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

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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

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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

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

Özet olarak, Klasik Osmanlı döneminde sonra vakıf sisteminin temel esasinin değişimi, vakıf yapılarının harap durumunun artmasını 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 oluşturmaya amaçlamaktadır. Vakıf sisteminin sürdürülebilir korumaya yönelik mevcut ve geçmişteki tutumlarının incelenmesi ve karşılaştırılmasını odaklanmıştır. Bu doğrultuda, vakıf sistemünün korumaya yönelik uygulanabilir yaal, yönetsel ve finansal yaklaşımların,
Yasal ve yönetsel 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
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To my loving mother and father
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ABBREVIATIONS

EU: European Union

GDPF: General Directorate of Pious Foundations

HCC: Historical Commercial Center

HCCCNP: High Council for Conservation of Cultural and Natural Properties

KUDEB: Preservation, Implementation and Control Bureaus

RCCCNP: 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

TÜİK: 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 Vakif Institution, which executed both the construction and maintenance activities of the period.

Vakif, in general, can be defined as the allocation of private property for the eternal use of public with the aim of religion and charity. 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 Vakif Institution. With the act of vakif, 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 vakif is primarily aimed. The continuity of the vakif, whose physical presence comes into existence with architectural spaces of various qualities, is ensured by the continuity of these spaces. Therefore, Vakif Institution takes the repair of buildings as the primary stipulation in its legal, administrative and financial organization, which provides the operation of the system.

Vakif 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 vakif system in time, and maintenance of vakif buildings whose vakifs did not operate sufficiently due to lack of income or being extinct. Before the westernization period, vakifs 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

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1 While only the general meaning and basic information on vakif are given here, the term "vakif", 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 vakif slowly vanished and at the end Evkaf Nezareti is defined as the destroyer of the vakifs, 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 vakif system and which belong to mazbut or mülhak vakıfs² 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 vakif-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 vakif system, is far from the main and primary principle of old vakif 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 vakif 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 vakif system, GDPF has a potential role in defining and undertaking the conservation policy of the country's immovable cultural property.

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² Mazbut vakif and mülhak vakif, are the vakıfs which were founded before the civil code dated 1926. According to the Vakif Law no 2762 dated 1935, while mazbut vakıfs are administered by GDPF, mülhak vakıfs are administered by their mütevellis 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 architecture, 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 “vakif based immovable cultural property” is used to indicate all of the immovable cultural properties which were constructed through the vakif institution, regardless of their current ownership. Detailed explanation is given in Chapter 4.3. p:126.
At another level, some part of the vakıf-based cultural properties is currently under another ownership apart from the vakıf system due to the reasons such as being sold or being allocated to various public institutions and foundations. Nevertheless, major part of the vakıf-based cultural properties belongs to GDPF.

Besides the complexity in the ownerships of the vakıf-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 vakıf system that suggests continuous maintenance and simple repair. In an opposing manner, GDPF’s approach is more comprehensive in its repair of vakıf 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 vakıf and most of which are now accepted as cultural property, provided their continuity with the concept of vakıf system, which base on the repair of the buildings for continuity of the vakıf 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 vakıf system and the absence of the continuity of monetary funds are seen as the contemporary problems in the conservation of vakıf-based cultural heritage.

1.2. Aim and Methodology of the Study

As pointed out above, vakıf 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 vakıf 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 vakıf institution after the Tanzimat period caused increase in the ruinous condition of the vakıf buildings due to lack of efficient repairs. Also in the Republican period GDPF has not played an important role in the conservation of vakıf-based cultural heritage in Turkey although the vakıf culture that it has inherited played such an active role in the repair of

5 The term “classical vakıf system” refers to the vakıf 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 vakif system and protected by this system for many centuries can be preserved through adapting the positive sides of the vakif system into the current mechanism”. From this perspective, this thesis aimed at forming a model for the conservation of vakif-based cultural properties that is based on the positive sides of the classical vakif 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 vakif-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 vakif system. Furthermore, this model only includes the vakif properties which have cultural property qualities. These are the vakif properties belonging to mühlak vakif, mazbut vakif 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 vakif system and detailed approach of the vakif 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 vakif institution and current legal, administrative and financial mechanisms for the conservation of cultural properties are analysed in detail.

The changes seen in the vakif organization throughout history necessitates to examine the vakif institution based on two criteria: “period” and “theme”. In this case the theme of vakif institution is separated into two parts: the first part is about the general framework of vakif institution while the second part is on the the relation of the vakif institution and the conservation acts. Both parts, with the change of vakif institution in history are separated into subtitles and analysed. Nowadays, vakif institution with its versatile composition in many disciplines, such as history, law, economics, philosophy, theology, architecture etc. constitutes various research topics. However, throughout the thesis, vakif 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 vakif institution and conservation activities have special importance. By taking into consideration the organizational change of vakıfs, the vakif 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, vakıf institution and conservation activities are studied with its legal, administrative and financial aspects under the three main period of the vakıf institution.

The aim of this thesis is not only to construct a theoretical model, but also to evaluate current problems and potentials of vakıf-based cultural properties. In order to propose a model including the correct attitudes, the data coming from the problems and potentials of the vakıf-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 vakıf-based cultural properties with all kind of problems and potentials are examined. These areas are important in terms of including two different types of vakıf 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 vakıf, which are under the administration of the GDPF, and some of them are mülhak vakıf 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 vakıfs but became private property through selling6.

The conservation problems of the vakıf-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 vakıf-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 vakıf-based cultural properties, and at a more general level, they are used in order to design the proposed model for the conservation of all vakıf-based cultural properties.

In other words, it is aimed to form a model in the conservation of vakıf-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 vakıf-based cultural properties and by adapting the
positive sides of the classical vakıf system into the current conservation mechanism of vakıf
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 “vakıf” 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 İnalcık (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 vakıf legislation
- **Secondary Sources**: Published bibliographic sources related with vakıfs, vakıf
  institution, the sources observing vakıf legislation, the sources related with Ottoman
  history, state’s financial and administrative structure and its applications, sources
  observing vakıf 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, vakıf 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 vakıf, witnesses and kadi that include information on the vakıf’s identity, aim, possessions, the staff that will work there and determine the expenses. Within this thesis, the stipulations for conservation of buildings in vakfiyes are evaluated initially. In vakfiyes, there are prerequisites determined by the vakıf 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-ı Evkaf* written by Ömer Hilmi Efendi in the 19th century, which includes decisions about vakıfs. 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 comparision 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

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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 vakif institution and conservation activities is evaluated, the positive and negative sides of the classical vakif system and GDPF’s conservation of vakif buildings are compared, current physical and organizational problems and potentials of vakif-based cultural properties are examined.

This is followed by the fifth chapter entitled “A New Model For Conservation of Vakif-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 vakif-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 vakif-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 vakif 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 subject. Köprülü (1942:7-10) compares the characteristics of

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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 foundation\textsuperscript{10}, stresses out that Byzantine effect is very strong about the \textit{vakıf}'s origin by considering the interactions of Byzantine and Islam cultures and doesn't think of the \textit{vakif} directly as Islam-based. Öztürk (1983:40) who mentions that charity works take place in every society, states that \textit{vakif} institution has developed with Islam. Akgündüz (1996:67), on the other hand, accepts the attributes to the \textit{vakif} directly as Islam-based. However, as culture is a matter that needs continuity, it's possible that \textit{vakif} understanding in Islam has adopted some principles of \textit{vakif} and \textit{vakif} sort, which was seen in other cultures and adopted this to its own Islamic rules (Köprülü, 1942:11 – Yediyıldız, 1986:155).

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

Before the Ottomans, the \textit{vakif} institution was also effective in Seljuk and Principality period in Anatolia. It is seen from the \textit{vakif} documents that communal services such as religious, education, health, trade etc. were carried out through \textit{vakıfs} also in these periods in Anatolia\textsuperscript{11}. From Yüksel’s study which is based on 74 \textit{vakif} documents from Anatolian Seljuks, the \textit{vakıfs} of the mentioned period owned 14 mosques, 17 mescids, 30 \textit{zaviye}s, 12 tombs, 15 \textit{medreses}, 2 schools, 2 libraries, 2 \textit{imarets}, 6 fountains, 4 caravanserais, 23 \textit{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 \textit{vakif}.

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

\textsuperscript{11} It can be seen in some \textit{vakıf}ye\textsuperscript{s} which were published. For instance Celaleddin Karatay, the sultan of the Seljuks, had a \textit{vakif} including a mosque, a \textit{medrese} and a caravanserai (Turan, 1948). Şemseddin Altun Apa’s \textit{vakif} was composed of a \textit{medrese} and a caravanserai (Turan,1947a), and Mübarizeddin Ertokuş had a \textit{vakif} including a mosque, a \textit{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 Bayburtluoğlu-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 vakif institution which was constructed and used before themselves by the Turkish-Islam period in Anatolia.

Vakif 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 vakif 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 vakif 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 vakif institution. By taking this into consideration, the operation of the vakif institution in the Ottomans is tried to be surfaced with given to emphasis on the underlying conception of the vakif of forming and conserving the spaces.

2.1.1. General Features of the Vakif Institution

Definition of Vakif

There are some definitions of vakif which are based on vakif concept due to the applications in the Ottoman period. The legal definition of the vakif 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”\(^\text{12}\). Another definition of vakif is done by Yediyıldız (1986:154) as vakif “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 vakif act are;

- vakif is an individual enterprise,
- individual property is donated for the public welfare forever\(^\text{13}\).

\(^{12}\) “menfaatı ibadullaha ait olur veçhile bir ayn, Cenabı Hak’kun mükü hükmünde olmak üzere temlik ve temellüktü mahbus ve memnu kilmaktır.”

\(^{13}\) 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 vakif can not be changed to a private property again after the declaration of the vakif (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’s welfare came into existence with some spaces. Vakifs 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, vakifs 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 kadi. Vakfiye, which was generally written on paper or parchment, sometimes was also written on stone blocks and put on the vakif building. It’s possible to divide the structure of the vakfiye into seven parts (Yediyıldız, 2003:4-5). Signature and stamp of the kadi, after the prayer and identification info of the vakif, 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 Jerusalem, were servicing

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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. 

Vakfiyes, basically are general drafts for the operation of the vakif 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 vakıf is to provide the long-existence of the vakif 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 vakif was also thought by the vakıfs. 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 vakif made little alterations in order to meet these changes without changing the main aim of the vakif (Singer: 2004:12). Furthermore, kadıs and şeyhülislams also applied some alterations, which were beneficial for the vakif, without changing the mission of the vakif (Imber, 2004:162-67).

Qualifications of the Vakif 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 vakif were and what these benefits were. Founder of the vakif, namely vakıf, should have the jurisdiction of owning the property subjected to vakif and founding a vakif, 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 vakif 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 sadrazam (grand viziers), viziers, beys and commanders. In the researchers, 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 17th 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 vakif 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 vakif 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 vakif.
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 statue 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 vakif, 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 vakif by means of public policy. 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

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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 administrational aspect of the vakıf should be appropriate and accurate. Vakıf institution, which was very far from a central

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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 tımar system in the 17th century, some part of the tımar 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. Yedilyıldız (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 vakıfYES.
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 vakıf. 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 kads. 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 vakıf 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 vakıf 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 vakıf was composed of an administrative part called tevliyet (administration) and a controlling part called nezaret (supervision). Mütevelli was the head of the vakıf administration. Mütevelli was responsible for conserving the vakıf against corruption, spending the incomes in the most efficient way in accordance with the articles of the vakfiye, controlling the vakıf employees and maintaining the functioning of the vakıf activities as stated in vakfiye (Yediyıldız, 1981-82:177). Usually, vakıf was the first manager of the vakıf, later a mütevelli was assigned by kadi in accordance with the conditions specified in the vakfiye. While many vakıfs conditioned that their own descents or close relatives could serve as mütevellis, some of them preferred that a kadi or nazır could designate the mütevelli. 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, vakıf would live for long years. Here, mütevellis’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 vakıf works truly as this person would be responsible for administering the all movable and immovable properties of the vakıf and controlling every economical activity.

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

22 Ratio of being mütevelli among the vakıf, 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 kadi 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-i mütevelli) would be designated by kadi, if required\(^{24}\). 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 vakif, cabi is, on the other hand, was responsible for collecting the vakif’s income. While mütevelli could undertake all the responsibility and fulfill all the duties in a modest vakif, in large scale vakifs or in vakifs 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 vakif\(^{25}\).

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

While vakifs were administered by the mütevelli and supervised by the nazır, 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 vakif could administer each other for various works or had the right to interfere with the works of mütevelli and nazır in order to maintain the welfare of the vakif.

Vakfiye covered the articles like the quantity of the personnel and their wages besides identity and selection of mütevelli and nâzir. While imam, müezzin, müderris, muallim, feraş, bevvap used to work in vakifs, also employers\(^{26}\) like plumbers, kurşuncu, carpenters and architects might be employed. While vakif 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 vakif works or maintain a case that belonged to the vakif, if the mütevelli had been under age, or if the mütevelli had gone to a journey without leaving an asistant, or hadn’t been available (Akgündüz,1996:313-314).

\(^{25}\) Generally the vakifs, which belong to high class bureaucrats, the vakif 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” or “müessesat-i 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” 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 permanence (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) land. The

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27 “aynıyla intifa olunan”
28 “ayrıyla intifa olunmayan - geliri ile intifa olunur”
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 donor (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 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. 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 (Yediyildiz,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 property.

Anatolian and Rumel 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:

- Arazı-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 stateowned lands in accordance with the law, lands called as arazı-i ışınya and arazı-i haraciyye.

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

- Arazı-i Mevkufe: vakıf lands

- Arazı-i Mıtruke: lands which are given for the public use like roads, grassess.

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


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 dirlıks were allocated to the military or officials to meet their service or expenses of their service. Dirlıks 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 dirlıks 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, İlal,2003:111-123, İmber,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, “beytül mal”. Therefore, there were employees called “beytül 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 seperately. 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 ırsadi vakıfs (gayri sahih vakıfs). Vâkıf owns the movable, immovable and the cash in the sahih vakıfs. In ırsadi 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. Vâkıf 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 ırsadi vakıfs. Among the vakıfs founded in the 17th century, 21.08% of them were semi sahih -semi ırsadi vakıfs, 10.68% were ırsadi 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 vakıf used to allocate the all income of the vakıf to his establishments, his family or he didn’t benefit from the income. In the family vakıfs income of the vakıf is allocated to the family or to the founder. In the semi-family vakıfs, founder of the vakıf and his family used to take place in the administration of the vakıf 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 vakıf’s income. Basically, as the vakıf 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 vakıf institution which provided both tangible and moral benefits at the same time, was a very important income source for the founder of the vakıf and his family. However, it can be said that institution did not just aim for the individual benefits but it also aimed for the individual and public benefits at the same time.

Vakıf Incomes

In the vakıf 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,

\[\text{Decay of the family vakıfs from 33\% to 7\% is an example to this.}\]

\[\text{The quality of the incomes of the vakıf and its relation with the conservation are examined in detailed in Chapter 2.2.1.3. p: 43-54}\]
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, employment and their incomes were being used for different purposes by the state.

Basically, it can be said that chairs representing the state were encouraging for establishing small-scaled vakıfs other than the sultan and vizier vakıfs. Kâdis 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 vakif income sources. This shows that act of establishing a vakif 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 era, 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 caravanseraies were operated under the vakıfs. 121 teacher, 3756 religious officials and 3299 şeyh, student and mütevellis 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 vakif’s 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.


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 Çivicizade, 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 avanız vakıfs\(^{40}\) which were established for a specific village or a neighborhood or trades boxes that tradesmen had prepared among themselves\(^{41}\). 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 repairs\(^{42}\) 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 vakif, vakif 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 vakif properties was renting. Duration of the renting process and rentals were the elements that identify renting procedure. Renting procedures of the vakif 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

\(^{40}\) Avanız 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 necessities, the repair of pavements and water installations which were under the common use of the society, were executed (Ömer Hilmi: mesele36). As the term avanız 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 “otyam boxes” which were formed by the Janissaries and “etyam boxes” that were formed for the orphans other than the boxes of avanız vakıfs and trades boxes. For more detailed info, see. Özcan, 2003:80-87.

\(^{42}\) Ergin, 1985:680-81. 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 kurşun were spent under the repair heading and 150 kurşun 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.
applied in the 17th century was for the repair of the vakıf 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, vakıfs gave special importance on the renting procedures in vakıfiyes. 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 vakıfiyes 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 kadın and mütevelli in accordance with the principles that vakıf had specified. In the large scaled vakıfs, in other words, vakıfs that were owned by the sultan, his family or high level governors like sadrazam, 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 century 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 mechanism and they couldn’t be repaired (Oztürk,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 administrational 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 temlik’s 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 Yediyildiz,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 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 lands.46

**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 administration.47 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 structure 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

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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 entrepreneur ship of the external political effects for gaining estates in the Ottoman lands.


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 Vazaili” 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 1845. Consequently, with the directors designated from the central organization, the administration of the provincial vakıfs had started (Öztürk, 1995:84).

Regional organization, 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 founders. 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 state. 57% of the vakıfs that were founded in the 19th century were cash

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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-ı Amire (Hazine-ı 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 vakıf 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 vakıf’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-Kıskıla-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).

53 Öztürk 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 nazir 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 evka frontal 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

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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 out\textsuperscript{55}. 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 individulas 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

\textsuperscript{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 vakıf institution into an inefficient organization which couldn’t fulfill its tasks as it should have done.

In the Ottoman era, vakıf 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 vakıf a task of protecting its properties and perpetuating them forever. Consequently, vakıf institution formed the necessary regulations for the continuity of the vakıf, and the continuity of the spaces, which would fulfill this task.

Within the vakıf institution, which was institutionalized with Evkaf Nezareti, the remaining vakıf buildings were in ruins as the major part of the vakıf institution had become extinct, or its income sources weakened/destroyed or it weakened in administrational terms. As the vakıf 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 müthak 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 vakıf institution have the concept of conserving these vakıf 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 extend. 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 etc. 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 kadi 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 kadi 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 reconstruction. 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 material. 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 muhtaça (require of cleaning), tamir ve termime muhtaça (require of repair), meremmate muhtaça (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-il gaye harab (extremely ruined), münhedim (collapsed), külliyen münhedim (completely collapsed), kabili tamir değil, muciddeden binaya tecdid muhtaça (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-i kadim üzere tecdid” (rebuilt according to its former condition), ”enkaž-i mecvedeyle tecdid” (rebuilt with its materials) or ”nakzyila 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, vakıf 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 vakıf, along with symbolizing the continuation of political administrative power (Singer, 2004:191). For these reasons, repair of vakıf buildings were primarily supplied by vakıfs and the legal (terms determined by vakıfiye), administrative and financial infrastructure established by it, while the state had an important role in ensuring repair of vakıf buildings through legal rules carried out by judgmental system, supervision and financial support where necessary and users of vakıf buildings by means like complaints, financial support.

As a matter of fact, the relationship of vakıf institution with repair activities has been observed since the beginning of vakıf act, such that some vakıf 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 vakıf. Vâkıf 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” in his vakıfiye. Addition of an existing building to vakıf by repair is handled not only in hayrat buildings, but also by providing repair of a profitable building or by repair and construction of a ruined building without a valid function to use for a different purpose. A functional or non-functional ruined building, being the subject matter of a vakıf by its repair shows that the usage potential of buildings were evaluated by vakıfs.

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 vakıf. This is present in the vakıfiye, which symbolizes the establishment of the vakıf 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 vakıfiye 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 vakıf founders in the 17th century is 3.45% within the total number.

59 The vakıfiye of Baradoğlu Mığdıs who founded a fountain vakıf in Gümüşhacı village (Kunter, 1938:120)

60 In 17th century a han which belonged to a vakıf 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 Hürrrem Sultan vakıf in Jerusalem.
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 expenses. Furthermore, there were also different applications in the vakfiye, which stressed out that repairs could be held when necessary. 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 present. 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 vakif law. Even though vakif 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 vakif law and it was expressed that the repair of the vakif 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 vakif 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 vakifs, 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 vakif institution has always had the idea of repair and maintenance. Moreover, vakif didn’t just condition the repair of a hayrat that belonged to his vakif 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 society. Basically, the fact that the repair of the pavements in front of the vakif buildings was the sole responsibility of the vakifs, was also observed in the decree which was written

63. After the vakif had stated the wages that would be given to the vakif personnel in the vakfiye belonged to Fetullah Efendi bin Abdüllatif vakif dated 971 H./1563-4 M, and said that “...the remaining amount is kept by the judge of the district and the mutevelli and it is used for the repair and maintenance of the vakif.” (“...bundan sonra artarsa beldenin hakimi marifet ile mutevelli onu zapteder ve onu israf yapmaksızın ve fazla kismaksızın vakıfn 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 vakif buildings needed a repair, it would be spent from the vakif’s income sources” (“...medresesi mezkurelerin tamir ve terimini iktiza ederse evkafı mezkure gallatından 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 Alioğlu 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 mühendim olur ise ihyası birvechile kabî olmaz ise haremeyle şerfeyn fukarasa vakif 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 sultanı Ataullah Efendi, dated 979 /1571-2, it was conditioned that, “…repair of the fountain of Cennet Hatun who is from my country…” (“...Yeni Mahallede hemsiresi Cennet Hatun çeşmesinin tamiri...”) and “…and the repairs of the distorted roads and the pavements will be done by the supervision of the judge, mutevelli and the nazır...” (“...ve yine fazladan hakim, mutevelli, nazır marifetile bozuk yollann kaldırımlarının yapılması...”) with the remaining vakif 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 *mütevelli* 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, *vakıf* 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 *mütevelli* and the *vakıfs* and the incomes, expenses, renting and other elements of the *vakıfs*, which were under the responsibility of the *muevelli*. 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 *kadıs* 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 Abdülkadır 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 halelden korursa...onun mükafatını...Ulu Allah versin...”)  
- In the *vakfiye* that belonged to Murad II, dated 1456 M., it’s stated that “…it cannot be permissible for none 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 vakıf bozma, eksiltme, değiştirmek, ihmal etmek ve âtif hale getirmek h fatal olmaz..kim...hayratının tahrip edilmesi...için uğrası ve çaba gösterirse Allah’ın gazabına uğrasın...”).
Edirne and one of them was in Bursa as there were many vakıfs in these cities\(^{68}\) (Karal, 1976:138). From the 27 courts which were located in Istanbul, Evkaflı Hümayun Mufettisliği and Istanbul Evkaflı Muhasebi were just accepting vakif cases (İpşirli, 1996:37). Evkaflı Hümayun Mufettisliği court, which was responsible for dealing with the vakif cases starting from the beginning of the 17th century till the Republic period, was also responsible for preparing the cost estimation of the vakif buildings (Sahillioğlu, 1973:136). Therefore vakıfs, which were administered by the regulations stated in the vakıfye, 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 vakif 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 vakif as a separate legal body. As the canonical laws also accept, conditions that are mentioned in the vakıfye are mere effective regulations and cannot be changed\(^{69}\). Such that, mission of the vakif cannot be changed and transfer of income between vakıfs cannot be applied without the consent of the vakıf (Ömer Hilmi\(^{70}\): 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 building. Generally, requirement for a vakif 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 vakif buildings, the probability of ruining the vakif buildings and harming the vakif 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 vakif sources was that incomes and the expenses of a vakif was spent in that fiscal year, in other words, annual fiscal budget was prepared. Wages of the workers

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\(^{68}\) About this topic, Ergenç tells that Faroqhi had attributed to these courts as private courts, but he mentions that this attribution is wrong, and there were designated inspector kadıs who were responsible for attending the vakif cases, and mentioned in his unpublished proceeding that there wasn’t such a thing as private courts in the Ottoman Empire era.

\(^{69}\) According to the Islamic law, vâkıf’s 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 vakif, and also opposed with the legal terms, even though they were conditioned by the vakıf, it was laid down by şeyhülislam that kadı could cancel these laws and regulations (Imber,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 vakıf buildings, by prohibiting the changing of vakıfs’ mission, prohibiting the source transfer between the vakıfs, 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 mutevelli 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 mütevellli with proper action by getting the kadi’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 kadi and saving is practiced with the approval of the kadi. Saving was practiced for the expenses other than the repair expenses, kadi had the right to stop or lessen paying the wages or donations\(^1\) 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 vakıfs maintain their functionality and protect the vakıfs’ 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, mutevelli had to pay it back. Vakıf 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 kadi and personnel and vakıf 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,

\(^1\) 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 kadi 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 mutevelli, there wouldn’t be any deductions in his wage as he was very important for the administration of the vakıfs.
the conservation of vakıf building both for the vakıf 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 vakıf buildings and provided the application of these regulations by kadıs.

2.2.1.2. Administrative Aspects and Repair Process of the Vakıf Buildings

Repair process of the vakıf 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 events\(^{72}\) 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 vakıf 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 vakıf building. Mütevelli was the first person that was determining the repair\(^{73}\). Then, workers in the vakıf 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 vakıf 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 vakıf buildings and all other buildings except vakıf buildings. The first group covered mütevelli who was also responsible of the repair implementation, nazir, vákıf, kadi 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 mütevelli 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 vakif would also benefit of the people who were using it. This was mentioned as a pushing power in the conservation of the vakif buildings.

Legal repair process\(^{75}\), which was starting with notifying the kadi, continues with consent of the kadi, then the preparation of the first cost estimation and the repair report in some cases, followed by giving of these documents to the kadi. Then the kadi used to apply to the divan with cost estimation and repair report. Divan approves the cost estimation and reports the approval to the kadi. Later, the kadi 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 the kadi. First and second cost estimations are matched upon by the kadi and it is reported to the mütevelli.

During the repair process, mütevelli who was the administrator of the vakif 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 source\(^{76}\) 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 work\(^{77}\) 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 vakif in some vakifs and their wages were mentioned in the vakfiye. Furthermore, for the intense repairs of the sultan vakifs, architects belonged to hassa ocağı were also working other than the repair personnel designated by the vakif. 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 vakif buildings taken from Madran’s (2004:45-63) study.

\(^{76}\) While akars of a modest vakif were located generally in that district or near surrounding, in large scale vakifs like vakifs 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 vakif 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 *vakif* (Bakirer, 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 *vakif* 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 *vakif*, 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 *vakif* buildings, was divided into two categories in the *vakif* 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 *vakif* 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 (Bakirer, 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 *vakif* 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 souces which was coming from the akars. Yediyıldız (2003:95-121) based on the 18th century vakifs, 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, yali, 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 vakifs’ incomes and the 38% of the 18th century vakifs’ incomes were composed of the rentals and incomes coming from the buildings and enterprises. It is mentioned in Barkan's (1963:253) study that income sources of the Ayasofya Cami and Edirne Eski Cami vakifs 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 vakifs 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.

Quantity and quality of the income sources used to vary according to who the founder was and the magnitude of the vakıf. In other words, a vakıf 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 vakıf's assets, it also introduces the idea that it might be raised as a solution that would protect the vakıfs 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 incomes, decrease of the yield, insects and droughts could affect the output from the agricultural lands, and inflation could also affect the vakıf'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 vakıf incomes and conservation of the vakıf buildings.

79 Inefficient use of the Esir caravanserai, which was counted between the income sources of Istanbul Ayasofya Cami vakıf, 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 16th century in Trabzon, there were decreases in the rentals of the caravanserai and baths that belonged to the vakıfs 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 vakif incomes in the 17th century (Yüksel, 1998:120) and 32% of the income sources in the 18th century was coming from the vakif 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 vakif buildings while sometimes akar incomes were chosen in order to repair specific buildings. Like in this case, vakif’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 vakif buildings was ihtiyat akçesi application. 10 akçe 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 Maralı İskender oğlu Hacı Bayazid, 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 repairs. İhtiyat akçesi was also enhanced by the vakif law. Even if the vakif 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 vakif incomes.

Transfer of the vakif incomes to the repair of the vakif 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 vakif and its periods' social and economical structure. Furthermore, as these documents covered detailed info about the transferred money for the repair of vakif buildings, materials to be used and employment wages, they were helping to define the vakif’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 vakif.

81 GDPF achieve, notebook no:1966-150-166.
buildings regularly. When the Barkan’s (1963b) article which is about the account books of the Ayasofya vakif 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%.

This is inevitable for a vakif 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 vakif’s income.

It’s possible to monitor the vakif’s transfers and spending for the repair expenses throughout the account books including 250-300 years recordings. As it’s evaluated in the 172 recordings of the Süleymaniye vakif 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 vakif 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 Vakif

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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 vakif 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.

![The ratio of repair expenses in overall expenses in Süleyman Paşa Vakıf](image)

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 külliye 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, külliye buildings again went though 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 kuruş while if it’s constructed in wood it will cost 8.332,5 kuruş...”
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).

The ratio of repair expenses in overall expenses in Bursa İvaz Paşa Vakıf

<table>
<thead>
<tr>
<th>Year</th>
<th>Repair Expenses</th>
<th>Overall Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1553</td>
<td>23.1%</td>
<td></td>
</tr>
<tr>
<td>1559</td>
<td>17.2%</td>
<td></td>
</tr>
<tr>
<td>1560</td>
<td>9.7%</td>
<td></td>
</tr>
<tr>
<td>1561</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1561</td>
<td>23.5%</td>
<td></td>
</tr>
<tr>
<td>1568</td>
<td>17.2%</td>
<td></td>
</tr>
<tr>
<td>1574</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1607</td>
<td>75.0%</td>
<td></td>
</tr>
<tr>
<td>1607</td>
<td>17.2%</td>
<td></td>
</tr>
<tr>
<td>1608</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1610</td>
<td>9.7%</td>
<td></td>
</tr>
<tr>
<td>1630</td>
<td>23.5%</td>
<td></td>
</tr>
<tr>
<td>1631</td>
<td>0.0%</td>
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</tr>
<tr>
<td>1639</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1763</td>
<td>23.5%</td>
<td></td>
</tr>
<tr>
<td>1815</td>
<td>17.2%</td>
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<tr>
<td>1819</td>
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</tr>
<tr>
<td>1825</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1826</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1830</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1832</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>1838</td>
<td>0.0%</td>
<td></td>
</tr>
</tbody>
</table>

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. Mütevellı 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 buildings. Another procedure was that the mütevelli could borrow some money for the repairs. If the vakıfye 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 kadımı üzere kârgir olursa 10.252 kuruşa ahsaptan 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).

66 Mutevelli of Hürrem Sultan vakıf, located in Jerusalem, other than their wages in exchange for their tasks in the vakıf, also were the owners of zemäet, which showed that they possessed major incomes sources. These rich mutevellis, 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 vakif, 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 vakif 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 vakif, were given to the use of the descendants or to the vakif 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 vakif. 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 vakif (Kunter, 1938:126). When the repair expenses were under the responsibility of the vakif, and the vakif 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 vakif 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 vakif’s incomes primarily. When the vakif 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 *vakıf 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 *vakıf* 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 *vakıf* 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 *vakıf* building was in ruins and the *vakıf’s* income wasn’t enough to the repair, it was legally stated that *mütevelli* 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 *vakıfs* and instead it was dangerous and harmful for the *vakıf* institution as the result of the abuses of *mütevelli* 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 *vakıf* by repairing or reconstructing the *vakıf* buildings, which were in ruins. Primarily, the repair of the *vakıf* 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. Tennant, 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*.  

51
Akar which was rented with the icareteyn, had to be repaired by the vakif 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 vakif buildings was harmed by loosing of incomes.

Another case which was generally observed with the icareteyn way of renting and which effected the vakif building’s conservation was the common use of the vakif akar. This let the buildings be separated 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 kadi and the mütevelli and then could start the repair with his own finances and benefited from the vakif akar alone until he was equaled the amount of the other shareholders (Ömer Hilmi: mesele 242-243).

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

Vakif personnel, local people and some charitable persons who were also benefiting from the vakif 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 repair. In this situation, even if the vakif had the enough source of income to meet the expenses, the beneficent person could meet the expenses according to the vakif 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 vakif didn’t have enough income for the repair of the hayrat buildings (Akgündüz, 1996:403). When the vakif 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 Hazine-i Hümayun with the approval of the sultan, Mustafa III. as the Fatih Vakıf didn’t

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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 vakif. If these conditions were met, the secretion was applied with the consent of the mütevelli and approval of the kadi (Ömer Hilmi:mesele 227).

89 For instance in 1692, mosque which belonged to Ahmed Fakih vakif located in Konya needed repair, and as the vakif didn’t have the enough income, the chief of the vakif’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.

In conclusion, the financial sources for the repair of the vakif 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 vakif itself primarily but when the vakif didn't have the enough income, state, local people, charitable persons and even the vakif personnel could pay for the repair expenses and

Figure 2.6. Repair of vakif buildings
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 vakıf buildings, and formed a supervision right over vakıf’s administration, repair process and financial sources with various regulations. Therefore, in order to destroy every obstacle that could prevent the vakıf 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 vakıfs and their permanence.

Most important elements of the conservation of the vakıfs 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, icaretayn procedure, although it was applied for the repair of the vakıf buildings and had benefited the vakıfs in a short-term period, it was a negative effect on the vakıfs as it was the reason for the deductions in the vakıf incomes in long term. Furthermore, as the mutasarrıf who had the right of disposal of the akar rented with icaretayn, these vakıf buildings were diverged from the conservation cycle and repair act, which was institutionalized within the vakıf, 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 Vakıf Institution related with Conservation Activities in Tanzimat Period

Vakıfs that founded a central structure with the Evkaf Nezareti, as the result of the vakıfs’ loosing their legal personalities, disappearing of their autonomous administration and financial mechanisms, there were differentiations in the conservation of vakıf 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 vakıfs 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 1858\(^90\), 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 Vakıf 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 defined\(^91\) (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 vakıf 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 state\(^92\). Furthermore, general part of the legal regulations was about the repair of the hayrat buildings. However, main principal of the vakıf 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 Rüyet 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 vakıf 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). Mütevellis' 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 vakif buildings within the central organization of the institution.

First structuring in the Evkaf Nezareti about the repair of the vakif buildings was seen in 1832. “Rüznâmcilik” department, which was formed in this date, was responsible for maintaining the repair of the hayrats like mosques, and imarets33 (Yediyildiz, 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 Kalemi” 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 vakif 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 vakif buildings in the regional organization was mentioned in the budget account book dated 1911. It was stated in this book that repair of the vakîfs 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 Istanbul34. However, about the repair of the vakif 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

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33 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.

34 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 vakif 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 Salihîye 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 (Yediyildiz-Öztürk,1992:579).
buildings\textsuperscript{95}. 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 \textit{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-İlkin, 1997:91-92).

In the beginning of the 20th century, \textit{Evkaf Nezareti} which gathered the all \textit{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 \textit{vakif} buildings in accuracy and permanence. Moreover, it was stated by Halil Hamdi Paşa who was an \textit{evkaf} administrator one time, that institution didn’t even know the number of the \textit{vakif} properties of which repair and maintenance task was granted to the \textit{Evkaf Nezareti}, and as a result it couldn’t fulfill its repair tasks (Madran, 2002:13).

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

\textbf{2.2.2.3. Financial Aspects}

With the \textit{Evkaf Nezareti}, the application of gathering the \textit{vakif} incomes in the \textit{Evkaf} Treasury was started. It was planned to meet the repair expenses of the \textit{vakif} buildings from this treasury and the \textit{vakif} buildings without enough incomes would be repaired with the income from this treasury. However, as the \textit{Evkaf} Treasury was used by the state treasury and the incomes were transferred to the other organizations of the state\textsuperscript{96}, \textit{Evkaf Nezareti} couldn’t spend enough money for the repair of the \textit{vakif} buildings\textsuperscript{97}.

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

\textsuperscript{96}See chapter 2.1.2. p:29-30

\textsuperscript{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 \textit{Evkaf Nezareti} for the repair of the \textit{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 vakif lands were collected in the finance treasury and these incomes weren’t being transferred fully and in time to the vakif 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 vakif 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 kurus in Istanbul, 2000 kurus 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 kurus 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 vakif 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 vakif mechanism, didn’t apply in Evkaf Nezareti era.

Consequently, as the state didn’t give the vakif 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 vakif 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 vakif system was the permanence of the sources and the buildings for the permanence of the vakif. This change is considered as the modification of the underlying idea of the vakif system and its revolving.

Transferring the vakif 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 vakif buildings.
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 vakıf 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 vakıf 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 vakıf 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.


Vakıf 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 vakıf 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 vakıf 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, vakıf 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 vakıf institution in Republican period are examined separately.
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 Vakıf Law with the law number 2762 dated 5.6.1935. With this law, tasks of GDPF are defined in the Vakıf 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 vakıf based historical monuments. This legal legislation, which GDPF is subject to, has been cancelled almost completely with the new legislation named as “Vakıf Law” with law number 5737 dated 20.2.2008. Here, tasks and responsibilities of GDPF in conserving the vakıf immovable cultural objects in accordance with the recent Vakıf Law have been assessed.

When the first legal legislation; Vakıf Law (2762:1935) and Vakıf 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 Vakıf Regulations assigns the GDPF about the “protection and development of the historical monuments which have architectural and historical value and are administered by the vakıf”. In other words, GDPF is responsible for the conservation of the buildings, which are considered as mazbut vakıf and have historical and architectural value.
- With the Vakıf Law, a source is created in order to conserve the vakıf buildings by providing income and property transfer between vakıfs. 16th and 17th articles of the
Law numbered 2762 dated 1935 which allows changing the vakıf conditions, has assigned the vakıf council and the general directorate. Consequently, it’s planned to perpetuate the vakıfs by transferring sources from the vakıfs, which don’t have charity functions any more or have income surplus to the vakıf 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 vakıf from another before this law.

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

Following are the negative approaches of the Vakıf legislation about the conservation of vakıf buildings:

- 10th and 12th articles of the Law numbered 2762 dated 1935 which allows the sales of the vakıfs 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 vakıf with same mission or can be sold and the income can be transferred to another vakıf 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 vakıfs 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 vakıf 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 vakıf buildings and continuation of vakıf functions, have been destroyed with the sales of the akars. Nonetheless, instead of restoration, which is

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98 GDPF has charged of the major part of its possessions till 1970s with the selling of the vakıf 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 Vakıf 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 mühak 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 vakıf-based immovable cultural properties which aren’t owned by the vakıfs currently.\footnote{However, this law includes the vakıf based historical monuments which are owned by the treasury, municipalities and provincial private administrations at present. It doesn’t cover the vakıf 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 vakıf with the Law number 7044. This surfaces three different possessions within the vakıf immovable cultural properties which are administered or supervised by GDPF: mazbut vakıf possession, mülhak vakıf possession and possession that belongs to GDPF corporate body.}

Vakıf Law numbered 5737 dated 2008, which cancels a major part of the legislation about the vakıfs, has arranged the responsibility of the GDPF including the tasks of administration, supervision, conservation activities of the vakıf cultural properties, operating and utilization of the vakıf properties. It’s obvious that in order to conserve the immovable vakıf 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 vakıf cultural properties. When the new Vakıf Law numbered 5737 dated 2008 is evaluated in comparison with the former Vakıf Law, new approaches of the current law for the conservation of vakıf 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 vakıf 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 vakıf based immovable properties with the most current vakıf law. Granting the vakıf identity again to the vakıf 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 vakıf based immovable cultural properties with laws in the first half of the 20th century, started looking after the vakıf based cultural properties even though they are located abroad in the first half of the 21st century.
Table 3.1.: The Comparison of the Old Vakıf Law numbered 2762 dated 1935 with the New Vakıf Law numbered 5737 dated 2008.

<table>
<thead>
<tr>
<th>Conservation of vakıf immovable cultural properties</th>
<th>Vakıf Law numbered 2762</th>
<th>Vakıf Law numbered 5737</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Inventory of the immovable vakıf cultural properties that is located both in the country and abroad, conservation of the ones of which possession belong to GDPF and mazbut vakıfs, expropriation of the properties of which possession has been altered, maintenance, repair and utilization are under the liability of GDPF (article 28).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The revitalization of the vakıf cultural properties that is located both in the country and abroad is under the liability of GDPF (article 36-d).</td>
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</tbody>
</table>

The protection/preservation of the vakıf 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).

| Transfer | Vakıf based cultural properties which have been owned by treasury, municipalities, provincial private administrations and village corporate bodies in any way, are transferred to their mazbut vakıf (article 30). |

| Expropriation | • The expropriation of vakıf 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 | • It’s mandatory that users should insure the buildings against fire, burglary and natural disasters (article 24). |

<p>| Vakıf immovables and planning act | 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>
<thead>
<tr>
<th>Sale</th>
<th>Rental</th>
<th>Allocate</th>
</tr>
</thead>
<tbody>
<tr>
<td>● <em>Hayrat</em> buildings, which are considered as useless or ineffective, can be alienated to another <em>vakıf</em> with same mission or can be sold and the income can be transferred to another <em>vakıf</em> with same mission (article 10).</td>
<td>● Application of <em>icareteyn</em> and <em>mukataa</em>, which is a renting type of <em>vakıf</em> properties, is cancelled (article 26).</td>
<td>● immovable <em>hayrats</em> that belong to <em>mazbut</em> <em>vakıf</em> can be allocated to public institutions and organizations, <em>vakıfs</em> and charities in return of repair and restoration regarding the conservation of the immovable cultural properties (article 16).</td>
</tr>
<tr>
<td>● <em>Akar</em> buildings, which belong to <em>mazbut</em> and <em>mulhak</em> <em>vakıfs</em> can be sold or can be negotiated with another real estate (article 12).</td>
<td>● Maximum renting duration is three years for the immovable that belongs to GDPF or <em>mazbut</em> <em>vakıf</em> (article 20).</td>
<td></td>
</tr>
<tr>
<td>● Only the <em>hayrat</em> <em>vakıf</em> immovables with architectural and historical value cannot be sold (article 10).</td>
<td>● The renting duration of <em>vakıf</em> immovables can be up to 20 years to 49 years in case of renting in return of repair (article 20).</td>
<td></td>
</tr>
<tr>
<td>● <em>Vakıf</em> immovables which are rented by <em>icareteyn</em> and <em>mukataa</em> are transferred to their tenants with a “<em>taviz bedelli</em>” which is one fifth of an amount of the market prices of the <em>vakıf</em> immovable (article 27).</td>
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<td></td>
<td></td>
<td>● The immovables which have <em>icareteyn</em> and <em>mukataa</em> record on their title deeds, can be sold with the amount of 10% of its property taxes (article 18).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Change of <em>vakıf</em> stipulations</th>
<th></th>
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<tbody>
<tr>
<td>● The tasks and stipulations of the <em>vakıfs</em>, which can not be carried out any more, can be changed with the authorization of <em>Vakıf Assembly</em> and General Directorate (article 14)</td>
<td>● The stipulations of the <em>vakıfs</em>, which can not be carried out actually and legally, can be changed with the authorization of General Directorate in <em>mazbut</em> <em>vakıfs</em> and <em>Vakıf Assembly</em> in <em>mülhak</em> <em>vakıfs</em> (article 14).</td>
<td></td>
</tr>
</tbody>
</table>
Table 3.1. continued

<table>
<thead>
<tr>
<th>Source transfer between the vakıfs</th>
<th>General Directorate is authorized to transfer source between vakıfs (article 16).</th>
<th>Vakıf Assembly is authorized to transfer source between mazbut vakıfs regarding the conservation of vakıf immovable cultural properties (article 28).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financing of the conservation</td>
<td>The income getting from the sales of the akars, can be spent for buying and constructing new akars or repairing of the existing akar (madde 12).</td>
<td>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 mazbut vakıfs with insufficient income (article 28).</td>
</tr>
<tr>
<td>Privileges</td>
<td>The immovable properties, which are owned by the mazbut and mülhak vakıfs, benefit from the privilege of state property identity (article 9).</td>
<td>The immovable properties, which are owned by the mazbut vakıfs and GDPF, benefit from the privilege of state property identity (article 77).</td>
</tr>
<tr>
<td></td>
<td>The immovable properties, which are owned by the mazbut vakıfs and GDPF, are exempt from all kinds of taxes and tributes (article 77).</td>
<td>The immovable properties, which are owned by the mazbut vakıfs and GDPF, are exempt from all kinds of taxes and tributes (article 77).</td>
</tr>
<tr>
<td></td>
<td>Vakıf immovable properties are exempt from inheritance taxes (article 77).</td>
<td>Vakıf immovable properties are exempt from inheritance taxes (article 77).</td>
</tr>
<tr>
<td></td>
<td>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).</td>
<td>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).</td>
</tr>
</tbody>
</table>
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 Vakıf 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 Construction” 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” is also responsible for assessing the repair requests for the mülhak vakıf 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 Construction” 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 vakif 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 vakif cultural properties.

As it’s realized, Department of Arts and Construction starting from the inventory of the vakif 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 vakif 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 dated 2008 (Formerly known as Department of Mülhak Vakıfs and New Vakıfs). Mütevellis are responsible for the conservation of the immovable cultural properties, which belong to mülhak vakıfs only with the authorization of GDPF. Mütevellis’ 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 vakif 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 vakif immovable cultural properties are under the responsibility of regional directorates.

As of today, the vakif 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 vakıf institution, repair costs of the buildings were covered by vakıf'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, vakıf income sources have lessen as vakıf income sources have been transferred to government's other public organizations, vakıf akars and lands have been allocated and sold\(^{104}\). 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 Vakıf Immovable Project (CBS), which is executed in recent years, it's stated that number of immovable properties has increased.\(^{105}\)

3. Vakıf 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.

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\(^{104}\) Some as follows: transfer of the vakıf 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 vakıf lands and areas in the city to the development directorates and municipalities, transfer of the compulsory cession tax of the vakıf immovable to the treasury, transfer of the schools and dervish lodges to the special provincial administrations, transfer of the vakıfs of which akars and hayrats were located in the same village, to the village corporate bodies, expropriation of the vakıf mines and forests, allocation of the vakıf lands, olive groves, plantations to the villagers without lands and turning the vakıf farms into government production farms with the land reform. Furthermore, by canceling the tithe which made up the one third of the vakıf incomes in the first years of the Republic decreased the considerable amount vakıf income source.

Application of giving the vakıf 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 across the country, and fulfilling the inventory of the vakıf 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 Tanıtım CD'şi, 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 immoveable 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 vakıfs 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 vakıf and mülhak vakıf. 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 vakıfs 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 vakıfs with inefficient income, on the other hand, source transfer can be available with the authorization from the vakıf council (Law no 5737, article: 15,28). For the mülhak vakıfs, expenses are spent from the vakıf’s own budget. Mütevelli have the right to undertake the authorized expenses for their vakıf immovables. 48th article of Regulations
on Vakıf Law assigns the mütevelliş to meet the expenses up to 20 billion TL 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 its budget.

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.

![The ratio for conservation activities in the budgets](image)

**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 expenses even though they show some increases till 1950.

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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 separately. 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.

![Graph showing the ratio of repair expenses in the total income and expenses between 2003 and 2007.]

**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.

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109 These are the final account data which is submitted by GDPF Strategical 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.

![Graph](image)

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 vakıf immovable cultural properties, an idea of transferring the 0.5% share\(^\text{110}\) of the fuel consumption tax proceeds to GDPF for the repair of the vakıf 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

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\(^{110}\) 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 is has decreased gradually after 1994 (Figure 3.4.).

![Graph showing the ratio of the share of Fuel Consumption Fund, which is transferred to GDPF, in the annual income of GDPF.](image)

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 vakıf 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 vakıf 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 Vakıf 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 vakıf 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.\(^\text{112}\).

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

Current Vakıf Law numbered 5737 has formed a new source to be transferred for the repair of the vakıf 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 vakıf with inadequate income.
- Allocation of hayrat immovable cultural properties, which are owned by mazbut vakıf, to the public institutions and organizations and to the vakıfs and associations,

\(^{112}\) ...(2008); VGM interraktif 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 vakıf 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 capital. 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 vakıf immovable cultural properties. It's seen that the first action is inventory and registration for the conservation act. Identifying the inventory of the vakıf 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 said that immovable cultural property inventory of GDPF hadn’t been completed. Until 1990, 7607 monuments were inventoried and 2500 monuments were registered. Today, on the other hand, according to the 2007 data, GDPF has 19656 immovable cultural properties that should be conserved.

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 vakıf 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 icaretelyn. Öztürk reported that total of 3900 vakıf 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

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113 In 1908 Mimar Kemalletin was assigned as the headmaster of The Construction and Repair Department of Evkaf Nezareti by Halil Hamdi Hammadı 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 Kemaledin worked as an architectural office and realized new akar constructions to increase the vakıf 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, vakıf dwellings were built by the vakıf institution in Ankara.

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


of difficulties and the country is free of ruins\textsuperscript{117}. 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.\textsuperscript{118} When the repair activities of GDPF are evaluated, these repairs were mostly applied to the mosques from 1924 until 1954\textsuperscript{119}. 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 institution\textsuperscript{120}. 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 plans\textsuperscript{121}. 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 1952\textsuperscript{122}, 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

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\textsuperscript{117} ...(1943); 20 Cumhuriyet Yılinda Vakıflar, VGM yay., p:7
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\textsuperscript{118} ...(1943); 20 Cumhuriyet Yılinda Vakıflar, VGM yay., p:15
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\textsuperscript{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.
\end{flushleft}

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\textsuperscript{120} As it is stated in Section 2.2.1 that, vakıf’s incomes should be permenant for its continuity. Therefore, some vakıfs keep the repair of akars as mandatory in order to maintain the income for the vakıf’s continuity.
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\textsuperscript{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. yılda Vakıflar, p:17).
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\textsuperscript{122} It’s mentioned in the GDPF publication that more than 1000 monuments were included in restoration program starting from 1950, systematical docuemntation are being maintained for the repaired buildings starting from 1952 and repairs continue in a fast and planned manner(Cumhuriyetin 50. yılda Vakıflar, p:17).
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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 followed\(^\text{123}\). 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” \(^\text{124}\). 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 \textit{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 \textit{vakıf} meetings\(^\text{125}\), 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 organization\(^\text{126}\). Other than this office in which many measured survey and restitution projects are formed, many restoration projects and implementations of \textit{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. \textit{Vakıf} Construction and Restoration Company, which was established in 1977 and implemented some restoration like the restoration of \textit{Selimiye Cami}, were not very effective for the \textit{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 1990\(^\text{127}\) within GDPF.

\(^{123}\) In the VII. \textit{Vakıf} Week Symposium (1990:226), while the president of the Department of Monuments and Construction stressess 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.


\(^{126}\) ......, Cumhuriyetin 50.Yılında Vakıflar, p:36.

central organization in order to maintain project, implementation, control and some other related works\textsuperscript{128}.

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 2007\textsuperscript{129}. 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 *vakıf* 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 *vakıf* immovable cultural properties. In 2008, it is declared that GDPF planned to restore 1000 more monuments\textsuperscript{130}.

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 \%\textsuperscript{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.

\textsuperscript{128}Problems such as inadequacy of the specialist technical staff and the individual workload surplus as the repair number increases are always debated in the *Vakıf Şura* and in the Vakıf Week Symposiums. See: Önge,1986: 89-92, İşik,1990:223-6, İşik,1991:207-8.
\textsuperscript{130} ...(2008); VGM interraktif tanıtımd CD’si, VGM Vakıf Medeniyeti Su Yılı 2008.
\textsuperscript{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 Vakıf 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 vakıf immovable cultural properties, it might be said that GDPF hasn’t formed a long-term conservation policy for the vakıf cultural heritage during its century-long lifetime, as it preferred engaging in various short-term approaches. GDPF, which charged off the vakıf 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 vakıf cultural heritage, it is seen as a temporary political discourse. And with the new Vakıf Law (5737:2008), it has accepted the responsibility for the conservation of all vakıf 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 vakıf 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 vakıf heritage, while today it takes the responsibility for the conservation of the Turkish-Islam era buildings, which are attributed as vakıf heritage. As the result of the fact that GDPF has an annexed budget connected to state and has never appreciated the conservation of the vakıf cultural properties as its prior task and couldn’t develop a long-term, continuous institutional policy for the conservation of vakıf 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 2863. 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 2863. 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 cities.

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 vakıfs as the vakıf property instead 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 maintenance, 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 vakıf 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 properties, 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

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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 sites. 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.

136 Regulations About the Establishment, Authorization and Operation of the Conservation, Implementation and Supervision Bureaus, 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 building. 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 administrations, 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 properties. 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

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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


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 Councils. 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

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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. Vakıf Institution in the Current Legal, Administrative and Financial Organization of Conservation in Turkey

In this chapter, place of the vakıf institution and vakıf 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 vakıf-based immovable cultural properties and create future suggestions by comprehending the existing situation.

Vakıf 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 vakıf 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 vakıf 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 vakıf, 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 vakıf are subject to a different classification. This makes the vakıf immovable cultural properties vakıf 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 vakıf 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 vakıf-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 vakıf based and have monumental quality, belong to GDPF. While this is also effective for the mülhak vakıfs, which carry on the vakıf system partially, conservation processes, which are held by mülhak vakıfs, are also under the liability of GDPF. Furthermore, recently, conservation responsibility of the all vakıf 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 vakıf 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 vakıf-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.

Vakıf 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 vakıf 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.
**Vakıf 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 vakıf-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 vakıf 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 vakıf 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 sources\(^{141}\). 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 vakıfs 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 vakıfs.

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

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\(^{141}\) 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 GDPF 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: Vâkıf who was donating the income sources towards the conservation of vakıf 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 vakıf buildings, providing the execution of necessary interventions, primarily using the vakıf incomes for repair and covering the repair needs of vakıf buildings through his own assets or taking up a loan in case of inefficient vakıf sources.

Society: (beneficiaries of the vakıf services and vakıf employees) had played part in determining the repair need of the vakıf 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 vakıf buildings; granting of the miri land to individuals through temlik and ensuring that these lands would become vakıfs, establishing a legal order which would immunize vakıfs' possession from restraining and şer'i inheritance law, supervising the actions concerning the repair and the repair process through kâdis and proving financial resource for the repair of the vakıf 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 vakıf 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 vakıf buildings. In the classical vakıf system the main aim of the vakıf was to exist forever, or in other words, the continuance of the vakıf services eternally. And the tool to ensure this aim was the vakıf buildings perform vakıf services through maintaining their functionalities. Accordingly, the actions of repairing and conserving the vakıf buildings were a tool used in order to ensure the sustainability of the vakıf. In the Evkaf Nezareti period with the disappearance of vakıf's corporate bodies, forever serving mentality of the vakıf institution have weakened. Furthermore, starting from the ends of the 19th century, the necessity to conserve the vakıf buildings surfaced through the “conservation” mentality. Under these circumstances the mentality of conserving the vakıf 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 tımar 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-ı 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 Kayseri. 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 vakfiyes. It may be mentioned that the conditions concerning repair became to appear much scarcely in vakfiyes, the main legal documents of vakifs, during the 19th century, compared to the classical period.

\[\text{144 For the vakfiye copy see Cunbur, 1969:188-195.}\]
\[\text{145 However among the hayrat buildings belonging to 60 vakif examined by Öztürk, there are 36 mosque, 6 mescid, 3 tomb, 4 zaviye, 4 medrese, 3 library, 4 fountain and 2 sebil (Öztürk, 1995:55-61).}\]
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 institution.\textsuperscript{146} 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 regulations,\textsuperscript{147} 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 laws.\textsuperscript{148}

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.

\textbf{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

\textsuperscript{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.

\textsuperscript{147} See chapter 2.2.2.3, p:58-59.

\textsuperscript{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 vakif, 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 vakif institution or were engaged during the classical vakif system, this process changed with the centralized vakif institution. No more did the institution have within its body repair craftsmen who would immediately intervene to the vakif 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 Eminiği” Directorate established in 1847 within the body of Evkaf Nezaretı and which was responsible for the repairs (Öztürk, 1995:192). And in the 1909 Evkaf Nezareti budget book, 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 vakif 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 vakif buildings.

Classical vakif 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 vakif 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‘mariyeye-i İslamiyyeye aid ve ehemmiyyet-i tevkifalayi ha‘ız...bunların adedi ise bindere balık olmakadadi ki kafesinin tamir ve iyasını dört beş mimar ile derude ve idare etmek ka‘fiyyen adimü‘il‘imkandır...taşrada olup ehemmiyyet-i tarihyyeyi...tamirat için ise mahalli belediyeye mühendis ve kalıfalar tarafından yapılan ve hiç bir noktasında fen ve sanat ile kabıl-i tevlik olmayan resm ve keşifnameleteri iğ görebilmek ihtimal haricinde bulunduğundan...taşra mebani-i mekkedesi dahil-i hal-i harabiye kalmakda...” (Kahraman, 2006:140-1).
vakıf buildings, execute their maintenance and mind that high-cost repairs wouldn’t be needed in this way. 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”. 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% 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 2007 that the institution has taken considerable amount of interest profits of Bank of Pious Foundations.

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150 “...cevami ve mesacid ve medaris ve hayrat-i saire ile icare-i vahdîlî musakafat ve müsteggalatın aralıdka m’ayenesiyle bunların bakılmadığı halde ileride masarft-i külliyeye muhtac olacakuzzi tamiratının icrasıyla harabiyetinden muhafazalarına ve nezafet ve taharetine ale’d-devam evkaf müdirleri tarafından nezaret ve dikkat olunacakdır...” (Kahraman,2006:118).

151 See chapter 3.1.3, p:77-78.

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

The most important feature of the vakıf 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 vakıf buildings which would ensure the continuity of the vakıf. 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 vakıf buildings between the years 1924 and 2007. It is observed that GDPF which doesn’t embrace the repair of vakıf buildings as a priority also didn’t transfer its incomes primarily for repair.

The financial structure of the classical vakıf system started to lose its power with the application of icaret, 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 vakıf 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 vakıf buildings.

Besides the changing process in the institutional structure and attitudes towards the repair of the vakıf buildings, the “vakıf heritage” containing the works of Turkish-Islamic period became “cultural heritage” and “immovable properties of vakıf” attained the status of “cultural property” throughout the time. Of course, not all the surviving immovable properties of vakıf 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 vakıf, because of its construction type and date they don’t have any characteristics for being an immovable cultural property. For instance the vakıf

154 See chapter 3.1.3., p:72-75
bazaar which belongs to a *mazbut vakıf* 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 vakıf*. So, the vakıf building stock which are *vakıf* immovable cultural properties today, are marks of the “*vakıf* cultural heritage” in the built-up environment.

Figure 4.2. *Vakıf* heritage from Ottoman to Today

While in the classical *vakıf* system, the mentality of maintenance and conservation of immovable *vakıf* properties existed for the continuity of the *vakıf*, 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 *vakıf* were essential even for different purposes. With the republic, the task of conserving immovable *vakıf* properties having “architectural and historical value” was assigned to GDPF.

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

The negative and positive aspects of the classical *vakıf* system and current *vakıf* institution concerning the conservation of *vakıf* 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 vakif system’s attitudes concerning the conservation of vakif properties were constructed on the knowledge taken up in Chapter 2 and 3, addition to this the examination of the attitudes of the classical vakif system were tried to based mainly on the source named “İthaf-ül Ahlâf Fi Ahkâm-il Evkaf” which includes judgments about vakıfs, and written by Ömer Hilmi Efendi in 1307 H./1889 M. 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 Evkaf inspector. As from the second half of the 19 th century, some parts of the law, one of which was the law related with vakıfs, started to separate from the canonical laws. After this, the necessity of collection of judgments related with vakıfs had occurred. By the time, Ömer Hilmi Efendi gathered and classified the vakif legislation found in canonical laws and customary laws with the aim of organizing and presenting the vakif legislation in use of jurists, law students and vakıf officials. As the source explains the legal terms related with vakif and put forward the judgments on the nature, establishment, continuity, variations, stipulations, administration, operations etc.all related subjects on vakıfs 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 vakıfs 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 vakif system, the conservation of vakif buildings was generally laid as the primary condition in vakıfiyes by the vakıf. Besides, vakif law also considered the conservation of vakif buildings as essential, and viewed the repair of vakif buildings of top priority compared to all vakif services (mesele 411)156, without taking into consideration if a repair-related condition of vakıf 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 vakif 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.

According to the classical vakif law, the individual who intentionally destroys a vakif 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)\(^\text{157}\). This penal system within the vakif law, concerning the conservation of the vakif building doesn’t exist in the current vakif 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 vakif law in classical period, aiming to restore the vakif 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 vakif law concerning the conservation of the buildings is superior to the mentality appearing in the current conservation law.

In the classical vakif system, the building repairs were always under state control through kâdis. 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 vakif law, the repair of the vakif meant the repair of the original condition of the vakif building (Berki,1940:239). So the non-deformation of the vakif 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 vakif building was also controlled through kâdis. 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 vakif system. However,

\(^{157}\) "Mesele 407: Bir kimse mekteb ve ma’bed gibi müessesatı hayrîyyeden hayrîyyeden bina ettirilirse, ol akar kâlevvel kendi bina ettirilir. Amma müstegellâ-ı mevkufeden bir akar bir kimse teğllüben hayrîyyeden bina ettirilirse, bina mehdunun mebniyyen kıymetinin mûtevelli ile tasnim ettirir. Yoksa ol akar mehdunun mekmuket bina etmek üzere cebr olunur."  

"Mesele 263: İcareteyn ile bir vakif akara mutasarrıf olan kimse ol akarın menfaatına maliktir. Yoksa rekabesine malik değildir. Binaenâleyn bir kimse meşekkaâtı mevkufeden İcareteyn ile mutasarrıf olduğu bir akarın binaını hayrîyyeden hayrîyyeden bina ettirilirse, bina hayrîyyeden kıymetini mûtevelli-i vakif ol kimseye tasnim 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 GDPF 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 practice.

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 properties.

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 vakıf is the same (mesele 340)161. 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

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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 mihrahs 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 şeri’i inheritance law rules and operating like an inheritance institution on one hand and is imposed to prevent vâkıf to establish vakıf without devoting adequate income as it was seen in the 19th century on the other hand.
162 “Mesele 340; İkisinin vakıfı bir zât olsa bile, bir cihete meşrut olan vakıfn vâridatı diğer cihete meşrut olan āhar vakıfn mesarifine sarf olunmak dâz ve meşru’ değildir. Mûtevelli sarf etmiş olsa, masrûf-u kendûye tazmin ettirilir. Mesela: bir kimse iki mekteb bina ve vakf edûp her birine başka başka akar vakf yêlesê, o mekteplerden birinin akan gallesinden diğer mektebin mesarifine sarf olunmaz.”
163 “Mesele 342: Harab ve müstegnianh olan bir vakıfn varidatını re’î hakîme diğer vakfa sarf caizdir. Gerek vakıflar muttehid olsun ve gerek olmasın.”
allows the source transfer between the entries of the vakif (mesele 341)\(^{164}\). The mentality to support vakifs whose incomes are inadequate, through providing source transfer between vakifs was actually adopted with the Evkaf Nezareti, and during the GDPF period it appeared in the Vakif Law numbered 2762 (article:16) and the source transfer to vakifs with inadequate incomes from vakifs with adequate incomes was started to be seen as appropriate. This practice is also carried out in the new Vakif 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 vakifs 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 vakif and to which GDPF is subject to.

**Administrative Aspects**

During the classical period, each vakif had an autonomous administrative structure in line with the conditions stated by the vakif in the vakfiye. While the bureaucracy was low within this autonomous structure in local scale, the functioning of the vakif was under state control; and kads had the right to supervise the vakif when necessary (mesele 308)\(^{165}\). Furthermore, the repair process of vakif buildings was conducted under the supervision of kadi. Vakif’s continuity was also in favor of the state, since vakifs 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 vakif via its kads and laws. This demonstrates that the autonomous administrative structures concerning the internal affairs of vakifs may always be controlled by the state. So that, the conservation of vakif buildings for the continuity of vakif, was under the supervision of both the vakif’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
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 vakıfs generation and his right to benefit from the vakif income surplus were encouraging elements for the mütevelli to protect and accurately manage the vakif. Besides, protecting the vakif and caring about their benefits were also becoming important for the vakif employees’ own benefits. Therefore the monitoring and the implementation of the repair of the vakif buildings for the continuity of the vakif and income, were followed-up by the vakif 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). 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 vakif buildings is assigned to Regional Directorates of Pious Foundations. The 25 regional directorate’s ability to monitor the repair needs of vakif 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 vakif 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 vakif and vakif having adequate income were in favor of the vakif employees. Otherwise, the bad operation of vakif and vakif’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 vakif through maintaining its functionality by conserving the vakif buildings.

167 In the document that was written by the kadi 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 geri ve türbe-i münife ve medrese-i celleri kubbeleri ve sair kârgirleri üzerinde mebsut kurtulan...nâpi rahnedar ve mânheedim 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 külliyen 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 its ruined material. Addition to this the repair acts which are “meremmet-i müstehleke” and “meremmet-i gayri müstehleke”, were differentiated in the vakıf law, since the latter was accepted as private property if it was not donated (mesele 409, 410). 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

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169 “Mesele 30: Meremmeti gayri müstehleke: ebnıyeden tefrik ve ahzi kabil olan terimamıttr. Muceddeden ilave edilen bina gibi.”

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 vakif system, it was determined by the law. Vakif law had judgments on the usage of the vakif akars. Although the vakif 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 vakif (mesele 267,227).

The effective attitudes towards the conservation of the buildings in the classical vakif system may be observed as; its employment of repair craftsmen despite the fact that repair was a construction activity not requiring expertise, 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 stores, 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.

In the classical vakif system, vakifs 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 vakifs also generated by the tradesmen. Today, GDPF no longer conducts municipal activities and it only performs activities concerning the repair of the vakif cultural properties under its administration and supervision. Besides, until the new Vakif Law

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171 "Mesele 267: Müsekkafâtı mevkufenin, hâl-i kadimini teğyir câiz değildir. Fakat tağyirde zaruret ve vakifca menfaat tahakkuk ederse, ol halde re’yi hakim ve izni mütevelli ile teğyir câizdir. Mesela icareteynli bir vakif hamam, gayet váşi’ma olmağa izin verilmesi kesireye muhtâç olup halbuki etrâf ve civârında sükkân ve ehâli az olmağa nef’ hâsıl olmayup hamam alâhâlihi ibka olunduğu takdirce muattal kalup, vakif hakkında gadr-i külliyyi mücid olacağı tahakkuk etmekle, hamamin bir mikdârî ifrâz ile vakf için kücük bir hamam bina ve bâki kalan mahalline dahi vakf için dükkan ve han gibi akar binası vakf hakkında nâmî’ olduğu tahakkuk etse, mütevelli reyi hakim ile berçeşî muharrer bına etmek üzere hamami mezkûnun biliçareteyn mutasamifîna izin verse, izni meşrû’ ve müteber olur."


172 See chapter 2.2.1.2, p: 42-43

173 Kunter (1962:265) specifies that there were construction materials in the vakifs 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 GDPF 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 GDPF 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). However during the time vakıfs implemented rents with icaretayn 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 GDPF (2762:article 26). Furthermore through the determination of the maximum rent period as three years 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.

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“Mesele 392: Bir vakıf akan mütevellii ecrî misîn ﷷâks-ı fahişle icâr eylese, ecr-ı misîn ﷷâks lâzım gelir. Müste’cir ecrî misîn ﷷâmîlinden intînî’ ederse, o surette mütevelli icareyi fesâhi ol akan ecrî misîl eheh ecr eder. Müstercir kâbleliş ol akan bir müddet tasarruf eylemişse ol müddet için kendisinden ecr-ı misîl almır.”

“Mesele 272: Vâkıf tarafından müddet-ı icâra dair bir güvə şərt zəkər olunmazdı takdrə, icâr olunmaq məvlə vakıf çülfi ilə arazi məkânelsindən ise, üç sene və akarat-ı sairəden ise bir senənən əyiylə müddətə icər olunmaz...”

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)\textsuperscript{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 kadi (mesele 363)\textsuperscript{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)\textsuperscript{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)\textsuperscript{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 incomes. 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

\textsuperscript{177} “Mesele 366: Bazı kesâna meşrut bulunan fazda-i vakıfdan vakıfnın i’man için ihtiyat akçesi tevkif olunur. Mesela meseârîfî muayyeneden fazlasi evlad-i vakıfa meşrut olan bir vakıfnın akarah, filhal i’mara muhtac olmasa bile, ledelhâce i’mara sarf olunmak üzere mütevelli fazda-i vakıfdan münasip mikdar ihtiyat akçesi tevkif edüb maadayi şart-i vakıf mucibince evlâda t’a eder.”

\textsuperscript{178} “Mesele 363: Bir vakıfnın varidatına tekabul etmesi re’yi hakimle mümkün mertebə tasarruf tarafına gidilir. Şöyle ki, bir vakıfnın varidatına külli noksən tərəf olub ta varidat-i vakıf meseârîfine kifayət etmesə mütevelli hakime müracaat eder. Hakim dəhə vezəfə-i vakıfdan mühim olmayanları bikkülfiye re’f ve mühim olanlananda dahi tahammülərinin göre tənzilət idara edər. Bu surette vakıfın vus’at gelinçeye dəqiq mütəvelli hakimin re’yi mücərbine aməl eder. Vakıfın müs’at bildikdə şart-i vakıf mucibince vezəli tamamən ifa edər.”

\textsuperscript{179} “Mesele 413: Gallesi evlada meşrut olan vakıfnın akar, harab olub tamirə muhtəc olaqta mütevelli həsəl olan gelyəi tamirəne sarf etmək istədi, evlad rəzə olmayap gelyəyi b饮食ınızdə iktiləm edər diyməz.”

\textsuperscript{180} “Mesele 359: Her senenin vezəli dəqək senenin gəlləsinə edə olunur. Yoxsa bir senenin vezəli dəqək senenin gəlləsinə edə olunur. Şöyleki bir sene vakıfdə galle hasıl olmamışsa o senenin vezəli ifa olunmamış ikinci sene ma’ağzəyədin vakıfca galle hasıl olsa, mürəfəzə ikinci senenin vezəli tamamən altdırak sonanə fazlandan sene-i ulənin dəqək vezələfləri alirn dəyəməz. Bu surette sene-i ulə vezələflərin sene-i sənəyə gəlləsinə edəsə lazımlı gelir zə’milə mütevelli sene-i sənəyə gəlləsinə sene-i ulə vezəli üçün mürəfətəyə kərim məxud mebləq verməq olsa, mütevelli mebləqəzə meznən mürəfətkəzədan istərəd edər. Fakat bir senenin vezəli dəqək senenin gəlləsinə edə olunması hakkandə vakıf tarafından bir şart zikr olunmuş ise, o surette bir senenin gəlləsinə dəqək senenin vezələfləri sarf cäləzdr.”

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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 vakif system is impossible.

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

\(^\text{181}\) “Mesele 348: Mütevellisi re’y-i hakimle vakifin tamiratına vakfa rücu’ şartile kendi malından kadı-ma’ruf akçe sarf eylese, masrufını galle-i vakıftan istifa eder. İstifa etmesizsiniz vefat ederse herkes mütevellisinin yerine nasb olunan mütevellinin yerde olmasa galle-i vakıftan mütevellinin masrufını ba’dessübit istifa eder.”

\(^\text{182}\) “Mesele 346: Bir vakfın akarı muhtacı tamir olup ta vakıfta galle mevcud olmasa nazar olunur. Eğer vakif dedelhâce mütevellinin vakf için istidine etmesi hakkında bir şart zikr etmişse, mütevellî hodbehod istidane edip tâmire sarf eder. Ve eğer vakif böyle bir şart zikr etmesine, o surette vakf için istidane hakimin reyne mütevakkıftır...”

\(^\text{183}\) “Mesele 347: Bir vakfin müstegallâtı tamire muhtaç olup lâkin vakıfta galle mevcud olmayıp libnîsiz istidane dahi mümkin olmasa, mütevellîsî emr-i hakimle alâ vechilma meleketi nâmeh akçe istidane edüp, ol müstegellîn tâmîrine kadı-ma’ruf sarf eder. Bu surette mütevelli, asıl deyn ve nihi ile galle-i vakfa rücu eder.”

\(^\text{184}\) “Mesele 396: Bir vakfın akının bazı mevazi-i tamir hasarladığı vakıfta vakfın mütarekki emr-i hakimle alâ vakfa rücu’ şartile malından kadı ma’ruf meblağ sarfle muhtacı-tâmir eder. Bu surette vakfın, asıl deyn ve nihi ile mülmevelli-i vakfa rücu eder.”

\(^\text{185}\) “Mesele 412: Sükna re’y-i vakf menzil, harâb oldukta nazar olunur. Eğer o menzîlin galle-i vakıftan tamirin vakfın tamir edilmesi hakkında bir şart zikr etmişse, vakıftan tamir edilmeye mahsus edilir. Eğer vakıftan tamir edilirse muhtac vakıfta vakfın tamir edilmesi hakkında bir şart zikr etmişse, vakıftan tamir edilmeye mahsus edilir.”

“Mesele 242: İcâreteynli müşterek bir vakf akarın mutasarrıflarından biri şerikinin emri olmasa da vakıftan askar sarfle tamir eylese masrufunun her kesiminin hissesine istifa eden mikdan andan mütalele edebilir.”

“Mesele 243: Kâbi-i kismet olmayan veyahut taksim-i vakf hakkında muzır bulunan icareteynli müşterek bir vakf akar, harâb olup hissedarlardan biri şerikinin emri olmasa da vakıftan askar sarfle tamir eylese masrufunun her kesiminin hissesine istifa eden mikdan andan mütalele edebilir.”
While GDPF transfers source to the repair of vakıf buildings within the scope of budget allotments, new ways are also sought which would provide financing to the repair of vakıf immovable cultural properties by both GDPF and private enterprise through some implementations carried out in the last few years\(^\text{186}\). However these recent approaches generally suggest the repair of mazbut hayrats.

In the classical vakıf system, it was seen that the state provided source for the repair of the vakıf buildings when the income of the vakıf 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 vakıf incomes are scarcely or never used for the repair of vakıf buildings, the vakıf 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

<table>
<thead>
<tr>
<th>POSITIVE AND NEGATIVE ASPECTS OF CLASSICAL AND CURRENT VAKIF SYSTEMS CONCERNING THE CONSERVATION OF THE BUILDINGS</th>
<th>IN CLASSICAL VAKIF SYSTEM</th>
<th>IN THE CURRENT VAKIF SYSTEM</th>
<th>LEGAL ASPECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIVE ASPECTS</td>
<td>NEGATIVE ASPECTS</td>
<td>POSITIVE ASPECTS</td>
<td>NEGATIVE ASPECTS</td>
</tr>
<tr>
<td>Repair of the buildings being primary condition in most of the vakfiyes</td>
<td></td>
<td></td>
<td>The conservation of the vakif immovable cultural properties is not stated as the primary task of GDPF in current legislation</td>
</tr>
<tr>
<td>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)</td>
<td></td>
<td></td>
<td>There isn’t any application like this</td>
</tr>
<tr>
<td>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)</td>
<td></td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>Vakif law did not allow source transfer between vakifs (mesele 340)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With the law no 2762, the source transfer between vakifs in order to support vakifs with inadequate income has been accepted</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vakif law allow source transfer between the entries of the vakif (mesele 341)</td>
<td></td>
<td></td>
<td>There isn’t any application like this in the budget of GDPF</td>
</tr>
<tr>
<td>Vakif law allows source transfer of a ruined vakif to an another vakif with the same purpose in the neighborhood (mesele 342, 343)</td>
<td></td>
<td></td>
<td>There has not been any condition for the source transfer between vakifs in the vakif laws no 2762 and 5737.</td>
</tr>
</tbody>
</table>
Table 4.1. continued

<table>
<thead>
<tr>
<th>Kadi (state) had the right to supervise the operation of the vakif and repair of the vakif buildings. However, the general attitude of the period was to supervise the financial dimension of the repair activities instead of its qualitative dimension</th>
<th>Today the qualitative dimension of the conservation (project phase) is under the authorization of the state body with the conservation councils</th>
<th>The implementation phase of the conservation of vakif immovable cultural properties is under the supervision of GDPF. However the supervision of the scientific dimension of the conservation implementations is also important.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the vakif law, the repair of the building and the use of vakif building with the donated purpose was fundamental. Basically sale, demolish, etc. of the vakif building were not a preferred situation (meselle 93).</td>
<td>GDPF had an opposite view which allowed the selling of the vakif properties till 70s with the law numbered 2762.</td>
<td></td>
</tr>
<tr>
<td>With prayers and curses found in vakfiye moral encouragement and threads were provided for the conservation of vakif buildings</td>
<td>There isn't any moral pushes for the conservation of vakif cultural heritage in vakif law or in anywhere.</td>
<td></td>
</tr>
</tbody>
</table>

**ADMINISTRATIVE ASPECTS**

<table>
<thead>
<tr>
<th>Local and autonomous administrative structure</th>
<th>Central institution dependent on the state</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generally mütevelli was a member of the founder’s family, he benefited from the surplus of the vakif income, thus it was resulted with a good managing and stake a claim on the vakif by the mütevelli</td>
<td>The managers are officials which have fixed salaries.</td>
</tr>
<tr>
<td>The vakif personnel were caring about the benefits of the vakif for their own benefits. They had a close relation financially.</td>
<td>The personnel of GDPF are officials having fixed salaries, they haven’t any expectation or close relation with the institution.</td>
</tr>
</tbody>
</table>
Table 4.1. continued

| The repair needs of the *vakıf* building were always monitored by the mütevelli and *vakıf* personnel | Conservation acts require specialized technical personnel. | Today the monitoring of the *vakıf* immovable cultural properties are the responsibility of regional directorates, but it doesn’t conducted as in the classical system |
| There were repair craftsmen among the personnel of the *vakıf* or getting from the market | | 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. |
| The operations of the *vakıfs* were under the supervision of the state. The continuity of the *vakıf* was also in favor of the state | | There is not any strong benefit network between the *vakıf* cultural properties and state or GDPF. However according to the laws (constitution, 5737, 2863) it should. |

**OPERATIONAL ASPECTS**

<p>| The repair of the <em>vakıf</em> means the repair of the building's original condition. Because of being private property of the additions to a <em>vakıf</em> building (mesele 29, 30, 409, 410), the repair of the original condition of the building was preferred | According to the contemporary conservation approach, the conservation of the original condition of the cultural property is fundamental | The qualities of the restorations of <em>vakıf</em> immovable cultural properties are questionable in means of original value |
| 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. | Today conservation approach has to base on scientific principles | GDPF in some cases embraced the reconstruction instead of contemporary conservation approaches |
| <em>Vakıf</em> akars can be separated if it is in favour of the <em>vakıf</em> (mesele 227, 267) | <em>Vakıf</em> akars can be separated | Functioning of the <em>vakıf</em> immovable cultural properties |
| Repair of the buildings were not a specialized act | Today conservation is a specialized act | |</p>
<table>
<thead>
<tr>
<th>The bureaucracy of the repair was less and generally in local scale</th>
<th>The bureaucracy of the conservation is more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular repair as well as maintenance and simple repair were in question..</td>
<td>GDPF generally aims comprehensive repair, the institution hasn't got maintenance and simple repair approach</td>
</tr>
<tr>
<td>There were depots of the vakif's for storing construction material for the repair acts</td>
<td>There is not any application like this</td>
</tr>
<tr>
<td>Users, tenants, local people can request for repair, the necessity of repair of the building was always monitored</td>
<td>Tenant can request for repair</td>
</tr>
<tr>
<td>Vakif's may also have other public buildings, pavements, waterlines... repaired</td>
<td>GDPF has only conducted the repairs of the vakif cultural properties under its responsibility</td>
</tr>
</tbody>
</table>

**FINANCIAL ASPECTS**

<table>
<thead>
<tr>
<th>Vakif had own income resources</th>
<th>GDPF has to use its own resources under the bureaucracy of the state</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous income</td>
<td>GDPF has to use its income according to the budget appropriations</td>
</tr>
<tr>
<td>For ensuring the continuity of the income, akars might be repaired primarily</td>
<td>Especially in the first half of the 20th century GDPF hadn't got a like this approach</td>
</tr>
<tr>
<td>(Short-term) renting and renting in market price (mesele 272, 389, 392)</td>
<td>Short-term renting with the law numbered 5737</td>
</tr>
<tr>
<td>Icareteyn and mukataa type of renting</td>
<td>Long - term renting</td>
</tr>
<tr>
<td>Reserve fund for the repair acts (mesele 366)</td>
<td>Cancellation of icareteyn and mukataa with the law 2762</td>
</tr>
<tr>
<td></td>
<td>There is no reserve fund application</td>
</tr>
</tbody>
</table>
Table 4.1. continued

<p>| Mutevelli 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 vakif was seen in case of not having enough income for the repair expenses (mesele 363, 411) | There is not any application like this |
| Vakif 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 vakif 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 358) | Annual Budget. In the restoration acts, current years budget can be used for the previous year's uncompleted restoration acts. |
| Mutevelli may use his own incomes for the repair of the vakif buildings (mesele 348) | With the law numbered 5737 new sources are formed for the conservation of the hayrat buildings belong to mazbut vakif which have inadequate income |
| Mutevelli may borrow money for the repair of the vakif buildings (mesele 346, 347) | No validity |
| Tenant may spend the repair cost in exchange of rentals (mesele 396) | Restore-operate-transfer model |
| Tenant(s) spend the repair costs of the akars with icareteyn (mesele 242, 243) | Application failures in Restore-operate-transfer model. |
| User may spend the repair cost if the vakif has not enough income or not having the repair condition (mesele 412) | |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash vakıfs of the users/tenants for the repair of the common areas of the vakıf building</td>
<td>There is not any cash vakıfs today, but similar applications can be observed</td>
</tr>
<tr>
<td>Renting in exchange of repair</td>
<td>Allocation of vakıf hayrats in exchange of repair</td>
</tr>
<tr>
<td>Financial support of the charitable and local people in repair acts (mesele 182)</td>
<td>Aid and donations for the conservation of hayrat buildings</td>
</tr>
<tr>
<td>Financial support of the state in repair acts</td>
<td>Treasury aid</td>
</tr>
<tr>
<td></td>
<td>Not regularly in amount</td>
</tr>
</tbody>
</table>
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 icaretelyn and mutaka 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 icaretelyn and mutaka 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 repair

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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 Ağzikarah; 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 vakıf-based immovable cultural properties’ conservation problems and potentials. After all, it can not possible to explain these problems of vakıf-based cultural properties without giving examples. Accordingly, Kahramanmaraş 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 vakıf 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 “vakıf-based immovable cultural properties”. The immovable cultural properties established through vakıf which are currently under various properties are meant. As it was mentioned before, during the classical period, almost all of the buildings having monumental qualities except the houses located in urban areas were generated through the vakıf institution. While some of these buildings established through the vakıf system still continue their vakıf identity even today, some of them are removed of their vakıf identities through various methods such as sale and transfer. Besides, the law numbered 2863 article 10, 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 Vakıf Law numbered 5737 dated 2008 article 28, stakes a claim to the buildings whose vakıf 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 vakıf 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 “vakıf 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.

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187 Mazbut vakıf property, mülhak vakıf 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 vakıf system.

190 “After taking the conservation council’s decision, the conservation and evaluation of cultural and natural properties pertaining to mazbut and mülhak vakıfs 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, mescid, 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 vakıf whose possession changed hands…..shall be carried out by the General Directorate”
When the problems of the *vakıf*-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 *vakıf*-based cultural properties located in the historical commercial centers:

- The changes in the status of possession of *vakıf*-based cultural properties: The removal of *vakıf* identities of buildings built and ensured continuity within the *vakıf* system through procedures such as sale and removal contains negativities concerning both for the *vakıf* 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 *Vakıf* in the 16th century, and was among the *akar* transferring income to the *vakıf* (Akar,2002:51-76). As for today the *vakıf* 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. *Vakıf* property only exists in the part of the bazaar called Gönhani, which is consisted of newly-constructed buildings today (Akar,2002:76-79). In the classical *vakıf* 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 *vakıf*\(^{192}\). Currently, the removal of the *vakıf* identity\(^{193}\) of the buildings under the status of immovable cultural heritage not only cuts off the income source provided to the *vakıf* 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 *Kavallar 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 Vakıf*\(^{194}\). Furthermore, the existence of shops belonging to various *vakıfs* is observed in the examined *vakıfyes*; however today no *vakıf* property remains except shops belonging

\(^{192}\) Hayrats belonging to the vakıf 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 Vakif and Taşhan. If the fact that these buildings located in the Kahramanmaraş bazaar had their repairs materialized within the vakif organization through bringing revenue to their vakifs 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 vakif identity of buildings surviving for centuries through the vakif 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 vakif identities remained alienated from an approach which would provide their repair under private property.

In the classical vakif 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 vakif based immovable cultural properties which lost their vakif 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 shares. 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 vakif system, and even today in vakif, the conservation acts pertaining to the buildings would be carried out institutionally, owing to the fact that an immovable property belonging to any vakif 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 Vakif, a mülhak vakif which Sarâçhan Mosque is also affiliated with. In vakfiyes, 72 shops belonging to the vakif 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 vakif-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 Bayeztli Vakif which is a müthak vakif are in good condition and may be rehabilitated by some interventions containing maintenance and simple repair, Marmara Hamami, 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 vakif nor the private property executes repair work in the han, which is under shared (mülhak vakif and private property) property. Most parts of the Hişva 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 vakif-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 vakif 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 vakif system, despite the fact that the problems of these buildings existed for different lessee units, the repair interventions were performed institutionally by the vakif.

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 intervention caused the potential intervention appear as a problem.

Similar acts also exist in the classical vakif 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 vakif-based cultural properties both under private property and vakif 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, Şira 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 vakif system, has the mentality to provide the continuity of the vakif 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 Çarşı. This street was destroyed in 1948 because of the newly constructed Atatürk Avenue (Özkarç, 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 Çarşı 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, Şira 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 sources\(^\text{198}\) 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, Şira 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 vakıf's own income, but in the case of insufficient income, the legislation calls for the mütevellisi'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 vakıf buildings through the prayers and curses written in vakıfes. Further, with the penalty system in vakıf 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 vakıf buildings.

In light of the abovementioned positive aspects, the general approach of the classical vakıf 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 vakıf system in the conservation of vakıf 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 vakıf system, if the vakıf did not have enough income, the salaries of vakıf 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 vakıf 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 vakıf system” may directly be adapted to the current vakıf law, whereas the adaptation of the penalty system in case of intentional damage to vakıf 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 vakıf system to today's condition. Accordingly, the necessary arrangements can be grouped as:

- Arrangements which can be solved within the current Vakıf 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 Vakıf 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 vakıf system, the institution has not taken on the conservation of the vakıf 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 vakıf 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 vakıf 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 vakıf’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 vakıf-based cultural properties (mainly based on field studies)

When the current physical and organizational problems related with the conservation of vakıf-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 vakıf identity in the observed areas, in other words problems raised from the ownership pattern. The buildings which were originally constructed by a single vakıf and maintained themselves through this vakıf 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 vakıf-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>
<thead>
<tr>
<th>Positive aspects of the classical vakif system to be used</th>
<th>Negative aspects of the current system</th>
<th>Current physical and organizational problems of the vakif-based cultural properties</th>
<th>Potentials existing within the current cultural property conservation policy</th>
</tr>
</thead>
</table>
| • **Vakif** legislation and **vakfiyes** consider the repair of **vakif** buildings as a primary task. According to this, repair expenses take priority over all other expenses.  
• With the moral issues found in the **vakfiyes** as prayers and curses, social consciousness were tried to be provided for the preservation of **vakif** buildings.  
• The penalty system found in the **vakif** legislation protects the building and promotes the repair of the building. | • Although the GDPF is assigned to protect **vakif**-based cultural properties in the country and abroad, there is no article in the current **vakif** law indicating the repair of the **vakif** immovable cultural properties as the primary task of GDPF. | • Problems based on ownership. | • State's constitutional responsibility to conserve cultural properties  
• Special status of **vakif** properties and GDPF in the Conservation Law. |
<p>| ADMINISTRATIVE/OPERATIONAL | LOCAL AND AUTONOMOUS ADMINISTRATIVE STRUCTURE | EMPLOYING REPAIR PERSONNEL AND MATERIAL THROUGH VAKIF | CONTINUOUS MONITORING OF VAKIF BUILDINGS | INTERVENTIONS MOSTLY AIMING CONTINUOUS MAINTENANCE AND SIMPLE REPAIR | CLOSE FINANCIAL BENEFITS BETWEEN THE VAKIF INSTITUTION AND THE MüTEVELLİ DESCENDANTS AND EMPLOYEES OF THE VAKIF ENABLES THEM TO TAKE CARE OF VAKIF BUILDINGS | REPAIR OF &quot;AKAR&quot;S BEING A PRIORITY | MONITORING OF THE VAKİF BUILDINGS BY VAKİF PERSONNEL, USERS, TENANTS AND LOCALS | CASH VAKİFS FOUNDED BY THE USERS/TENANTS OF THE VAKİF BUILDINGS TO COVER COMMON REPAIR EXPENSES | THE MONITORING OF VAKİF BUILDINGS AND CARRYING OUT REPAIR ACTIVITIES ARE UNDER THE RESPONSIBILITY OF REGIONAL DIRECTORATES. HOWEVER, THE REGIONAL DIRECTORATES HAVE NOT ENOUGH QUALIFIED PERSONNEL. | VAKİF 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 VAKİF IMMOVABLE CULTURAL PROPERTIES UNDER ITS POSSESSION. | CONSERVATION POLICY: TENDENCY TO INTENSE REPAIR, AVOIDANCE OF CONTINUOUS MAINTENANCE. | 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 ARASTAS. | ESTABLISHMENT OF KUDEB’S | COMMITTEES TO BE ESTABLISHED BY GDPF TO CARRY OUT THE KUDEB TASK IN VAKİF PROPERTIES ACCORDING TO KUDEB REGULATIONS |</p>
<table>
<thead>
<tr>
<th>FINANCIAL</th>
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</table>
| • Sources are vakif’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 vakif 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  
• Vakif legislation allows renting the vakif building to a person who can cover repair expenses incase the income of the vakif inadequate to do so or the present tenant/user cannot/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 | • 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 | • The (private) owners of the vakif-based immovable cultural properties do not allocate regular and adequate sources for the repair of their buildings | • Allocation of vakif 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 vakif hayrats |
5.2. Building up The Model

During the classical period, the vakıf institution ensures vakıf’s continuity through conserving and repairing the immovable properties of the vakıf. Here, the vakıf 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 vakıf 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 vakıf properties and immovable cultural properties. While in the classical vakıf system, vakıf 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 vakıf system, the conservation of the vakıf building and thereby the continuity of the vakıf, 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 vakıf system concerning the conservation of buildings, can also exist today. Today’s trio is: GDPF- Society - State. If the state supported the establishment of vakıfs 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 vakıf system on the conservation of vakıf 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 vakıf system to improve current conditions. However, besides the positive aspects of the classical vakıf system concerning the conservation of vakıf buildings, there are also some aspects which are independent from the classical vakıf 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, vakıf 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 vakıfs, shall accept the repair of the buildings as a primary task and state this fact in the vakıf law, the way it used to be in the classical vakıf legislation in order to ensure the continuity of the cultural heritage under its own responsibility. Therefore, the statement “Conservation of vakıf-based immovable cultural properties is the primary task of GDPF” shall be added to the Vakıf Law. This can be adapted by article addition or change in the related article in the Vakıf 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 vakıf 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 Vakıf Law for cases when a vakıf 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 (vakıf-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 vakıf-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 vakıf-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 Vakıf Law. This requires an additional article to the current Vakıf 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 vakıf system, the vakıf 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 vakıf incomes. In this way, the vakıf income sources were used only to cover the costs of the vakıf, including the repair costs. Today, it is also necessary for GDPF, whose primary task will be to protect vakıf-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 vakıf system.

- GDPF may also put into practice a reserve fund (ıhtiyat akçesi), which was used in the classical vakıf 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 Vakıf 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”.

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• 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 vakıf-based immovable cultural properties shall mostly depend on the continuous maintenance and simple repair principle of the classical vakıf system. In the classical vakıf system, repair means the conservation of the vakıf 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 vakıf 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 “Vakıf KUDEB”s in their regional directorates. The task of these (mobile) teams will be as follows:

- To perform the continuous monitoring of the vakıf-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 vakıf-based immovable cultural properties,
- To carry out the planning of the conservation actions of vakıf-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.

Vakıf KUDEB’s are not only responsible for the supervision and implementation of maintenance and simple repairs of the vakıf immovable cultural properties, but also from guidance and (if required) supervision, maintenance and simple repairs of the vakıf-based immovable cultural properties the under private ownership. The owner will document the repair costs by presenting an invoice to Vakıf KUDEBs and will receive income tax deduction. Thus, GDPF may provide specialization in the maintenance and simple repairs of vakıf-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 Vakif 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 vakif-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 vakif-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 vakif 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 vakif-based immovable cultural properties under private ownership and collects repair costs from the owners.

- In the classical vakif system, the vakif personnel were caring about the benefits of the vakif 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 vakif become also in favor of the employees, by this way the personnel may stake claim on the vakif institution as it was the case in the classical vakif system.
CHAPTER 6

CONCLUSION

6.1. Conclusion

Vakıf 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 Foundations has been the heir of the vakıf institution and vakıf heritage in Turkey. Although GDPF inherited the vakıf institution, their attitudes towards the conservation of the vakıf properties are far from the understanding of the classical vakıf system. From this perspective, this thesis started with the aim of adapting the positive aspects of the classical vakıf system into the GDPF’s conservation mechanism of vakıf properties. The thesis studied in detail the classical and current vakıf 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 vakıf-based cultural properties, the sampling in the historical commercial centers of Gaziantep and Kahramanmaraş was carried out.

In general, the vakıf 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 vakıf 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 vakıf institution made the institution effective in providing the continuity of the vakıfs. In time however, the changes in this benefit network by internal (degenerations in the vakıf system) and external causes (westernization movements) resulted with the centralization / institutionalization of the vakıfs in the Tanzimat era. The vakıf 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, vakif 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 vakif buildings was seen as a fundamental issue for ensuring the functionality and continuity of the vakif. The aim of serving forever and gaining financial benefits for long periods encouraged the vakif, the descendants and the employees to protect and to monitor the vakif buildings in every condition, both for their favor and for the vakif’s favor. Also the state, with its legal system protects the vakif for the state’s favor. These form the necessary environment where the repair of vakif 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 vakif system, which takes the repair of vakif buildings as a fundamental task, was transformed during the Tanzimat period with Evkaf Nezareti and became against the repair of vakif 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 vakif incomes for repair expenses were indicated in the regulations, although the vakif had sufficient income for those expenses. As a result, the change of the main concept of the vakif system after the classical period of the Ottoman increased the ruinous state of vakif 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 vakif 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 vakıf properties. GDPF encouraged both selling and conserving of the vakıf cultural properties until the 1970s. Although the most current vakıf law started looking after vakıf-based cultural properties located abroad, there is no indication that the conservation of vakıf-based cultural properties is the main task of the GDPF, as it was in the classical vakıf 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 vakıf system.

Today, the current legal, administrative and financial mechanism of the conservation in Turkey suggests a situation distinct to GDPF and vakıf immovable cultural properties. According to this, GDPF is responsible for conservation and utilization activities of vakıf-based cultural properties with the approval of Conservation Councils. Also, the recent legislation related with KUDEBs transfers the vakıf 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 vakıf-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 vakıf 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 vakıfıyes, 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 vakif 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 vakif 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 vakif system due to their potentials of applicability. However, some of the positive sides (one of which is “the repair of the vakif buildings comes at first among all the other tasks of the vakif” according to the classical vakif legislation) were adapted by the current vakif law whereas some positive sides could not be adapted due to there not being a possibility of application. For instance, deducting the salaries of vakif employees in order to use them to cover repair expenses when the vakif had inadequate income, can not be taken on by the current system. Some positive sides of the classical vakif system were used with some alterations, such as the adaptation of a penalty system of the classical vakif system in case intentional damage occurred to the vakif 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 vakif immovable properties. An improvement of the system is aimed through the adaptation of the classical vakif system’s applicable approaches towards the conservation. Based on this background, taking into consideration the current problems and potentials of vakif-based cultural properties and the conservation mechanism in Turkey, the model was formed. The main concept of the model was structured on:

- conservation of vakif-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 vakıf-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 vakıf system in the conservation of vakıf properties are more effective than the current system. Although the conservation of the cultural property is more difficult when compared with the classical vakıf system (due to numerous reasons such as the change in the understanding of conservation and implementation of construction etc), the classical vakıf 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 vakıf system and have been protected by this system for many centuries can be provided through adapting the positive sides of the vakıf system into the current mechanism. However, with the model based on this hypothesis, not all the conservation problems of vakıf-based immovable cultural properties can be solved; merely the main principles for the conservation of vakıf-based cultural properties are tried to be formed through the main understanding of the classical vakıf institution. But there are many more arrangements that are needed for a complete improvement of the GDPF towards the conservation of vakıf-based cultural properties.

Once again it is necessary to point out that the vakıf 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 vakıf in general. Today, although the corporate bodies of individual vakıfs no longer exist, the vakıf properties are still standing as cultural properties to be preserved. Even the aim for continuity, which has changed from vakıf’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 vakıf system can already found in its original structure. This shows the adaptive character and dynamic structure of the vakıf system, which ensured the continuity of vakıf 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 vakıf-based cultural properties, which is based on the adaptation of the classical vakıf 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 vakıf 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 vakıf 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 vakıf 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 vakıf 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 vakıf 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 vakıf 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 GDPF, 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.
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### 3. Budget Laws

#### BUDGET LAWS and FINAL ACCOUNTS LAWS OF GDPF and the STATE LAW

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### 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 Eski 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 Eski Eserlerin vakıflar Umum Müdürlüğü’ne Devrine Dair 7044 Sayılı Kanunun Uygulama Şeklini Gösteren Tüzük, Resmi Gazete Date: 03.01.1964, No: 11597

Bazı Kanunlarda Değişiklik Yapılması Hakkında Kanun, Law no:5035, Resmi Gazete Date: 02.01.2004, No: 25334

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 Gereklidir Taşınmaz Kültür ve Tabiat Varlıklarının Tespit ve Tescili Hakkında Yönetmelik, Resmi Gazete Date: 10.12.1987, No: 19660

Korunması Gereklidir Taşınmaz Kültür Varlıklarının Yapı Esasları ve Denetime Dair Yönetmelik, Resmi Gazete Date: 11.06.2005, No: 25842

Koruma, Uygulama ve Denetime Büroları, Proje Büroları ile 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


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.

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Vakıflar Kanunu, Law no: 2762, Resmi Gazete Date: 13.06.1935, No: 3027

Vakıflar Kanunu, Law no: 5737 Date: 2008

Vakif Malların Taksitle Satılması ve Kiraya Verilmesi ve Satış Paralarının Kullanılması ve Emaneten İdare edilen Mülhak Vakıflardan İdare ve Tahsil Masraflı Alanması Hakkında Kanun, Law no: 2950, Resmi Gazete Date: 27.04.1936, No: 3289

Vakıflar Tüzüğü, Resmi Gazete Date: 01.08.1936, No: 3371

Vakif Hayrat Taşınmazın Tahsisi Hakkında Yönetmelik, Resmi Gazete Date: 04.06.1998, No: 23362

Vakif Hayrat Taşınmazların Kurum ve Kuruluşlara Tahsisinde Uyulacak Usul ve Esaslar Hakkında Teblig, 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

<table>
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<th>Ratio</th>
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<td>42,500,000,000.00</td>
<td>43,827,829,230.000.00</td>
<td>0.1%</td>
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<tr>
<td>1998</td>
<td>241,159,945.000.00</td>
<td>28,677,581,323.000.00</td>
<td>0.8%</td>
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<td>1996</td>
<td>8,474,919,000.00</td>
<td>3,904,391,482.000.00</td>
<td>0.2%</td>
</tr>
<tr>
<td>1995</td>
<td>20,445,772,000.00</td>
<td>1,814,127,899.000.00</td>
<td>1.1%</td>
</tr>
<tr>
<td>1994</td>
<td>101,649,536,000.00</td>
<td>875,055,919.000.00</td>
<td>11.6%</td>
</tr>
<tr>
<td>1993</td>
<td>69,832,411,000.00</td>
<td>529,305,292.000.00</td>
<td>13.2%</td>
</tr>
<tr>
<td>1992</td>
<td>74,360,207,000.00</td>
<td>317,637,279.000.00</td>
<td>23.4%</td>
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<tr>
<td>1991</td>
<td>31,028,654,100.00</td>
<td>166,142,733.000.00</td>
<td>18.7%</td>
</tr>
<tr>
<td>1990</td>
<td>10,938,821,571.00</td>
<td>122,902,787,412.00</td>
<td>8.9%</td>
</tr>
<tr>
<td>1989</td>
<td>88,732,498,000.00</td>
<td>63,720,432,122.00</td>
<td>0.1%</td>
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</table>

Table A.2. Treasury Aid in GDPF’s Budget

<table>
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<tr>
<th>Year</th>
<th>TOTAL INCOME</th>
<th>TREASURY AID</th>
<th>Ratio</th>
</tr>
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<tbody>
<tr>
<td>2007</td>
<td>494,567,268,000.00</td>
<td>0,00%</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>400,000,000,000.00</td>
<td>0,00%</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>206,005,000,000.00</td>
<td>0,00%</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>112,992,580,000.00</td>
<td>3,504,000,000.00</td>
<td>3.10%</td>
</tr>
<tr>
<td>2003</td>
<td>73,794,390,800.00</td>
<td>2,634,000,000.00</td>
<td>3.57%</td>
</tr>
<tr>
<td>2002</td>
<td>89,517,487,130.00</td>
<td>15,000,000,000.00</td>
<td>16.76%</td>
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<tr>
<td>2001</td>
<td>51,315,016,330.00</td>
<td>1,000,000,000.00</td>
<td>1.95%</td>
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<td>2000</td>
<td>43,827,829,230.00</td>
<td>1,228,000,000.00</td>
<td>2.80%</td>
</tr>
<tr>
<td>1999</td>
<td>43,398,033,748.00</td>
<td>1,608,000,000.00</td>
<td>3.71%</td>
</tr>
<tr>
<td>1998</td>
<td>28,677,581,323.00</td>
<td>5,576,500,000.00</td>
<td>19.45%</td>
</tr>
<tr>
<td>1997</td>
<td>8,444,002,099.00</td>
<td>2,478,400,000.00</td>
<td>29.35%</td>
</tr>
<tr>
<td>1996</td>
<td>3,904,391,482.00</td>
<td>936,000,000.00</td>
<td>23.97%</td>
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<tr>
<td>1995</td>
<td>1,814,127,899.00</td>
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<td>1994</td>
<td>875,055,919.00</td>
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<td>21,752,551.300</td>
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<td>1990</td>
<td>122,902,787,412.00</td>
<td>24,645,960,446.00</td>
<td>20.05%</td>
</tr>
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<td>1989</td>
<td>63,720,432,122.00</td>
<td>2,911,478,905.00</td>
<td>4.57%</td>
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<tr>
<td>1988</td>
<td>46,652,829,106.00</td>
<td>1,426,547,126.00</td>
<td>3.06%</td>
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<tr>
<td>1987</td>
<td>33,351,708,867.00</td>
<td>1,951,494,905.00</td>
<td>5.85%</td>
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<tr>
<td>1986</td>
<td>19,483,685,961.00</td>
<td>790,006,094.00</td>
<td>4.05%</td>
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Table A.2. continued

<table>
<thead>
<tr>
<th>Year</th>
<th>Value 1</th>
<th>Value 2</th>
<th>Percentage</th>
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<td>11,176,099,064.00</td>
<td>598,063,921.00</td>
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<tr>
<td>1984</td>
<td>6,407,139,925.00</td>
<td>721,963,334.00</td>
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<td>1983</td>
<td>3,173,875,984.00</td>
<td>635,049,173.00</td>
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<td>1982</td>
<td>1,754,373,355.00</td>
<td>503,628,972.00</td>
<td>28.71%</td>
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<td>1981</td>
<td>1,581,972,432.00</td>
<td>394,511,688.00</td>
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<td>1980</td>
<td>1,258,271,955.00</td>
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<td>1979</td>
<td>980,337,578.83</td>
<td>438,936,904.00</td>
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<td>628,360,184.18</td>
<td>0.00</td>
<td>0.00%</td>
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<td>1977</td>
<td>480,917,374.00</td>
<td>92,754,488.00</td>
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<td>1976</td>
<td>459,557,648.33</td>
<td>168,029,000.00</td>
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<tr>
<td>1975</td>
<td>360,610,737.73</td>
<td>118,487,222.00</td>
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<td>1974</td>
<td>257,261,478.44</td>
<td>65,785,526.00</td>
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<td>1973</td>
<td>203,832,161.20</td>
<td>25,507,319.00</td>
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<td>1972</td>
<td>180,118,247.10</td>
<td>31,561,753.00</td>
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<td>1971</td>
<td>166,099,043.84</td>
<td>35,500,000.00</td>
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<td>1970</td>
<td>166,216,200.91</td>
<td>18,767,282.00</td>
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<td>1969</td>
<td>136,894,330.64</td>
<td>25,301,000.00</td>
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<td>1968</td>
<td>103,530,499.90</td>
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<td>1967</td>
<td>92,633,210.52</td>
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<td>1966</td>
<td>76,683,600.43</td>
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<td>1965</td>
<td>62,991,763.07</td>
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<td>1964</td>
<td>58,128,108.44</td>
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<td>1963</td>
<td>53,630,854.39</td>
<td>19,381,400.00</td>
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<td>1962</td>
<td>50,801,964.70</td>
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<td>54,954,708.95</td>
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<td>54,157,296.21</td>
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<td>1959</td>
<td>45,822,213.68</td>
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<td>35,689,422.04</td>
<td>12,621,150.00</td>
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<td>1957</td>
<td>33,289,391.73</td>
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<tr>
<td>1956</td>
<td>21,480,044.00</td>
<td>7,537,000.00</td>
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<tr>
<td>1955</td>
<td>15,810,047.64</td>
<td>1,725,000.00</td>
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</tr>
<tr>
<td>1954</td>
<td>11,429,514.86</td>
<td>1,380,000.00</td>
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<td>1953</td>
<td>9,743,957.35</td>
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<tr>
<td>1952</td>
<td>7,072,995.83</td>
<td>600,000.00</td>
<td>8.48%</td>
</tr>
<tr>
<td>1951</td>
<td>6,049,069.35</td>
<td>125,404.00</td>
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</tr>
<tr>
<td>1950</td>
<td>6,089,343.09</td>
<td>493,648.00</td>
<td>8.11%</td>
</tr>
<tr>
<td>1949</td>
<td>9,395,336.81</td>
<td>3,093,675.00</td>
<td>32.93%</td>
</tr>
<tr>
<td>1948</td>
<td>8,641,079.00</td>
<td>2,555,000.00</td>
<td>29.57%</td>
</tr>
<tr>
<td>1947</td>
<td>7,289,258.93</td>
<td>2,200,000.00</td>
<td>30.18%</td>
</tr>
<tr>
<td>1946</td>
<td>6,152,235.37</td>
<td>2,219,095.13</td>
<td>36.07%</td>
</tr>
<tr>
<td>1945</td>
<td>3,544,709.03</td>
<td>825,000.00</td>
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<td>1944</td>
<td>5,285,925.79</td>
<td>900,000.00</td>
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<td>1943</td>
<td>4,480,429.74</td>
<td>200,000.00</td>
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<td>1942</td>
<td>4,045,114.93</td>
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<td>1941</td>
<td>4,278,971.00</td>
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<td>1940</td>
<td>3,354,313.78</td>
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<td>1939</td>
<td>3,415,367.66</td>
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<td>1938</td>
<td>2,924,368.68</td>
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</tr>
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<td>1937</td>
<td>2,910,532.82</td>
<td>93,000.00</td>
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Table A.2. continued

<table>
<thead>
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<th>Year</th>
<th>Value</th>
<th>Change</th>
<th>Increase</th>
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<tbody>
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<td>2.675,779,13</td>
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<tr>
<td>1935</td>
<td>2.413,488,80</td>
<td>96,000,00</td>
<td>3.98%</td>
</tr>
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<td>1934</td>
<td>2.286,460,90</td>
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<td>0,00%</td>
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<tr>
<td>1933</td>
<td>2.363,827,32</td>
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<td>0,00%</td>
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<tr>
<td>1931</td>
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<td>150,000,00</td>
<td>5.94%</td>
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<tr>
<td>1930</td>
<td>3.357,107,28</td>
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<tr>
<td>1927</td>
<td>3.222,026,97</td>
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<td>0,00%</td>
</tr>
<tr>
<td>1926</td>
<td>2.953,669,09</td>
<td>0,00</td>
<td>0,00%</td>
</tr>
<tr>
<td>1925</td>
<td>2.308,151,00</td>
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average 16,85%
Table A.3. The ratio of Conservation Expenses in the Budget Laws of GDPF

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<thead>
<tr>
<th>YEAR</th>
<th>TOTAL INCOME</th>
<th>TOTAL EXPENSE</th>
<th>CONSERVATION EXPENSES</th>
<th>conservation expenses / total expenses</th>
<th>conservation expenses / total income</th>
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<tbody>
<tr>
<td>2007</td>
<td>494,567,268,000,000,00</td>
<td>410,341,876,000,00,00</td>
<td>165,623,621,000,00,00</td>
<td>40,36%</td>
<td>33,49%</td>
</tr>
<tr>
<td>2006</td>
<td>400,000,000,000,000,00</td>
<td>289,259,783,000,000,00</td>
<td>136,825,275,000,000,00</td>
<td>47,30%</td>
<td>34,21%</td>
</tr>
<tr>
<td>2005</td>
<td>206,005,000,000,000,00</td>
<td>158,861,123,000,000,00</td>
<td>65,017,735,000,000,00</td>
<td>40,93%</td>
<td>31,56%</td>
</tr>
<tr>
<td>2004</td>
<td>112,992,580,000,000,00</td>
<td>92,474,702,100,000,00</td>
<td>30,649,387,645,000,00</td>
<td>33,14%</td>
<td>27,12%</td>
</tr>
<tr>
<td>2003</td>
<td>73,794,390,800,000,00</td>
<td>59,973,118,000,000,00</td>
<td>12,684,778,290,000,00</td>
<td>21,15%</td>
<td>17,19%</td>
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<td>2002</td>
<td>37,080,000,000,000,00</td>
<td>37,080,000,000,000,00</td>
<td>7,450,000,000,000,00</td>
<td>20,09%</td>
<td>20,09%</td>
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<td>24,833,500,000,000,00</td>
<td>24,833,500,000,000,00</td>
<td>4,547,000,000,000,00</td>
<td>18,31%</td>
<td>18,31%</td>
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<tr>
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<td>21,977,100,000,000,00</td>
<td>21,977,100,000,000,00</td>
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<td>13,30%</td>
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<td>12,948,060,000,000,00</td>
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<td>12,84%</td>
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<tr>
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<td>8,480,550,000,000,00</td>
<td>1,370,000,000,000,00</td>
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<td>16,15%</td>
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<td>4,253,100,000,000,00</td>
<td>4,253,100,000,000,00</td>
<td>665,150,000,000,00</td>
<td>15,64%</td>
<td>15,64%</td>
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<td>2,116,001,000,000,00</td>
<td>438,700,000,000,00</td>
<td>20,73%</td>
<td>20,73%</td>
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<tr>
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<td>989,751,000,000,00</td>
<td>172,000,000,000,00</td>
<td>17,38%</td>
<td>17,38%</td>
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<tr>
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<td>670,965,000,000,00</td>
<td>670,965,000,000,00</td>
<td>97,000,000,000,00</td>
<td>14,46%</td>
<td>14,46%</td>
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<td>339,609,000,000,00</td>
<td>339,609,000,000,00</td>
<td>70,000,000,000,00</td>
<td>20,61%</td>
<td>20,61%</td>
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<td>183,171,000,000,00</td>
<td>183,171,000,000,00</td>
<td>45,500,000,000,00</td>
<td>24,84%</td>
<td>24,84%</td>
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<tr>
<td>1991</td>
<td>121,122,000,000,00</td>
<td>121,122,000,000,00</td>
<td>31,250,000,000,00</td>
<td>25,80%</td>
<td>25,80%</td>
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<tr>
<td>1990</td>
<td>87,074,000,000,00</td>
<td>87,074,000,000,00</td>
<td>20,300,000,000,00</td>
<td>23,31%</td>
<td>23,31%</td>
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<tr>
<td>1989</td>
<td>35,876,000,000,00</td>
<td>35,876,000,000,00</td>
<td>4,100,000,000,00</td>
<td>11,43%</td>
<td>11,43%</td>
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<tr>
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<td>22,022,000,000,00</td>
<td>22,022,000,000,00</td>
<td>7,490,000,000,00</td>
<td>34,01%</td>
<td>34,01%</td>
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<tr>
<td>1987</td>
<td>11,663,000,000,00</td>
<td>11,663,000,000,00</td>
<td>3,855,000,000,00</td>
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<td>33,05%</td>
</tr>
<tr>
<td>Year</td>
<td>Value 1</td>
<td>Value 2</td>
<td>Total</td>
<td>Percentage 1</td>
<td>Percentage 2</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>---------</td>
<td>-------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
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<td>9,039,000,000.00</td>
<td>9,039,000,000.00</td>
<td>2,365,000,000.00</td>
<td>26.16%</td>
<td>26.16%</td>
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<td>5,776,356,000.00</td>
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<td>1,615,000,000.00</td>
<td>27.96%</td>
<td>27.96%</td>
</tr>
<tr>
<td>1984</td>
<td>4,253,555,000.00</td>
<td>4,253,555,000.00</td>
<td>1,389,000,000.00</td>
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<td>32.66%</td>
</tr>
<tr>
<td>1983</td>
<td>3,435,000,000.00</td>
<td>3,435,000,000.00</td>
<td>1,032,500,000.00</td>
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<td>30.06%</td>
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<tr>
<td>1982</td>
<td>1,784,698,000.00</td>
<td>1,784,698,000.00</td>
<td>351,044,000.00</td>
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<td>19.67%</td>
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<tr>
<td>1981</td>
<td>1,336,741,000.00</td>
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<td>293,500,000.00</td>
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<tr>
<td>1980</td>
<td>1,174,542,000.00</td>
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<td>208,855,000.00</td>
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<tr>
<td>1979</td>
<td>1,012,835,000.00</td>
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<td>329,400,000.00</td>
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<td>32.52%</td>
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<tr>
<td>1978</td>
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<td>1977</td>
<td>734,621,000.00</td>
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<td>1976</td>
<td>411,943,000.00</td>
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<td>1975</td>
<td>256,460,813.00</td>
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<td>98,050,000.00</td>
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<td>38.23%</td>
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<td>1974</td>
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<td>45,170,000.00</td>
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<td>1973</td>
<td>102,450,459.00</td>
<td>102,450,459.00</td>
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<td>1972</td>
<td>101,161,069.00</td>
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<td>1971</td>
<td>79,200,173.00</td>
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<td>1970</td>
<td>67,998,214.00</td>
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<td>1969</td>
<td>73,205,465.00</td>
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<td>1968</td>
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<td>51,184,400.00</td>
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<td>1963</td>
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<td>17,515,000.00</td>
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<td>1962</td>
<td>41,341,945.00</td>
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<td>15,735,000.00</td>
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<td>44,260,000.00</td>
<td>44,260,000.00</td>
<td>9,930,000.00</td>
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<td>22.44%</td>
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<td>1960</td>
<td>55,855,484.00</td>
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<td>11,558,000.00</td>
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<td>20.69%</td>
</tr>
<tr>
<td>Year</td>
<td>Value1</td>
<td>Value2</td>
<td>Value3</td>
<td>Value4</td>
<td>Value5</td>
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<td>1959</td>
<td>32,130,900.00</td>
<td>32,130,900.00</td>
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<td>7,508,000.00</td>
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<td>22,371,300.00</td>
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<td>17,979,000.00</td>
<td>3,593,000.00</td>
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<td>19.99%</td>
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<td>1955</td>
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<td>12,803,675.00</td>
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<td>17.64%</td>
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<tr>
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<td>737,250.00</td>
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<td>8.63%</td>
</tr>
<tr>
<td>1949</td>
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<td>737,248.00</td>
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<tr>
<td>1948</td>
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<td>7,490,300.00</td>
<td>716,820.00</td>
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<td>9.57%</td>
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<tr>
<td>1947</td>
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<td>6,716,500.00</td>
<td>644,060.00</td>
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<td>9.59%</td>
</tr>
<tr>
<td>1946</td>
<td>5,555,801.00</td>
<td>5,556,000.00</td>
<td>803,776.00</td>
<td>14.47%</td>
<td>14.47%</td>
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<tr>
<td>1945</td>
<td>3,383,131.00</td>
<td>3,383,131.00</td>
<td>689,176.00</td>
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<td>20.37%</td>
</tr>
<tr>
<td>1944</td>
<td>3,771,000.00</td>
<td>3,771,000.00</td>
<td>341,321.00</td>
<td>9.05%</td>
<td>9.05%</td>
</tr>
<tr>
<td>1943</td>
<td>3,577,496.00</td>
<td>3,580,000.00</td>
<td>309,700.00</td>
<td>8.65%</td>
<td>8.66%</td>
</tr>
<tr>
<td>1942</td>
<td>3,356,869.00</td>
<td>3,358,000.00</td>
<td>232,000.00</td>
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<td>6.91%</td>
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<tr>
<td>1941</td>
<td>3,175,382.00</td>
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<td>412,500.00</td>
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<td>12.99%</td>
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<tr>
<td>1940</td>
<td>2,913,928.00</td>
<td>2,914,000.00</td>
<td>192,500.00</td>
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<td>6.61%</td>
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<tr>
<td>1939</td>
<td>2,788,470.00</td>
<td>2,789,500.00</td>
<td>107,000.00</td>
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<td>3.84%</td>
</tr>
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<td>1938</td>
<td>2,915,495.00</td>
<td>2,915,585.00</td>
<td>233,930.00</td>
<td>8.02%</td>
<td>8.02%</td>
</tr>
<tr>
<td>1937</td>
<td>2,833,131.00</td>
<td>2,833,500.00</td>
<td>216,010.00</td>
<td>7.62%</td>
<td>7.62%</td>
</tr>
<tr>
<td>1936</td>
<td>2,469,242.00</td>
<td>2,469,300.00</td>
<td>92,544.00</td>
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<td>3.75%</td>
</tr>
<tr>
<td>1935</td>
<td>2,446,999.00</td>
<td>2,447,000.00</td>
<td>113,000.00</td>
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<td>4.62%</td>
</tr>
<tr>
<td>1933</td>
<td>2,498,683.00</td>
<td>2,498,700.00</td>
<td>110,000.00</td>
<td>4.40%</td>
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<tr>
<td>1932</td>
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</table>
Table A.3. continued

<table>
<thead>
<tr>
<th>YEAR</th>
<th>EXPENSE</th>
<th>INCOME</th>
<th>EXPENSE</th>
<th>INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,122,041,00</td>
<td>3,622,500,00</td>
<td>110,000,00</td>
<td>3,52%</td>
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<tr>
<td>1930</td>
<td>3,118,906,00</td>
<td>3,119,000,00</td>
<td>135,000,00</td>
<td>4,33%</td>
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<tr>
<td>1929</td>
<td>3,846,149,00</td>
<td>3,847,100,00</td>
<td>345,000,00</td>
<td>8,97%</td>
</tr>
<tr>
<td>1928</td>
<td>3,485,830,00</td>
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<td>345,000,00</td>
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<td>3,331,218,00</td>
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<tr>
<td>1926</td>
<td>3,185,000,00</td>
<td>3,185,500,00</td>
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<td>1925</td>
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<td>2,511,500,00</td>
<td>470,000,00</td>
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<tr>
<td>1924</td>
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<td>150,000,00</td>
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AVERAGE 20,49%

Table A.4. Expenses and Incomes in GDPF Budget and State’s General Budget

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<tr>
<th>YEAR</th>
<th>EXPENSE</th>
<th>INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 Bütçe yılı Kesinhesap Kanunu</td>
<td>143,685,760,918,000,00</td>
<td>135,756,182,408,000,00</td>
</tr>
<tr>
<td>VGM 2005 yılı Kesinhesap Kanunu</td>
<td>206,005,000,000,000,00</td>
<td>158,861,123,000,000,00</td>
</tr>
<tr>
<td>ratio</td>
<td>0,14%</td>
<td>0,12%</td>
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<tr>
<td>2000 Bütçe yılı Kesinhesap Kanunu</td>
<td>46,384,290,611,650,000,00</td>
<td>33,040,902,852,750,000,00</td>
</tr>
<tr>
<td>VGM 2000 yılı Kesinhesap Kanunu</td>
<td>35,153,073,700,000,000,00</td>
<td>43,827,829,230,000,000,00</td>
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<td>ratio</td>
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</tr>
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<td>1995 Bütçe yılı Kesinhesap Kanunu</td>
<td>1,704,845,121,341,000,00</td>
<td>1,387,759,990,286,000,00</td>
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<tr>
<td>VGM 1995 yılı Kesinhesap Kanunu</td>
<td>1,759,495,261,000,000,00</td>
<td>1,814,127,899,000,000,00</td>
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<tr>
<td>ratio</td>
<td>0,10%</td>
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</table>
Table A.4. continued

<table>
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<th>Bütçe yılı Kesinhesap Kanunu</th>
<th>VGM 1990 yılı Kesinhesap Kanunu</th>
</tr>
</thead>
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<td>1990</td>
<td>66,820,002,339,166,00</td>
<td>55,066,933,303,630,00</td>
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<td>Bütçe yılı Kesinhesap Kanunu</td>
<td>6,272,649,743,939,00</td>
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<td>1980</td>
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<td>Muvazene-i Umumiye Kanunu</td>
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<td>Mali Yılı Kesin Hesap Kanunu</td>
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<td>Description</td>
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<td></td>
<td>VGM 1940 yılı Kesinhesap Kanunu</td>
<td>3,074,673,32</td>
</tr>
<tr>
<td></td>
<td>ratio</td>
<td>0,56%</td>
</tr>
<tr>
<td></td>
<td>Mali senesi Hesabı Kati Kanunu</td>
<td>259,476,797,97</td>
</tr>
<tr>
<td></td>
<td>VGM 1935 yılı Kesinhesap Kanunu</td>
<td>2,458,222,75</td>
</tr>
<tr>
<td></td>
<td>ratio</td>
<td>0,94%</td>
</tr>
<tr>
<td></td>
<td>Mali senesi Hesabı Kati Kanunu</td>
<td>210,109,120,63</td>
</tr>
<tr>
<td></td>
<td>VGM 1930 yılı Kesinhesap Kanunu</td>
<td>3,240,496,28</td>
</tr>
<tr>
<td></td>
<td>ratio</td>
<td>1,54%</td>
</tr>
<tr>
<td></td>
<td>Mali senesi Hesabı Kati Kanunu</td>
<td>202,342,352,25</td>
</tr>
<tr>
<td></td>
<td>VGM 1925 yılı Kesinhesap Kanunu</td>
<td>3,348,175,12</td>
</tr>
<tr>
<td></td>
<td>ratio</td>
<td>1,65%</td>
</tr>
</tbody>
</table>
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 Köbns 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 %60-65\textsuperscript{199} are found in the bazaars; Kavaflar Çarşı, Bezirgan Çarşı, Bedesten, Taşhan, Mazman Çarşı, 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 Hamami are found. At the south of the Marmara Hamami, 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 Çarşı and Bezirgan Çarşı is located between the bedesten and Bakırcılar Çarşısı. Taşhan which has entrance from Bezirgan Çarşı is found at the east of the covered bazaar. Between the Bezirgan Çarşı and Taşhan, Alacacilar Çarşı 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.

Ulucami, Taş Medrese, Taşhan and İklim 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 (Özkarcı, 2002:1216).

\textsuperscript{199} According to the Conservation Plan report.
Figure B.1. HCC of K.Maraş and near surrounding
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 Hamami are found at the north of the HCC, Bedesten and Saracbane Cami are found at the center, Taşhan is found nearer to the south part of HCC, whereas İklim 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 Hamami, which are at the back of these new constructed shops do not perceived from the avenue. Covered bazaar, Bakircilar Çarsi 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 Saracbane 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 Çarşı 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, İklim Hatun Mescid, 1/3 share of the Bedesten, Taşhan and the shop found in Bezirgan Çarşı, building lot176, lot no 48. In the commercial center only one mülhak vakıf, which is Bayazıtıı 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 |
|-------------------------------------|--------------------------------|
| **Mazbut Vakıf**                     | **Mülhak Vakıf**                     |
| Taş Medrese, Ulu Cami, the tomb of Yum Baba, İklim Hatun Mescid  | Saraçhane Mosque |
| 1/3 share of the Bedesten           |                               |
| **Taşhan**                          | Shops: |
| Shop: 48 lot in 172 building lot     | 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 Bayazıd\textsuperscript{200} 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 vakif. As it is seen today, the vakif has only 7 shops at the same place as an income source. Another example is seen in the vakfiyes of Alaüddevle; first one is dated 906/1500-1501\textsuperscript{201} and the second dated 916/1510-1511\textsuperscript{202}. In the vakfiyes, some of the properties as akar are; 19 shops at Maraş Çarşı, 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 Keşşarçıyan Çarşısı, bath located near to the Maraş bazaar, 8 shops adjacent to the bath, 6 shops near to Maraş bazaar, caravanerai and 15 shops. However, some of the hayrats of the vakif 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 Ulucami are still exist and they are mazbut vakifs. Nevertheless the income sources of these buildings, lots of shops and commercial buildings in the commercial area, which are mentioned above, are no more vakif property.

As it is seen from the Figure B.4., most of the buildings which were known or thought as the belongings of the vakifs 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 vakif which are mentioned above. This shows that the concept underlying the vakif’s operation has changed during the Republican period by loosing the vakif properties with akar qualities due to selling or not being registered of the vakif 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 vakif, thus some portion of the income of the mülhak vakıfs are allocated to the finance of the conservation acts.

\textsuperscript{200} GDPF vakfiye archives, notebook no:1966-150-166
\textsuperscript{201} GDPF vakfiye archives, notebook no:509-105-98
\textsuperscript{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 Çarşı, Bedesten, covered bazaar (except the shops on Atatürk Avenue), Taşhan, most of the shops in Bakircilar Çarşı, some shops in the Belediye Çarşı, Hışır Han and the traditional buildings found at the north end of Belediye Çarşı. 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 Çarşı and Bakircilar Çarşı.

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 Bakircilar Çarşı was not included to the conservation plan despite the shops found in Semerciler Çarşı, Köşger Çarşı and Eski Kışla Çarşı 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.
Figure B.5. Legal Status in the HCC
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.)](image)

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 Çarşı*, (after the white wash & paint)

Figure B.11-12. Shops in the *Belediye Çarşı*
B.2. General Characteristics & Conservation Problems Of Vakıf Based Immovable Cultural Properties in Historical Commercial Center Of Gaziantep

Location

The historical commercial center of Gaziantep is located between the Citadel and Yemiş Han along the Uzun Çarşı street (Figure B.13). At the sout foot of the citadel Hisva Han, Millet Han and Büdeyri Han are found. At the south of these hans, Yeni Han, Yüzükçü Han, Gümruk Han, Anadolu Han, Zincirli Bedesten, Emir Ali Han, Gayret Han, Şeker Han, Bakircilar Çarşısı, Tütün Han, Kürkçü Han, Eski Büyük Buğday Pazarı Han and Eski Küçük Han are located.
_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 _Hişva 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 _Bakırçilar Çarşısı_ in the area.

**Ownership**

In the historical commercial center private property, _mazbut_ and _mülhak vakıfs’_ properties, multi ownership (private + vakif property) and property of the municipality are observed (Figure B.14.). The ownerships other than the _vakif_ property, which constitutes the considerable part of the commercial area are both the result of being sold or allocated of the vakif 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 _vakif_ 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

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Ownership pattern</th>
<th>Name of the vakıf immovable cultural property</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AKAR</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>han</td>
<td>Mazbut Vakıf</td>
<td>Anadolu Han</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tütün Han</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Buğday Han (Eski Küçük)</td>
</tr>
<tr>
<td></td>
<td>Mülhak Vakıf</td>
<td>Gümürük Han</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yüzük Han (share)</td>
</tr>
<tr>
<td>Bedesten</td>
<td>Mazbut Vakıf</td>
<td>Zincirli Bedesten</td>
</tr>
<tr>
<td>Bath</td>
<td>Mazbut Vakıf</td>
<td>Şih Fetullah Hamamı</td>
</tr>
<tr>
<td></td>
<td>Mülhak Vakıf</td>
<td>Keyvanbey Hamamı</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tabak Hamamı</td>
</tr>
<tr>
<td>Shop</td>
<td></td>
<td>17 unit</td>
</tr>
<tr>
<td>Coffe house</td>
<td>Mülhak Vakıf</td>
<td>Tahmis Kahve</td>
</tr>
<tr>
<td>Dwelling</td>
<td>GDPF</td>
<td>Dayı Ahmet Ağa Konağı</td>
</tr>
<tr>
<td><strong>HAYRAT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mosque</td>
<td></td>
<td>35 adet</td>
</tr>
<tr>
<td>Kastel</td>
<td>Mazbut Vakıf</td>
<td>Pişirici Mescidi-kasteli</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ahmet Çelebi Kasteli</td>
</tr>
<tr>
<td></td>
<td></td>
<td>İhsanbey Camii Kasteli</td>
</tr>
<tr>
<td>Tomb</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Tekke</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Medrese</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Church</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Havra</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>69 Building</td>
</tr>
</tbody>
</table>
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 *Bakırçilâr Çarşı* 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](image)

- 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](image)
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
Bakircilar 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 Emniği 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
Evkaft: pious foundations, vakıfs
Evkaf-ı Harameyn Nezareti: the institution responsible for the supervision of Harameyn vakıfs
Evkaf(-ı Hümayun) Nezareti: the central institution of pious foundations
Evkaf-ı mazbутa: vakıfs which were administered by Evkaf Nezareti
Evkaf-ı mül hakа: vakıfs which were administered by their mütevelli 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 Arazı:** tribute land

**Harameyn vakıfs:** vakıfs which were located or donated to the holy cities

**Hassa Mimar:** architect belongs to State Architectural Office

**Hayrat:** charity deed of a pious foundation like mosque, medrese, imaret

**Hazine-ı 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 begining of the renting process.

**İcare-ı mu’accele:** later rent; fixed amount of rental which is paid during the renting.

**İcare-ı tavile:** a kind of long term renting

**İcare-ı 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

**Kadi:** judge, governner 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

**Külliye:** building complex

**Mazbut Vakif:** 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:** stateowned

**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 mütevelli but under the supervision of GDPF

**Müderris:** 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

**Nazir:** 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

**Rüznâmecilik:** a department in Evkaf Nezareti which is responsible for the repair acts

**Saatçiler Pasaj:** the bazaar of clock sellers

**Sadrazam:** the grand vizier

**Sahih vakıf:** vakıfs of which immovable and movable properties are owned by vakıf

**Sancak:** subdivision of a provience

**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 Kalesi: 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 dirlik 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
Vakif: pious foundation
Vâkıf: the founder of a vakıf
Vakıflye: 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 dirlik 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
e-mail: 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;
- 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:
2005 “1930’larda Bir Kent Mezbahası” (A Slaughterhouse in Adana in 1930’s), Poster Presentation in DOCOMOMO_Tr Türkiye Mimariğinda Modernizmin Yerel Açılımları II, 11-12 November 2005, İzmir