (çev.) (2002); "Yirminci Yüzyılda Vakıf Çalışmaları: Durum Tespiti", Belleten, vol. LXV, no.244, p.1115-1143.

Halaçoğlu, Yusuf (1998); XIV-XIVII. Yüzyıllarda Osmanlılarda Devlet Teşkilatı ve Sosyal Yapı, Ankara, Türk Tarih Kurumu Yay.

Hatemi, Hüseyin (1969); Önceki ve Bugünkü Türk Hukukunda Vakıf Kurma Muameleleri, İstanbul Üniversitesi Yay.

Hatemi, Hüseyin (1985); "Tanzimattan Cumhuriyete Vakıf", Tanzimattan Cumhuriyete Türkiye Ansiklopedisi, vol. 6, p: 1658-1678.

Heffening, (1934); "Waqf" article, Encyclopedia of Islam, 1. Edition, Leiden, p.1096-1103.

Hoexter, Miriam (1998); "Waqf studies in the Twentieth Century: The State of the Art", Journal of Economic and Social History of the Orient, p.474-495.

Imber, Colin (2004); Şeriattan Kanuna Ebussuud ve Osmanlı'da İslami Hukuk, Tarih Vakfı Yurt Yay.

Imber, Colin (2006); Osmanlı İmparatorluğu 1300-1650, İstanbul Bilgi Üniversitesi Yay.

Işık, Ali (1990); "Vakıflar Genel Müdürlüğü'nün Restorasyon Çalışmaları", VII. Vakıf Haftası Kitabı, Ankara, p.223-226.

Işık, Ali (1991); "Vakıfların Restorasyon İlkeleri", VIII. Vakıf Haftası Kitabı, Ankara, p.207-208.

İlter, İsmet (1986); "Tartışmalar", I. Vakıf Şurası, Ankara, p.92-3.

İlter, İsmet (1990); "Tartışma", VII. Vakıf Haftası Kitabı, Ankara, p.227-228.

İnalçık, Halil (1989); The Ottoman Empire The Classical Age 1300-1600, New York.

İnalçık, Halil (2003); Osmanlı İmparatorluğu Klasik Çağ (1300-1600), İstanbul, YKY Yay.

İpşirli, Mehmet (1996); "Vakıfların Tarihi Gelişmesi", Türk Vakıfları, (ed.) Zekai Baloğlu, TÜSEV Yay., İstanbul, p.32-39.

Jenings, Ronald (1990); "Pious Foundations in the Society and Economy of Ottoman Trabzon, 1565-1640", Journal of the Economic and Social History of the Orient, 33, p.271-336.

Kahraman, S.Ali (2006); Evkâf-ı Hümâyûn Nezâreti, İstanbul, Kitabevi Yay.

Kal'a, Ahmet (project & publication director) (1998); İstanbul Ahkâm Defterleri İstanbul Vakıf Tarihi 1 (1742-1764), İstanbul Araştırmaları Merkezi.

Karal, E.Ziya (1976); Osmanlı Tarihi, vol.2-VI, Ankara, Türk Tarih Kurumu Yay.

Kayaoğlu, İsmet (1976); "Vakfın Menşei Hakkındaki Görüşler", Vakıflar Dergisi, vol. XI, p. 49-55.

Kozak, İ.Erol (1985); Bir Sosyal ve Siyaset Müessesesi Olarak Vakıf, İstanbul, Akabe Yay.

Köprülü, Fuat (1942); "Vakıf Müessesesinin Hukuki Mahiyeti ve Tarihi Tekamülü", Vakıflar Dergisi, vol. II, p.1-35.

Köprülü, Fuat (1969a); "Vakıf Müessesesi ve Vakıf Vesikalarının Tarihi Ehemmiyeti", Vakıflar Dergisi, vol.I, II.Baskı, p. 1-6.

Köprülü, Fuat (1969b); "Vakf'a Ait Tarihi İstılahlar Meselesi", Vakıflar Dergisi, vol.I, II.Baskı, p. 131-138.

Kuban, Doğan (2007); "Patronlar, Vakıflar ve Bayındırlık", Osmanlı Mimarisi, İstanbul YEM Yay.

Kunt, Metin (1995); "The Waqf as an Instrument of Public Policy: Notes on the Köprülü Family Endowments", Studies in Ottoman History to Prof. V.L. Ménage on the Occasion of His Seventy-fifth Birthday, p:189-198.

Kunter, H.Baki (1938); "Türk Vakıfları ve Vakfiyeleri Üzerine Mücmel Bir Etüd", Vakıflar Dergisi, vol. I, p.103-129.

Kunter, H.Baki (1962); "Türk Abidelerinin İdare, Muhafaza, Bakım ve Onarım Mevzuunda Tatbik Edilmiş Olan Esaslar", Milletlerarası Birinci Türk Sanatları Kongresi, Ankara 1959, Kongreye Sunulan Tebliğler, Ankara 1962, p.260-267.

Küçükerman, Önder – Mortan, Kenan (2007); Kapalıçarşı, İstanbul, T.C. Kültür ve Turizm Bakanlığı Yay.

Küçükcalay, A.Mesud (1999); "Osmanlı Toprak Sistemi –Miri Rejim", Osmanlı, ed.G. Eren – K.Çiçek – C.Oğuz, vol.3, Ankara, Yeni Türkiye Yay., p.53-58.

Kurt, Yılmaz (1999); "Osmanlı Toprak Yönetimi", Osmanlı, ed.Güler Eren– K.Çiçek – C.Oğuz, vol.3, Ankara, Yeni Türkiye Yay., p.59-65.

Lewis, Bernard (2004); Modern Türkiye'nin Doğuşu, çev. Metin Kırıatlı, Ankara, Türk Tarih Kurumu Yay.

Madran, Emre (1996); The Organisation of the Field of Restoration in the Ottoman Empire: 16th –18th Centuries, unpublished Ph.D thesis, Graduate School of Natural and Applied Sciences, METU, Ankara.

Madran, Emre (2002); Tanzimat'tan Cumhuriyet'e Kültür Varlıklarının Korunmasına İlişkin Tutumlar ve Düzenlemeler: 1800-1950, Ankara, ODTÜ Mimarlık Fakültesi Yay.

Madran, Emre (2004); Osmanlı İmparatorluğu'nun Klasik Çağlarında Onarım Alanının Örgütlenmesi 16. – 18. Yüzyıllar, Ankara, ODTÜ Mimarlık Fakültesi Yay.

Madran, Emre – Özgönül, Nimet (ed.); Son Yasal Düzenlemelerde Kültür ve Tabiat Varlıklarının Korunması ve Yerel Yönetimler El Kitabı, Ankara, TMMOB Mimarlar Odası Ankara Şubesi Yay.

Madran, Emre – Özgönül, Nimet (2005); Kültürel ve Doğal Değerlerin Korunması, TMMOB Mimarlar Odası Yay., Ankara.

Mantran, Robert (1990); 17. Yüzyılın İkinci Yarısında İstanbul – Kurumsal, İktisadi, Toplumsal Tarih Denemesi, çev. Mehmet Ali Kılıçbay – Enver Özcan, vol.1, Ankara Türk Tarih Kurumu Yay.

Mazlum, Deniz (2001); Osmanlı Arşiv Belgeleri Işığında 22 Mayıs 1766 İstanbul Depremi ve Ardından Gerçekleştirilen Yapı Onarımları, unpublished Ph.D thesis, Graduate School of Natural and Applied Sciences, Istanbul Technical University, Istanbul.

Mumcu, Ahmet (1969); "Eski Eserler Hukuku ve Türkiye", Ankara Üniversitesi Hukuk Fakültesi Dergisi, vol. XXVI, no.3-4,(1972) vol. XXVIII, no. 1-2

Mustafa Nuri Paşa (1992); Netayic ül – Vukuat Kurumları ve Örgütleriyle Osmanlı Tarihi, yay. Prof. Dr. Neşet Çağatay, vol.1-2, Ankara, Türk Tarih Kurumu Yay.

Oğuz, Filiz (1986); "Tartışmalar", I. Vakıf Şurası, Ankara, p.99-100.

Oğuz, Filiz (1991); "Vakıf Abidelerin Korunması ve Karşılaşılan Sorunlar", VIII. Vakıf Haftası Kitabı, Ankara, p.209-211.

Önge, Yılmaz (1986); "Vakıf Eski Eserlerin Restorasyonu ve Uzman Yetiştirilmesi Hakkında Düşünceler", I. Vakıf Şurası, Ankara, p.89-92.
Özcan, Tahsin (2003a); Osmanlı Para Vakıfları – Kanuni Dönemi Üsküdar Örneği, Ankara, Türk Tarih Kurumu Yay.

Özcan, Tahsin (2003b); Fetvalar Işığında Osmanlı Esnafı, İstanbul, Kitabevi Yay.

Özkarıcı, Mehmet (1997); "Gaziantep'te Dört Han", Vakıflar Dergisi, vol. XXVI, p.275-313.

Özkarıcı, Mehmet (1999); "Gaziantep Elbeyli Hanı", Cumhuriyetin 75.Yılına Armağan Gaziantep, ed. Yusuf Küçükdağ, Gaziantep, Gaziantep Üniversitesi Vakfı Kültür Yayınları, p:310-326.

Özkarıcı, Mehmet (2000); "Gaziantep'te Üç Han", Osmanlı Döneminde Gaziantep Sempozyumu (22 Ekim 1999), ed. Yusuf Küçükdağ, Gaziantep, p:243-267.

Özkarıcı, Mehmet (2002); "Kahramanmaraş'ta Osmanlı Dönemi Ticaret Yapılarının Türk Mimarisindeki Yeri ve Önemi", XIII. Türk Tarih Kongresi Ankara 4-8 Ekim 1999, Kongreye sunulan Bildiriler, vol.3, part II, Ankara, Türk Tarih Kurumu Yay., p.1213-1232.

Özön, Mustafa Nihat (1997); Osmanlıca Türkçe Sözlük, 8. Basım, İstanbul, İnkılap Kitabevi.

Öztürk, Nazif (1983); Menşe'i ve Tarihi Gelişimi Açısından Vakıflar, Ankara Vakıflar Genel Müdürlüğü Yay.

Öztürk, Nazif (1994); "Osmanlılar'da Vakıfların Merkezi Otoriteye Bağlanması ve Sonuçları", Le Waqf Dans Le Monde Musulman Contemporain (XIXé-XXésiecles) Functions Sociales, Economiques et Politiques Actes de la Table Ronde d'Istanbul 13-14 Novembre 1992, ed. Faruk Bilici, Institut Français D'etudes Anatoliennes, İstanbul, p.19-41.

Öztürk, Nazif (1995); Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi, Ankara, Türk Diyanet Vakfı Yay.

Öztürk, Nazif (1995b); Elmalılı M. Hamdi Yazır Gözüyle Vakıflar (Ahkamu'l Evkaf), Ankara, Türk Diyanet Vakfı Yay.

Öztürk, Nazif (1999); "Sosyal Siyaset Açısından Osmanlı Dönemi Vakıfları", Osmanlı, vol. 5, Ankara, Yeni Türkiye Yay. p. 34-43.

Pamuk, Şevket (2003); 100 Soruda Osmanlı-Türkiye İktisadi Tarihi 1500-1914, İstanbul K Kitaplığı.

Pamuk, Şevket (2005); Osmanlı Ekonomisinde Bağımlılık ve Büyüme 1820-1913, İstanbul, Tarih Vakfı Yurt Yayınları.

Pay, Salih (1996); Bursa İvaz Paşa Külliyesi, Bursa Eđit-San Yay.

Pay, Salih (2000); "Osmanlı Külliyelerinde Yönetim (Bursa İvaz Paşa Külliyesi Örneđi)", Uludađ Üniversitesi, İlahiyat Fakültesi, no.9, vol.9.

Sahilliođlu, Halil (1973);"Ramazanođullarından Davud Bey Ođlu Mahmud Bey Vakfiyesiyle Fađfur Paşa Ođlu Ali Bey Paşa Vakfiyesi, Vakıflar Dergisi, vol. X, p:136-160.

Sami, Şemseddin (2001); Kâmus-ı Türkî, 10. Baskı, İstanbul, Çađrı Yay.

Schacht, Joseph (1953); "Early Doctrines on Waqf", 60. Doğumyılı münasebetiyle Fuad Köprülü Armađanı, İstanbul, p:443-452.

Singer, Amy (2004); Osmanlı'da Hayırseverlik Kudüs'te Bir Haseki Sultan İmaretini, çev. Dilek Şendil, İstanbul, Tarih Vakfı Yurt Yayınları.

Sungurbey, İsmet (1978); Eski Vakıfların Temel Kitabı, İstanbul, İstanbul Üniversitesi Hukuk Fakültesi Yay.

Şişman, Fuat (1985); "Vakıf Eski Eserlerin Bakımı Onarımı Restorasyon ve Korunması", II. Vakıf Haftası 3-9 Aralık 1984, Ankara, Vakıflar Genel Müdürlüğü Yay., p.113-114.

Tabakođlu, Ahmet (1999); "Osmanlı Mali Yapısının Ana Hatları", Osmanlı, ed. Güler Eren-Kemal Çiçek-Cem Ođuz, vol. 3 İktisat, Yeni Türkiye Yayınları, p:125-135.

T.C. Sayıştay Başkanlığı (2004); Vakıflar Genel Müdürlüğü'nün Sorumluluğundaki Tarihi Eserlerin Korunması Hakkında Sayıştay Raporu, unpublished report.

Tekeli, İlhan-İlkin, Selim (der.) (1997); Mimar Kemaleddin'in Yazdıkları, Ankara, Şevki Vanlı Mimarlık Vakfı Yay.

Tekin, Rahmi (1996);Zülkadir Beyliği ve Osmanlı Devleti Zamanında Maraş Vakıfları, unpublished Ms thesis, Graduate School of Social Sciences, Harran University, Şanlıurfa.

Turan, Osman (1947a); "Şemseddin Altun Apa Vakfiyesi ve Hayatı", Belleten, vol.XI, no.41, Ankara, Türk Tarih Kurumu Yay., p.197-221.

Turan, Osman (1947b);" Mübarizeddin Ertokuş ve Vakfiyesi", Belleten, vol.XI, no.42, Ankara, Türk Tarih Kurumu Yay., p.415-427.

Turan, Osman (1948); "Celaledin Karatay, Vakıfları ve Vakfiyeleri", Belleten, vol.XII, no.45, Ankara, Türk Tarih Kurumu Yay., p.17-138.

Turan, Osman (1958); Türkiye Selçukluları Hakkında Resmi Vesikalar, Ankara, Türk Tarih Kurumu Yay.

Üçok, C.-Mumcu, A.-Bozkurt, G. (2002); Türk Hukuk Tarihi, Savaş Yayınevi, Ankara.

Yavuz, Yıldırım (1981); Mimar Kemalettin ve Birinci Ulusal Mimarlık Dönemi, Ankara, ODTÜ Mimarlık Fak.Yay.

Yediyıldız, Asım (2003); Şer'îye Sicillerine Göre XVI. Yüzyıl İkinci Yarısında Bursa Esnafı ve Ekonomik Hayat, Bursa, Arasta Yay.

Yediyıldız, Bahaeddin (1981-82); "XVIII. Asırda Türk Vakıf Teşkilatı", Tarih Enstitüsü Dergisi, no. 12, p.181-186.

Yediyıldız, Bahaeddin (1982); "Vakıf Müessesesinin XVIII. Asır Türk Toplumundaki Rolü", Vakıflar Dergisi, vol. XIV, p.1-28.

Yediyıldız, Bahaeddin (1983); "Vakıf İstılahları Lügatçesi", Vakıflar Dergisi, vol. XVII, p. 55-60.

Yediyıldız, Bahaeddin (1984); "XVII. Asır Türk Vakıflarının İktisadi Boyutu", Vakıflar Dergisi, vol. XVIII, p. 5-42.

Yediyıldız, Bahaeddin (1986); "Vakıf" article, İslam Ansiklopedisi, vol. 13, İstanbul, Milli Eğitim Basımevi, p. 153-172.

Yediyıldız, Bahaeddin (1999); "Osmanlılar Döneminde Türk Vakıfları ya da Türk Hayrat Sistemi", Osmanlı, ed. Güler Eren-Kemal Çiçek-Cem Oğuz, vol.5, Yeni Türkiye Yayınları, p. 17-33.

Yediyıldız, Bahaeddin (2003); XVIII. Yüzyılda Türkiye'de Vakıf Müessesesi Bir Sosyal Tarih İncelemesi, Ankara, Türk Tarih Kurumu Yay.

Yediyıldız, Bahaeddin - Öztürk, Nazif (1992); "Tanzimat Döneminde Vakıf Uygulamaları", 150. Yılında Tanzimat, Ankara, Türk Tarih Kurumu Yay., p.571-591.

Yıldırım, Onur (1999); "Orta Çağ Akdeniz dünyasında hayır işleri: Bizans ve Selçuklular'da Vakıflar Micheal Attaleiates'in 'Diataxis'i ve Celaledin Karatay'ın Vakfiyesi", ODTÜ Gelişme Dergisi, 26 (3-4), p.531-556.

Yüksel, Hasan (1998); Osmanlı Sosyal ve Ekonomik Hayatında Vakıfların Rolü (1585-1683), Sivas.

Yüksel, Hasan (2006); "Anadolu Selçuklularında Vakıflar", Anadolu Selçukluları ve Beylikler Dönemi Uygarlığı, vol. 1, Ankara, Kültür ve Turizm Bakanlığı Yay., p. 309-325.

Yüksel, Hasan (.....); "XVI yüzyıl Osmanlı Vakıfları", Halil İnalçık Hatıra Kitabı, İstanbul, Eren Yayıncılık, in print.

..... (1937); Cumhuriyetten Önce ve Sonra Vakıflar, İstanbul, Vakıflar Umum Müdürlük Neşriyatından.

..... (1938); Fatih Mehmed II Vakfiyeleri, Ankara, Vakıflar Umum Müdürlüğü Neşriyatı.

..... (1943); 20 Cumhuriyet Yılında Vakıflar, Ankara, Vakıflar Genel Müdürlüğü Yay. .

..... (1973); Cumhuriyetin 50. yılında Vakıflar, Ankara.

..... (1973); Cumhuriyetin 50. Yılında Kahramanmaraş, 1973 İl Yıllığı.

..... (1982); "Kahramanmaraş" article, Yurt Ansiklopedisi, vol.8, İstanbul, p:5654-5739.

..... (1994); XI. Vakıf Haftası Kitabı – Vakıf Kültür Varlığının Korunması, Yaşatılması ve Bu Amaçla Mali Kaynak Sağlanması Semineri (6-8 Aralık 1993 Ankara), Ankara, Vakıflar Genel Müdürlüğü Yay.

..... (1996);Registration List Appendix of RCCNCP's decision issued under no 1442 on October 3, 1996

..... (1997);Redhouse Turkish/Ottoman – English Dictionary, 17. Basım, Sev Yay.

..... (2007); Dünden Bugüne Vakıflar, Gaziantep Vakıflar Bölge Müdürlüğü Yay.

..... (2008); VGM interaktif tanıtım CD'si, VGM Vakıf Medeniyeti Su Yılı 2008

..... (.....); 10.yılında Vakıflar

..... (.....); Son On Yılda Vakıflar 1980-1990, Ankara, Vakıflar Genel Müdürlüğü Yay.

..... GDPF Annual Report 2007, http://www.vgm.gov.tr/pdf/2007_rapor.pdf, last accessed date 27th April 2008

..... TÜİK 2007 Statistics, <http://www.vgm.gov.tr> last accessed date 12 February 2008

3. Official Documents of the Republican Period

3.1. Budget Laws

BUDGET LAWS and FINAL ACCOUNTS LAWS OF GDPF and the STATE

LAW	NO:	Official Gazette Date - No
2005 Mali Yılı Bütçe Kanunu	5277	31.12.2004./25687
2005 Mali Yılı KBİ Bütçe Kanunu	5279	06.01.2005 / 25692
2005 Kesinhesap Kanunu	5566	/ 26391
2004 Mali Yılı KBİ Bütçe Kanunu	5029	05.01.2004 / 25337
2004 KBİ Kesinhesap Kanunu	5439	31.12.2005 / 26040
2003 Mali Yılı KBİ Bütçe Kanunu	4835	03.04.2003 / 25068
2003 KBİ Kesinhesap Kanunu	5280	06.01.2005 / 25692
2002 Mali Yılı KBİ Bütçe Kanunu	4728	26.12.2001 / 24622
2002 KBİ Kesinhesap Kanunu	5030	05.01.2004 / 25337
2001 Mali Yılı KBİ Bütçe Kanunu	4613	08.01.2001 / 24281
2001 Kesinhesap Kanunu	4834	03.04.2003 / 25068
2001 KBİ Kesinhesap Kanunu	4836	03.04.2003 / 25068
2000 Mali Yılı Bütçe Kanunu	4494	30.12.1999 / 23922
2000 Mali Yılı K.B.İ. Bütçe Kanunu	4496	06.01.2000 / 23928
2000 Kesinhesap Kanunu	4727	26.12.2001 / 24622
2000 KBİ Kesinhesap Kanunu	4729	26.12.2001 / 24622
1999 Mali Yılı K.B.İ. Bütçe Kanunu	4395	07.07.1999 / 23748
1999 KBİ Kesinhesap Kanunu	4614	08.01.2001 / 24281
1998 Mali Yılı K.B.İ. Bütçe Kanunu	4318	31.12.1997 / 23217
1998 KBİ Kesinhesap Kanunu	4497	06.01.2000 / 23928
1997 Mali Yılı K.B.İ. Bütçe Kanunu	4222	29.12.1996 / 22862
1997 KBİ Kesinhesap Kanunu	4396	07.07.1999 / 23748
1996 Mali Yılı K.B.İ. Bütçe Kanunu	4140	02.05.1996 / 22624
1996 KBİ Kesinhesap Kanunu	4319	31.12.1997 / 23217
1995 Mali Yılı Bütçe Kanunu	4061	28.12.1994 / 22155
1995 Mali Yılı K.B.İ. Bütçe Kanunu	4063	07.01.1995 / 22164
1995 Kesinhesap Kanunu	4221	29.12.1996 / 22862
1995 KBİ Kesinhesap Kanunu	4224	29.12.1996 / 22862
1994 Mali Yılı K.B.İ. Bütçe Kanunu	3943	06.01.1994 / 21810
1994 KBİ Kesinhesap Kanunu	4223	29.12.1996 / 22862
1993 Mali Yılı K.B.İ. Bütçe Kanunu	3861	06.01.1993 / 21457
1993 KBİ Kesinhesap Kanunu	4064	07.01.1995 / 22164
1992 Mali Yılı K.B.İ. Bütçe Kanunu	3792	02.04.1992 / 21190
1992 KBİ Kesinhesap Kanunu	3944	06.01.1994 / 21810
1991 Mali Yılı KBİ Bütçe Kanunu	3692	06.01.1991/ 20747
1991 KBİ Kesinhesap Kanunu	3862	06.01.1993 / 21457
1990 Mali Yılı Bütçe Kanunu	3595	27.12.1989 / 20388
1990 Mali Yılı KBİ Bütçe Kanunu	3597	05.01.1990 / 20393
1990 Kesinhesap Kanunu	3791	02.04.1992 / 21190
1990 KBİ Kesinhesap Kanunu	3793	02.04.1992 / 21190
1989 Mali Yılı K.B.İ. Bütçe Kanunu	3514	23.12.1988 / 20044
1989 KBİ Kesinhesap Kanunu	3693	06.01.1991 / 20747
1988 Mali Yılı K.B.İ. Bütçe Kanunu	3427	20.04.1988 / 19805
1988 KBİ Kesinhesap Kanunu	3598	05.01.1990 / 20393
1987 Mali Yılı K.B.İ. Bütçe Kanunu	3326	25.12.1986 / 19335
1987 Mali Yılı KBİ Kesinhesap Kanunu	3515	23.12.1988 / 20044

1986 Mali Yılı K.B.İ. Bütçe Kanunu	3243	23.12.1985 / 18979
1986 Mali Yılı KBİ Kesinhesap Kanunu	3428	20.04.1988 / 19805
1985 Mali Yılı Bütçe Kanunu	3140	21.12.1984 / 18622
1985 Mali Yılı Kesinhesap Kanunu	3325	25.12.1986 / 19335
1985 Mali Yılı KBİ Bütçe Kanunu	3141	21.12.1984 / 18629
1985 Mali Yılı KBİ Kesinhesap Kanunu	3327	25.12.1988 / 19335
1984 Mali Yılı KBİ Bütçe Kanunu	2952	11.11.1983 / 18237
1984 Mali Yılı KBİ Kesinhesap Kanunu	3245	05.01.1986 / 18979
VGM 1983 yılı Bütçe Kanunu	2722	09.12.1982 / 17911
1983 KBİ Kesinhesap Kanunu	3101	12.12.1984 / 18631
VGM 1982 yılı Bütçe Kanunu	2597	17.02.1982 / 17620
1982 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1981 yılı Bütçe Kanunu	2386	23.02.1981 / 17270
1981 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
1980 yılı Bütçe Kanunu	2298	/ 16916
VGM 1980 yılı Bütçe Kanunu	2269	27.02.1980 / 16924
1980 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1979 yılı Bütçe Kanunu	2186	27.02.1979 / 16572
1979 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1978 yılı Bütçe Kanunu	2116	27.02.1978 / 16224
1978 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1977 yılı Bütçe Kanunu	2035	/ 15867
1977 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1976 yılı Bütçe Kanunu	1940	27.02.1976 / 15520
1976 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1975 yılı Bütçe Kanunu	1849	R.G no:15166
1975 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1974 yılı Bütçe Kanunu	1805	/14910
1974 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1973 yılı Bütçe Kanunu	1678	/ 14465
1973 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1972 yılı Bütçe Kanunu	1527	/ 14113
1972 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1971 yılı Bütçe Kanunu	1345	/ 13762
1971 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
1970 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
1969 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
1968 KBİ Kesinhesap Kanunu	3549	15.05.1989 / 20166
VGM 1965 Bütçe Kanunu	604	21.05.1965 / 12007
VGM 1960 Kesinhesap kanunu	510	05.11.1964 / 11859
VGM 1954 Bütçe Kanunu	6294	27.02.1954 / 8648
VGM 1953 Bütçe Kanunu	6072	28.02.1953 / 8350
1950 yılı Bütçe Kanunu		01.03.1950 / 7445
VGM 1950 yılı Bütçe Kanunu		03 .03.1950 / 7447
VGM 1949 Bütçe Kanunu		02 .03.1949 / 7145
VGM 1946 yılı Bütçe Kanunu	4826	05.01.1946 / 6198
1945 yılı 7 aylık Bütçe Kanunu	4741	01.06.1945 / 6020
VGM 1945 yılı 7 aylık Bütçe Kanunu	4730	11.05.1945 / 6003
VGM 1944 Kesinhesap Kanunu		06.02.1950 /
VGM 1943 Kesinhesap Kanunu		24.12.1949 / 7388
VGM 1942 yılı Bütçe Kanunu	4231	02.06.1942 / 5121
VGM 1941 yılı Bütçe Kanunu	4010	06.05.1941 /
VGM 1941 Kesinhesap Kanunu		24.04.1947/ 6590

1940 yılı Muvazenei Umumiye Kanunu	3844	01.06.1940 / 4524
VGM 1940 yılı Bütçe Kanunu	3871	05.06.1940 /
VGM 1940 yılı Hesabı Kati Kanunu	4452	07.07.1943 / 5449
VGM 1939 yılı Bütçe Kanunu	3599	12 .05.1939 / 4206
VGM 1939 yılı Hesabı Kati Kanunu	4314	15 Kanunievvel 1942 / 5283
VGM 1938 yılı Hesabı Kati Kanunu	4254	18.06.1942 / 5135
VGM 1938 yılı Bütçe Kanunu	3415	02 .06.1938 / 3923
VGM 1938 yılı Hesabı Kati Kanunu	4032	22 .05. 1941/ 4814
VGM 1937 yılı bütçesinde deę.	3329	27 Kanunisanı 1938 /
VGM 1937 yılı Hesabı Kati Kanunu	3881	20.06.1940 / 4540
VGM 1936 yılı Hesabı Kati Kanunu	3817	15.04.1940 /
VGM 1936 yılı Bütçe Kanunu	2949	Düstur, 3tertip, cilt 17
1935 mali yılı Hesabı Kati Kanunu	3769	24 Kanunisanı 1940 / 4415
VGM 1935 yılı Hesabı Kati Kanunu	3742	8 Kanunievvel 1939 / 4379
Evkaf Umum Md. 1935 yılı Bütçe Kanunu	2681	Düstur, 3.tertip, cilt 16
VGM 1934 yılı Hesabı Kati Kanunu	3431	25.06. 1938 /
Evkaf Umum Md. 1933 yılı Hesabı Kati Kanunu	3334	0 8 .03.1938 / 3850
Evkaf Umum Md. 1933 yılı Bütçe Kanunu	2224	Düstur, 3.tertip, cilt 14
Evkaf Umum Müd. 1931 Hesabı Kati	2943	Düstur, 3.tertip, cilt 17
Evkaf Umum Müd. 1931 Bütçe Kanunu	1827	Düstur, 3.tertip, cilt 12
Evkaf Umum Müd. 1930 Bütçe Kanunu	1653	Düstur, 3.tertip, cilt 11
Evkaf Umum Müd. 1929 Bütçe Kanunu	1486	Düstur, 3.tertip, cilt 10
Evkaf Umum Müd. 1927 Bütçe Kanunu	1070	Düstur, 3. tertip, cilt 8
Evkaf Umum Müd. 1926 Bütçe Kanunu	850	Düstur, 3.tertip, cilt 7
Evkaf Umum Müd. 1926 Hesabı Kati	1586	Düstur, 3.tertip, cilt 2
Evkaf Umum Müd. 1341/1925 Bütçe Kanunu	605	Düstur, 3.tertip, cilt 6
Evkaf Bütçe Kanunu 1340 /1924	502	Düstur, 3.tertip, cilt 5
Evkaf Bütçe Kanunu 1336 /1920	101	Düstur, 3.tertip, cilt 1-4

3.2. Legislation related with Conservation

Akaryakıt Tüketim Vergisi Kanunu, Law no:3074, Resmi Gazete Date: 20.11.1984, No: 18581

Aslında Vakıf Olan Tarihi ve Mimari Kıymeti Haiz Eserlerin Vakıflar Umum Müdürlüğü'ne Devrine Dair Kanun, Law no: 7044, Resmi Gazete Date: 19.09.1957

Aslında Vakıf Olan Tarihi ve Mimari Kıymeti Haiz Eserlerin Vakıflar Umum Müdürlüğü'ne Devrine Dair 7044 Sayılı Kanunun Uygulama Şeklini Gösteren Tüzük, Resmi Gazete Date: 03.01.1964, No: 11597

Bazı Kanunlarda Deęişiklik Yapılması Hakkında Kanun, Law no:5035, Resmi Gazete Date: 02.01.2004, No: 25334

Bazı Kanunlarda ve 178 Sayılı Kanun Hükmünde Karanamede Deęişiklik Yapılması Hakkında Kanun, Law no: 5228, Resmi Gazete Date: 31.07.2004, No: 25539

Bazı Kanunlarda Değişiklik Yapılması ve Vakıflara Vergi Muafiyeti Tanınması Hakkında Kanun, Law no:4962

Büyükşehir Belediyesi Kanunu, Law no: 5216, Resmi Gazete Date: 23.07.2004, No: 25531

İstanbul, Kayseri, Bursa Kapalı Çarşılarının Onarımı ve İmarı Hakkında Kanun, Law no: 5282, Resmi Gazete Date: 24.03.1977, No: 15888.

Korunması Gerekli Taşınmaz Kültür ve Tabiat Varlıklarının Tespit ve Tescili Hakkında Yönetmelik, Resmi Gazete Date: 10.12.1987, No: 19660

Korunması Gerekli Taşınmaz Kültür Varlıklarının Yapı Esasları ve Denetimine Dair Yönetmelik, Resmi Gazete Date: 11.06.2005, No: 25842

Koruma, Uygulama ve Denetim Büroları, Proje Büroları İle Eğitim Birimlerinin Kuruluş, İzin, Çalışma Usul ve Esaslarına Dair Yönetmelik, Resmi Gazete Date: 11.06.2005, No: 25842

Kültür ve Tabiat Varlıklarını Koruma Kanunu, Law no:2863, Resmi Gazete Date:23.07.1983, No:18113

Kültür ve Tabiat Varlıklarını Koruma Kanunu ve Çeşitli Kanunlarda Değişiklik Yapılması Hakkında Kanun, Law no: 5226, Resmi Gazete Date: 27.07.2004, No: 25535

Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu ve Koruma Bölge Kurulları Çalışmaları ile Koruma Yüksek Kuruluna Yapılacak İtirazlara Dair Yönetmelik, Resmi Gazete Date: 12.01.2005, No: 25698

Kültür ve Tabiat Varlıklarını Koruma Yüksek Kurulu İlke Kararları, T.C. Kültür ve Turizm Bakanlığı Kültür Varlıkları ve Müzeler Genel Müdürlüğü Press, Ankara.

Kültür Yatırımları ve Girişimlerini Teşvik Kanunu, Law no: 5225, Resmi Gazete Date: 21.07.2004, No: 25529

Taşınmaz Kültür Varlıklarının Korunmasına Ait Katkı Payına Dair Yönetmelik, Resmi Gazete Date: 13.04.2005, No: 25785

Taşınmaz Kültür Varlıklarının Onarımına Yardım Sağlanmasına Dair Yönetmelik, Resmi Gazete Date: 15.07.2005, No: 25876

T.C. Anayasası, 1982.

Toplu Konut İdaresince (TOKİ) Taşınmaz Kültür Varlıklarının Bakımı, Onarımı ve Restorasyonu İçin Kullanılacak Kredilerin Tahsis, Kullanım ve Geri Ödemelerine Dair Usul ve Esaslar.

Vakıflar Kanunu, Law no: 2762, Resmi Gazete Date: 13.06.1935, No: 3027

Vakıflar Kanunu, Law no: 5737 Date: 2008

Vakıf Malların Taksitle Satılması ve Kiraya Verilmesi ve Satış Paralarının Kullanılması ve Emaneten İdare edilen Mülhak Vakıflardan İdare ve Tahsil Masrafı Alınması Hakkında Kanun, Law no: 2950, Resmi Gazete Date: 27.04.1936, No: 3289

Vakıflar Tüzüğü, Resmi Gazete Date: 01.08.1936, No: 3371

Vakıf Hayrat Taşınmazın Tahsisi Hakkında Yönetmelik, Resmi Gazete Date: 04.06.1998, No: 23362

Vakıf Hayrat Taşınmazların Kurum ve Kuruluşlara Tahsisinde Uyulacak Usul ve Esaslar Hakkında Tebliğ, Resmi Gazete Date: 17.11.1998, No: 23526

227 Sayılı Vakıflar Genel Müdürlüğü'nün Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname, Resmi Gazete Date: 18.04.1984, No: 18435

APPENDIX A

Financial Aspects of Conservation in the Budget Laws of GDPF

Table A.1. Fuel Consumption Fund in GDPF's Budget

FUEL CONSUMPTION FUND in GDPF'S BUDGET (source: final accounts law)			
years	Fuel Consumption Fund	Income of GDPF	ratio
2000	42.500.000.000,00	43.827.829.230.000,00	0,1%
1998	241.159.945.000,00	28.677.581.323.000,00	0,8%
1996	8.474.919.000,00	3.904.391.482.000,00	0,2%
1995	20.445.772.000,00	1.814.127.899.000,00	1,1%
1994	101.649.536.000,00	875.055.919.000,00	11,6%
1993	69.832.411.000,00	529.305.292.000,00	13,2%
1992	74.360.207.000,00	317.637.279.000,00	23,4%
1991	31.028.654.100,00	166.142.733.000,00	18,7%
1990	10.938.821.571,00	122.902.787.412,00	8,9%
1989	88.732.498,00	63.720.432.122,00	0,1%

Table A.2. Treasury Aid in GDPF's Budget

THE SHARE OF TREASURY AID IN THE TOTAL INCOME OF GDPF(Source: Final Accounts Law)			
Year	TOTAL INCOME	TREASURY AID	ratio
2007	494.567.268.000.000,00		0,00%
2006	400.000.000.000.000,00		0,00%
2005	206.005.000.000.000,00	0	0,00%
2004	112.992.580.000.000,00	3.504.000.000.000,00	3,10%
2003	73.794.390.800.000,00	2.634.000.000.000,00	3,57%
2002	89.517.487.130.000,00	15.000.000.000.000,00	16,76%
2001	51.315.016.330.000,00	1.000.000.000.000,00	1,95%
2000	43.827.829.230.000,00	1.228.000.000.000,00	2,80%
1999	43.398.033.748.000,00	1.608.000.000.000,00	3,71%
1998	28.677.581.323.000,00	5.576.500.000.000,00	19,45%
1997	8.444.002.099.000,00	2.478.400.000.000,00	29,35%
1996	3.904.391.482.000,00	936.000.000.000,00	23,97%
1995	1.814.127.899.000,00	638.720.000.000,00	35,21%
1994	875.055.919.000,00	242.000.000.000,00	27,66%
1993	529.305.292.000,00	166.473.007.000,00	31,45%
1992	317.637.279.000,00	74.311.775.000,00	23,40%
1991	166.142.733.000,00	21.752.551.300,00	13,09%
1990	122.902.787.412,00	24.645.960.446,00	20,05%
1989	63.720.432.122,00	2.911.478.905,00	4,57%
1988	46.652.829.106,00	1.426.547.126,00	3,06%
1987	33.351.708.867,00	1.951.494.905,00	5,85%
1986	19.483.685.961,00	790.006.094,00	4,05%

Table A.2. continued

1985	11.176.099.064,00	598.063.921,00	5,35%
1984	6.407.139.925,00	721.963.334,00	11,27%
1983	3.173.875.984,00	635.049.173,00	20,01%
1982	1.754.373.355,00	503.628.972,00	28,71%
1981	1.581.972.432,00	394.511.688,00	24,94%
1980	1.258.271.955,00	541.792.226,00	43,06%
1979	980.337.578,83	438.936.904,00	44,77%
1978	628.360.184,18	0,00	0,00%
1977	480.917.374,00	92.754.488,00	19,29%
1976	459.557.648,33	168.029.000,00	36,56%
1975	360.610.737,73	118.487.222,00	32,86%
1974	257.261.478,44	65.785.526,00	25,57%
1973	203.832.161,20	25.507.319,00	12,51%
1972	180.118.247,10	31.561.753,00	17,52%
1971	166.099.043,84	35.500.000,00	21,37%
1970	166.216.200,91	18.767.282,00	11,29%
1969	136.894.330,64	25.301.000,00	18,48%
1968	103.530.499,90	20.980.000,00	20,26%
1967	92.633.210,52	21.600.000,00	23,32%
1966	76.683.600,43	21.600.000,00	28,17%
1965	62.991.763,07	20.750.000,00	32,94%
1964	58.128.108,37	19.481.920,00	33,52%
1963	53.630.854,39	19.831.400,00	36,98%
1962	50.801.964,70	20.780.000,00	40,90%
1961	54.954.708,95	26.885.000,00	48,92%
1960	54.157.296,21	30.428.984,00	56,19%
1959	45.822.213,68	23.428.531,00	51,13%
1958	35.689.422,04	12.621.150,00	35,36%
1957	33.289.391,73	11.777.000,00	35,38%
1956	21.480.044,00	5.737.000,00	26,71%
1955	15.810.047,64	1.725.000,00	10,91%
1954	11.429.514,86	1.380.000,00	12,07%
1953	9.743.957,35	1.180.000,00	12,11%
1952	7.072.995,83	600.000,00	8,48%
1951	6.049.069,35	125.404,00	2,07%
1950	6.089.343,09	493.648,00	8,11%
1949	9.395.336,81	3.093.675,00	32,93%
1948	8.641.079,00	2.555.000,00	29,57%
1947	7.289.258,93	2.200.000,00	30,18%
1946	6.152.235,37	2.219.095,13	36,07%
1945	3.544.709,03	825.000,00	23,27%
1944	5.285.925,79	900.000,00	17,03%
1943	4.480.429,74	200.000,00	4,46%
1942	4.045.114,93	200.000,00	4,94%
1941	4.278.971,00	0	0,00%
1940	3.354.313,78	80.000,00	2,38%
1939	3.415.367,66	93.000,00	2,72%
1938	2.924.368,68	93.000,00	3,18%
1937	2.910.532,82	93.000,00	3,20%

Table A.2. continued

1936	2.675.779,13	93.000,00	3,48%
1935	2.413.488,80	96.000,00	3,98%
1934	2.286.460,90	0,00	0,00%
1933	2.363.827,32	0,00	0,00%
1931	2.523.866,84	150.000,00	5,94%
1930	3.357.107,28	0,00	0,00%
1927	3.222.026,97	0	0,00%
1926	2.953.669,09	0	0,00%
1925	2.308.151,00	0	0,00%
		average	16,85%

Table A.3. The ratio of Conservation Expenses in the Budget Laws of GDPF

THE RATIO OF CONSERVATION EXPENSES IN GDPF'S BUDGET (source: GDPF's Budget Laws)						
YEAR	TOTAL INCOME	TOTAL EXPENSE	CONSERVATION EXPENSES	conservation expenses / total expenses	conservation expenses / total income	
2007	494.567.268.000.000,00	410.341.875.000.000,00	165.623.621.000.000,00	40,36%	33,49%	
2006	400.000.000.000.000,00	289.259.783.000.000,00	136.825.275.000.000,00	47,30%	34,21%	
2005	206.005.000.000.000,00	158.861.123.000.000,00	65.017.735.000.000,00	40,93%	31,56%	
2004	112.992.580.000.000,00	92.474.702.100.000,00	30.648.387.645.000,00	33,14%	27,12%	
2003	73.794.390.800.000,00	59.973.118.000.000,00	12.684.778.290.000,00	21,15%	17,19%	
2002	37.080.000.000.000,00	37.080.000.000.000,00	7.450.000.000.000,00	20,09%	20,09%	
2001	24.833.500.000.000,00	24.833.500.000.000,00	4.547.000.000.000,00	18,31%	18,31%	
2000	21.977.100.000.000,00	21.977.100.000.000,00	2.924.000.000.000,00	13,30%	13,30%	
1999	12.948.060.000.000,00	12.948.060.000.000,00	1.662.000.000.000,00	12,84%	12,84%	
1998	8.480.550.000.000,00	8.480.550.000.000,00	1.370.000.000.000,00	16,15%	16,15%	
1997	4.253.100.000.000,00	4.253.100.000.000,00	665.150.000.000,00	15,64%	15,64%	
1996	2.116.001.000.000,00	2.116.001.000.000,00	438.700.000.000,00	20,73%	20,73%	
1995	989.751.000.000,00	989.751.000.000,00	172.000.000.000,00	17,38%	17,38%	
1994	670.965.000.000,00	670.965.000.000,00	97.000.000.000,00	14,46%	14,46%	
1993	339.609.000.000,00	339.609.000.000,00	70.000.000.000,00	20,61%	20,61%	
1992	183.171.000.000,00	183.171.000.000,00	45.500.000.000,00	24,84%	24,84%	
1991	121.122.000.000,00	121.122.000.000,00	31.250.000.000,00	25,80%	25,80%	
1990	87.074.000.000,00	87.074.000.000,00	20.300.000.000,00	23,31%	23,31%	
1989	35.876.000.000,00	35.876.000.000,00	4.100.000.000,00	11,43%	11,43%	
1988	22.022.000.000,00	22.022.000.000,00	7.490.000.000,00	34,01%	34,01%	
1987	11.663.000.000,00	11.663.000.000,00	3.855.000.000,00	33,05%	33,05%	

Table A.3. continued

1986	9,039,000,000,00	9,039,000,000,00	2,365,000,000,00	26,16%	26,16%
1985	5,776,356,000,00	5,776,356,000,00	1,615,000,000,00	27,96%	27,96%
1984	4,253,555,000,00	4,253,555,000,00	1,389,000,000,00	32,66%	32,66%
1983	3,435,000,000,00	3,435,000,000,00	1,032,500,000,00	30,06%	30,06%
1982	1,784,698,000,00	1,784,698,000,00	351,044,000,00	19,67%	19,67%
1981	1,336,741,000,00	1,336,741,000,00	293,500,000,00	21,96%	21,96%
1980	1,174,542,000,00	1,174,542,000,00	208,855,000,00	17,78%	17,78%
1979	1,012,835,000,00	1,012,835,000,00	329,400,000,00	32,52%	32,52%
1978	754,710,000,00	754,710,000,00	275,400,000,00	36,49%	36,49%
1977	734,621,000,00	734,621,000,00	211,750,000,00	28,82%	28,82%
1976	411,943,000,00	411,943,000,00	125,045,000,00	30,35%	30,35%
1975	256,460,813,00	256,460,813,00	98,050,000,00	38,23%	38,23%
1974	172,219,645,00	172,219,645,00	45,170,000,00	26,23%	26,23%
1973	102,450,459,00	102,450,459,00	31,059,999,00	30,32%	30,32%
1972	101,161,069,00	101,161,069,00	29,385,000,00	29,05%	29,05%
1971	79,200,173,00	79,200,173,00	23,230,000,00	29,33%	29,33%
1970	67,998,214,00	67,998,214,00	16,410,200,00	24,13%	24,13%
1969	73,205,465,00	73,205,465,00	26,871,000,00	36,71%	36,71%
1968	63,763,883,00	63,763,883,00	23,060,000,00	36,16%	36,16%
1967	53,435,462,00	53,435,462,00	14,970,000,00	28,02%	28,02%
1966	50,683,301,00	50,683,301,00	14,310,000,00	28,23%	28,23%
1965	50,184,362,00	50,184,362,00	16,260,000,00	32,40%	32,40%
1964	51,184,400,00	51,184,400,00	19,865,000,00	38,81%	38,81%
1963	45,074,650,00	45,074,650,00	17,515,000,00	38,86%	38,86%
1962	41,341,945,00	41,341,945,00	15,735,000,00	38,06%	38,06%
1961	44,260,000,00	44,260,000,00	9,930,000,00	22,44%	22,44%
1960	55,855,484,00	55,855,484,00	11,558,000,00	20,69%	20,69%

Table A.3. continued

1959	32.130.900,00	32.130.900,00	11.508.000,00	35,82%	35,82%
1958	27.110.050,00	27.110.050,00	7.508.000,00	27,69%	27,69%
1957	22.371.300,00	22.371.300,00	3.685.000,00	16,47%	16,47%
1956	17.977.147,00	17.979.000,00	3.593.000,00	19,98%	19,99%
1955	12.893.675,00	12.893.675,00	3.705.000,00	28,74%	28,74%
1954	9.403.000,00	9.403.000,00	2.517.500,00	26,77%	26,77%
1953	7.255.500,00	7.255.500,00	1.567.000,00	21,60%	21,60%
1952	6.212.800,00	6.212.800,00	1.488.000,00	23,95%	23,95%
1951	5.582.905,00	5.582.905,00	985.000,00	17,64%	17,64%
1950	8.538.000,00	8.538.000,00	737.250,00	8,63%	8,63%
1949	7.862.575,00	7.862.575,00	737.248,00	9,38%	9,38%
1948	7.490.300,00	7.490.300,00	716.820,00	9,57%	9,57%
1947	6.716.500,00	6.716.500,00	644.060,00	9,59%	9,59%
1946	5.555.801,00	5.556.000,00	803.776,00	14,47%	14,47%
1945	3.383.131,00	3.383.131,00	689.176,00	20,37%	20,37%
1944	3.771.000,00	3.771.000,00	341.321,00	9,05%	9,05%
1943	3.577.496,00	3.580.000,00	309.700,00	8,65%	8,66%
1942	3.356.869,00	3.358.000,00	232.000,00	6,91%	6,91%
1941	3.175.382,00	3.175.500,00	412.500,00	12,99%	12,99%
1940	2.913.928,00	2.914.000,00	192.500,00	6,61%	6,61%
1939	2.788.470,00	2.789.500,00	107.000,00	3,84%	3,84%
1938	2.915.495,00	2.915.585,00	233.930,00	8,02%	8,02%
1937	2.833.131,00	2.833.600,00	216.010,00	7,62%	7,62%
1936	2.469.242,00	2.469.300,00	92.544,00	3,75%	3,75%
1935	2.446.999,00	2.447.000,00	113.000,00	4,62%	4,62%
1933	2.498.683,00	2.498.700,00	110.000,00	4,40%	4,40%
1932	2.681.530,00	2.682.500,00	110.000,00	4,10%	4,10%

Table A.3. continued

1931	3.122.041,00	3.122.500,00	110.000,00	3,52%	3,52%
1930	3.118.906,00	3.119.000,00	135.000,00	4,33%	4,33%
1929	3.846.149,00	3.847.100,00	345.000,00	8,97%	8,97%
1928	3.485.830,00	3.489.000,00	345.000,00	9,89%	9,90%
1927	3.331.218,00	3.332.000,00	435.000,00	13,06%	13,06%
1926	3.185.000,00	3.185.500,00	587.888,00	18,46%	18,46%
1925	2.510.106,00	2.511.500,00	470.000,00	18,71%	18,72%
1924	2.665.829,00	2.666.500,00	150.000,00	5,63%	5,63%
			AVERAGE		20,49%

Table A.4. Expenses and Incomes in GDPF Budget and State's General Budget

YEAR	BUDGET	STATE BUDGETS / GDPF BUDGETS	
		EXPENSE	INCOME
2005	Bütçe yılı Kesinhesap Kanunu	143.685.760.918.000.000,00	135.756.182.408.000.000,00
	VGM 2005 yılı Kesinhesap Kanunu ratio	206.005.000.000.000,00	158.861.123.000.000,00
2000	Bütçe yılı Kesinhesap Kanunu	46.384.290.611.650.000,00	33.040.902.852.750.000,00
	VGM 2000 yılı Kesinhesap Kanunu ratio	35.153.073.700.000,00	43.827.829.230.000,00
1995	Bütçe yılı Kesinhesap Kanunu	1.704.845.121.341.000,00	1.387.759.990.286.000,00
	VGM 1995 yılı Kesinhesap Kanunu ratio	1.759.495.261.000,00	1.814.127.899.000,00
			0,13%

Table A.4. continued

1990	Bütçe yılı Kesinhesap Kanunu	66.820.002.339.166,00	55.066.933.303.630,00
	VGM 1990 yılı Kesinhesap Kanunu ratio	115.335.326.096,00	122.902.787.412,00
1985	yılı Bütçe Kesinhesap Kanunu	6.272.649.743.939,00	5.753.919.713.758,00
	VGM 1985 yılı Kesinhesap Kanunu ratio	5.314.114.804,00	11.176.099.064,00
1980	yılı Bütçe Kanunu	756.687.182.000,00	756.687.182.000,00
	VGM 1980 yılı Bütçe Kanunu ratio	1.174.542.000,00	1.174.542.000,00
1975	yılı Bütçe Kanunu	106.888.231.296,00	97.888.231.296,00
	VGM 1975 yılı Bütçe Kanunu ratio	256.460.813,00	256.460.813,00
1970	yılı Bütçe Kanunu	28.860.265.467,00	28.860.265.467,00
	VGM 1970 yılı Bütçe Kanunu ratio	67.998.214,00	67.998.214,00
1965	Bütçe yılı Kesinhesap Kanunu	14.847.850.076,94	13.947.847.806,50
	VGM 1965 yılı Kesinhesap Kanunu ratio	55.425.624,74	62.991.763,07
1960	Muvazene-i Umumiye Kanunu	7.281.695.000,00	7.281.695.000,00
	VGM 1960 yılı Bütçe Kanunu ratio	55.855.484,00	55.855.484,00
1955	Mali Yılı Kesin Hesap Kanunu	3.394.297.345,18	3.288.706.926,91
	VGM 1955 yılı Kesinhesap Kanunu ratio	12.932.565,70	15.810.047,64
1950	Bütçe yılı Kesinhesap Kanunu	1.495.334.826,16	1.448.797.856,81
	VGM 1950 yılı Kesinhesap Kanunu ratio	5.921.158,38	6.089.343,09

Table A.4. continued

1945	Bütçe yılı 7 aylık Kesinhesap Kanunu	605.042.262,60	663.860.373,86
	VGM 1945 yılı Kesinhesap Kanunu ratio	3.461.065,76	3.544.709,03
1940	mali senesi Hesabı Kati Kanunu	546.519.814,60	552.245.014,24
	VGM 1940 yılı Kesinhesap Kanunu ratio	3.074.673,32	3.354.313,78
1935	mali senesi Hesabı Kati Kanunu	259.476.797,97	266.784.988,28
	VGM 1935 yılı Kesinhesap Kanunu ratio	2.458.222,75	2.413.488,80
1930	mali senesi Hesabı Kati Kanunu	210.109.120,63	217.496.027,23
	VGM 1930 yılı Kesinhesap Kanunu ratio	3.240.496,28	3.357.107,28
1925	mali senesi Hesabı Kati Kanunu	202.342.362,25	170.690.026,21
	VGM 1925 yılı Kesinhesap Kanunu ratio	3.348.175,12	2.308.151,00
		1,65%	1,65%

APPENDIX B

B.1. General Characteristics & Conservation Activities in Historical Commercial Center of Kahramanmaraş

Location

The historical commercial center is located at the southwest of the citadel in the city center. At the west of the HCC Atatürk Avenue, at the east *Belediye Çarşısı*, at the north *Taş Medrese* and *Rıdvan Hoca Parkı* and at the south *Kıbrıs Meydanı* and newly developed area are found. The district including the HCC is composed of religious, social and commercial buildings from the 16th and 17th centuries together with the commercial buildings and dwellings from the 19th and 20th century. The traditional dwellings are found at the east of the *Belediye Çarşısı*. Considerable part of the commercial activities in the city, like %60-65¹⁹⁹ are found in the bazaars; *Kavaflar Çarşısı*, *Bezirgan Çarşısı*, *Bedesten*, *Taşhan*, *Mazman Çarşısı*, *Bakırcılar Çarşısı* and *Belediye Çarşısı*, of the historical commercial center (Figure B.1).

At the north of the HCC, *Taş Medrese* and *Ulucami* are located. At the south of the *Ulucami*, *Cumhuriyet Han* and *Marmara Hamamı* are found. At the south of the *Marmara Hamamı*, *Saraçhane Cami* which is a *mülhak vakıf* is found together with the shops around. *Bedesten* building which is also known as “*bonmarşe*” in the area is found at the center of the commercial area. Covered bazaar including *Kavaflar Çarşısı* and *Bezirgan Çarşısı* is located between the *bedesten* and *Bakırcılar Çarşısı*. *Taşhan* which has entrance from *Bezirgan Çarşısı* is found at the east of the covered bazaar. Between the *Bezirgan Çarşısı* and *Taşhan*, *Alacacılar Çarşısı* is found. At the south of *Taşhan*, *Bakırcılar Çarşısı*, *Köşger Çarşısı* and *Eski Kışla Çarşısı* are found. *Belediye Çarşısı* is located at the east border of the commercial area.

Ulu Cami, *Taş Medrese*, *Taşhan* and *İklime Hatun Mescid* which are found in the historical commercial center, were constructed in *Dulkadiroğlu* principality period. Although the construction dates of the bazaars and other commercial buildings in the historical commercial center haven't known exactly, it can be said that the formation of HCC started in *Dulkadiroğlu* principality period and developed with the Ottomans (Özkarıcı, 2002:1216).

¹⁹⁹ According to the Conservation Plan report.

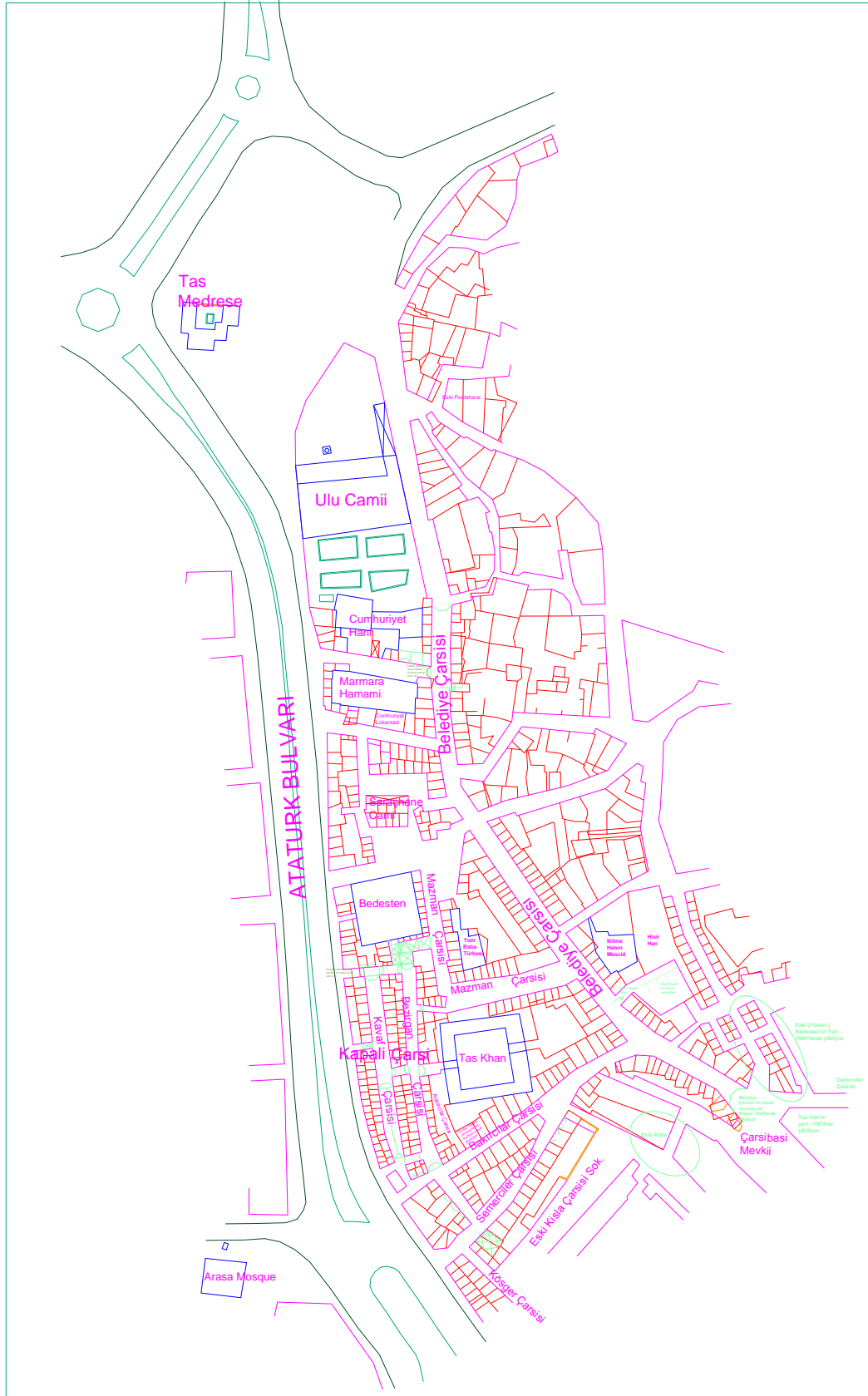


Figure B.1. HCC of K.Maraş and near surrounding



Figure B.2. *Ulucami* and the HCC

Building Types in the HCC

The traditional buildings in the area can be grouped according to their architectural character (Figure B.3.). First group of traditional buildings are the buildings which have monumental character. In this group *Taş Medrese*, *Ulu Cami*, *Cumhuriyet Han* and *Marmara Hamamı* are found at the north of the HCC, *Bedesten* and *Saraçhane Cami* are found at the center, *Taşhan* is found nearer to the south part of HCC, whereas *İklime Hatun Mescid* and *Hışva Han* are found at the east of HCC. As it is seen the monumental qualified traditional buildings are located in different parts of the commercial center. At the surrounding of this monumental buildings and at the building lots between these monumental buildings shops are found. The shops in the area are composed of traditional shop units which are indicated under the “traditional building – shops” group in the figure and newly constructed shop units which are indicated under the “new buildings”. These new constructed shop units were generally constructed in place of the original shop lots. Also the traditional dwellings which are used with commercial purposes are found at the east of *Ulu Cami*.

The whole façade of the commercial area looking to Atatürk Avenue is composed of completely new constructed shop units. The monumental buildings; *bedesten* and *Cumhuriyet Hamamı*, which are at the back of these new constructed shops do not perceived from the avenue. Covered bazaar, *Bakırcılar Çarşısı* and partially the *Belediye Çarşısı* still preserve their traditional features, since most of the traditional shops are found in these bazaars. While the building lot in which *Saraçhane Cami* is located and the building lot no 175 preserve most of their traditional features, building lots no 135 and 173

are completely new built and composed of new buildings which are not harmonious with the traditional pattern with their façade organization and mass characteristics.

In the area, as a general feature, building lots are completely built-up except the buildings lots in which *Taşhan* and Tomb of Yum Baba are found. In these building lots traditional buildings and newly constructed buildings are found.

Ownership

The ownership pattern of the buildings found in HCC varies as; Private Property, *Vakıf* Property, Multi Property and Treasury, while most of them are under private ownership as seen in the Figure B.4. And at the most of these private properties shared property is observed. The group of Multi Property is composed of shares of private property and treasury. This is observed in building lot-lot: 170-1, 172-52, 167-11,21,22,23,25, 165-8,13,16,19,21, 133-4,5, 132-7. Only one property which completely belongs to Treasury is observed in the shop in Bezirgan Çarşısı with the building lot no 165, lot no 11. *Vakıf* properties seen in the HCC are the properties of *mülhak vakıf* which are under the supervision of GDPF and properties of *mazbut vakıf* which are under the administration and supervision of GDPF (Table B.1.). The properties under the administration of GDPF in the site are: *Taş Medrese*, *Ulu Cami*, the tomb of *Yum Baba*, *İklime Hatun Mescid*, 1/3 share of the *Bedesten*, *Taşhan* and the shop found in *Bezirgan Çarşısı*, building lot176, lot no 48. In the commercial center only one *mülhak vakıf*, which is *Bayazıtlı Vakıf*, is found. And the properties belong to this *vakıf* are: *Saraçhane* Mosque, the shops under this mosque, shops found in the building lot 175 with the lot numbers 12, 13, 14, 15, 16, 17 and the lot no 21 found in the building lot 176.

Table B.1. Properties of GDPF in the HCC

The Properties that are administered or supervised by GDPF in Kahramanmaraş HCC	
<i>Mazbut Vakıf</i>	<i>Mülhak Vakıf</i>
<i>Taş Medrese</i> , <i>Ulu Cami</i> , the tomb of <i>Yum Baba</i> , <i>İklime Hatun Mescid</i>	<i>Saraçhane</i> Mosque
1/3 share of the <i>Bedesten</i>	
<i>Taşhan</i> Shop: 48 lot in 172 building lot	Shops: 12,13,14,15,16,17 lots in 175 building lot and 21 lot in 176 building lot

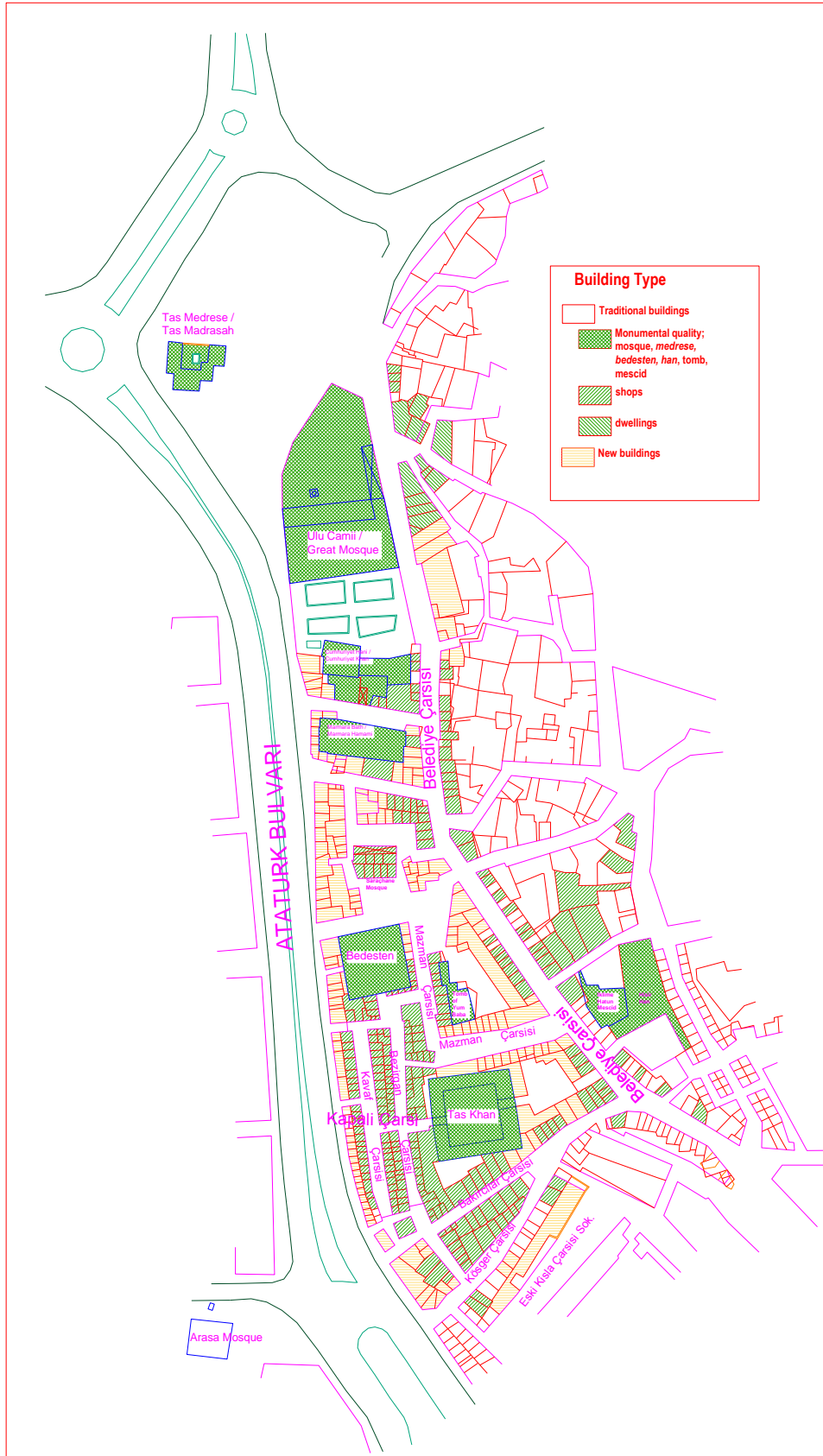


Figure B.3. Building Types

However, in the *vakfiye* of Maraşlı İskenderoğlu Hacı Bayazid²⁰⁰ who was the founder of *Bayazıtlı Vakıf*, dated 1027/ 1617-1618, it is indicated that there were 72 shops at the north of the *bedesten* which belonged to the *vakıf*. As it is seen today, the *vakıf* has only 7 shops at the same place as an income source. Another example is seen in the *vakfiyes* of Alaüddeve; first one is dated 906 /1500-1501²⁰¹ and the second dated 916 /1510-1511²⁰². In the *vakfiyes*, some of the properties as *akar* are; 19 shops at Maraş Çarşısı, a han belonging of the *vâkıf*, 10 shops located at the west of the *bedesten*, 12 shops located at the east of the *bedesten*, 10 shops, 12 shops in Kefşarçıyan Çarşısı, bath located near to the Maraş bazaar, 8 shops adjacent to the bath, 6 shops near to Maraş bazaar, caravanserai and 15 shops. However, some of the *hayrats* of the *vakıf* were an *imaret*, taş mescid, *medreses* of taş, nebevviye and bağdadiye, located at the north of the *Ulu cami*. Today only the *Taş Mescid* and medrese and *Ulu cami* are still exist and they are *mazbut vakıfs*. Nevertheless the income sources of these buildings, lots of shops and commercial buildings in the commercial area, which are mentioned above, are no more *vakıf* property.

As it is seen from the Figure B.4., most of the buildings which were known or thought as the belongings of the *vakıfs* in the period they were constructed, are almost turned into private property in the HCC nowadays. It is also seen that only two properties in *akar* quality which can provide income to GDPF are left, whereas GDPF is responsible for the conservation of all of the cultural properties belong to *mazbut vakıf* which are mentioned above. This shows that the concept underlying the *vakıfs* operation has changed during the Republican period by losing the *vakıf* properties with *akar* qualities due to selling or not being registered of the *vakıf* properties during the constitution of the cadastral plans. Thus, GDPF lost most of its properties which are the sources of its income. In addition, GDPF and *mülhak vakıfs* are both responsible for the conservation of the cultural properties belong to *mülhak vakıf*, thus some portion of the income of the *mülhak vakıfs* are allocated to the finance of the conservation acts.

²⁰⁰ GDPF *vakfiye* archives, notebook no:1966-150-166

²⁰¹ GDPF *vakfiye* archives, notebook no:509-105-98

²⁰² GDPF *vakfiye* archives, notebook no:1966-150-166

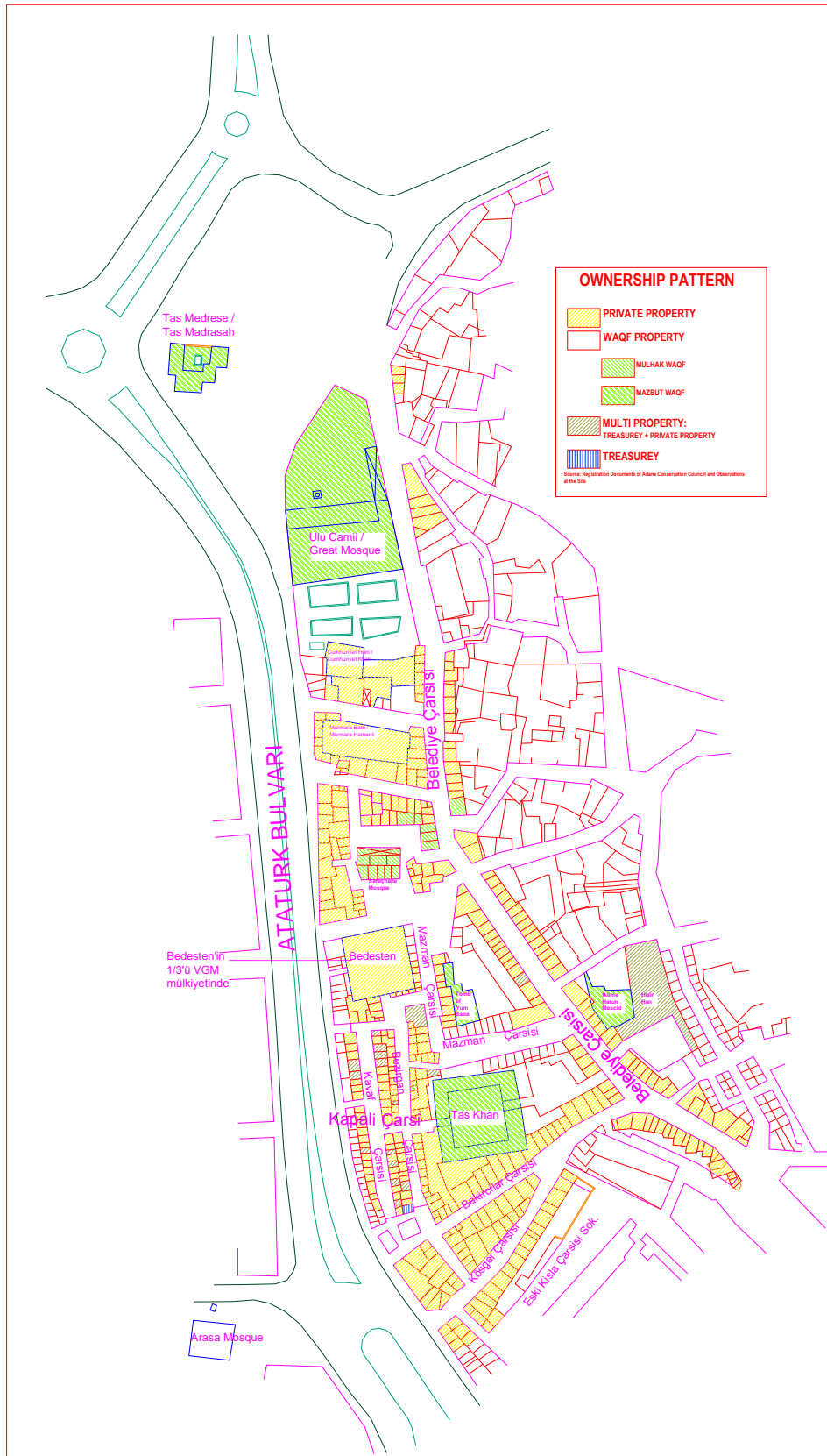


Figure B.4. Ownership pattern

Condition of Preservation

The Legal Status of HCC: Registration and Conservation Plan

The acts related with the conservation of the buildings in the HCC has started in 1980s with the registration decisions. The area was registered as “conservation site” in 1993, whereas Conservation Plan of the HCC became valid in 1997. In recent years, Kahramanmaraş Municipality has been taken part in extending the site boundaries and preparation of a new Conservation Plan for the city.

The registered buildings that are found in the HCC are (Figure B. 5.): *Taş Medrese, Ulu Cami, Saraçhane Cami, Tomb of Yum Baba, İklim Hatun Mescid, Cumhuriyet Han, Marmara Hamam, some shops in Saraçhane Çarşısı, Bedesten, covered bazaar (except the shops on Atatürk Avenue), Taşhan, most of the shops in Bakırcılar Çarşısı, some shops in the Belediye Çarşısı, Hışır Han* and the traditional buildings found at the north end of *Belediye Çarşısı*. However, there are also some shops which have cultural property quality to be preserved, but haven't registered yet, such as the building lot including six shop at the junction of *Bezirgan Çarşısı* and *Bakırcılar Çarşısı*.

As it is seen in Figure B.5., although the conservation plan was prepared for the HCC, boundaries of the plan does not include the whole of the commercial area. The area found at the south of the *Bakırcılar Çarşısı* was not included to the conservation plan despite the shops found in *Semerciler Çarşısı, Köşger Çarşısı* and *Eski Kışla Çarşısı* have the values to be preserved.

In general, the conservation plan indicates only the registered buildings and the limits (generally height of the buildings) of the new buildings to be constructed. The conservation plan hasn't developed decisions neither for the conservation of the social, commercial and physical structure (lost and current) in the area nor for the organizational and financial structure of the conservation in the area. However the architecture in the area, especially the covered bazaar which is a single building but composed of many lots with many private and shared possessions, requires an organizational model for realizing the conservation implementations.

Conservation Activities in the HCC

In the area, the immovable cultural properties which belong to GDPF are relatively in good condition when compared with the cultural properties under private ownership. *Ulu Cami* and *Taşhan* has repaired recently, whereas *Taş Medrese* and *Saraçhane Cami* have already repaired. However, the cultural properties under private ownership haven't been restored or some minor and urgent interventions have been conducted such as the interventions at the roof of the covered bazaar. The basic reason of this is the owners of the cultural properties not being acting together and not being allocating finance for the repair of their buildings. In addition, in some conditions the users/owners may come together, as seen in the recent interventions at *Bezirgan Çarşı*. Yet, in this case, the users/owners conducted the necessary interventions according to their taste and knowledge, since there is not any organization to guide them.



Figure B.6-7. *Kavaflar Çarşı*. (Although some minor and urgent interventions have done, intense repair of the covered is needed.)

The more recent act related with the conservation in the area is the Rehabilitation Project of the west elevation (elevation looking to Atatürk Avenue) of the Covered Bazaar which is conducted by the municipality. This project also includes the measured survey of *Cumhuriyet Han* and the covered bazaar which are under private ownership. In this case the municipality takes the responsibility of the preparation of the conservation projects and will conduct the rehabilitation project of Atatürk Avenue elevation of the covered bazaar.

As it is seen, the conservation activities in the HCC have been conducted by various actors separately. There isn't any plan for the management of the conservation in the area or any plan for providing the coordination between the actors. However, the current laws (law no 5226 and law no 5737) have been assigned GDPF to take the responsibility of the conservation of *vakıf* based cultural properties.



Figure B.8-9-10. *Bezirgan Çarşısı*, (after the white wash & paint)



Figure B.11-12. Shops in the *Belediye Çarşısı*

B.2. General Characteristics & Conservation Problems Of *Vakıf* Based Immovable Cultural Properties in Historical Commercial Center Of Gaziantep

Location

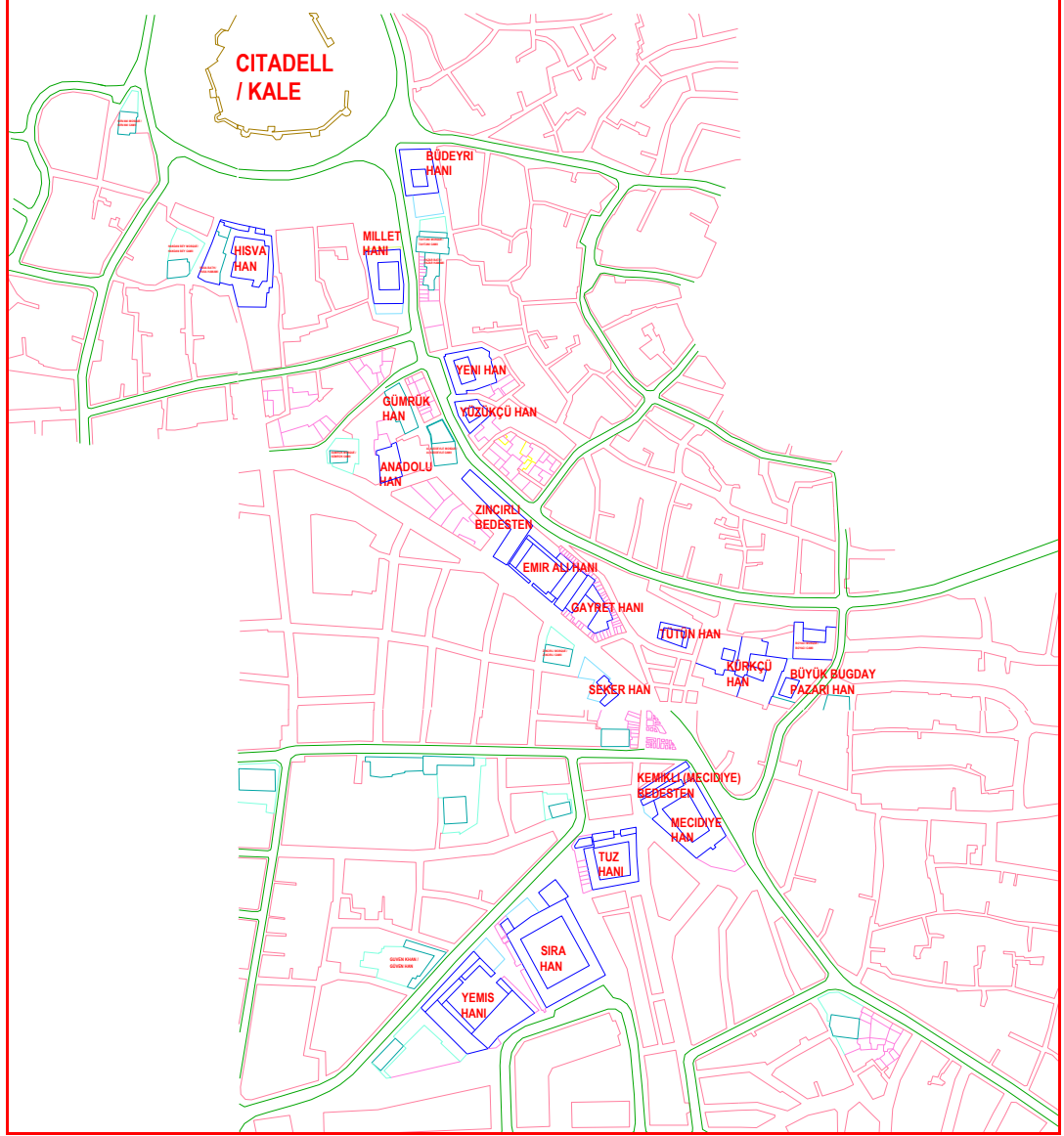


Figure B.13. Location of the HCC

The historical commercial center of Gaziantep is located between the Citadel and *Yemiş Han* along the *Uzun Çarşı* street (Figure B.13). At the south foot of the citadel *Hışva Han*, *Millet Han* and *Büdeyri Han* are found. At the south of these hans, *Yeni Han*, *Yüzükçü Han*, *Gümrük Han*, *Anadolu Han*, *Zincirli Bedesten*, *Emir Ali Han*, *Gayret Han*, *Şeker Han*, *Bakırcılar Çarşı*, *Tütün Han*, *Kürkçü Han*, *Eski Büyük Buğday Pazarı Han* and *Eski Küçük*

Buğday Pazarı Han are located at the center of the HCC. At the south of the HCC, *Kemikli Bedesten*, *Mecidiye Han*, *Tuz Hanı*, *Şıra Han* and *Yemiş Han* are found.

As it is seen, the historical commercial center of Gaziantep takes its shape with the *hans*. Most of these hans were constructed in the 19th century whereas *Hışva Han* which is oldest building of the commercial area dated to 16th century and *Zincirli Bedesten* dated to 18th century. Arasta pattern is seen in *Bakırcılar Çarşısı* in the area.

Ownership

In the historical commercial center private property, *mazbut* and *mülhak vakıfs'* properties, multi ownership (private + vakıf property) and property of the municipality are observed (Figure B.14.). The ownerships other than the *vakıf* property, which constitutes the considerable part of the commercial area are both the result of being sold or allocated of the vakıf properties and being constructed as private property at the beginning due to the construction dates (after the Land Law).

As it seen in the Table B.14. the *vakıf* properties found in the HCC are; *Anadolu Han*, *Tütün Han*, *Buğday Hanı*, *Gümrük Han*, *Yüzük Han*, *Zincirli Bedesten*, 17 shops and *Tahmis Kahve*.

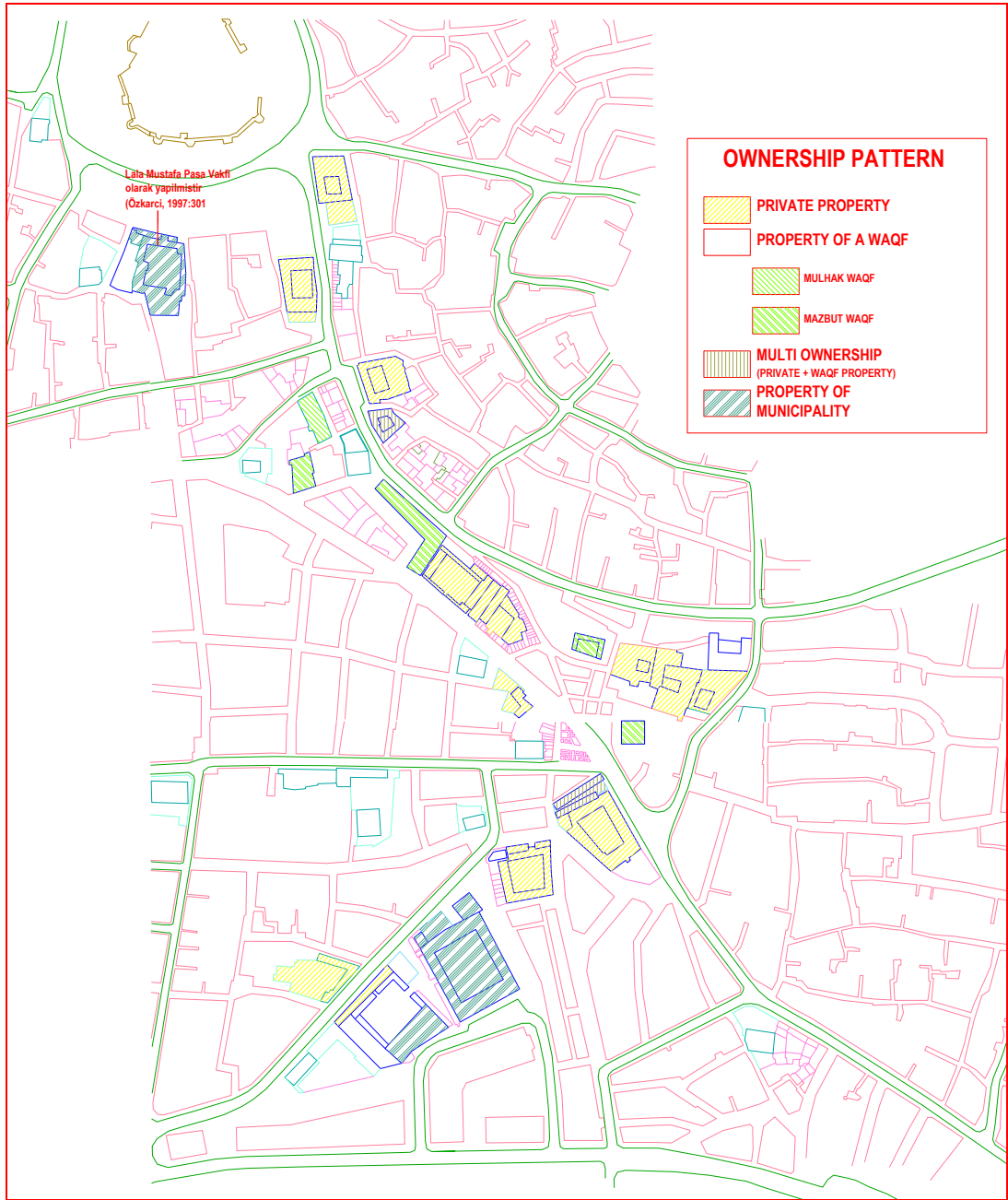


Figure B.14. Ownership pattern in the HCC of Gaziantep

Table B.2. *Vakıf* immovable cultural properties in the city center of Gaziantep

Vakıf Immovable Cultural Properties in the city center			
	Building Type	Ownership pattern	Name of the vakıf immovable cultural property
AKAR	han	<i>Mazbut Vakıf</i>	Anadolu Han Tütün Han Buğday Hanı (Eski Küçük)
		<i>Mülhak Vakıf</i>	Gümrük Han Yüzük Han (share)
	<i>Bedesten</i>	<i>Mazbut Vakıf</i>	Zincirli Bedesten
	Bath	<i>Mazbut Vakıf</i>	Şih Fetullah Hamamı
		<i>Mülhak Vakıf</i>	Keyvanbey Hamamı Tabak Hamamı
	Shop		17 unit
	Coffe house	<i>Mülhak Vakıf</i>	Tahmis Kahve
	Dwelling	GDPF	Dayı Ahmet Ağa Konağı
HAYRAT	Mosque		35 adet
	<i>Kastel</i>	<i>Mazbut Vakıf</i>	Pişirici Mescidi-kasteli Ahmet Çelebi Kasteli İhsanbey Camii Kasteli
	Tomb		1
	<i>Tekke</i>		1
	<i>Medrese</i>		1
	Church		1
	<i>Havra</i>		1
TOTAL			69 Building

The Legal Status of the HCC and the buildings: Registration and Conservation Plan

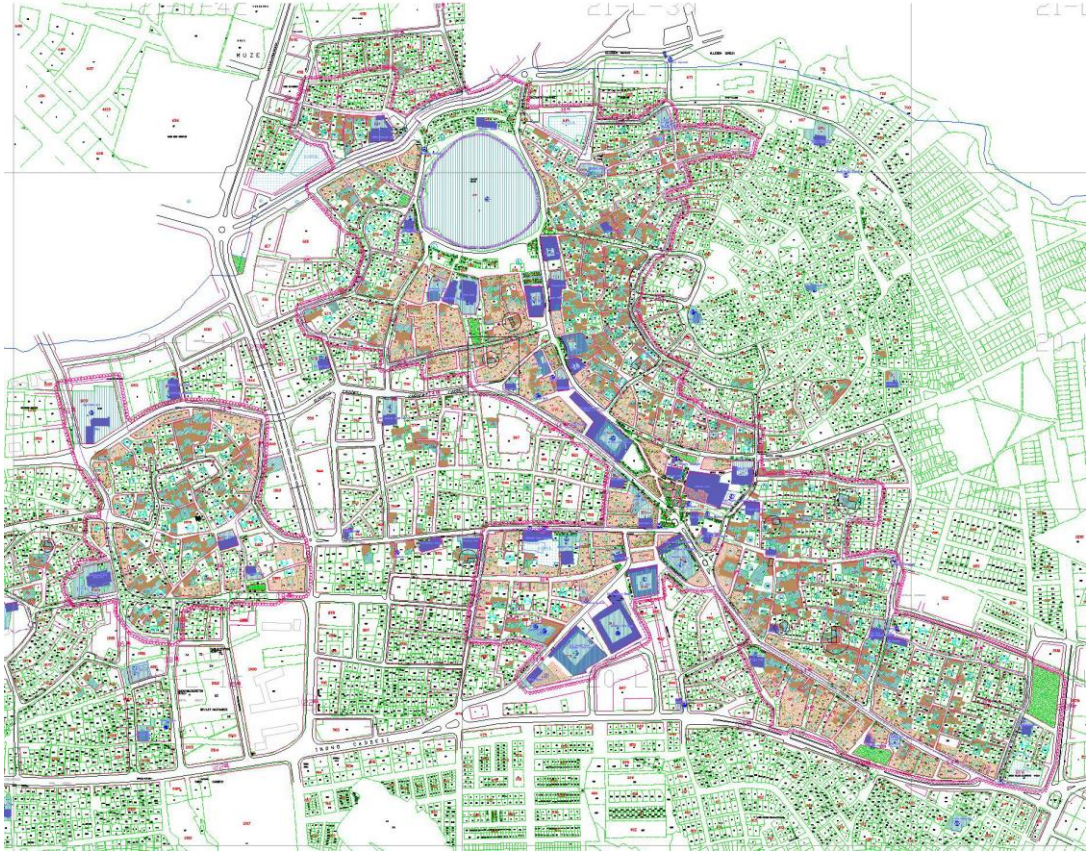


Figure B.15. Conservation Plan of Gaziantep

In the conservation plan which has been valid since 1992 there are two “conservation site” areas as it is seen at the above figure. The whole of the historical commercial area are found inside of the plan boundaries. And all of the commercial buildings have registered. In the plan decisions, there is not any suggestion for the conservation of the commercial area and commercial buildings except their “monumental buildings to be preserved” category. And also there is no any planning or management suggestions for the functions in the area, repair policy and stages, organizational and financial structure of the conservation in the urban scale and building scale.

Conservation Activities in the HCC

During the recent years most of the hans and *Bakırcılar Çarşısı* has restored and rehabilitated by GDPF, municipality and their owners. Nevertheless *Yüzük han*, *Emir Ali Han* and *Mecidiye Han* are still preserve their in bad condition. Although many conservation

implementations have been conducted in commercial area, the main problem of conservation of the immovable cultural properties in Gaziantep is the lack of conservation management and lack of a conservation master plan. Because the commercial area is composed of large scale han buildings most of which are used under capacity or with unsuitable functions. After the restorations the functionality of these buildings becomes important both for the conservation and economy.

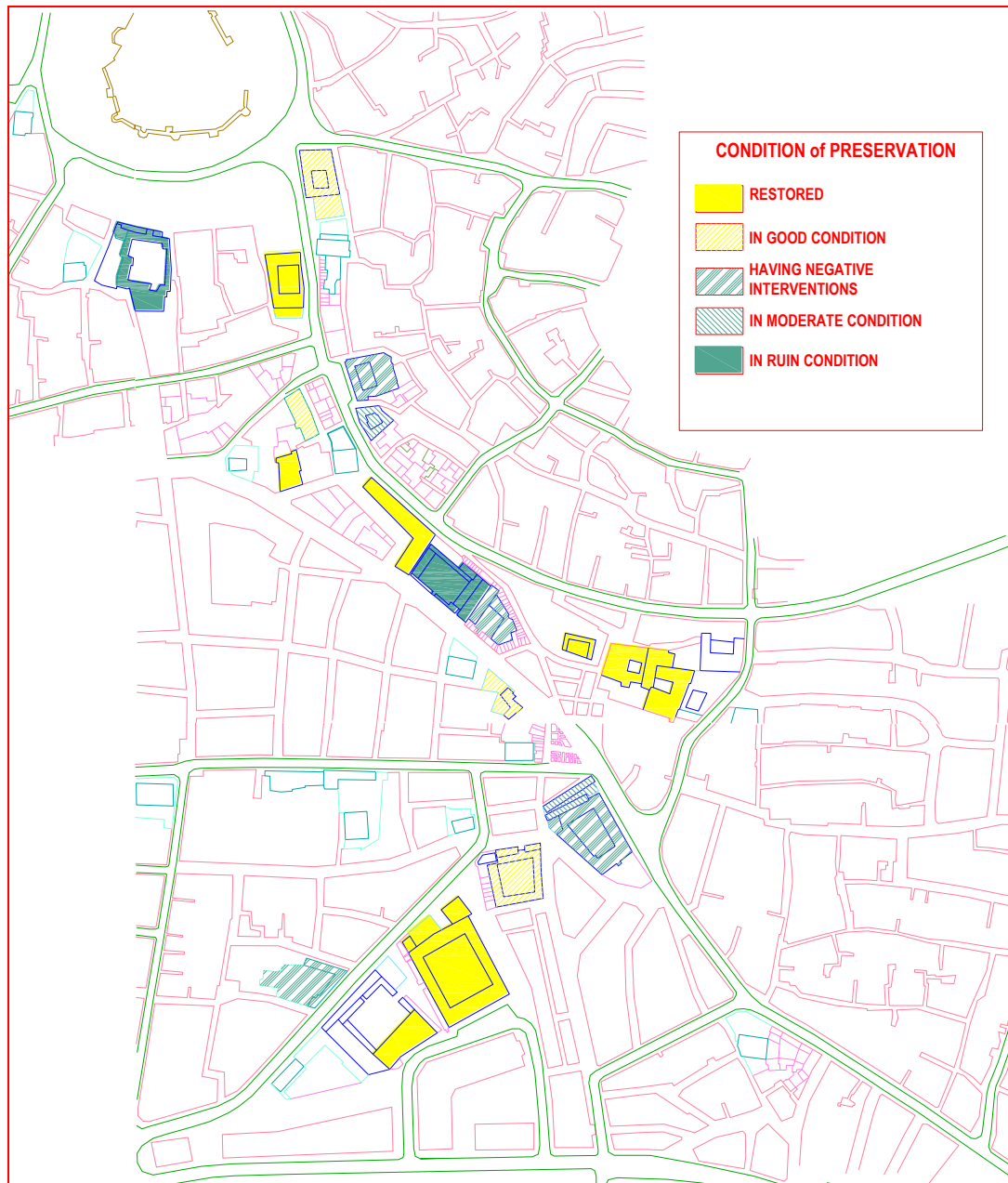


Figure B.16. Condition of preservation

Other conservation problems of the immovable cultural properties in the area can be classified as:

- Problems due to not being used. Besides the economical loss, the repair needs of the cultural properties gain speed. *Millet han* and *Şıra Han* have been empty for 5 years after the restoration.



Figure B.17-18. *Millet han* and *Şıra Han*

- Problems related with usage: under capacity, over capacity and unsuitable functions. *Emir Ali Han* is used as car parking area whereas over capacity use is seen in *Kemikli Bedesten*.



Figure B.19-20 *Emir Ali Han* and *Kemikli Bedesten*

- Wrong interventions and intentional damage to the cultural property. Although prison sentence was implemented to the individuals who did the intentional damage to the cultural property, the interventions and its damage to the cultural property are still exist on the buildings.



Figure B.21-22. *Mecidiye Han* and *Yeni Han*

In *Mecidiye Han*, the portico was demolished and portico was rebuilt with reinforced concrete. Also, the superstructure of *Yeni Han* was demolished and reinforced concrete floor was constructed and the roof of the han is used as car parking area.

APPENDIX C

GLOSSARY

Ağa: chief, master

Akar: real estates, endowment of a pious foundation

Akçe: the basic unit of the Ottoman money

Alacacilar Çarşısı: the bazaar in which mixed colored special type of cloths are sold

Arasta: shops of the same trade built in a row

Avârız: extraordinary tax

Bakırcılar çarşı: the bazaar in which cupper works are sold

Bedesten: the central building found in a bazaar where valuable goods are kept

Benna: builder

Beytu'l mal: stateowned property

Beytu'l mal emini: the official who controls the properties of the state

Bezirgan Çarşısı

Bina Eminliği Müdürlüğü: department in *Evkaf Nezareti* which is responsible for the acts related with construction

Câbi: collector of the revenue of a pious foundation

Çarşı: the bazaars, shopping district

Darülhuffaz: school where children are taught the Quran by heart

Dârüssaade ağa: the chief of the black eunuchs of the imperial palace, in charge of the sultan's harem

Darüşşifa: hospital

Derbent: fortified road station

Dirlik: revenue granted as living

Divan: council of state

Ebniye: buildings

Ebniye Meclisi: the council which is responsible for the construction acts in *Evkaf Nezareti*

Ecr-i misli: market value

Eski Kışla Çarşısı: old barracks bazaar

Evkaf: pious foundations, *vakıfs*

Evkaf-ı Haremeyn Nezareti: the institution responsible for the supervision of *Haremeyn vakıfs*

Evkaf(-ı Hümayun) Nezareti: the central institution of pious foundations

Evkaf-ı mazbuta: vakıfs which were administered by Evkaf Nezareti

Evkaf-ı mülhaka: vakıfs which were administered by their müteveli and supervised by Evkaf Nezareti

Fena-pezi: being in a bad condition

Fetva: a legal opinion of law issued by the *şeyhülislam* or a *müfti*

Hamam: a public bath

Han: a large commercial building housing merchants' entrepot and craftsmens' shops usually grouped around a courtyard

Hankah: dervish lodge

Harab: ruined, in ruins

Haraç Arazi: tribute land

Harameyn vakıfs: vakıfs which were located or donated to the holy cities

Hassa Mimari: architect belongs to State Architectural Office

Hayrat: charity deed of a pious foundation like mosque, *medrese*, *imaret*

Hazine-i Amire: one of the treasury of the state in *Tanzimat* era

Hazine-i Hümayun: state treasury

İcare-ı mü'eccele: earlier rent; rental, which is equivalent to the half of the market value of the property, and which is paid at the beginning of the renting process.

İcare-ı mu'accele: later rent; fixed amount of rental which is paid during the renting.

İcare-i tavile: a kind of long term renting

İcare-i vahide: short term renting

İcareteyn : long term renting in which double rent is required

İhtiyat Akçesi: reserve fund

İmam: chief of a sect, prayer leader

İmaret: 1. In Ottoman usage, a soup kitchen erected as charitable foundation for the distribution of food to the staff of the *vakıf* and needy, 2. a complex of public buildings and institutions supported by a *vakıf*

İnhidam: a being pulled down, demolition

İrsadi vakıf: vakıfs of which donated properties' origin belongs to state

Kadı: judge, governor of a *kaza*

Kalenderhane: dervish lodge of kalenderî sect

Kapuağası Nezareti: the department belongs to Kapuağas

Kastel: a special type of building related with water in Gaziantep region.

Katip: clerk

Kavaf Çarşısı: the bazaar in which shoes are sold

Köşgerler Çarşısı: the bazaar in which shoes are sold or repaired

Kuruş: piaster

Kurşuncu: lead roof repairer

Külliyeye: building complex

Mazbut Vakıf: vakıfs which are entirely administered by GDPF

Mazman Çarşısı: the bazaar in which saddles are sold

Medrese: muslim theological school

Meremme(a)t: repair(s)
Meremmetçi: restorer
Mescid: small mosque
Mevlevihane: a lodge of Mevlevi sect
Mezraa: arable field
Mihrab: pertaining to a mosque niche
Minber: a pulpit in a mosque
Miri: state owned
Miri arazi: *miri* land; land belonging to the state
Muaccel rent: rent paid in ready money
Muallimhane: lodge of the teacher or professor at a *medrese*
Muhasebe bilançosu - Muhasebe defteri: account book
Mukataa: rent paid to the vakıf for cultivated land
Müaccel rent: a fixed rent paid per monthly or annual
Mülhak Vakıf: vakıfs which are still administered by means of individual *mütevellîs* but under the supervision of GDPF
Müderri: a teacher or professor at a *medrese*
Münhedim: demolished, collapsed
Müstesna evkaf: vakıfs which belonged to veterans and/or ecclesiastics
Mütevelli: the trustee of a pious foundation
Nazır: the inspector of a *vakıf*
Naib: substitute judge
Neccar: carpenter
Nezaret: supervision
Örfi: customary
Öşür arazi: tithe land
Rahnedar: damaged, cracked
Reaya: the inhabitants who are paying taxes in the Ottoman Empire
Rûznâmecilik: a department in *Evkaf Nezareti* which is responsible for the repair acts
Saatçiler Pasajı: the bazaar of clock sellers
Sadrizam: the grand vizier
Sahih vakıf: vakıfs of which immovable and movable properties are owned by vâkıf
Sancak: subdivision of a province
Semerciler Çarşısı: the bazaar of packsaddle sellers
Sultan: ruler
Su yolcu: man responsible for maintenance of water conduits
Şer'i: pertaining to the religious law
Şer'i sicil: judicial records
Şeyh: head of a religious order

Şeyhülislam: head of the Ottoman ilmiye hierarchy of religious scholars

Şikest: broken

Tahtir: cleaning

Tanzimat: Administrative reforms

Tamir(at) : repair(s)

Tamirat ve İnşaat Kalemi : a department in *Evkaf Nezareti* which is responsible for the repair and construction acts

Taviz bedeli: a compensation given by the tenant of the property for taking the property in his own possession

Tecdid: renewal, to renew

Tekke: a lodge of a dervish order

Temlik: giving a land into the possession of a person by the permission of sultan

Temlikname: brief of ownership

Termim: repair

Tevliyet: appointment of a *mütevelli*

Timar: small military fief; a *dırlık* or grant of agricultural revenues valued at most 19.999 *akçe* from a specified portion of state land which was made over to a sipahi in return for military service

Ulema: the doctors of Muslim canon law, tradition and theology

Ulu Cami: great mosque

Vakıf: pious foundation

Vâkıf: the founder of a *vakıf*

Vakfiye: deed establishing and describing the purpose, incomes and administration of a *vakıf*

Vizier: a minister of the sultan and member of the imperial council

Zaviye: dervish lodge

Zeamet: large fief; a *dırlık* or grant of agricultural revenues valued at between 20.000 and 99.999 *akçe* from a specified portion of state land

Zeyl: appendix

CURRICULUM VITAE

PERSONAL INFORMATION

Surname, Name: Akar, Tuba
Date and Place of Birth: 1974, Adana
email: tubaakar@mersin.edu.tr

EDUCATION

Degree	Institution
M.Arch 2002	Middle East Technical University, Department of Architecture - Restoration Graduate Program Thesis: "The Historical Formation of the Traditional/Commercial Center of Adana and a Financial and Institutional Model for Preservation"
B.Arch 1997	Çukurova University, Department of Architecture

PROFESSIONAL EXPERIENCE

Assistantship:

2000 -	Research Assistant in METU (home university: Mersin University) The courses participated; <ul style="list-style-type: none">• Design in Restoration I, II, III• Historic Structural Systems• Administrative, Legal and Technical Aspects of Conservation in Turkey• Advanced Architectural Surveying• Principles of Restoration and Conservation
--------	---

Conference Papers & Posters:

2008	"Adana Belediye Oteli", Poster Presentation in DOCOMOMO_tr Türkiye Mimarlığında Modernizmin Yerel Açılımları IV, Poster Sunuşları, 26-27 December 2008, Bursa
2006	"A Social Survey For the Public Participation in the Conservation of Historical Commercial Center of Adana", Built Environment & Information Technologies 17-18 March 2006, 1st International CIB endorsed METU Postgraduate Conference, Ankara, p. 717-728.
2005	"1930'larda Bir Kent Mezbahası" (A Slaughterhouse in Adana in 1930's), Poster Presentation in DOCOMOMO_tr Türkiye Mimarlığında Modernizmin Yerel Açılımları II, 11-12 November 2005, İzmir
2005	"Sanat ve Mimarlık Tarihi Açısından Yapıların Çözümlemesinde Bir Yöntem: İncesu Kara Mustafa Paşa Külliyesi Medresesi", Assoc. Prof. Dr. Emre Madran-Res. Assist. Tuba Akar, Türkiye'de Sanat ve Mimarlık Tarihçiliği Sorunları Sempozyumu, 4-6 April 2005, Erciyes University, Kayseri, Turkey, in print.
2005	"The Role of Waqfs in Forming, Shaping and Preserving Urban Spaces: Historical Commercial Centers", The Uses of Waqf: Pious Endowments, Founders and Beneficiaries, seminar in Arabic Studies, 17-19 March 2005, The American University in Cairo, Egypt, in print.