

Preservation Approaches Conducted by Foundations: A Cross-Cultural Comparative  
Analysis of Turkey and the United States

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## **Abstract**

Cross-cultural comparative approaches have been used in the field of historic preservation mostly to make comparative analyses between Europe and the United States, yet to date there is not a specific cross-cultural study of the contributions of foundations to preservation field in Turkey and in the United States. Hence, this study examines foundation archives and case-study foundation deeds, official web sites of related organizations and a literature survey on the role of foundations in preservation aiming to fill this gap, at least partially. The parameters used as cross-cultural comparison are basic preservation terminologies, organizational structures, and historic preservation legislation. The major conclusion of the study is that the waqf system in Turkey, directed by governmental organization, does have certain organizational characteristics with deep-rooted historic, religious, and socio-cultural values differentiating it from foundations in the United States and there are certain transfer values of both countries to learn from each other.

Keywords: cross-cultural comparison, historic preservation, foundations, waqfs, Turkey, the United States

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## **List of Abbreviations**

<b>Abbreviation</b>	<b>Explanation</b>
AC	Architectural Conservation
CAT	Chamber of Architects in Turkey
CCNPA	Conservation of Cultural and Natural Properties Act
CFR	Code of Federal Regulations
ÇEKÜL	Foundation for the Protection and Promotion of the Environment and Cultural Heritage in Turkey
DGF	Directorate General of Foundations
DGR	Directorate General of Roads
DoT	Department of Transportation
FHPO	Federal Historic Preservation Office(r)
GDHAM	General Directorate of Historic Artifacts and Museums
GDMM	General Directorate of Monuments and Museums
GSA	General Service Administration
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HP	Historic Preservation
HSR	Historic Structure Report
ICOMOS	International Council on Monuments and Sites
IRS	Internal Revenue Service
KUDEB	Conservation, Supervision and Implementation Bureaus
MECP	Ministry of Environment and City Planning
METU	Middle East Technical University

MoCT	Ministry of Culture and Tourism
MoE	Ministry of Education
National Trust	National Trust for Historic Preservation in the
NATHPO	National Association of Tribal Historic Preservation Officers
NCSHPO	National Conference of State Historic Preservation Officers
NEPA	National Environment Policy Act United States
NGO	Non-Governmental Organizations
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
NSF	National Science Foundation
RCC	Regional Council for Conservation
SCCCNP	Superior Council for Conservation of Cultural and Natural Property
SHPO	State Historic Preservation Office(r)
TAÇ	Foundation of Conservation of Monuments and Natural Heritage
TGNA	Turkish Grand National Assembly
THPO	Tribal Historic Preservation Office(r)
USAID	United States Agency for International Development
USIA/BECA	State Department's Bureau of Educational and Cultural Affairs
UHC -TKB	Union of Historic Cities (Tarihi Kentler Birliđi)

# 1. INTRODUCTION

This study begins with basic questions that are not often asked: “Is there such a thing as historic preservation in Turkey and in the United States, specifically implemented by foundations?” Why is the role of foundations important in historic preservation? Does civil society give importance to historic preservation? The answers to these questions have twofold importance both for the professionals in historic preservation field and for the public at large who is the active user of the heritage itself. Those questions are worth examining in order to analyze the existing structures, methods and systems of historic preservation activities held by foundations in Turkey and in the United States, and to be able to determine the potential transfer values for the betterment of historic preservation in both countries.

There is a series of important nationwide studies concerning philanthropy, charity, foundations, waqfs, and civil society practices both in Turkey and in the United States.<sup>1</sup> Despite that abundance of information, there are very few surveys on their role in preservation issues in comparative basis. Therefore, the purpose of this study is to remedy this situation, at least in part. First, it is needed to clarify the roots and history of different foundation systems existent in both countries, and then the

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<sup>1</sup> Amy Singer, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002); Jennifer Bremer, “Islamic Philanthropy: Reviewing Traditional Forms for Building Social Justice” (paper presented at the CSID 5th Annual Conference on Defining and Establishing Justice in Muslim Societies, Washington DC, May 28-29, 2004); Haim Gerber, “The Public Sphere and the Civil Society in the Ottoman Empire,” in *The Public Sphere in Muslim Societies*, eds. Miriam Hoexter, Schemuel N. Eisenstadt and Nehemia Levtzion (Albany: State University of New York Press, 2002), 65-82; M. Shelby Harrison, “Foundations and Public Service,” *American Journal of Economics and Sociology* 9, no. 1 (1949): 107-16; Yaacov Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam* (Gainesville: University Press of Florida, 2005); G. Paul Schervish, and J. John Havens, “Social Participation and Charitable Giving: A Multivariate Analysis,” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 8, no. 3 (1997): 235-60; Robert Wuthnow and James A. Beckford, *Between States and Markets: The Voluntary Sector in Comparative Perspective*, ed. Robert Wuthnow (Princeton, New Jersey: Princeton University Press, 1991).

emphasis is given to their preservation activities. Actually, in the study two systems are compared; namely, the current centralized foundation system of Turkey and the decentralized foundation system of the United States. Even though, today, in Turkey all the foundations are either managed or supervised by the state (as a part of the centralized system as in many other European countries) in the history the state was not so effective. Instead, most of the duties were performed by public participation by means of “classical waqf system,” which was an autonomous structure founded by the own wills of the individuals, reminiscent of the decentralized system observed in the United States today.

Second, by applying a variety of cross-cultural comparison parameters, this study intends to show that foundations play an important role in the field of historic preservation both in Turkey and in the United States, and their different systems have potential pros and cons. In the process, the organizational structure, legislations and social and cultural complexity of the field in both countries are particularly stressed. Differences and similarities between the two countries in terms of preservation foundations in addition to specific national, historic, religious and cultural background of the countries affecting the foundation systems, contribute to the knowledge and understanding of the preservation approaches of the societies. Hence, one of the purpose of this study is to gather information through cross-cultural comparison of preservation foundations of particular countries with different waqf/foundation roots; in this case, Turkey and the United States, might be comparable at a future time with the data and analysis derived from other similar cross-cultural studies drawn up elsewhere.

Lastly, this study is considered beneficial for those interested in both countries aiming to examine the potential answers to the question of “What are the lessons to be learned?” This thesis argues that both Turkey and the United States need to adopt and develop a more comprehensive and integrated approach for the betterment of historic preservation field and that they may benefit from the successful applications of each other by transferring and integrating those values into their own implementations.

## **1.1 Argument**

Both in Turkey and in the United States, historic preservation efforts occur at many levels, ranging from the activities of private individuals and non-profit organizations, to municipal, national and governmental agencies. Despite the large number of prolifically written studies on the history of national monuments, historic districts and historical artifacts in both countries, there is little written on the effort of foundations established to preserve historic buildings and places.

Historic preservation via foundations is rather a complex task. For one thing, especially in Turkey, just looking at new foundations specifically devoted to preservation is inadequate. There are other types of foundations such as fused, annexed and community foundations, which should be defined clearly to better understand the essence and roots of foundations and their role in the historic preservation in the country. Similarly, in the United States, the activities of civil society organizations on the application of historic preservation are one of the wide-ranging reform efforts, and they have shown some differences in terms of their both organization pattern and legislations. Second, the above point is

reinforced when one quickly comes to realize that the very definition of foundation is rather different in Turkey compared to the United States; so is the first rise of preservation action in both countries.

As outlined above, all our data indicates that there are certain differences in preservation approaches in two countries. Then such questions come to mind as, what are the pros and cons of these two different approaches? Why did the countries develop these systems, that, when compared, seem so different? Actually, this results from many factors, nation, religion, culture and history being among very reasons of such a difference. Nevertheless, we can no longer ignore the conclusion that because preservation laws and organizational structure of the countries are the two major causes of such differences in preservation conducted by foundations. In addition, given the strong cultural aspects of foundations and waqfs, after analyzing the pros and cons of these two different systems, it is unlikely to claim that one country is superior to other because of their different systems. They may however, be suggestive for efforts to understand the role of preservation foundations in both countries and to develop ways for the betterment of preservation conducted by those foundations more generally.

## **1.2 Methodology and Literature Review**

According to Salamon and Anheier, it is a misconception that the existence of wide range of foundations as a third-sector is exclusively peculiar to the United States, such that, third-sector organizations have played an important role not only in the United States but also in almost all developed countries and in developing ones as

well.<sup>2</sup> In terms of historic preservation implemented by foundations in Turkey, there are some studies by different scholars.<sup>3</sup> Similarly, some others emphasize the role of nonprofits in historic preservation in the United States.<sup>4</sup> Nevertheless, those studies lack a comparative perspective just focus on the condition itself in each country, separately. Although significant variations between the two countries exist, both cases are instructive for the larger processes and developments that have been, and are taking place across the both countries. As in the Turkey case, its rich philanthropic traditions and relatively well-developed waqf system, as well as new foundations are still unknown to most cultures. Similarly, given the complex legal structure of nonprofit organizations in the United States there are many things deserve learning from those complex institutions, including preservation foundations.

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<sup>2</sup> Lester M. Salamon and Helmut K. Anheier, "Defining the Nonprofit Sector in Developed Societies," in *Defining The Nonprofit Sector: A Cross-national Analysis*, eds. Lester M. Salamon and Helmut K. Anheier (New York : Manchester University Press, 1997), 101-2.

<sup>3</sup> For the studies conducted on preservation foundations in Turkey see Tuba Akar, "The Role of Vakıf Institution in the Conservation of Vakıf Based Cultural Heritage" (PhD diss., Middle East Technical University, Ankara, Turkey, 2009); Emre Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi, 16.-18. Yüzyıllar* (Ankara: ODTÜ Mimarlık Fakültesi Yayınları, 2004); Emre Madran, "Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi II," *METU JFA* 17, no. 1-2 (1997): 75-97; Emre Madran, "Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi I," *METU JFA* 16, no. 1-2 (1996): 59-97; Handan Dedehayır, *Yerelden Ulusala Ulusaldan Evrensele Koruma Bilincinin Gelişim Süreci* (İstanbul: ÇEKÜL Vakfı, 2010); Haim Gerber, *The Public Sphere and the Civil Society in the Ottoman Empire*, 65-82; Sultan K. Şahin and Saadet Güner, "Kültürel Miras Koruması ve Sivil Toplum Örgütleri Arasındaki İlişki (Relationship between the Protection of the Cultural Heritage and Non-Governmental Organizations NGOs)" (paper presented at the annual meeting of the Dokuz Eylül University Fine Arts Department 1st International Traditional Arts Symposium, İzmir, November 16-18, 2006).

<sup>4</sup> For the studies conducted on private preservation nonprofits in the United States see Kathryn Welch Howe, "Private Sector Involvement in Historic Preservation," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe (Chapel Hill and London :University of North Caroline Press, 2003), 279-311; Frederick Luther Merrill, "The Role of Private Nonprofit Organizations in the Historic Preservation and Housing Rehabilitation Process: A Case Study of Savannah, Georgia" (Master thesis, Massachusetts Institute of Technology, 1980); Elizabeth D. Mulloy, *The History of the National Trust for Historic Preservation* (Washington, D.C.: The Preservation Press National Trust for Historic Preservation in the United States, 1976); William J. Murtagh, *Keeping Time: The History and Theory of Preservation in America*, rev. ed. (New York: John Wiley & Sons, Inc., 1997), 25-39; Victoria Prevatt Wood, "Historic Preservation and Philanthropy: Partners Through Nonprofit Organizations" (Master thesis, University of Georgia, 2010).

Considering that the study deals with various topics, research strategy of the thesis included different methods, namely, case studies and combined strategies, historical research and correlational research based on cross-cultural comparisons being the main methods applied during the thesis. First, after a through literature survey, waqf and foundation systems and their roots in both countries in their general terms were explained in detail. Second, their relation with the historic preservation was set up both by means of correlational research using cross-cultural studies and by means of their developments in both countries throughout the history. After gathering all related documents, whole information was analyzed to evaluate the historic preservation studies implemented by foundations both in Turkey and in the United States. These studies were compared with each other to discuss the similarities and differences between these two countries. Thereafter, and throughout the thesis comparison and analyze results were compiled in comparison charts.

Given the vast quantity of preservation foundations in both countries, a case-study approach is followed in this study, the criterion for choice being the importance of foundations in nationwide. They have been selected considering their representative nature of preservation foundations in each country; Foundation for the Protection and Promotion of the Environment and Cultural Heritage (ÇEKÜL) in Turkey and National Trust for Historic Preservation (National Trust) in the United States being the two exemplary foundations. References have been made to their actual foundation deed and Act for the ease of analysis. Literature surveys on library databases and archives of DGF set up the basis of the study to obtain required background information for ÇEKÜL and National Trust. In Turkey case, all the foundations and their preservation activities established before and after the abolished

Turkish Civil Code of 743 dated 1926 are the subject of this thesis to be better able to see the historic roots of preservation and the contemporary situation.

In addition, considering the complexity of the issue, it would appear to be necessary to consider cross-cultural comparison before turning to cases of preservation activities conducted by foundations in both countries. There are some cross-cultural studies in nonprofit organizations, volunteer sector and charitable giving in different countries<sup>5</sup> and some on the comparative analyses of historic preservation in the United States and in Britain and Europe directed by different scholars.<sup>6</sup> Nevertheless, yet to date, there is not a specific study focused on cross-cultural comparison of historic preservation foundations in Turkey and in the United States. Hence, if we are to understand the role of foundations in preservation in both countries, first, their preservation terminologies, laws, and organizational structures are to be understood in a comparative basis.

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<sup>5</sup> Robert Wuthnow, ed., *Between States and Markets : The Voluntary Sector in Comparative Perspective* (Princeton, N.J.: Princeton University Press, 1991); Lester M. Salamon and Helmut K. Anheier, eds., *Defining the Nonprofit Sector : A Cross-national Analysis* (New York: Manchester University Press, 1997); Estelle James, *The Nonprofit Sector in International Perspective: Studies in Comparative Culture and Policy* (New York: Oxford University Press, 1989); Bernard Enjolras and Karl Henrik Sivesind, eds., *Civil Society in Comparative Perspective (Comparative Social Research, Volume 26)* (Bingley, UK: Emerald Group Publishing Limited, 2009); Walter W. Powell, ed., *The Nonprofit Sector: A Research Handbook* (New Haven and London: Yale University Press, 1987).

<sup>6</sup> For more information on the cross-cultural comparisons of historic preservation in the United States and in other countries see Diane Barthel, "Historic Preservation: A Comparative Analyses," *Sociological Forum* 4, no. 1 (1989): 87-105; Diane Barthel, *Historic Preservation: Collective Memory and Historical Identity* (New Brunswick and New Jersey: Rutgers University Press, 1996), 3-7, see also David Yeomans, "Rehabilitation and Historic Preservation: A Comparison of American and British Approaches," *The Town Planning Review* 65, no. 2 (1994): 159-178 and John H. Stubbs and Emily G. Makás, *Architectural Conservation in Europe and the Americas* (Hoboken, New Jersey: John Wiley & Sons, Inc.: 2011); Russel V. Keune, "Historic Preservation in a Global Context: An International Perspective," in *A Richer Heritage: Historic Preservation in the Twenty-First Century*, ed. Robert E. Stipe (Chapel Hill and London: The University of North Carolina Press, 2003), 353-382; Karolin Frank and Patricia Petersen, *Historic Preservation in the USA* (Berlin: Springer, 2002), 177-190; Zeynep Aygen, *International Heritage and Historic Building Conservation: Saving the World's Past* (New York and London: Routledge Taylor and Francis Group, 2013).

### **1.3 Disposition**

The study is presented in five chapters, of which this introduction is the first.

In the second chapter, a brief literature survey is given on the general description of the foundation together with the term *waqf* explaining the differences between these two terms. Then, in this chapter the history of historic preservation approaches in Turkey and in the United States are briefly clarified. In addition, DGF being the auditing agency of the foundations in Turkey and IRS, in the United States, are clearly described and compared in terms of their level of relation with foundations including the ones conducting preservation activities.

In the third chapter, a cross-cultural comparison has been done in terms of historic preservation terminologies, main legislations, and organization structures. In the fourth chapter, are given the analysis of the operation of preservation foundations, with the case studies of ÇEKÜL in Turkey and National Trust in United States. Thus, the role of foundations in historic preservation has been evaluated by means of comparisons and contrasts observed in these two cases. In the fifth chapter, the results obtained from case studies, comparison and contrast analysis are presented, and the results are evaluated and discussed. Some suggestions for the betterment of these systems and potential transfer values from each country are also explained at this part of the study. Besides, at the end of this chapter the recommendations for further research work have been presented.

## 2. OVERVIEW

Turkey and the United States have very different political, social and cultural systems in addition to their different historic backgrounds. Consequently, the history of foundations and historic preservation activities by those preservation societies show some dissimilarity, too. Hence, to be able to better explain these activities in following chapters, in this chapter are presented the overview of the subject matter and general concept and statistics on waqf and foundations regardless of their being preservation foundation, with the following headings.

### 2.1 The Essence of Foundation

Salamon and Anheir claim that “(d)efinition lies at the heart of all social analysis.”<sup>7</sup> In their book, ‘Defining the Nonprofit Sector: A Cross-national Analysis,’ common terminologies and concepts used meaning ‘nonprofit sector’ is identified in total thirteen countries including the United States. Similarly, this part of our study examines the national usages, essence of the term “foundation” in Turkey and in the United States to be able to see what is common, and what the major differences between the two nations are.

The very definition of “foundation” is far from clear having different roots, terminologies and meanings in both countries. The definition is rather more complex in Turkey, in which the first written document on foundations tracing back to a thousand-years ago and the roots of foundation go back to 7<sup>th</sup> century, beginning of Islam and Islamic law. “Sadaqa” and “zakat” were the terms used meaning charity

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<sup>7</sup> Lester M. Salamon and Helmut K. Anheier, “The Challenge of Definition: Thirteen Realities in Search of A Concept,” in *Defining the Nonprofit Sector: A cross-national Analysis*, eds. Lester M. Salamon and Helmut K. Anheier, (Manchester and New York: Manchester University Press, 1997), 11.

and the term “*waqf/vakıf*” was used and is still being used instead of foundation in those times and today.<sup>8</sup> Singer describes the term *waqf* as “a pious endowment, established according to the stipulations of Islamic law.”<sup>9</sup> She claims that, *waqf*, as a traditional means of establishing and allocating relief helps to the needy and poor in Muslim societies, and it has gradually become the responsibility of governments, public agencies, and non-governmental organizations in the modern era.<sup>10</sup> *Waqf* also means “alienation of revenue-generating property with the principal remaining inalienable, while its revenues are disbursed for a pious purpose, in order to seek God’s favor.”<sup>11</sup> According to the Islamic law of *waqf*, after its establishment, a “*wakfiyya*”<sup>12</sup>, foundation deed, was prepared to certify the perpetuity of the *waqf*, so that it could not be annulled and its funds could not be used for and diverted to different purposes other than the ones specified in the deed.<sup>13</sup> Similarly, Lev

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<sup>8</sup> Singer, *Constructing Ottoman Beneficence An Imperial Soup Kitchen in Jerusalem*, 15-16. In *Encyclopedia of Islam*, *sadaqa* is defined as the voluntary almsgiving to prevent tribulations in this life and to avoid the punishment of afterlife. Thomas H. Weir and Aaron Zysow, “*Sadaqa*,” in *Encyclopedia of Islam*, New Edition, vol. 8, eds. Clifford E. Bosworth et. al (Leiden: E. J. Brill, 1995), 708-15. Lev describes the terms *sadaqa* as voluntary alms giving and *zakat* as the obligatory alms giving constituting one of the five Pillars of Islam. Similarly, Benthall interprets the term *zakat* as a means of being purified from one’s greediness and unreceptiveness to others’ misery and of purifying the portion, which remains by delivering a certain portion of one’s wealth. In *Encyclopedia of World History*, the term *zakat* is defined as the third pillar of Islam meaning purification. Here, the principal of charity is described in terms of its connection with the almsgiving, such that; since all the riches come from Allah and since everything belongs to Allah, then alms are just a formal token for the purification of Muslims’ goods. Mark F. Whitters, “Five, or Six, Pillars of Islam,” in *Encyclopedia of World History*, vol. 2, ed. Marsha E. Ackermann et al. (New York: Infobase Publishing, 2008), 124-25. For more detailed information on *sadaqa* and *zakat* and their relation with society and state see Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam*, 4-8 and see Jonathan Benthall, “Financial Worship: The Quranic Injunction to Almsgiving,” *Journal of the Royal Anthropological Institute* 5, no. 1 (1999): 29-30.

<sup>9</sup> Singer, *Constructing Ottoman Beneficence An Imperial Soup Kitchen in Jerusalem*, 17.

<sup>10</sup> *Ibid.*, 16.

<sup>11</sup> Adam Sabra, *Poverty and Charity in Medieval Islam, Mamluk Egypt, 1250-1517* (Cambridge: Cambridge University Press, 2000), 70.

<sup>12</sup> *Wakfiyya* is the document recording the *waqf*’s founders’ declaration. In those written documents the purpose, operation, expenses, revenues, staff of *waqf* has been described giving the *waqf* a formal identity after being approved by the qadi. See Ruud Peters, “*Wakf*,” in *Encyclopedia of Islam*, vol. 11, New Edition, eds. Peri J. Bearman et. al (Leiden: E. J. Brill, 1995), 61. See also Akar, “The Role of *Vakıf* Institution in the Conservation of *Vakıf* Based Cultural Heritage,” 7, 13.

<sup>13</sup> Gerber, *The Public Sphere and the Civil Society in the Ottoman Empire*, 75.

interprets that in Medieval Muslim communities, the distribution of charity by means of zakat or sadaqa was a way of communication of individuals with God.<sup>14</sup> For instance, in Ottoman period charitable foundations provided extensive social services such as public kitchens, madrasahs, public fountains, hospitals and caravansaries without any charge of money.

There are different kind of waqfs differentiated in terms of their natures, possessions, managements, and usage. According to the Foundations Act of 5737 adopted in 2008, in Turkey, the term foundation refers to fused/*mazbut*, annexed/*mülhak*, Non-Muslim Community and artisan's/*azınlık ve esnaf*, and new/*yeni* foundations which are described below;

*Fused foundations* are those ones their managers and trustees have not remained today and thus to be administered and represented by the Directorate General under this Act, and those ones which were founded before the enforcement date of the abolished Turkish Civil Code numbered 743 dated 1926 and are administered by the General Directorate of Foundations in accordance with the Foundations Act of 2762 dated 1935.

Those whose management must be implemented by those who come from founders' offspring and before effective date of abolished Turkish Civil Code numbered 743 dated 1926 are called as '*Annexed Foundations*'.

*Community foundations* refer to those foundations that belong to the non-Muslim communities in Turkey, whose members are citizens of the Turkish Republic and that are vested with a legal body status under the Foundations Act of 2762 dated 1935, irrespective of if they have a charter or not.

*Artisans' Foundations* refer to foundations that were established before the enforcement of the Foundations Act of 2762 dated 1935 and which are managed by the Board of Directors selected by the artisans.

*New foundations* are the ones established by independent courts upon request of persons after establishment of Republic and supervised by Directorate General of Foundations in terms of conformity to deed of foundation.<sup>15</sup>

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<sup>14</sup> Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam*, 21.

<sup>15</sup> Foundations Act of 5737 (February 27, 2008), Chapter One, Article 3, <http://www.vgm.gov.tr/icerikdetay.aspx?Id=168>.

All these above-mentioned foundations are either administered as in the case of fused foundations or supervised as in other three cases by the state, namely, T.R. Prime Ministry Directorate General of Foundations.<sup>16</sup> Number of these foundations and their percentages are given in Table 2.1.

Table 2.1 Number of foundations registered in the archives of DGF in Turkey as of 02/2013<sup>17</sup>

	2009		2011		02/2013	
	Number of Org.	Percent of Org.	Number of Org.	Percent of Org.	Number of Org.	Percent of Org.
<b>All number of foundations</b>	<b>46,632</b>	100.0%	<b>46,747</b>	100.0%	<b>46,852</b>	100.0%
<b>Total # of Fused Foundations</b>	≈41,720	89.00%	≈41,720	89.00%	≈41,720	89.00%
<b>Total # of Annexed Foundations</b>	287	0.62%	284	0.61%	277	0.59%
<b>Total # of Non-Muslim Community Foundations.</b>	161	0.35%	162	0.35%	165	0.35%
<b>Total # of Artisan Foundations.</b>	1	0.00%	1	0.00%	1	0.00%
<b>Total # of New Foundations</b>	4,463	9.57%	4,580	9.80%	4,689	10.00%
Small community groups and partnerships, etc.	Unknown	NA	Unknown	NA	Unknown	NA

Except for above-mentioned foundations regulated by Foundations Act of 5737, in Turkey there are other similar sectors devoted to promotion and betterment of the civic life. For these sectors, there are different terminologies connoting both volunteer and professional activities. Civil society organizations, non-governmental organizations (NGO's), nonprofit organizations, the third sector, associations,

<sup>16</sup> Annexed foundations are administered by their mütevellis and supervised by DGF.

<sup>17</sup> The information on the statistics of the organizations are taken from Directorate General of Foundations Official web-site, Directorate General of Foundations, *Foundation Statistics*, <http://www.vgm.gov.tr/index.aspx?Dil=TR>. Note: Subtotals of percentages may not sum to total because of rounding.

charitable organizations, philanthropic organizations, and volunteer groups are the other principle sectors. Among them associations and nonprofit organizations are regulated by Associations Act of 5253 dated 2004 and civil society organizations/ NGO's are regulated by the Regulations of Marmara University Civil Society Organizations Research and Administration Center. In addition to them, there are other acts and regulations aiming the promotion of social welfare such as Promotion of Social Assistance and Solidarity Act of 3294.

Even though, its history is rather new compared with Turkey, in the United States there are also many similar organizations but under different names and with somewhat different objectives. Salamon argues that associations and nonprofit organizations in the United States flourished because of practicality and necessity as "society came into existence in America prior to the State." As a result, unlike the other societies already relying on the State, it was an urgent necessity to find ways for the provision of essential services.<sup>18</sup>

Types of nonprofit organizations and basic terminologies in the United States classified by Salamon are as follows: nonprofit organizations or not-for-profits, charitable organizations, voluntary organizations, independent sector, and tax-exempt sector.<sup>19</sup> Other terms not mentioned in Salamon's classification but encountered in IRS's official web site and publications are; public charity, private foundations, churches and religious organizations, foundations, family foundations, unincorporated association/entity, the intermediary sector, the third sector, for-profits, charitable trusts, civil society organizations, and non-governmental organizations

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<sup>18</sup> Lester M. Salamon, "The United States," in *Defining the Nonprofit Sector: A Cross-national Analysis*, eds. Lester M. Salamon and Helmut K. Anheier (Manchester and New York: Manchester University Press, 1997), 283, 285.

<sup>19</sup> *Ibid.*, 291-292.

(NGOs). First, basic definitions of these terms are to be done to be able to better understand the essence of foundations in the country.

To begin with, non-profit or not-for-profit sector, sometimes called as charities or voluntary organizations, refers a broader context including not only organizations of public support but also controversial organizations and special interest groups, thus encompassing more than charitable organizations. A non-profit organization can form both public and private goods though in nature it is a type of a private sector. The government subsidizes the non-profits via tax exemptions, tax deductions or direct grants.<sup>20</sup> Vajda, further outlines the term non-profit sector as a volunteer act, abstaining from profit distribution and independent from the government. According to her, it is used to supplement the public goods and to propose a substitute for the private goods. Besides, among the non-profit sectors, she designates associations and foundations as civil organizations and the churches, the trade unions and the parties as the civil sector, since it is debatable to separate the later ones from the government.<sup>21</sup> Although, not-for-profits do not intend to profit from their customers and exist to provide a particular service to the community, as Salamon further clarifies actually, generation of profit is permissible unless distributed to owners and directors. Therefore, he suggests that not-for-profit is the more accurate term for those organizations.<sup>22</sup>

Regarding charitable corporation/organization it is defined as “a domestic nonprofit corporation that is operated primarily or exclusively for one or more

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<sup>20</sup> Developments in the Law: Nonprofit Corporations, *Harvard Law Review* 107, no. 7 (1992): 1581, 1585-1586

<sup>21</sup> Ágnes Vajda, Foundations, Associations and Governmental Institutions, *Acta Oeconomica* 47, no. 3 (1995): 403.

<sup>22</sup> Salamon, “The United States,” 291-292.

charitable purposes.”<sup>23</sup> Salamon further clarifies the terminology, and argues that the term “charity” does not only mean help for the needy but also includes art, culture, education, and other activities as well as contributing to the public welfare.<sup>24</sup> U.S. Department of Revenue Service classifies charitable organizations either as public charities or as private foundations. To be able to categorize organizations as public charities they must fulfill at least one of the four conditions listed below;

Public charities are those that (i) are churches, hospitals, qualified medical research organizations affiliated with hospitals, schools, colleges and universities, (ii) have an active program of fundraising and receive contributions from many sources, including the general public, governmental agencies, corporations, private foundations or other public charities, (iii) receive income from the conduct of activities in furtherance of the organization’s exempt purposes, or (iv) actively function in a supporting relationship to one or more existing public charities.<sup>25</sup>

Different from public charities private foundations normally have a single major source of funding generally from one family or corporation, and their major aim is to make grants to other charitable organizations and to individuals, instead of direct operation of charitable programs. In addition, they have a unique independence in that, often the donations received as capital fund are retained and incomes from those funds are spent.<sup>26</sup> Stone distinguishes private foundations from other charitable organizations in several respects. According to him, dependency to a single donor or

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<sup>23</sup> For more detailed information on charitable organization and charitable purpose, see American Bar Association, *Model Nonprofit Organization Act of 2008*, 3<sup>rd</sup> ed. (Adopted August 2008), 9-10, accessed September 5, 2013, [http://www.americanbar.org/content/dam/aba/events/real\\_property\\_trust\\_estate/joint\\_fall/2008/blackletter\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/real_property_trust_estate/joint_fall/2008/blackletter_authcheckdam.pdf).

<sup>24</sup> Salamon, “The United States,” 292.

<sup>25</sup> Information on the public charities is taken from the web site: U.S. Department of Treasury Internal Revenue Service, “Life Cycle of a Public Charity/Private Foundation,” last modified March 20, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity-Private-Foundation>

<sup>26</sup> For more information on private foundations see, U.S. Department of Treasury Internal Revenue Service, “Life Cycle of a Private Foundation,” last modified March 22, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Private-Foundations/Life-Cycle-of-a-Private-Foundation>; see also, Lawrence M. Stone, “The Charitable Foundation: Its Governance,” *Law and Contemporary Problems* 39, no. 4, Federal Taxation and Charitable Organizations (1975): 57.

family in fund raising, unique independent nature, and making grants to other charities instead of operating charitable aid programs are the main characteristics of private foundations.<sup>27</sup>

In the field of charitable organizations, the term church is used in general meaning as “a place of worship” including, mosques and synagogues, conventions and associations of churches in addition to integrated auxiliaries of a church. Religious organizations on the other hand, are not churches, instead, they include “nondenominational ministries, interdenominational & ecumenical organizations, and other entities” with the purpose of studying or advancement of religion.<sup>28</sup>

Bulmer argues that, the early foundations established by wealthy Americans, were not charitable organizations rather, they rooted from the business and industry efforts.<sup>29</sup> He further claims that, large philanthropic foundations of late nineteenth and early twentieth century United States have four main features which are public good contribution, interpretation and application of science to human affairs, use of large endowments and search for public recognition of their charitable giving.<sup>30</sup>

Harrison assumes that the first foundation established in the United States for philanthropic reasons was Peabody Fund, in 1867 and it continued up to 1914. He

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<sup>27</sup> Ibid., 57; see also American Bar Association, *Model Nonprofit Organization Act of 2008*, 3<sup>rd</sup> ed. (Adopted August 2008), 34-35, accessed September 5, 2013, [http://www.americanbar.org/content/dam/aba/events/real\\_property\\_trust\\_estate/joint\\_fall/2008/blackletter\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/real_property_trust_estate/joint_fall/2008/blackletter_authcheckdam.pdf).

<sup>28</sup> U.S. Department of Treasury Interior Internal Revenue Service, “Internal Revenue Service Tax Exempt and Government Entities Exempt Organizations,” *Tax Guides for Churches and Religious Organizations: Benefits and Responsibilities Under the Federal Tax Law*, Publication 1828 (11-2009) Catalog Number 21096G, (2009), 2, 27. U.S. Department of the Treasury Interior Internal Revenue Service. “Internal Revenue Service Tax Exempt and Government Entities Exempt Organizations.” *Tax Guides for Churches and Religious Organizations: Benefits and Responsibilities Under the Federal Tax Law*. Publication 1828 (11-2009) Catalog Number 21096G, (2009): 1-28, accessed June 12, 2013. [www.irs.gov/pub/irs-pdf/p1828.pdf](http://www.irs.gov/pub/irs-pdf/p1828.pdf).

<sup>29</sup> Martin Bulmer, “Some Observations on the History of Large Philanthropic Foundations in Britain and United States,” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 6, no. 3, Foundations: International Perspectives (1995): 281.

<sup>30</sup> Ibid., 275.

defines philanthropic foundation “as an instrument for the contribution of private wealth to public purpose” and the term foundation as “a non-government, non-profit organization having a principle fund of its own, established to maintain or aid social, educational, charitable or other activities serving the common welfare.”<sup>31</sup> Bulmer, on the other hand, classifies foundations as the representative of third sector and uses the term “intermediary institutions,” which are neither part of governmental agencies nor commercial bodies.<sup>32</sup> Then, voluntary or third sector is defined as third parties different from both the state and the market including all activities neither formal nor profit-oriented and services being the main principle.<sup>33</sup>

In Model Nonprofit Organization Act of 2008, an unincorporated entity is defined as;

An organization or artificial legal person that either has a separate legal existence or has the power to acquire an estate in real property in its own name and that is not any of the following: a domestic or foreign business or nonprofit corporation, an estate, a trust, a governmental subdivision, a state, the United States, or a foreign government. The term includes a general partnership, limited liability company, limited partnership, business or statutory trust, joint stock association, and unincorporated nonprofit association.<sup>34</sup>

On the other hand, Salamon argues that though independent sector is a counterbalance between the State and the citizens, “it is hardly independent of the

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<sup>31</sup> Harrison, “Foundations and Public Service,” 107.

<sup>32</sup> Bulmer, “Some Observations on the History of Large Philanthropic Foundations in Britain and United States,” 284.

<sup>33</sup> Robert Wuthnow, “The Voluntary Sector: Legacy of the Past, Hope for the Future?” in *Between States and Markets: The Voluntary Sector in Comparative Perspective*, ed. Robert Wuthnow (Princeton, New Jersey: Princeton University Press, 1991), 6-7.

<sup>34</sup> American Bar Association, *Model Nonprofit Organization Act of 2008*, 3<sup>rd</sup> ed. (Adopted August 2008), 14-15, accessed September 5, 2013, [http://www.americanbar.org/content/dam/aba/events/real\\_property\\_trust\\_estate/joint\\_fall/2008/blackletter\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/real_property_trust_estate/joint_fall/2008/blackletter_authcheckdam.pdf).

State.” Therefore, he suggests the term “interdependent sector” reflecting a more accurate reality of it.<sup>35</sup>

Volunteer organizations also play an important role in public services.

Salamon associates the term with charity in terms of its positive portray. At the same time, he clarifies that though its name is volunteer in fact, paid staff hold much of the activities in sector.<sup>36</sup>

A tax-exempt organization is one recognized by the IRS under Section 501(c)(3) to not be liable for federal income tax.<sup>37</sup> All tax-exempt organizations are nonprofits but not all nonprofits are tax-exempt by the IRS. Other tax-exempt organizations in this section are those exempt under Sections 501(c)(4) through 501(c)(9).<sup>38</sup> In addition to tax-exempt organizations, there are also individuals who are giving money to charitable activities to receive tax deductions as a way of maximizing their profit.<sup>39</sup>

Other terms not included in Salamon’s classification are also explained briefly in following paragraphs. Regarding a family foundation, Council on Foundations defines it as “one whose funds are derived from members of a single family.”<sup>40</sup> What is important in that type of a foundation is that at least one family member must be an

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<sup>35</sup> Salamon, “The United States,” 292-293.

<sup>36</sup> *Ibid.*, 292.

<sup>37</sup> *Ibid.*, 298; see also U.S. Department of Treasury Internal Revenue Service, “Life Cycle of a Public Charity/Private Foundation,” last modified March 20, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Life-Cycle-of-a-Public-Charity-Private-Foundation>.

<sup>38</sup> For the description of statistical information about these organizations see, U.S. Department of Treasury Internal Revenue Service, “SOI Tax Stats - Charities & Other Tax-Exempt Organizations Statistics,” last modified August 19, 2013, <http://www.irs.gov/uac/SOI-Tax-Stats-Charities-and-Other-Tax-Exempt-Organizations-Statistics>.

<sup>39</sup> To be eligible for tax-deduction status, the donations are to be done to a qualified tax-exempt organization. Hence, there is a bilateral relationship between the tax-deductible contributions of the individuals and the tax-exempt organizations receiving those contributions.

<sup>40</sup> Council on Foundations, “Family Philanthropy,” accessed on October 23, 2013, <http://www.cof.org/whoweserve/family/index.cfm?navItemNumber=14851>.

officer or board member of it as the donor and must play a significant role in leading and/or running the foundation.

A charitable trust is defined as “a fiduciary relationship created by the expression of a charitable intent in a will, indenture, or corporate charter. This relationship is present whether the charity is large or small and whether the class of persons benefited is broad or narrow.”<sup>41</sup> As for civil society, it is defined as the “accumulation of voluntary social, civic, religious, and/or charitable organizations within a given political context.”<sup>42</sup> Carothers and Barndt argue that, the concept of “civil society” can be traced back to the Romans and even to Ancient Greeks, which was a synonym of state in classical usage and thanks to the Enlightenment emerged as a modern idea in the late 18<sup>th</sup> century. It was in 1990s that the concept of civil society spread all over the world as a means of “social renewal” and “democracy”. Although NGOs are at the heart of civil society organizations, they are not the same, civil society being a much broader term “encompassing all the organizations and associations that exist outside of the state and the market” aiming to advance specific social or political agenda.<sup>43</sup> On the other hand, NGOs are uninterested in working through political parties and often dominated by “elite-run groups” in newly democratizing countries.<sup>44</sup> Number of all these public charities, private foundations and other nonprofits and their percentages are given in Table 2.2.

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<sup>41</sup> “Supervision of Charitable Trusts,” *The University of Chicago Law Review* 21, no. 1 (1953): 118.

<sup>42</sup> For more detailed information on civil society, see Urban Institute in Washington, DC., National Center for Charitable Statistics, *The National Clearinghouse of Data on the Nonprofit Sector in the United States*, “What is Civil Society,” accessed October 23, 2013, <http://nccsdataweb.urban.org/knowledgebase/detail.php?linkID=1189&category=167&xrefID=5711>.

<sup>43</sup> Thomas Carothers and William Barndt, “Civil Society,” *Foreign Policy* 117 (1999-2000): 18-19

<sup>44</sup> *Ibid.*, 20.

Table 2.2 Number of Nonprofit Organizations registered for tax-exempt status with the IRS in the United States as of 08/1995, 12/2004 and 05/2013<sup>45</sup>

	08/1995		12/2004		05/2013	
	Number of Org.	Percent of Org.	Number of Org.	Percent of Org.	Number of Org.	Percent of Org.
<b>All Nonprofit Organizations</b>	<b>1,069,152</b>	100.0%	<b>1,401,553</b>	100.0%	<b>1,540,175</b>	100.0%
<b>Total # of 501(c)(3) Public Charities &amp; 501(c)(3) Private Foundations</b>	576,133	53.89%	928,591	66.25%	1,055,844	68.55%
<b>Other 501(c) Nonprofit Organizations<sup>46</sup></b>	493,019	46.11%	472,962	33.75%	484,331	31.45%
Small community groups and partnerships, etc.	Unknown	NA	Unknown	NA	Unknown	NA

### 2.1.1 Why Do People Give?

To be able to understand the very reasons of ‘why giving for historic preservation?’ first, it is worth seeking the general reasons, stimulus, and motives causing people to give whatsoever the area of giving. Hence, under this section several reasons for people’s charitable giving in the United States and in Turkey are outlined below.

To begin with, in the United States profit maximization, managerial discretion, social and individual desirability/responsibility, and providing and maintaining social welfare can be counted among the very reasons of the charitable giving.<sup>47</sup> Tax deductible charitable contributions determined by IRS, and thus profit maximization is an important motive driving contributions. Navarro claims that it

<sup>45</sup> The information on the statistics of the organizations are taken from Urban Institute in Washington, DC., National Center for Charitable Statistics, The National Clearinghouse of Data on the Nonprofit Sector in the United States, “IRS Business Master Files,” accessed June 13, 2013, <http://nccsdataweb.urban.org/PubApps/showDD.php>

<sup>46</sup> For a list of those 501(c) organizations see U.S. Department of Treasury Internal Revenue Service, *Tax-exempt Status for Your Organizations*, IRS Publication 557 (2011), <http://www.irs.gov/pub/irs-pdf/p557.pdf>,

<sup>47</sup> Peter Navarro, “Why Do Corporations Give to Charity?” *The Journal of Business* 61, no. 1 (1988): 65-66, 89-90.

motivates corporations in that it supports the legality of contributions and the current full deductibility of contributions as well as; “(1) corporate contributions represent a form of advertising, and (2) contribution-financed environmental attributes represent a quasi-fringe benefit to firm employees.”<sup>48</sup>

Schervish and Havens interpret the reasons for charitable giving from another point of view and mention about identification theory of charitable giving.<sup>49</sup> They claim that, increased identification process leads to increased giving. According to them, the level of charitable giving and volunteering depends largely on the “density and mix of opportunities and obligations of voluntary association” rather than the generosity and consciousness.<sup>50</sup> They argue that charitable giving, volunteering mostly happens in one’s own community and religious body supportive of the direct benefit of the donor, and it reflects both willingness of people and obligations of involvement.<sup>51</sup>

It is also worth noting to mention about the answer to the question “Why do so many people choose to give their hard-earned income away?” directed by Lise Vesterlund.<sup>52</sup> To her, charitable giving is a part of expenses in daily life, something like buying commodities. She examines the possible motivations making people give. First, she classifies the benefits of giving as public and private. “A wish to increase the organizations’ services or provision level”, namely, the non-profit organization’s

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<sup>48</sup> *Ibid.*, 90.

<sup>49</sup> It derives from the Western religious tradition and used as opposed to the term altruism. It is described as a relational theory such that identification results in charitable giving, and derives from encounter and similarly relationship results in encounter and derives from participation. For more detailed information on identification theory of charitable giving see Schervish and Havens, “Social Participation and Charitable Giving: A Multivariate Analysis,” 237-240.

<sup>50</sup> *Ibid.*, 256.

<sup>51</sup> *Ibid.*, 257.

<sup>52</sup> Lise Vesterlund, “Why Do People Give?” in *The Nonprofit Sector: A Research Handbook*, eds. Walter W. Powell and Richard Steinberg, 2<sup>nd</sup> ed. (New Haven and London: Yale University Press, 2006), 568, 571-573.

output, is counted among the primary motive of giving for public benefits. To her, people give also for private reasons as to get a prestige, reputation or acknowledgement, because of “awareness of tax advantages” such as tax deduction and governmental grants, to be a member of a certain society, even to avoid the disrespect of others, to receive social praise, to signal their wealth, or because of intrinsic reasons as making oneself feel better or to lessen a sense of guilt.<sup>53</sup>

Similarly, in Turkey people give to the foundations and charitable organizations nearly because of the same reasons as in the United States. In Turkey, there is also tax-deduction concept both for the individuals and corporations giving to the charities, besides, the charitable contributions of organizations for waqf-based issues are tax-exempt.<sup>54</sup> In addition, there are some jurisdictions mandated by the state to spend certain amount of revenues of some institutions as banks, municipalities, and special provincial administrations in certain areas as historic preservation.<sup>55</sup>

Moreover, religion is an important factor motivating people to give without any incentive. In Islamic societies, Singer answers the question of why found a *waqf* as a way of charitable giving as “the means of performing an act pleasing to God and contributing to the community.”<sup>56</sup> Yediyıldız on the other hand, supposes that basic reasons for the establishment of a waqf in Islamic societies were; demands and necessities, dependence on the traditions, social pressure, and provision of authority.<sup>57</sup> Both psychological and socio-economic necessities affected the

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<sup>53</sup> Ibid., 568, 571-573.

<sup>54</sup> See, Foundation Act of 5737 (2008), §4, Article 77.

<sup>55</sup> See Acts of 5225, 5226, and 5228.

<sup>56</sup> Singer, *Constructing Ottoman Beneficence An Imperial Soup Kitchen in Jerusalem*, 25.

<sup>57</sup> Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 38-39.

establishment of a waqf. Feeling for the conservation of previous institutions as waqfs as a form of continuation of the traditions, namely respect to inheritance, was highly effective in increase of waqfs in number. Besides, wealthy people abstaining from waqf establishment were scorned by the society in Ottoman period. Lastly, waqf founders generally belonged to the military class, and these wealthy people wanted to increase their authority by means of donating some of their wealth for the sake of the citizens and at the same time to be able to spread their ideologies among those people.<sup>58</sup>

Today, in Turkey, in which the notion of charity being rooted in a religiously inspired system of beliefs and thoughts, in addition to waqf, zakat and sadaqa are the two other important reasons for charitable giving. In fact, if one looks at the statistics on the charitable contributions by type of recipient organization, it is understood that in both countries religion is a deterministic and influential factor for donations (See Figure 2.1. and Figure 2.2.).

### **2.1.2 Comparison of Foundations with Waqfs**

Today, in Turkey, foundation, the third sector, civil society organization, non-governmental organization, and voluntary sector are the other terms used in addition to waqf. Even though, civil society, and other terms are new phenomenon in the Islamic world, the concept is old as the birth of Islam. As Bremer suggests, the concept of civil society is in a way, rebirth of already existing waqf tradition.<sup>59</sup> Especially in Ottoman period, though grounded in religious principles, waqf was a unique model of civil society development in the world. It was only in late 19<sup>th</sup>

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<sup>58</sup> Ibid., 39.

<sup>59</sup> Bremer, "Islamic Philanthropy: Reviewing Traditional Forms for Building Social Justice," 5.

century that in the United States private charitable foundations started to emerge, while the Islamic waqf system began to disappear.<sup>60</sup> Today, both in Turkey and in the United States there are well-established legislations, high-quality historic preservation educational systems, administrative bodies and public interest campaigns all working on behalf of its heritage. Nevertheless, it was again, in last decades in Turkey, which is overly dependent upon government funding for architectural conservation,<sup>61</sup> that there is the growth of NGOs to raise funds devoted to historic preservation. Gerber argues that in Ottoman period, though some of the big *waqfs* were founded by the sultan himself, and seem more like the branches of the central government rather than social organizations of civil society; in fact, they were also a part of personal bestowal of the sultan having a symbolic link between the ruler and the ruled. Regarding the small *waqfs*, they were generally charitable by nature, representing the autonomous nature of civil society in Ottoman Empire.<sup>62</sup>

From this point forward, it is understood that there are certain differences in terms of foundation and *waqf* concepts in Turkey and in the United States. While *waqf* in nature is private as a form of charity, today it requires state involvement and it takes part as a leading role in the history of Islamic societies.<sup>63</sup> Similarly, private foundations in the United States were emerged as non-governmental organizations without any state involvement except for tax auditing, though today there are also government-funded independent federal trusts in addition to private trusts with

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<sup>60</sup> Bremer, "Islamic Philanthropy: Reviewing Traditional Forms for Building Social Justice," 9, 12.

<sup>61</sup> Due to the administrative structure of the country, the government is the responsible body for the conservation of monuments, especially the ones having waqf root are under the guarantee of the state to be preserved. Hence, it can be said that most of the conservations are implemented by state funding.

<sup>62</sup> Gerber, "The Public Sphere and the Civil Society in the Ottoman Empire," 75, 77.

<sup>63</sup> Sabra, *Poverty and Charity in Medieval Islam, Mamluk Egypt, 1250-1517*, 69. If we look at the situation today, there are both historically rooted (as fused and annexed foundations) and private (new) waqfs, but all are to some extent under the control of the government.

significant differences in meaning. A trustee, who has fiduciary responsibilities to the individuals benefiting from the trust, provides the stated goals of it by establishing a private trust. On the other hand, federal government establishes trusts or trust funds without any fiduciary responsibility to beneficiaries, namely the stated goals, purpose, time interval, and amount of the trust are all subject to change with the change in the law, though it has the responsibility of supervision and control over those funds and most of their earnings.<sup>64</sup> As an instance, in the United States, National Science Foundation (NSF) is an independent federal agency, financially supported by the government and established by the National Science Foundation Act of 1950 for the promotion of continuity in science.<sup>65</sup> Today, it is responsible for the 25% of the federal funding to academic institutions.<sup>66</sup> Similarly, National Trust for Historic Preservation was established by the Public Law of 81-408, supported by the federal government, and continued to be funded by the state up to 1998.<sup>67</sup> Therefore, it is understood that in the United States there are some exceptions in foundation system, namely, there are some government-based and government-supported federal trusts, too, though rather few in number and with differences and similarities in concept compared to Turkey.<sup>68</sup>

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<sup>64</sup> United States General Accounting Office, "Federal Trust and Other Earmarked Funds: Answers to Frequently Asked Questions," *Trust Funds FAQs*, GAO-01-199SP (January 2001): 7.

<sup>65</sup> Detlev W. Bronk, "National Science Foundation: Origins, Hopes and Aspirations," *Proceedings of the National Academy of Sciences of the United States of America* 72, no. 8 (1975): 2839-40.

<sup>66</sup> National Science Foundation, "Mission Statement," accessed October 2, 2013, <http://govinfo.library.unt.edu/npr/library/status/mission/mnsf.htm>.

<sup>67</sup> J. Myrick Howard, "Nonprofits in the American Preservation Movement," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe (Chapel Hill and London: University of North Carolina Press, 2003), 325.

<sup>68</sup> As of fiscal year 1999, the Treasury identified the number of federal trust funds in the United States as 224 and United States General Accounting Office as 130. To have a look at the full list of all federal trusts and their total revenues, gross outlays and balances see United States General Accounting Office, "Federal Trust and Other Earmarked Funds: Answers to Frequently Asked Questions," 12, 26, 75-79. Among them there are also, some preservation related federal trusts as American Battlefield Monuments Commission Gift Fund, National Resources Conservation Service Miscellaneous

As for new foundations in Turkey, they have their own management but they are still subject to governmental supervision. Considering its organizational background, archival system and almost a-thousand-year history according to the written documents survived today, it can be suggested that, Turkey has an organized and coordinated *waqf* system.

There is also a huge difference between Turkey and the United States in terms of the number of contributing foundations/nonprofit organizations and the amount of their contributions. In this part, DGF in Turkey, as the chief institution keeping under control all types of foundations, is compared with all registered nonprofit organizations and their charitable givings in the United States, because, in the United States there is not a counterpart organization as DGF.

Total number of foundations in Turkey as of 2013 is  $\approx 46,852$  including all fused, annexed, Non-Muslim Community, artisans and new foundations, among them fused foundations outnumbering the others and new foundations following it (See Table 2.1.). DGF, as the owner of more than 41,000 fused foundations, has the most revenues and expenses compared to other foundations (Table 2.3.). Most of its expenses are spent on recreation, culture and religion activities, social security, welfare, and general public utility following it (Figure 2.1.).

Table 2.3 Size and financial scope of the foundations, 2009-2011. Source: T.R. Prime Ministry Directorate General of Foundations, “Foundation Statistics,” accessed June 23, 2013, [www.vgm.gov.tr](http://www.vgm.gov.tr) and T.R. Turkish Grand National Assembly, “Budget Statistics 2009, 2010, 2011 Final Accounts,” accessed June 22, 2013, [www.tbmm.gov.tr](http://www.tbmm.gov.tr).

	2009	2010	2011
<b>All registered foundations</b>	<b>46,632</b>	<b>46,747</b>	<b>46,852</b>
<b>DGF- Fused Foundations</b>	≈41,720	≈41,720	≈41,720
Revenues (TL)	276,676,855	394,862,393	485,012,196
Expenses (TL)	336,444,837 <sup>69</sup>	360,221,670	501,717,703
<b>Total # of Annexed Foundations</b>	287	286	284
Revenues (TL)	31,894,583	36,131,419	42,302,701
Expenses (TL)	11,191,069	15,410,528	13,344,423
<b>Total # of Non-Muslim Community Foundations</b>	161	161	162
Revenues (TL)	20,246,953	36,424,643	68,893,860
Expenses (TL)	28,650,236	31,272,937	37,565,147
<b>Total # of New Foundations</b>	4,463	4,512	4,580
Revenues (TL)	6,305,344,383	7,235,007,297	6,760,953,902
Expenses (TL)	3,097,951,754	2,957,040,421	4,753,699,281

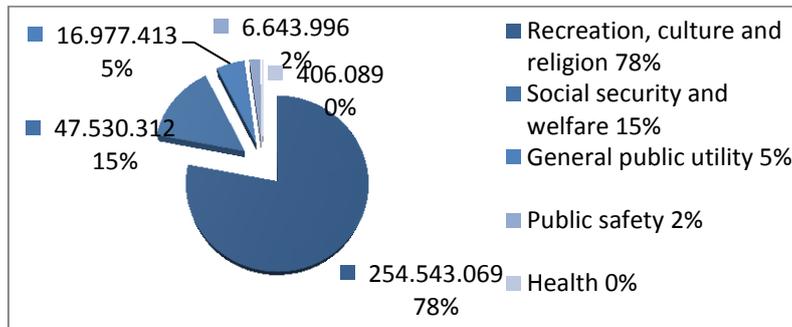


Figure 2.1 Distribution of the expenses of DGF by type of the charitable activity, 2012- 326.100.879 TL (includes rounding to get 100%). Source: T.R. Prime Ministry Directorate General of Foundations, “2012 Annual Activity Report,” Ankara (2013): 30-31.

<sup>69</sup> In 2009, the number of historic properties restored by DGF was 750 and it was 150 in the following two years. Hence, it is thought that this five times difference in the number of restored properties was effective in causing expenses to exceed revenues in 2009. See T.R. Prime Ministry Directorate General of Foundations, “2009 Annual Activity Report,” Ankara (2010): 31 and T.R. Prime Ministry Directorate General of Foundations, “2011 Annual Activity Report,” Ankara (2012): 34.

In the United States total number of all registered nonprofits is 1,540,175; public charities and private foundations under section 501(c)(3) constituting the 68.55% of it (See Table 2.2.). In 2011 whole contributions from foundations, individuals, bequests and corporations amount to \$298.42 billion; foundations constituting the 14% of the whole. Religion comes first in terms of types of recipient organizations with 32%; education, human services and health following it (Figure 3.2.).<sup>70</sup> As seen in Table 2.4. total amount of revenues, expenses and assets of registered nonprofits and public charities were all above \$1 trillion as of 2010, which is a huge amount proving the importance of charitable contributions in many fields of the country's social well-being.

Table 2.4 Size and financial scope of the nonprofit sector in the United States, 2000-2010. Source: Amy S. Blackwood, Katie I. Roeger, and Sarah L. Pettijohn, "The Nonprofit Sector In Brief: Public Charities, Giving and Volunteering, 2012," *Urban Institute National Center for Charitable Statistics*(2012): 2<sup>71</sup>

	2000	2005	2010
<b>All Registered Nonprofits</b>	<b>1.26 million</b>	<b>1.41 million</b>	<b>1.56 million</b>
<b>Reporting nonprofits</b>	444,161	552,569	618,062
Revenues (\$)	1.15 trillion	1.63 trillion	2.06 trillion
Expenses (\$)	1.01 trillion	1.48 trillion	1.94 trillion
<b>Public Charities 501(c)(3)</b>	688,600	847,954	979,901
Reporting public charities	249,859	313,164	366,086
Revenues (\$)	837 billion	1.17 trillion	1.51 trillion
Expenses (\$)	750 billion	1.08 trillion	1.45 trillion

<sup>70</sup> Giving USA Foundation, "Giving USA: The Annual Report on Philanthropy for the Year 2011," Chicago (2012): 8, 10.

<sup>71</sup> See also Urban Institute in Washington, DC., National Center for Charitable Statistics, The National Clearinghouse of Data on the Nonprofit Sector in the United States, "IRS Business Master Files for Exempt Organizations 2000-2011 and Core Data for Public Charities 2000, 2005 and 2010," accessed June 13, 2013, <http://nccsdataweb.urban.org/PubApps/showDD.php>.

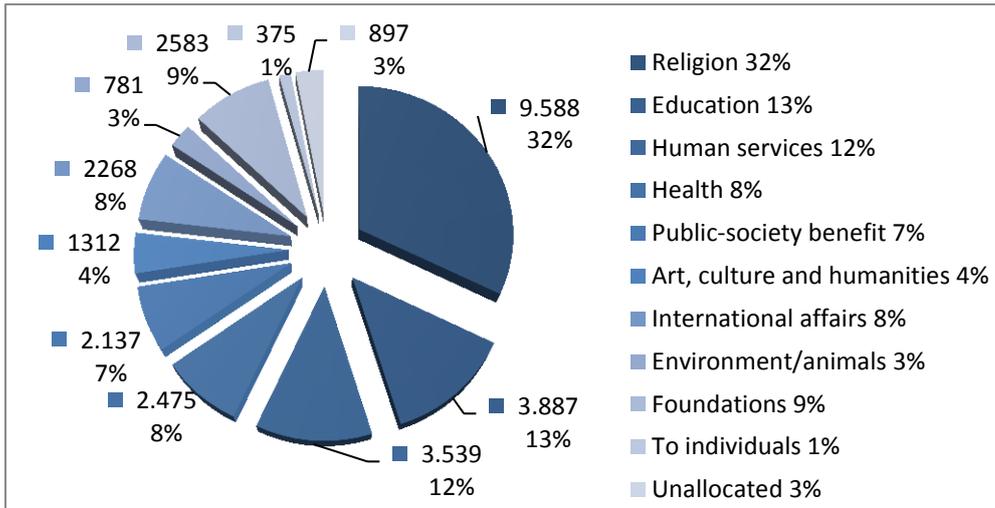


Figure 2.2 Charitable contributions by type of recipient organization, 2011- \$298.42 billion (in billions of dollars- includes rounding to get 100%). Source: Giving USA Foundation, "Giving USA: The Annual Report on Philanthropy for the Year 2011," Chicago (2012): 10.

Table 2.3. and Table 2.4. clearly exhibits the huge differences in both countries in terms of the number of foundations and their annual revenue and expenses. Even though this might be directly proportional with their economy, number of population and area, the other possible reasons for such a huge difference are to be investigated thoroughly. As such, this study can only offer an outline of what can be a complex and detailed subject. It is therefore the duty of professionals working in this field. A summary of waqfs and foundations discussed up to here in Turkey and in the United States is given in Table 2.5.

Table 2.5 Summary table on the comparison of foundations and waqfs in Turkey and in the United States.

Comparison of Foundations and Waqfs in Turkey and in the United States	
<b>Turkey</b>	<p>Possible terminologies: waqf, foundation, the third sector, civil society organizations, NGOs, voluntary sector</p> <p>Waqf system first emerged as an autonomous body founded by the own will of the donor without direct state involvement</p> <p>In legislations, foundation refers to fused, annexed, non-Muslim community and artisan's foundations and new foundations and they are categorized into two as the ones founded before abolished Turkish Civil Code 743 dated 1926 and established after that date.</p> <p>Old historic background- as old as the birth of Islam, though first written waqf document in Anatolia belongs to year 1048</p> <p>Initially, waqf concept was grounded in religious principles</p> <p>Existence of state involvement- all the foundations are either managed or supervised by the state by means of a governmental institution of DGF</p> <p>Annual auditing process- even since Ottoman period</p> <p>Auditing of foundations requires more broader context in terms of scope of examination</p> <p>Organized, coordinated, centralized waqf system under the state coordination</p> <p>Qadi of Ottoman period vs. DGF in today's Turkey, in terms of supervision of foundations</p> <p>Reasons for giving: social responsibility, religious beliefs as zakat and sadaqa, provision/maintaining social welfare</p> <p>Small number of foundations</p> <p>Small amount of contributions</p> <p>Most of the charitable contributions are done on recreation, culture and religion</p>
<b>The United States</b>	<p>Possible terminologies: public charity, private foundation, charitable organizations, churches and religious organizations, not-for-profits, for-profits, charitable trusts, family foundations, voluntary organizations, civil society organizations, tax-exempt organization, NGOs</p> <p>First foundations emerged as private activities of individuals without any state involvement, later in mid-20<sup>th</sup> century state-funded and state-supported agencies as National Science Foundation (NSF) and National Trust started to be established.</p> <p>First foundations started to emerge in the 19<sup>th</sup> century</p> <p>Limited state involvement except for tax issues conducted by IRS- as an exception, there are also limited number of government-funded, supervised and controlled independent federal agency status foundations and federal trusts as NSF founded by NSF Act of 1950.</p> <p>Variety of selection method during the auditing process- random selection</p> <p>Auditing is not a regular annual process</p> <p>Auditing generally focuses on tax issues</p> <p>Reasons for giving: profit maximization, managerial discretion, social and individual responsibility. provision/ maintaining social welfare</p> <p>Huge number of nonprofit organizations</p> <p>Huge amount of contributions</p> <p>Most of the charitable contributions are done on religion</p>

## 2.2 History of Historic Preservation in Turkey

Madran says “(d)estruction is the beginning for the process of preservation too.”<sup>72</sup> It was the case also in the Seljuk and Ottoman periods in Anatolia causing the need for the repair of monuments. Especially between 16<sup>th</sup> and 18<sup>th</sup> centuries, waqf was the most important institution for the repair and construction of buildings, though; this was their indirect stated purpose. In Classical Ottoman period rules of the repair process were in a hierarchical order starting with a demand for the repair and following with repair decision approved by local authorities and preparation of financial and repair reports.<sup>73</sup> Architect Sinan’s repair works in 16<sup>th</sup> century can be given as an instance for the historic preservation in Ottoman period. Repair and maintenance of Zeyrek Mosque, Kalenderhane Mosque and Eski Imaret in 1572 and repair of Hagia Sophia in 1573 are just some examples of historic preservation implemented by Architect Sinan in 16<sup>th</sup> century Istanbul.<sup>74</sup>

Madran argues that the possible reasons for destruction of monuments in Ottoman period were “unawareness”, “religious conservatism”<sup>75</sup>, “financial obstacles,” and “physical factors originated from nature or man.” As for the positive attitudes towards preservation, Madran claims that religion was highly influential for the preservation of specially waqf buildings. Because, “Allah is the owner of the

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<sup>72</sup> Madran, Osmanlı İmparatorluğu’nun Altın Çağlarında Onarım Alanının Örgütlenmesi, 16.-18. Yüzyıllar, 141.

<sup>73</sup> Madran, Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi I, 60

<sup>74</sup> Uğur Alanyurt, “Türkiye’de Koruma ve Onarım Üzerine Analiz,” *Masrop e-dergi*, no. 4 (2009): 7, accessed February 21, 2013, [http://www.masrop.com/edergi/dsy\\_edergi/09\\_09\\_19\\_55.pdf](http://www.masrop.com/edergi/dsy_edergi/09_09_19_55.pdf). Melek Bozdoğan, Pınar Kısa Ovalı, and Selma Özkan, “Mimar Sinan’ın ‘Koruma’ Anlayışı ve Günümüzde Sinan’ın Eserlerini ‘Koruma’ Anlayışı (Edirne Örneği) (Mimar Sinan’s Sense for ‘Conservation’ and the (Non)Conservationist Approach to Sinan’s Works Today (The City of ‘Edirne’ as an Example),” *Trakya University Journal of Science* 7, no. 2 (2006): 144.

<sup>75</sup> Damage and destruction of the monuments/art works due to the value judgments based on differences in religion and of sects.

possession of the *vakıf*,”<sup>76</sup> and for that reason it cannot be destroyed or changed, sold, donated, inherited or became the property of private owners. The age and usefulness values were the other important factors for the preservation of a historic building. Repair of buildings due to respect and devotion to the past- continuity/eternity of the waqf- and their practicality to be used and benefits to the society as the mosques being the first type of buildings to be preserved, were highly important in decision-making for the preservation of a monument.<sup>77</sup>

Starting from early 19<sup>th</sup> century westernization period, legal regulations either started to emerge directly or indirectly related to repairs and preservation of historic properties. Then, it was in 1869 that the ‘First Ancient Monument Regulations’ of the Emperor was accepted. Despite its long-years of fatigue because of Balkan War, War of Independence, and World War I at the beginning of 20<sup>th</sup> century, development of Turkish culture and preservation of its heritage was hardly neglected, such that, just after the First National Assembly in 1920, Department of Antiquities was created by the order of Atatürk.<sup>78</sup> After the establishment of Turkish Republic in 1923, various governmental organizations became responsible for the repair and maintenance works of historic properties, which brought about certain problems together with it because of insufficient financial and institutional infrastructure.<sup>79</sup> Nevertheless, as Jukilehto states with the establishment of Republic also the concept of “common heritage” was created for the remains of past cultures.<sup>80</sup>

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<sup>76</sup> Vakıf is the Turkish translation of the word waqf.

<sup>77</sup> Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 140-144; Madran, “Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi I,” 60. See also Figure 3.7. for the relationship between individual, society, state, and waqf waqf in Ottoman period and also

<sup>78</sup> Stubbs and Makaş, *Architectural Conservation in Europe and the Americas*, 338.

<sup>79</sup> Emre Madran, “Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi II,” 88.

<sup>80</sup> Jukka Jokilehto, *A History of Architectural Conservation* (Burlington: Elsevier, 1999), 245.

Acceptance of abolished Turkish Civil Code of 743 dated 1926 was also a fundamental attempt towards a secular system in all areas of new Republic including waqf system, which started to be corrupted after 19<sup>th</sup> century. Hence, with this law, foundations are categorized as the ones established before (fused and annexed foundations) and after (new foundations) its acceptance.<sup>81</sup> That Civil Code included just the terms and specifications for the new foundations established after its acceptance. On the other hand, fused foundations continued to be managed and represented by DGF and annexed foundations continued to be managed by their offspring and supervised by DGF according to their already existing waqf deeds. Turkish Civil Code of 743 was abolished with the acceptance new Turkish Civil Code of 4721 in 2001, which included rearrangements about new foundations under Section 3, Articles 101-117.<sup>82</sup> It is also worth mentioning that world's first graduate level conservation program was opened in 1964 at Middle East Technical University (METU) in Ankara, with vigorous efforts of Cevat Erder, who still gives lectures on restoration and conservation of historic properties at METU.<sup>83</sup> In addition, the main act on conservation of cultural and natural properties, Act of 2863, passed in 1983 and amended many times up to now. Lastly, in 2004 there were fundamental changes in architectural conservation field in terms of institutional and legislative framework.

Hence, from all above summarized historical developments in preservation field, it can be assumed that, while in Ottoman period conservation was used as a tool

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<sup>81</sup> For a detailed information about the foundations established before and after Turkish Civil Code numbered 743 dated 1926 see T.R. Prime Ministry Directorate General of Foundations, "Our Foundations," accessed June 12, 2013, <http://www.vgm.gov.tr/sayfa.aspx?Id=86>.

<sup>82</sup> Turkish Civil Code 4721 (2001), §3, Articles 101-117.

<sup>83</sup> Stubbs and Makaş, *Architectural Conservation in Europe and the Americas*, 339. Similarly, in the United States the first graduate program for historic preservation was founded at Columbia University, in 1965.

for the continuity of the waqf properties, today conservation for the continuity of cultural heritage is witnessed.<sup>84</sup> Table 2.6. summarizes the important milestones in historic preservation field in Turkey from 16<sup>th</sup> century up to now.<sup>85</sup>

Table 2.6 Important historic preservation activities in Turkey, from 16<sup>th</sup>c. up to now.

-	16 <sup>th</sup> - 18 <sup>th</sup> century Ottoman Period	Waqf was the most important institution for the repair and construction of buildings- no other institution for preservation of the public works. Besides, periodical maintenance activities started just after the construction of the building was an important policy
1826	From 19 <sup>th</sup> century to Today	Establishment of Ministry of Foundations ( <i>Nezaret-i Evkaf-ı Hümayun</i> )
1846		Establishment of Old Armory and Artifacts Collection Museum- beginning of artifact-focused conservation activities
1848		Building Regulations-first regulations to deal with emerging urban problems
1869		First Ancient Monument Regulations- particular focus on archeological matter
1874		Second Ancient Monument Regulations
1877		Regulations for the Construction and Repair of State-Owned Buildings
1883		Building Act- first act to deal with emerging urban problems
1884		Third Ancient Monument Regulations – Ministry of Education (MoE) became responsible agency for the implementation of conservation rules
1906		Fourth Ancient Monument Regulations
1908		Establishment of Chamber of Ottoman Engineers and Architects Association- the first vocational organization in the Ottoman Empire
1912		Conservation of Monuments Act- 1st document included issues on interventions
1915		Ancient City Walls and Castles to be left to the municipalities and to the governor's officers Act of 578- transfer of ownership of some of the artifacts to municipalities
1917		Establishment of Ancient Monument Conservation Council
1923		Establishment of The Touring and Automobile Club of Turkey- The first NGO in historic preservation field founded in Republican period
1924		Legislative changes- transformation of Ottoman institutions and state buildings to the institutions of the new Republic

<sup>84</sup> In Ottoman period perpetuation of the waqf was highly important and it was the main reason for a waqf building to be repaired, namely, conservation was used as an indirect tool for that perpetuation process. Whereas, in Republican period they were preserved because of their being “a part cultural heritage,” with increasing consciousness towards historic properties. Akar, “The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage,” 100-5.

<sup>85</sup> Information in the table is compiled from Neriman Şahin Güçhan and Esra Kurul, “A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004,” *METU JFA* 26, no. 2 (2009): 19-44; Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi, 16.-18. Yüzyıllar*, 139-150; Madran, “Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi II,” 75-97; Madran, “Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi I,” 59-97, and Stubbs and Makaş, *Architectural Conservation in Europe and the Americas*, 335, 338-341.

Table 2.6 (contd.) Important historic preservation activities in Turkey, from 16<sup>th</sup>c. up to now.

1924	Establishment of Ministry of Religion & Foundation Affairs ( <i>Evkaf ve Şeriye Vekaleti</i> )
1926	Acceptance of Turkish Civil Code numbered 743
1927	Establishment of the Society of the Lovers of Antiquities in Izmir – one of the first NGOs in historic preservation field in early republican period
1930	Law of Municipalities- provision of financial support by the municipalities to the owners of historic buildings in the form of credits or loans
1933	Establishment of National Commission for Conservation of Monuments - beginning of national listing and documentation
1933	Municipal Buildings and Roads Law- obligatory rules for construction, repair and restoration work permits issued by the municipalities
1935	Establishment of General Directorate of Foundations
1936	Publication of the specifications book on the repair and construction of mosques and the additional buildings by DGF
1938	The Law of Reorganization of DGF- definition of the rules to be followed during the preparation of documentation and restoration files of historic properties.
1944	Establishment of regional departments of General Directorate of Historic Artifacts and Museums (GDHAM)- localization movements
1946	Preparation of the “Preliminary Draft for Historical Monuments” by GDHAM- a systematized restoration program based on the inventories
1951	Establishment of High Council for the Historic Real Estate and Monuments
1964	Establishment of world’s first graduate level restoration program at METU
1983	Law on Conservation of Cultural and Natural Property, Act of 2863
1989	Establishment of Ministry of Culture
2004	Fundamental changes in institutional & legislative framework in historic conservation

### 2.3 History of Historic Preservation in the United States

According to Lowenthal heritage is as old as humanity being everywhere- “in the news, in the movies, in the market place- in everywhere from galaxies to genes.”<sup>86</sup>

Although Stubbs and Makaş do not go that much back as Lowenthal, they claim that historic preservation, especially the protection of historic sites in the United States has a long history even going back to the foundation of the country in 1776. In the United States, where direct state participation in historic preservation is in minimal level compared with other countries, individuals, private institutions, corporations

<sup>86</sup> David Lowenthal, “The Heritage Crusade and Its Contradictions,” in *Giving Preservation a History: Histories of Historic Preservation in the United States*, eds. Max Page and Randall Mason (New York and London: Routledge, 2004), 19, 20.

and non-profit organizations did first efforts on historic preservation. The first recorded example for historic preservation in the country was the protection of a log cabin in Philadelphia in 1749.<sup>87</sup> Later in 1813 again in Philadelphia community activist opposed to the demolition of the Philadelphia's Old State House, later known as Independence Hall, where President Jefferson signed Declaration of Independence in 1776. It is one of the first buildings preserved as a memorial to the Revolution.<sup>88</sup>

Another important achievement of private bodies in historic preservation was the Mount Vernon Ladies Association founded by Ann Pamela Cunningham to protect George Washington's home from commercial development in 1853. It was the first national non-profit women's organization in preservation field.<sup>89</sup> Restoration of Colonial Williamsburg, Philadelphia Centennial Exposition of 1876, Columbian Exposition of 1893, Bicentennial Celebrations of 1976, establishment of advocacy groups and preservation organizations were the other noteworthy achievements of private bodies in preservation activities. Among them National Trust for Historic Preservation (NTHP), founded in 1949, has an important place in the history of United States both in terms of its special establishment process and also for its contributions to the historic preservation of the country.<sup>90</sup> As for federal involvement, as Stubbs and Makaš stated, efforts of federal government in historic preservation started after the American Civil War of 1860s.<sup>91</sup> In 1872, Yellowstone was

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<sup>87</sup> Stubbs and Makaš, *Architectural Conservation in Europe and the Americas*, 429; Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 25-77, 207.

<sup>88</sup> Stubbs and Makaš, *Architectural Conservation in Europe and the Americas*, 429-430; Diane Lea, "America's Preservation Ethos: A Tribute to Enduring Ideas," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe (Chapel Hill and London :University of North Carolina Press, 2003), 1-2.

<sup>89</sup> Stubbs and Makas, *Architectural Conservation in Europe and the Americas*, 431; Lea, "America's Preservation Ethos: A Tribute to Enduring Ideas," 2.

<sup>90</sup> See Chapter 4 for more detailed explanation on NTHP.

<sup>91</sup> Stubbs and Makas, *Architectural Conservation in Europe and the Americas*, 435.

established as the world's first national park by the United States government, which was also a sign for the acceptance of responsibility for preserving the natural properties.<sup>92</sup> First preservation legislation, the Antiquities Act was accepted in 1906 and in 1916, National Park Service was established within the United States Department of Interior. Today, main legislation in historic preservation is the National Historic Preservation Act of 1966 with some other complementary legislation in preservation field such as the Historic Sites Act of 1935, Housing Act of 1949, Archaeological and Historic Preservation Act of 1974, and Tax Reform Act of 1976.<sup>93</sup> In addition to this federal level Acts, thanks to the National Park Service Divisions, and preservation programs and other state and local level legislations and organizations, historic preservation activities are conducted all through the country. Some of the most important activities in historic preservation field in the United States held by both public and private sector have been summarized in Table 2.7.<sup>94</sup>

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<sup>92</sup> Stubbs and Makas, *Architectural Conservation in Europe and the Americas*, 436 and Lea, "America's Preservation Ethos: A Tribute to Enduring Ideas," 3.

<sup>93</sup> For more other Acts and legislations see U.S. Department of the Interior, National Park Service, "Laws, Executive Orders and Regulations," last updated October 23, 2013, <http://www.nps.gov/history/laws.htm>; West Virginia Division of Culture and History, "Historic Preservation Laws- At A Glance," accessed June 23, 2013, <http://www.wvculture.org/shpo/preslaws.html>; Georgetown Law Library, "Historic Preservation Law & Resources," accessed June 22, 2013, [http://www.law.georgetown.edu/library/collections/histpres/other\\_hp\\_law.cfm](http://www.law.georgetown.edu/library/collections/histpres/other_hp_law.cfm).

<sup>94</sup> Information in the table is compiled from Stubbs and Makas, *Architectural Conservation in Europe and the Americas*, 429-432, 435-437, 440, 444, 446, 448-449; Max Page and Randall Mason, "Rethinking the Roots of the Historic Preservation Movement," in *Giving Preservation a History: Histories of Historic Preservation in the United States*, eds. Max Page and Randall Mason (New York and London: Routledge, 2004), 6-9; Lea, "America's Preservation Ethos: A Tribute to Enduring Ideas," 1-20; Glendinning, *The Conservation Movement: A History of Architectural Preservation, Antiquity to Modernity*, 110; Jokilehto, *A History of Architectural Conservation*, 263-270; Norman Tyler, *Historic Preservation: An Introduction to Its History, Principles and Practice* (New York and London: W.W.Norton & Company, 2000), 57-58; Charles B. Hosmer Jr, *Presence of the Past: A History of the Preservation Movement in the United States Before Williamsburg* (New York: G.P. Putnam's Sons, 1965), 29-259; Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 25-77, 207-214; U.S. Department of the Interior, National Park Service, "History E-Library, National Park System Timeline (Annotated)," accessed October 23, 2013, [http://www.nps.gov/history/history/hisnps/NPSHistory/timeline\\_annotated.htm](http://www.nps.gov/history/history/hisnps/NPSHistory/timeline_annotated.htm), and David Listokin,

Table 2.7 Important Historic Preservation activities in the past in the United States.

1749	Private Organizations	Recognition of retaining sites as physical artifacts of memory- saving the log cabin in Philadelphia as the first recorded instance of preservation
1813		Lobbying the city of Philadelphia to save Independence Hall
1853		Foundation of Mount Vernon Ladies Association by Ann Pamela Cunningham
1876		Philadelphia Centennial Exposition - the first grand-scale exposition in the U.S. introducing Americans to their countries' arts and architectural legacy
1889		Foundation of Association for the Preservation of Virginia Antiquities
1890		Foundation of Massachusetts Trustees of Reservation (MTR)
1893		Colombian Exposition of 1893 in Chicago- gave rise to a new vision of urban America
1910		Foundation of first regional preservation organization: Society for the Preservation of New England Antiquities (SPNEA)
1926		Restoration of Colonial Williamsburg- D. Rockefeller Jr. & Reverend Goodwin
1929		Establishment of Greenfield Village by Henry Ford
1973		The nation celebrated its first Historic Preservation Week
1974		Establishment of Preservation Action Washington D.C. based advocacy group to lobby the federal government on preservation activities
1976		Bicentennial Celebrations- for the first time sensitized Americans to the concept of HP
1949		Establishment of NTHP by Public Law of 81-408- no congressional fund after 1998
1872	Public Organizations	Establishment of world's first national park at Yellowstone - government's acceptance of responsibility for preserving nations' natural wonders.
1889		Federal government extended funding for the first time to preserve a cultural landscape- ancient Sonoran Desert People's Casa Grande Ruins in Arizona
1906		First Preservation legislation- Antiquities Act- creation of Mesa Verde National Park
1916		Establishment of National Park Service within the Department of Interior
1930s		Historic American Buildings Survey
1931		Charleston's Historic Districting Law- for the first time, preservation was supported by an effective coalition of public and private bodies
1934		Authorization of Historic American Building Survey (HABS) by President Roosevelt
1935		Historic Sites Act
1949		Housing Act
1964		First graduate program in the United States on historic preservation at Columbia University by James Marston Fitch
1965		Establishment of a Special Committee on Historic Preservation to examine European modernization efforts and preservation activities - Committee's recommendations were outlined in the publication "With Heritage So Rich"
1966		National Historic Preservation Act and Department of Transportation Act
1969		National Environmental Policy Act
1971		Executive Order 11593- directing federal agencies to accept responsibility for properties under their ownership or jurisdiction whether listed or eligible
1974		Archeological and Historic Preservation Act
1976		Tax Reform Act- provided incentives for preserving historic properties; Mining in the National Parks Act; Public Buildings Cooperative Use Act.
1981		Acceptance of Economic Recovery Tax Act- 25% tax incentive for preservation.
1988		Acceptance of Federal Abandoned Shipwrecks Act- maritime preservation
1991		Legacy Resources Management Program; Intermodal Service Transpor. Efficiency Act
1992		Creation of National Center for Preservation Technology and Training in NPS
1996	Executive Orders 13006 and 13007	
2003	Establishment of Preserve America to assist local communities	

Barabara Listokin and Micheal Lahr, "The Contributions of Historic Preservation to Housing and Economic Development," Housing Policy Debate 9, no. 3 (1998): 436-7.

### **3. CONTENT OF HISTORIC PRESERVATION IN TURKEY AND IN THE UNITED STATES: A CROSS-CULTURAL PERSPECTIVE**

In order to deal with the content of the “historic preservation” in Turkey and in the United States and in order to be able make a cross-cultural comparison in that respect, first one needs to clarify the elements of comparison. Every civilization arranged special preservation programs peculiar to its nature. As a result, preservation approaches differ from country to country in terms of legislative policies, financial support, administrative procedures and even social, cultural and religious background of the people living in the country. Hence, a useful comparison to explore is the differences between Turkey and the United States from the point of view of foundations and their preservation activities. As it clearly exhibits and facilitates to understand the distinction between the roots of foundation and waqf systems and historic preservation conducted by those systems, as well as suggests ways in which policies Turkey and the United States may need some clarification.

Because basic preservation terminologies, legislations and administrative framework in both countries are also valid for the foundations and waqfs, this part of the study includes general explanations and usages of these three main comparison parameters to be the basis for the above mentioned comparison area that is the core of this study. Hence, this study ignores the areas in historic preservation such as conservation techniques, material conservation or historic preservation theory. Yeoman, in his comparative analyses of historic preservation in the United States and in Britain, uses terminology and the historic character as the elements of comparison and he suggests that a set of standards applicable in particular cases and

administrative procedures must be the basis for an effective conservation for certifying compliance with these standards and financial support.<sup>95</sup> According to Barthel, on the other hand, there are two critical factors deterministic of the form of historic preservation in different societies, which are social structure namely, social classes and status groups, and social mapping including ruins as candidates for preservation, their distribution, and consciousness of preservationists in terms of history and symbolic interpretation of it.<sup>96</sup> She uses these factors as the evidences of comparative analysis of preservation actions in the United States and in Britain. Likewise, the differences in organizational structure and ideology are counted among the other factors shaping preservation projects in these two countries.<sup>97</sup> Frank and Petersen also compare historic preservation in the United States and Germany in terms of additional respects including administrative features, state power, legislation, regulations, social motivations and approaches, source of funding, and historic preservation registers.<sup>98</sup> For the ease of our study, similarly, first, the terminology used for the historic preservation in Turkey and in the United States is identified and then primary preservation legislations together with organizational structure for the basic historic preservation in both countries are explained.

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<sup>95</sup> Yeomans, "Rehabilitation and Historic Preservation: A Comparison of American and British Approaches," 160-162.

<sup>96</sup> Barthel, "Historic Preservation: A Comparative Analysis," 87-88.

<sup>97</sup> Diane Barthel, *Historic Preservation Collective Memory an Historical Identity*, 6.

<sup>98</sup> For a whole list of comparison criteria between the two countries see, Frank and Petersen, *Historic Preservation in the USA*, 184-185.

### 3.1 Historic Preservation Terminology Specific to Turkey and to the United States: ‘Conservation’ versus ‘Preservation’

It is certain that there is a clear distinction of terminology used in historic preservation field between Turkey and the United States. In Turkey, the term ‘architectural conservation’ has been used instead of ‘historic preservation’ as in many other European countries.<sup>99</sup> Hence, at the outset, an examination of definition and terms in both countries can help to explain differences between conservation and preservation.

In Turkey conservation is used as an umbrella term of the decision-making process including analysis, evaluation, decision-making, implementation, and the control and monitoring phases and it covers all kinds of interventions from minimum level as monitoring of historic properties to maximum as their reconstruction, though Altınöz et al., argue that monitoring and to some extent maintenance phases are generally the missing parts during the execution process.<sup>100</sup> Glendinning uses the term in a much broader meaning and claims that architectural conservation “is something that embraces not only just architecture in all its various forms, but also a vast range of other subjects- environmental politics, urban planning, housing, urban economics and tourism, and even wartime destruction and renewal.”<sup>101</sup>

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<sup>99</sup> Yeoman, “Rehabilitation and Historic Preservation: A Comparison of American and British Approaches,” 161; Güliz Bilgin Altınöz, et al., “An Introduction to Process and Terminology on the Conservation of Cultural Properties in Turkey,” Unpublished Lecture Notes (2011): 1-25, accessed June 10, 2013, [www.archweb.metu.edu.tr/arch493/img/An\\_Introduction.pdf](http://www.archweb.metu.edu.tr/arch493/img/An_Introduction.pdf). For more information on the usage of the term conservation see also Glendinning, *The Conservation Movement: A History of Architectural Preservation, Antiquity to Modernity*, 1-6.

<sup>100</sup> Güliz Bilgin Altınöz, et al., “An Introduction to Process and Terminology on the Conservation of Cultural Properties in Turkey,” 3, 7.

<sup>101</sup> Glendinning, *The Conservation Movement: A History of Architectural Preservation, Antiquity to Modernity*, 1.

Stubbs similarly, clarifies that architectural conservation is used in Western Europe and elsewhere in the world as an equivalent term of architectural or historic preservation in the United States referring to the “overall enterprise of conserving historic buildings and sites that were created by or affected by humans.”<sup>102</sup> In Turkey, in Act of 2863 “Conservation of Cultural and Natural Property (CCNP)” in Article 3 the term conservation is defined as “conservation shall mean all conservation, maintenance, restoration works and functional modification of immovable cultural and natural property and the conservation, maintenance, repair and restoration works of movable property.”<sup>103</sup>

In the Turkish legislative framework, the term restoration is used as a synonym of a comprehensive repair and overlaps with the term conservation. In the Principle Decree of 660 of the Superior Council for Conservation of Cultural and Natural Property (SCCCNP) the term restoration is defined as the “interventions based on reconstitution and/or restoration projects and other related documents the context and scale of which are to be determined by the council for conservation.”<sup>104</sup> These interventions are consolidation, reintegration, reconstruction and relocation.

In the National Historic Preservation Act (NHPA) of 1966 in the United States, under Title III, Section 301, it is written that "Preservation or historic preservation includes identification, evaluation, recordation, documentation, curation,

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<sup>102</sup> John H. Stubbs, *Time Honored: A Global View of Architectural Conservation* (New Jersey: John Wiley & Sons, Inc., 2009), 24. For the difference between the terms conservation and preservation see also, Barry Bridgewood and Lindsay Lennie, *History, Performance and Conservation* (London and New York: Taylor & Francis, 2009), 263-264.

<sup>103</sup> Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §1, Article 3, accessed June 11, 2013,

<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.2863&MevzuatIliski=0&sourceXmlSearch=>

<sup>104</sup> Principle Decree of 660, *Grouping, Maintenance and Repair of Immovable Cultural Properties* (1999), accessed June 11, 2013, <http://teftis.kulturturizm.gov.tr/TR,13918/660-nolu-ilke-karari-tasinmaz-kultur-varliklarinin-grup-.html>,

acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities."<sup>105</sup>

Here, it is clear that, in the United States preservation is used as an umbrella terms as the term conservation in Turkey, almost covering all types of interventions. Prior to any intervention, in Turkey, first measured drawings, restoration and if necessary reconstitution projects of the cultural property is to be prepared and any of the interventions summarized in Table 3.1 is to be executed according to the approved projects of the property by the Regional Council for Conservation. If it is a minor repair, there is no need for a comprehensive project.

The term reconstitution project is peculiar to Turkey without an exact counterpart in other countries including the United States, though Murtagh uses the term reconstitution as a variant of reconstruction.<sup>106</sup> In Turkey, it refers to “a survey including written, visual and drawn documents prepared by means of historic and comparative research techniques to determine the condition of a property when it was first constructed or at a specific time period and to define the periodic interventions of a cultural property in due course.”<sup>107</sup> Even though, the term historic structure report (HSR) prepared for the historic properties in the United States seems to be the analogous term for reconstitution, they are dissimilar in several respects. First, different from HSR, reconstitution project does not include a part as alternative

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<sup>105</sup> National Historic Preservation Act of 1966 (2006), Title III, § 301, Article 8.

<sup>106</sup> He suggests that reconstitution is one of the intervention methods applied if there are still some original materials survive, but not enough for the constitution of an in-situ restoration. Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 22.

<sup>107</sup> T.R. Ministry of Culture and Tourism, *Technical Specifications on Survey, Reconstitution and Restoration Project Preparation on Single Building Scale*, §1, Article 3, accessed June 10, 2013, [http://teftis.kulturturizm.gov.tr/Eklenti/1369\\_ek23doc.doc?0](http://teftis.kulturturizm.gov.tr/Eklenti/1369_ek23doc.doc?0).

uses and treatments for the historic property. Second, though the main aim in reconstitution project is to document the evolutions of a historic property throughout the time, HSR including the documentation of the building's current condition and causes of deteriorations is somewhat a combination of reconstitution and survey projects with material and condition analysis report in Turkey. Main historic preservation terminologies used in Turkey and in the United States are given in Table 3.1. and 3.2., respectively.<sup>108</sup>

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<sup>108</sup> U.S. Department of the Interior, National Park Service, "Guidelines for the Treatment of Natural Landscapes Defining Landscape Terminology," accessed May 30, 2013, <http://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/terminology.htm>; National Historic Preservation Act of 1966 (2006), Title III, § 301; Russell A. Dickenson, "Archeology and Historic Preservation, Secretary of Interior's Standards and Guidelines: Preservation Terminology," September 26, 1983, [http://www.nps.gov/history/local-law/arch\\_stnds\\_10.htm](http://www.nps.gov/history/local-law/arch_stnds_10.htm); U.S. Department of the Interior, National Park Service, "The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," accessed May 28, 2013, <http://www.nps.gov/history/hps/tps/standguide/index.htm>; U.S. Department of the Interior, National Park Service, "The Secretary of Interior's Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes," accessed May 29, 2013, <http://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/>, and Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 15-24, and U.S. Department of the Interior, National Park Service National Register Publications, "National Register Bulletin: How to Apply the National Register Criteria for Evaluation," accessed November 9, 2013, [http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_2.htm](http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm).

Table 3.1 Basic conservation terminology used in conservation field in Turkey.  
Source: Reinterpreted and redrawn from Güliz Bilgin Altınöz, et al., “An Introduction to Process and Terminology on the Conservation of Cultural Properties in Turkey,” *Unpublished Lecture Notes* (2011): 1-25, accessed May 15, 2013, www.archweb.metu.edu.tr/arch493/img/An\_Introduction.pdf.

<b>Cultural Heritage-Property/Kültür Mirası</b>		
<b>Immovable/Taşınmaz</b>		
<b>Terms Specific to Single Buildings: 1<sup>st</sup> and 2<sup>nd</sup> Group</b>		<b>Natural/Doğal</b>
<b>Legally defined stages prior to any intervention</b>		<b>Terms Specific to Areas / Sit</b>
- Measured Drawings- Architectural Survey/ <i>Rölöve</i>		Archeological Site/ <i>Arkeolojik Sit</i>
-Reconstitution/ <i>Yeniden Tertip-Restitüsyon</i>		Natural Site/ <i>Doğal Sit</i>
-Restoration/ <i>Restorasyon</i>		Urban Site / <i>Kentsel Sit</i>
<b>Attitudes and Interventions in Architectural Conservation</b>		Urban Archeological Site / <i>Kentsel Arkeolojik Sit</i>
<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 10px;">Main Term</div> <div style="margin-bottom: 10px;">Minimum</div> <div style="margin-bottom: 10px;">INTERVENTION</div> <div style="margin-bottom: 10px;">Maximum</div> </div>	-Conservation/ <i>Koruma</i>	Historic Site/ <i>Tarihi Sit</i>
	-Restoration / <i>Restorasyon</i>	Renewal Area/ <i>Yenileme Alanı</i>
	-Reconstruction/ <i>Yeniden Tertip</i>	Management Area/ <i>Yönetim Alanı</i>
	-Monitoring/ <i>İzleme</i>	<b>Attitudes and Interventions in Areas</b>
	-Maintenance/ <i>Bakım</i>	Rehabilitation/ <i>Sağlıklaştırma</i>
	-Consolidation/ <i>Sağlamlaştırma- Konsolidasyon</i>	Integrated Conservation/ <i>Bütünleşik Koruma</i>
	- Minor Repair/ <i>Basit Onarım</i>	Renewal/ <i>Yenileme</i>
	- Repair/ <i>Onarım</i>	Architectural Infill/ <i>Mimari Dolgu</i>
	- Reinforcement- Strengthening/ <i>Güçlendirme</i>	Regeneration/ <i>Yeniden Üretme</i>
	- Rehabilitation/ <i>İyileştirme- Sağlıklaştırma</i>	Revitalization/ <i>Yeniden Canlandırma</i>
	- Reuse- Adaptive Reuse/ <i>Yeniden İşlevlendirme</i>	
	- Comprehensive Repair/ <i>Kapsamlı Onarım- Restorasyon</i>	
	- Reintegration/ <i>Bütünleme</i>	
	- Replication/ <i>Kopyasını Yapma</i>	
	- Anastylosis/ <i>Anastylosis</i>	
	-Relocation / <i>Taşıma</i>	
-Reconstruction / <i>Yeniden İnşa</i>		

Table 3.2 Basic historic preservation terminology used in preservation field in the United States

<b>Historic Property-Historic Resource</b>		
<b>Attitudes and Interventions in Historic Preservation</b>	<b>Terms Specific to Landmarks, Landscapes, Sites &amp; Places</b>	<b>Five Main Categories</b>
- Research & Evaluation	-Component Landscape	-Buildings
- Recordation	-Ethnographic Landscape	-Sites
- Documentation	-Historic Designed Landscape	-Structures
- Curation	-Historic Vernacular Landscape	-Districts
- Acquisition	-Historic Site	-Objects
- Intensive survey	-Historic Battlefields	<b>Criteria Considerations &amp; other important properties</b> -Properties associated with significant persons
- Inventory	-Archeological Site	
- Comprehensive planning	-Vessels &Shipwrecks	
- Reconnaissance Survey	-Mining Site	
- Protection	-Maritime Site	-Traditional Cultural Properties
- Interpretation	<b>Other Terms</b>	-Aviation Properties
- Sample survey	-Historic Conservation Districts	-Cemeteries
- Education & Training	-Cultural Parks/Landscapes	-Post offices
- Statement of objectives	-Tribal Lands	
<b>Four Main Approaches to the Treatment of Historic Properties</b>	<b>Four Approaches to the Treatment of Cultural Landscapes</b>	-Properties that have achieved significance in the past fifty years
Preservation:-Identification, retaining and preservation -Protection an maintenance -Repair (stabilization, consolidation, conservation) -Limited Replacement	Preservation:	
Rehabilitation:- Identification, retaining & preservation -Protection & maintenance -Repair -Replacement -Designing -Alterations/additions	Rehabilitation:	
Restoration:- Identification, retaining & preservation -Protection & maintenance -Repair (stabilization, consolidation, conservation) -Replacement -Removal -Re-creation	Restoration:	
Reconstruction:-Research & Documentation -Investigation -Replication -Identification, protection & preservation -Reconstruction	Reconstruction:	

In addition, in Turkey according to Act of 2863, cultural properties refer to both movable<sup>109</sup> and immovable properties and these terms are used many times in this principle Act. Nevertheless, as Alanyurt argues, considering the specific examples of moved built-historic-properties because of some certain reasons, there is a contradiction between the theory and the practice in real life.<sup>110</sup> On the other hand, In NHPA of the United States, instead of the terms movable or immovable properties, the term ‘historic property’ or ‘historic resource’ is used comprising both.

Types of historic properties also show differences largely in both countries. In Turkey, there is a wide range of historic properties such as residential, religious, cultural, administrative, military, industrial and commercial buildings in addition to designated sites as archeological, urban and historical sites (Table 3.3. and Figure 3.1.). Among them residential buildings, outnumber the others, archeological sites, cultural and religious buildings following it. In Act of 2863, Article 6 possible immovable historic properties in Turkey are listed as:

Rock-cut tombs, stones with inscription, painting, and relief, cave paintings, mounds (höyük), tumuli, archaeological sites, acropolis and necropolis, castle, fortress, tower, wall, historic barrack, bastion and fortification with their fixed weaponry, ruins, caravanserai, khan, public bath and madrasah, cupola, tomb and tablets, bridges, aqueducts, waterways, cisterns and wells, ancient road ruins, stones indicating distance, stones with holes delineating ancient borders, obelisks, altars, shipyards, quays, ancient palaces, pavilions, dwellings, waterside residences and mansions, mosques, maşjids, musallahs, namazgahs, fountains and sebils, imarethane (communal kitchen), mint, şifahane (hospital), muvakkithane (room for the mosque timekeeper), simkeşhane (silver shop), tekke (dervish lodge) and zaviyahs,

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<sup>109</sup> Movable cultural and natural properties are the ones belonging to geological, pre-historic and historic times having documentation value in terms of geology, anthropology, pre-history, archeology and art history and reflecting the social, cultural, technical and scientific features of their time. Some examples of these types of movable properties are all kinds of animal and plant fossils, human skeletons, obsidian, ceramic, metallic and similar kind of bowls, tiles, statues, tablets, ornamentations and etc. For more detailed information on movable properties see Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §3, Article 23.

<sup>110</sup> Alanyurt, “Türkiye’de Koruma ve Onarım Üzerine Analiz,”14.

cemeteries, hazire (graveyard), arasta, bedesten, bazaar, sarcophagi, stelae, synagogue, basilica, church, monasteries, külliye (complex of buildings adjacent to a mosque), ancient monuments and mural ruins, frescoes, reliefs, mosaics, chimney rocks etc.<sup>111</sup>

Table 3.3 Table showing the number of immovable registered objects and designated sites in Turkey as of the year 2012<sup>112</sup>

<b>Number of registered immovable objects in Turkey</b>	
<b>Type</b>	<b>December 2012</b>
Residential Buildings	62,444
Religious Buildings	8,763
Cultural Buildings	9,938
Administrative Buildings	2,530
Military Buildings	1,051
Industrial and Commercial Buildings	3,481
Cemeteries	3,387
Martyrium	231
Monuments	326
Ruins	2,079
Streets to be preserved	60
<b>Total</b>	<b>94,290</b>
<b>Number of designated sites in Turkey<sup>113</sup></b>	
<b>Type</b>	<b>December 2012</b>
Archeological Sites	10,976
Urban Sites <sup>114</sup>	255
Historical Sites	151
Urban Archeological Sites	32
Others (with layers on each other)	445
<b>Total</b>	<b>11,859</b>
<b>Grand Total</b>	<b>106,149</b>

<sup>111</sup> See Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §2, Article 6.

<sup>112</sup> The information on the registered objects and designated sites in Turkey is taken from the following web-sites: T.R. Ministry of Culture and Tourism Directorate General of Cultural Properties and Museums, “Statistics of Cultural Properties that are to be Protected in Turkey,” accessed May 30, 2013, <http://www.kulturvarliklari.gov.tr/TR,44798/turkiye-geneli-korunmasi-gerekli-tasinmaz-kultur-varlig-.html>; T.R. Ministry of Culture and Tourism Directorate General of Cultural Properties and Museums, “Statistics of Designated Sites in Turkey,” accessed May 30, 2013, <http://www.kulturvarliklari.gov.tr/TR,44973/turkiye-geneli-sit-alanlari-istatistikleri.html>.

<sup>113</sup> Designated sites in Turkey may include many immovable objects as religious, residential, cultural buildings, and monuments, ruins, etc.

<sup>114</sup> An ‘urban site’ can be considered as an analogous term of ‘district’ in the United States.

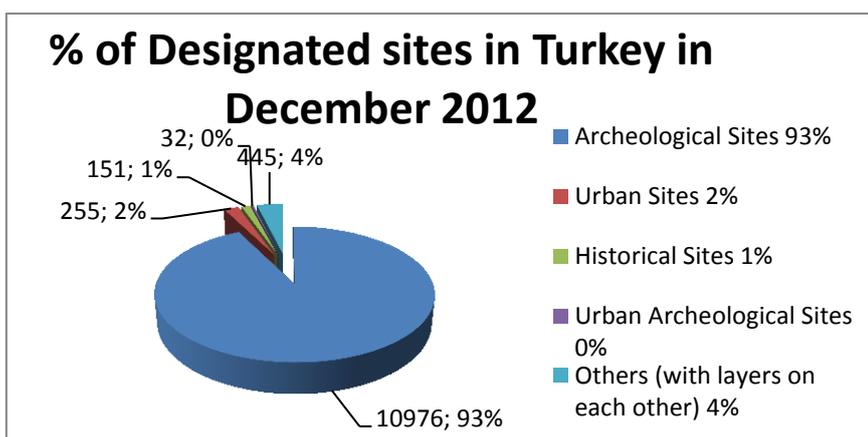
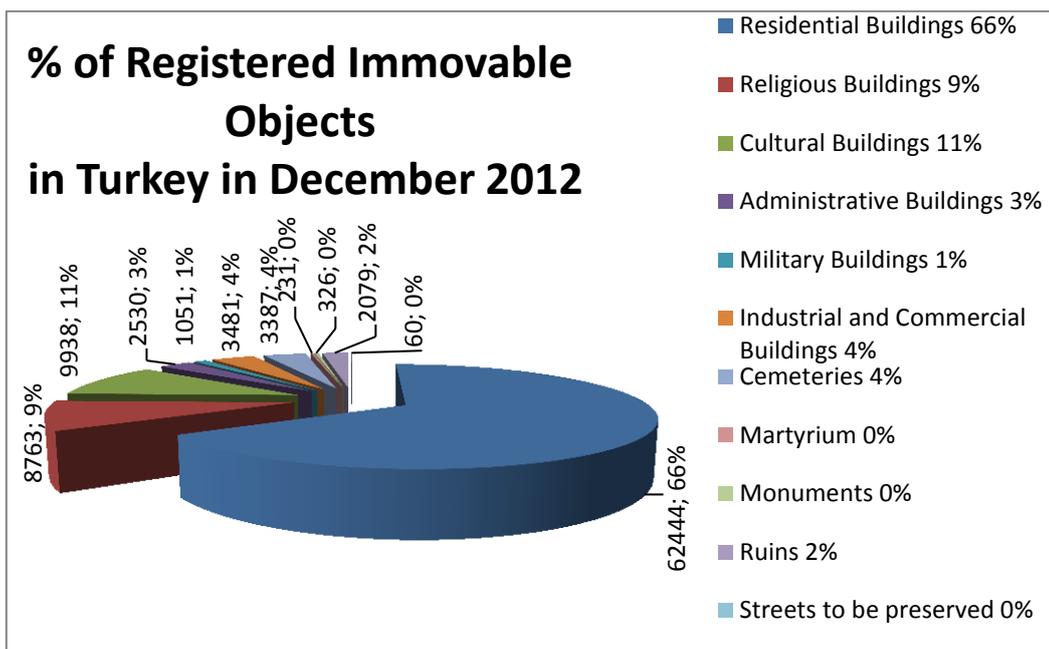


Figure 3.1 Graphics showing the percentage of immovable registered objects (above) and designated sites (below) in Turkey as of the year 2012.<sup>115</sup>

Considering the history and different cultural, social, and religious background of both countries, it is unsurprising that most of the historic properties listed in National Register of Historic Places (NRHP) are not included and listed in

<sup>115</sup> T.R. Ministry of Culture and Tourism Directorate General of Cultural Properties and Museums, "Statistics of Cultural Properties that are to be Protected in Turkey," accessed May 30, 2013, <http://www.kulturvarliklari.gov.tr/TR,44798/turkiye-geneli-korunmasi-gerekli-tasinmaz-kultur-varligi.html>; T.R. Ministry of Culture and Tourism Directorate General of Cultural Properties and Museums, "Statistics of Designated Sites in Turkey," accessed May 30, 2013, <http://www.kulturvarliklari.gov.tr/TR,44973/turkiye-geneli-sit-alanlari-istatistikleri.html>.

the category of historic properties in Turkey and vice versa. Dormitory, grocery, tavern, hatchery, powerhouse, creamery, brewery, winery, ranch, laboratory, airport, club, water tank, water tower, roundhouse, elevator, flume and ditch can be counted among just some of those unmatched properties, which are existent in NRHP but not in the registers of Turkey. Besides, there are some differences and similarities in preservation terminology in both countries not only in terms of the types of properties but also in terms of attitudes and interventions in historic preservation. Number of historic properties in Turkey is slightly higher than in the United States, residential buildings constituting the highest percentage. Similarly, in the United States historic buildings outnumber the districts, objects, sites and structures (Table 3.3., Figure 3.1. and Table 3.4., Figure 3.2.). In the United States, there is a wide range of registered historic properties listed in NRHP, which is a register classifying type of properties in five main categories as buildings, sites, structures, districts, and objects as well as including all National Historic Landmarks and historic areas. In Turkey, instead of such a classification cultural properties either refers to movable or immovable properties. The definition of the term cultural property in the Act of 2863, Article 3, refers to “movable and immovable property on the ground, under the ground or under the water pertaining to science, culture, religion and fine arts of before and after recorded history or that is of unique scientific and cultural value for social life before and after recorded history.”<sup>116</sup> In addition, there are two grouping systems defined in Principle Decree of 660 as;

1<sup>st</sup> group Buildings: are the buildings to be protected with their historic, symbolic, memorial and aesthetic features that constitute the material history of the society as the cultural parameters.

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<sup>116</sup> See Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §1, Article 3.

2<sup>nd</sup> group Buildings: are the buildings contributing to the identity of the city and the environment, having qualities of cultural property, reflecting local culture.<sup>117</sup>

Moreover, different from the United States, in Turkey the 1<sup>st</sup> and 2<sup>nd</sup> group cultural properties are categorized according to their functions as residential, administrative, religious, cultural, industrial and military, and designated sites are categorized separately in terms of their varying types. Even though, in the United States, too, those types of resources are recognized,<sup>118</sup> there are not unique categories. All historic buildings whatsoever their functions are designated as ‘buildings’ and all the sites regardless of their type are called as just ‘sites’.

Table 3.4 Table showing the number of listed historic properties by type in NRHP in the United States as of September 2013.<sup>119</sup>

Number of registered historic properties in the United States	
Type	September 2013
Buildings	65,800
Districts <sup>120</sup>	15,912
Objects	459
Sites	6,550
Structures	5,373
Others (with layers on each other)	2,401
<b>Total</b>	<b>96,495</b>

<sup>117</sup> Principle Decree of 660, *Grouping, Maintenance and Repair of Immovable Cultural Properties* (1999), accessed June 11, 2013, <http://teftis.kulturturizm.gov.tr/TR,13918/660-nolu-ilke-karar-tasinmaz-kultur-varliklarinin-grup-.html>. The 1<sup>st</sup> and 2<sup>nd</sup> group buildings have different levels of significance, the 1<sup>st</sup> group being more significant than the 2<sup>nd</sup> group. Their treatment approaches also differ according to their significance; while basic maintenance or classical treatment methods are enough for the 2<sup>nd</sup> group, for 1<sup>st</sup> group of buildings most of the time more detailed examinations, testing methods etc. are applied.

<sup>118</sup> Instead of unique categories in the United States, there are areas of significance. For more detailed information see U.S. Department of the Interior, National Park Service National Register Publications, “National Register Bulletin: How to Apply the National Register Criteria for Evaluation,” accessed November 9, 2013, [http://www.nps.gov/NR/publications/bulletins/nrb15/nrb15\\_5.htm](http://www.nps.gov/NR/publications/bulletins/nrb15/nrb15_5.htm).

<sup>119</sup> The information on the listed historic properties in the United States is taken from the following web-site: U.S. Department of the Interior, National Park Service Database, “National Register of Historic Places,” last updated October 23, 2013, <http://nrhp.focus.nps.gov/natregadvancedsearch.do?searchtype=natregadvanced>.

<sup>120</sup> It should be noted that districts can (and often do) contain hundreds of buildings, objects, structures, etc. Therefore, the actual number of historic properties in the United States is not known because of the lack of record on the number of “contributing resources” in each district since 1966.



Figure 3.2 Graphic showing the percentage of registered historic properties in the United States as of September 2013.<sup>121</sup>

### 3.2 Main Preservation Legislations

This part outlines the current legislations in Turkey and in the United States in historic preservation. Nevertheless, it must be borne in mind that not only do these legislations vary from country to country but also within the United States, also being continually changed and updated as part of a continuum of development. Moreover, it should be noted that this part of the study, only offer an outline of the legislations in both countries.

Law on Conservation of Cultural and Natural Property, Act of 2863 dated 1983 is the primary Act in Turkey in historic preservation field. Different from Turkey, in which there are just nation level legislations performed by the related institutions of the state and valid for all the cities throughout the country, in the United States during the preservation process, in addition to the Secretary of Interior's standards, all federal agencies have to establish their own rules and

<sup>121</sup> The information on the registered historic properties in NRHP in the United States is taken from the following web-site: U.S. Department of the Interior, National Park Service Database, "National Register of Historic Places," last updated October 23, 2013, <http://nrhp.focus.nps.gov/natregadvancedsearch.do?searchtype=natregadvanced>.

regulations in conjunction with those standards, and there might be specific rules and regulations for different states which might make the process more complicated.

In Turkey and in the United States preservation of historic properties is achieved through the listing of those properties into national register. In the United States the main legislation on historic properties is NHPA of 1966. In addition to this, there are other complementary guidelines and standards for the treatment, evaluation, nomination, identification, documentation and registration of historic properties prepared separately according to property types as historic buildings, cultural landscapes, historic landscapes, historic aviation properties, historic mining properties, traditional cultural properties, historic battlefields, cemeteries and burial places, historic vessels and shipwrecks, historical archeological sites, properties associated with significant persons and properties that have achieved significance in the past fifty years. Preservation Briefs, Preservation Tech. Notes, American Preservation Technology Bulletins, NRHP bulletins, Historic American Building Survey (HABS)/ Historic American Engineering Record (HAER) Specifications and Guidelines, Production Notes and Historical Reports, etc. are used as the other complementary documents for the preservation of historic properties.

It is also worth commenting on the evaluation criteria of historic properties for their registration in both countries. In the United States, there are four main evaluation criteria for national register of historic properties that possess integrity of location, design, setting, materials, workmanship, feeling and association. These are:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high

artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or  
D. That have yielded, or may be likely to yield, information important in prehistory or history.<sup>122</sup>

On the other hand, in Turkey nine main evaluation criteria<sup>123</sup> are to be used during the documentation of the historic properties, which are similar to the ones in the United States in general terms, but with more emphasis on the archeological sites, historic sites, urban archeological sites, and urban sites. In addition, for a property to be eligible for listing in national registers it must belong to late 19<sup>th</sup> century or it must have exceptional traditional, documental or environmental significance. Even though, in the United States properties must be at least fifty years old or the ones achieved significance within the past fifty years shall meet some other criteria considerations.<sup>124</sup>

In terms of the nominations and listing procedures of historic properties there are also some differences between Turkey and the United States. In the United States there are state nominations, federal nominations, tribal nominations and nominations by persons or local governments. All the nominations prepared by State Historic Preservation Officers, Federal Historic Preservation Officers for the properties

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<sup>122</sup> U.S. Department of Interior, National Park Service, Cultural Resources, National Register, History and Education, *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation* (1990), 2, accessed May 23, 2013, <http://www.nps.gov/nr/publications/bulletins/nrb15/>.

<sup>123</sup> They should belong to at least late 19<sup>th</sup> century or earlier periods; if they were built after late 19<sup>th</sup> century they should have important documentation value and other important features; for single-scale buildings they are evaluated in terms their artistic, architectural, historic, aesthetic, decorative, symbolic, documentation, functional, originality, uniqueness, economic, memory, homogeneity and uniqueness values as well as, structural condition, material and technology use; and there are specific evaluation criteria for urban sites, archeological sites, urban archeological sites, historic sites, and for the buildings having importance in terms of War of Independence and Turkish Republic period. For detailed information on the evaluation criteria in Turkey see T.R. Ministry of Culture and Tourism, "Regulations on the Documentation and Registration of Immoveable Cultural Properties and Sites" (2012), accessed June 5, 2013, <http://www.resmigazete.gov.tr/eskiler/2012/03/20120313-6.htm>.

<sup>124</sup> U.S. Department of Interior, National Park Service, Cultural Resources, National Register, History and Education, *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation* (1990), 2, accessed May 23, 2013, <http://www.nps.gov/nr/publications/bulletins/nrb15/>.

located in federal lands, and either Tribal Historic Preservation Officers for the properties located in tribal lands or by any person or local government for the inclusion/listing of property in the National Register must be approved by the National Park Service in Washington, DC (Figure 3.3.).

In Turkey, in the main preservation laws and regulations, the term documentation (*tescil*) is used as a counterpart of the term nomination. Documentation of historic properties for their registration is conducted mostly by the officers of the related governmental agencies as Ministry of Culture and Tourism (MoCT), DGF, Directorate General of Roads (DGR), and municipalities. In some instances universities, scientific institutions, chambers (as Chamber of Architects of Turkey) and persons directly related with the subject matter can also be involved in documentation process. Historic properties under the ownership of DGF are to be documented by the experts of DGF only, in accordance with the general legislations and are to be registered by RCC.<sup>125</sup> Registration of historic properties is done under the coordination of MoCT with the interview of related governmental agencies.

Another point that deserves commenting is the form of legislations in both countries. Legislations about historic preservation used in Turkey are somewhat restrictive on the owners of historic properties; such that, once registered, the owner of the property can hardly do any undue changes to his own property. In contrast, in the United States, a private property listed in National Register places no or less obligations on its owners and no or less restrictions in terms of its use, treatment,

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<sup>125</sup> For more information on the documentation and registration process in Turkey see T.R. Ministry of Culture and Tourism, "Regulations on the Documentation and Registration of Immovable Cultural Properties and Sites" (2012), accessed June 5, 2013, <http://www.resmigazete.gov.tr/eskiler/2012/03/20120313-6.htm>; see also Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §2, Article 7.

transfer, or disposition. Besides, the private property will not be listed in NRHP if the owner or majority of the owners objects, which is hardly a case in Turkey.<sup>126</sup>

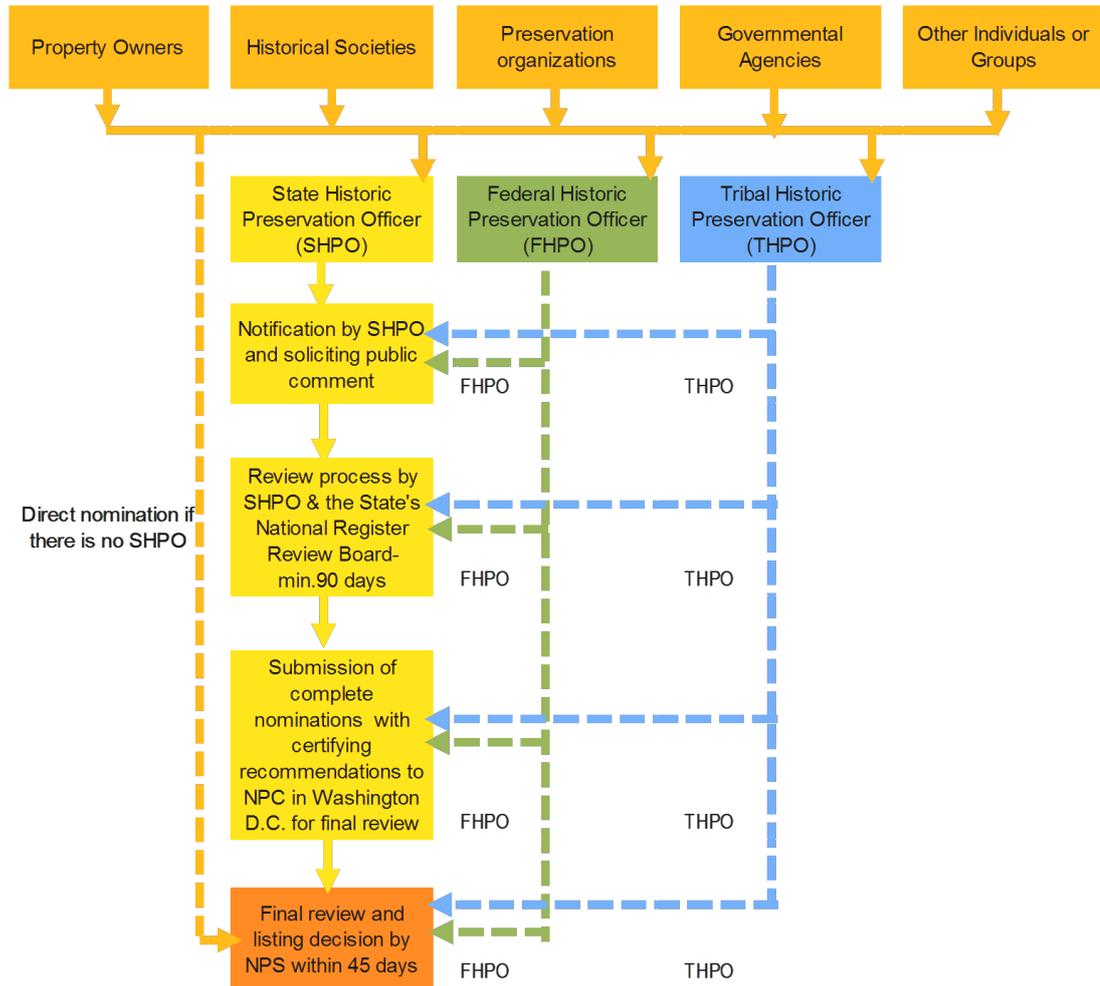


Figure 3.3 National Historic Register Listing Process showing the organizations/related bodies involved in it

Section 106 of NHPA of 1966 is also a different application seen in United States with no equivalent in Turkey. For a project to be reviewed under the regulations of Section 106 and considered to be “an undertaking,” first, federal

<sup>126</sup> See U.S. Department of Interior, National Park Service, “National Register of Historic Places Program: Fundamentals,” last updated June 13, 2011, [http://www.nps.gov/history/nr/national\\_register\\_fundamentals.htm](http://www.nps.gov/history/nr/national_register_fundamentals.htm); National Historic Preservation Act of 1966 (2006), Title I, §(101)(a)(6) and Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §2, Article 11.

involvement is required and second, “an action must be the kind of the thing that has the potential to affect historic properties”- properties either on or eligible for listing on the National Register of Historic Places.<sup>127</sup> What makes this process different from Turkey is that it allows the involvement of various interested parties as SHPO, THPO, local governments, property or business owners, preservation or community organizations, and other members of the public as well as officers of federal government. Thus, it gives an equal opportunity to all these parties to comment on the possible effects that projects may have on significant historic properties. The main aim of this review process is the mitigation of adverse effects, which have potential harm and damage to historic properties.<sup>128</sup> Therefore, in a way, in the United States, need for public involvement in important decisions related with historic properties has been supported by the main legislation.

During the accession process of EU, important legislative arrangements have been done in Turkey in historic preservation field especially after 2004. Transferring some of the conservation responsibilities of MoCT to the municipalities and establishment of KUDEBs within the municipalities are just some of these arrangements.<sup>129</sup> Besides, there observed some amendments in the main Act of 2863 related to the contributions of municipalities, special provincial administrations and Housing Development Administration of Turkey (TOKİ) for the maintenance, repair and restoration of registered immovable cultural properties. According to Act of

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<sup>127</sup> Thomas F. King, *Cultural Resource Laws & Practice: An Introduction* (California: Altamira Press, 1998): 59, 62-63; Norman Tyler, Ted J. Ligibel, and Ilene R. Tyler, *Historic Preservation: An Introduction to Its History, Principles, and Practice*, 2<sup>nd</sup> ed. (New York: W.W. Norton, 2009), 51- 53.

<sup>128</sup> For more information on the Section 106 review process see John M. Fowler, “The Federal Preservation Program,” in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe (Chapel Hill and London :University of North Caroline Press, 2003), 47-49.

<sup>129</sup> For detailed information on the changes, see Acts of 5226, 5216, 5393, 5390, 5366.

2863, Article 12, municipalities and special provincial municipalities shall spend at least 10% of their real estate tax revenues and TOKİ shall make use of at least 10% of its credits for the maintenance, repair and restoration of registered immovable cultural properties.<sup>130</sup> In addition, both public and private banks in Turkey contribute the promotion of culture by means of their publications, sponsorships, museums, art galleries, and similar kind of activities. Acts of 5225, 5228 and 5366 accepted in 2004 and 2005 also brought new improvements to the historic preservation field. For instance, Act of 5225, Article 5 suggests income tax deduction discount, water charge discount, energy support, and employer insurance charge discount as well as the right for employment of foreign qualified personnel and artisan for the cultural investments and enterprises.<sup>131</sup> Similarly, with the Act of 5228 some tax advantages were provided both for the individuals and for corporations due to their charitable giving and for their financial assistance for the repair, maintenance, restoration, inventory of cultural properties and for similar cultural activities. According to this law, all the expenses (100%)<sup>132</sup> for such kind of charitable activities shall be deducted from the corporation tax and income tax of the donor. In addition, Act of 5366 enabled local municipalities to develop urban renewal and development projects.<sup>133</sup>

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<sup>130</sup> For information that is more detailed see Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §2, Article 12, see also, Acts of 5835 and 5226.

<sup>131</sup> Act of 5225, *Law for the Promotion of Cultural Investments and Enterprises* (2004), §2, Article 5 accessed October 4, 2013, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5225.pdf>.

<sup>132</sup> Act of 5228, *Law on the Amendments of Some Laws and on the Decree Law of 178* (2004), Articles 27-34, accessed October 4, 2013, [www.mevzuat.gov.tr/MevzuatMetin/1.5.5228.doc](http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5228.doc); T.R. Ministry of Culture and Tourism, Memorandum 2005/13 of MoCT (2005), *The Encouragement of Supports/Sponsorships in Cultural Activities*, accessed October 5, 2013, <http://teftis.kulturturizm.gov.tr/TR,14821/kulturel-alandaki-destek-sponsor-faaliyetlerinin-tesvik-.html>.

<sup>133</sup> Act of 5366, *Law on the Preservation and Perpetuation of Weathered Historic and Cultural Immovable Properties by Their Renewal/Renovation and Usage* (2005), accessed October 5, 2013, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5366.pdf>.

In the United States, similarly, there are legislations on tax incentives, tax deductions and on the development and improvement of historic preservation in the country. In addition to primary NHPA of 1966, National Environmental Policy Act (NEPA) of 1969, Department of Transportation (DoT) Act of 1966, executive orders, regulations and federal grants are other federal protections for the preservation of historic properties. For a list of related legislations in both countries, see Table 3.5.<sup>134</sup>

Considering all the above-mentioned areas, it is seen that legislations show differences in both countries with one ignored thing in common. What is neglected in legislations in both countries seems to be the lack of emphasis on intangible<sup>135</sup> (non-physical) historic properties. Despite the increasing awareness of the preservation of tangible historic properties, meanings expressed by those properties and values and meanings attributed to them by people, namely intangible values and heritage, have little or even no consideration in the main Act of Turkey and just as one paragraph in the main Act of the United States.<sup>136</sup> Nevertheless, there are at least responsible bodies for the preservation of intangible heritage; Department of Research Education in MoCT in Turkey and American Folklife Center of the Library of Congress in the U.S. are being the responsible bodies in promotion of intangible heritage.

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<sup>134</sup> For more detailed information on the historic preservation legislations of the United States see Cultural Resources National Park Service U.S. Department of Interior, *Federal Historic Preservation Laws: The Official Compilation of U.S. Cultural Heritage Statutes* (Washington, DC: National Park Service, 2006), last updated July 11, 2006, [http://www.nps.gov/history/history/online\\_books/fhpl/index.htm](http://www.nps.gov/history/history/online_books/fhpl/index.htm). See also, Fowler, "The Federal Preservation Program," 35-79. And for a list of federal funding sources see Maryland Historical Trust, "Potential Funding Sources for Heritage Preservation Projects," last revised August 16, 2010, [http://mht.maryland.gov/documents/PDF/Grants\\_Funding\\_Sources.pdf](http://mht.maryland.gov/documents/PDF/Grants_Funding_Sources.pdf).

<sup>135</sup> In UNESCO Convention for the Safeguarding of Intangible Cultural Heritage held in 2003, in Article 2 the "intangible cultural heritage" was defined as "the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage". UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, 17 October 2003, Paris.

<sup>136</sup> See National Historic Preservation Act of 1966 (2006), Appendix 1, §502; see also Stubbs, *Time Honored: A Global View of Architectural Conservation*, 344.

Table 3.5 Legislations in Turkey and in the United States in historic preservation.

<b>Legislations in Turkey related to historic preservation</b>	<b>Legislations in the United States related to historic preservation</b>
Regulations on the Documentation and Registration of Immovable Cultural properties and Sites,” Official Gazette date: 03/13/2012, No: 28232	Antiquities Act
Law on Conservation of Cultural and Natural Property, Act of 2863	National Park Service Organic Act, Section 1 and Section 8
Act of 2895	Historic Sites Act
Act of 3386	Federal Property & Administrat. Services Act
Act of 4708	National Trust for Historic Preservation
Act of 4734	Archeological and Historic Preservation Act
Act of 5216	National Historic Preservation Act of 1966
Principle Decree of 660, 11/05/1999, Grouping, Maintenance and Repair of Immovable Cultural Heritage	Department of Transportation Act (DoT), Section 4(f) & Section 4(i)
Acts of 5225, 5226 & 5228, dated July 2004	Mining in the National Parks Act, Section 9
Act of 5302	Public Buildings Cooperative Use Act
Act of 5366	American Indian Religious Freedom Act
Act of 5393	Archeological Resources Protection Act
Act of 5390	Internal Revenue Code, Section 170(h) & 47
Act of 5391	Abandoned Shipwreck Act
Turkish Civil Code of 4721, Official Gazette date: 8/12/2001 No : 24607	Native American graves Protection and Repatriation Act
Decree Law of 648, Official Gazette Date: 08/17/2011, and No: 28028.	Intermodal Surface Transportation Efficiency Act
Regulation on Amendments on the Regulation of Contributions for the Conservation of Immovable Cultural Properties, Official Gazette date: 11/08/2012, No: 28461	American Battlefield Protection Act
	National Environment Policy Act of (NEPA) 1969
	Economic Recovery Tax Act of 1981
Foundations Act of 5737	Sunken Military Craft Act
Regulations on the Documentation and Registration of Immovable Cultural Properties and Sites. Official Gazette date: 03.13.2012, No: 28232	23 Code of Federal Regulations (CFR) Part 771
The Regulations for Foundations	26 CFR Parts 1, 20, 25, and 602
Act of 5835	30 CFR Parts 700 to the end
Regulation, Official Gazette Date: 14/12/2005, No: 26023	36 CFR Parts 60, 61, 63, 65, 67, 68, 73, 78, 79, 800,
Regulation, Official Gazette Date: 8/2/1990, No: 20427	40 CFR Parts 1500-1517
Regulation, Official Gazette Date: 19/8/1989, No: 20258	41 CFR Parts 101-20 and 101-17
Regulation, Official Gazette Date: 30/1/1989, No: 20065	43 CFR Parts 3, 7, and 10
Regulation, Official Gazette Date: 10/08/1984, No: 18485	Executive Orders 11593, 13006, 13007, 13287
Technical Specifications on Survey, Reconstitution and Restoration Project Preparation on Single Building Scale	The Secretary of Interior’s Standards and Guidelines

### **3.3 Related Organizations in Turkey and in the United States in Preservation**

#### **3.3.1 Main Preservation Organizations in Turkey:**

In Turkey, there are different public and private organizational bodies specifically devoted to and responsible for the conservation of cultural properties. Among them MoCT is the chief agency having the most responsibility.

- Directorate General of Foundations,
- Ministry of Environment and City Planning (MECP),
- Directorate General of National Palaces (responsible for national palaces, kiosks, pavilions as Dolmabahçe and Beylerbeyi Palaces) which is affiliated to Turkish Grand National Assembly (TGNA),
- Ministry of Defense,
- Ministry of Forestry and Water Affairs (for natural parks, monuments etc.),
- Directorate General of Roads (DGR) (responsible for historic bridges),
- Turkish History Association (responsible for research on and documentation of archeological sites, determination of conservation principles for them etc.)
- local authorities as metropolitan municipalities, other municipalities, special provincial administrations, governorships and Conservation, Supervision and Implementation Bureaus (KUDEB) affiliated to municipalities having the authorization of MoCT to establish such bureaus,

are the state institutions responsible for conservation of natural and cultural properties in Turkey.

- Chamber of Architects of Turkey (CAT),

- NGOs (Non-Governmental organizations such as ÇEKÜL, TAÇ, The Touring and Automobile Club of Turkey, Sabancı & Vehbi Koç Foundations),
- private property owners,
- associations and societies devoted to historic preservation, and
- universities (state and/or foundation universities)

can be counted among the private bodies related to conservation of historic properties. The number of private bodies in conservation field increased especially after 1990s. Ottoman Engineers and Architects established in 1908 is considered to be the first conservation related NGO.<sup>137</sup> As for the universities, METU is the first university in Turkey giving graduate level conservation education,<sup>138</sup> Istanbul Technical University, Yıldız Technical University, Gazi University and Mimar Sinan University being among the others in that respect.

Except from those agencies, there are also some others responsible state agencies for the conservation of cultural properties having Turkish roots in foreign countries in coordination with MoCT, DGF, universities and other related bodies. Ministry of Foreign Affairs, Turkish Cooperation and Development Agency and Directorate of Overseas Turks and Related Communities are some of these agencies. Among these governmental bodies, the role of two main agencies on historic preservation, namely, MoCT and DGF has been explained below.

### ***3.3.1.1 Ministry of Culture and Tourism (MoCT)***

MoCT was first established in 1989 under the name of Ministry of Culture. In 2003, its name was changed to Ministry of Culture and Tourism, and so did its organization

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<sup>137</sup> See Güçhan and Kurul, “A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004,” 36-37.

<sup>138</sup> See Stubbs and Makaś, *Architectural Conservation in Europe and Americas*, 339.

structure and responsibilities. Considering that tourism and historic preservation are closely linked to each other, addition of the word “Tourism” in its name also made a direct impact on the conservation of heritage in Turkey. By this way, as Güçhan and Kurul suggested new concepts were added to the historic preservation field as culture and tourism conservation development areas, development sub-areas and tourism centers by means of which mixed-use of these areas as cultural, educational, commercial and residential were accomplished.<sup>139</sup> General Directorate of Monuments and Museums (GDMM) is the responsible directorate affiliated to it for the conservation of cultural properties in Turkey. This directorate conducts its duty by means of other affiliated units as ninety nine Directorates of Museums, Directorate of Restoration and Conservation Laboratory, thirteen Directorates of Surveys and Monuments and Directorate of Preservation of Cultural and Natural Objects with thirty four Regional Conservation Councils (RCC) (inclusive of Ankara, Izmir and Istanbul conservation councils) and a Superior Council for the Conservation of Cultural and Natural Properties (SCCCNP).<sup>140</sup> Registration of buildings, designation of sites, approval of restoration projects, conservation & management of archeological sites and museums, permission & control of excavations and supervision of any interventions are just some basic responsibilities of GDMM.<sup>141</sup>

Registration of cultural and natural properties (immovable), cancellation of their registrations, grouping of cultural properties (1<sup>st</sup> group or 2<sup>nd</sup> group), and

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<sup>139</sup> Güçhan and Kurul, “A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004,” 33-34.

<sup>140</sup> See Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §5, Article 51.

<sup>141</sup> For more information on the responsibilities of MoCT on conservation see Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §2, Articles 10-15.

determination of conservation areas for them are the main duties of RCC.<sup>142</sup> The entire natural (immovable) and cultural properties in Turkey, no matter to which organization they belong to are registered by those conservation councils.

Nevertheless, in 2011, with a Decree Law of 648, responsibilities of MoCT related with the immovable natural properties, natural sites, etc. including their registration, supervision and administration are given to MECP.<sup>143</sup>

Considering their legal power over natural and cultural properties especially after 2004, Güçhan and Kurul argue that municipalities are the second most important actors in historic preservation field in Turkey.<sup>144</sup>

The number of technical staffs in MoCT is 1098, constituting the 12% of the whole staff of the Ministry as of 2010. Among them, the number of architects is 163, the number of engineers is 146 and the number of city planners is 66. Other technical staff are conservators, decorators, draftsmen, technicians, chemists, graphic designers, topographers, fresco artists, stained-glass artists, wall-painting artists etc.<sup>145</sup> As Güçhan and Kurul point out it is clearly observable that, number of staff in MoCT allocated for conservation is highly inadequate considering the huge number of immovable registered objects (94.290) and designated sites (11.859) in Turkey.<sup>146</sup>

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<sup>142</sup> For the other duties of RCC see Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §5, Article 57.

<sup>143</sup> For more detailed information on the responsibilities of MECP about natural properties See Decree Law of 648, *Decree Law on the Organization and Responsibilities of Ministry of Environment and City Planning and on the Amendements of Some Laws and Decree Laws* (2011), Article 10, accessed June 12, 2013, <http://www.resmigazete.gov.tr/eskiler/2011/08/20110817-1-1.htm>.

<sup>144</sup> See Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 36-37.

<sup>145</sup> See T.R. Ministry of Culture and Tourism, *2010-2014 Strategic Plan of MoCT* (January 2010), accessed June 24, 2013, [www.kultur.gov.tr/Eklenti/3968.stratejikplanpdf.pdf](http://www.kultur.gov.tr/Eklenti/3968.stratejikplanpdf.pdf).

<sup>146</sup> See Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 35-36; Stubbs and Makas, *Architectural Conservation in Europe and Americas*, 338.

### 3.3.1.2 Directorate General of Foundations (DGF)(*Vakıflar Genel Müdürlüğü*)

DGF, a governmental institution affiliated to Prime Ministry, is among the main institutions in Turkey responsible for the conservation of cultural properties having foundation roots both in Turkey and in the countries having Turkish cultural traces. First, in 1826 Evkaf Nezareti was founded for the centralization of foundations, then in 1924 it was replaced with Evkaf General Directorate and since 1935 Directorate General of Foundations is the legal name of the institution responsible for the foundations in Turkey.<sup>147</sup> In 1954, Turkey Foundations Bank was established to provide funding for the Directorate.<sup>148</sup> In Turkey DGF is the responsible institution for the management and representation of  $\approx 41,720$  fused foundations and for the supervision of 277 annexed, 165 community and 4.689 new foundations among them being many foundations conducting preservation activities.<sup>149</sup> DGF is the institution in authority for the inventory, preservation and monitoring of 19.825 cultural properties having foundation root under its ownership and responsibility.<sup>150</sup> These cultural properties range from mosques, churches, synagogues, madrasahs,<sup>151</sup> imarets,<sup>152</sup> Turkish baths, caravansaries,<sup>153</sup> covered bazaars to fountains belonging to Seljuk and Ottoman periods since 11<sup>th</sup> century to today. Besides, DGF has the largest archive in Turkey in which the documents constituting the legal basis of foundations

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<sup>147</sup> Akar, "The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage," 1-2.

<sup>148</sup> See Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 25, 38.

<sup>149</sup> For detailed descriptions of these fused, annexed, community and new foundations see also T.R. Prime Ministry Directorate General of Foundations, "Our History," accessed April 17, 2013, <http://www.vgm.gov.tr/sayfa.aspx?Id=78>.

<sup>150</sup> T.R. Prime Ministry Directorate General of Foundations, "Restored Waqf Cultural Properties," accessed April 19, 2013, <http://www.vgm.gov.tr/sayfa.aspx?Id=25>.

<sup>151</sup> A school for any kind of teaching, at any grade level.

<sup>152</sup> Public kitchens

<sup>153</sup> Public building used for sheltering caravans and other travelers.

are kept<sup>154</sup> such as the title deed of real estates, foundation certificate charters, ordinance registers,<sup>155</sup> and deeds of trust registers.<sup>156</sup> Today, in Foundation Records Archive of DGF, 2.370 foundation certificate charters and registers and documents belonging to several transactions are kept in addition to 27.021 foundation certificate charters and similar documents recorded in these registers.<sup>157</sup> The oldest foundation certificate charter in Foundation Records Archive is dated 1048 belonging to Seyyid Halil Gucudivânî.<sup>158</sup> Hence, it is clear that, in Turkey, waqfs were the part of the society nearly for a thousand year. DGF has twenty-five Regional Directorates all through Turkey. Each Regional Directorate is responsible for the management of four or more cities around it. The number of technical staff in DGF mostly working on the conservation of the historic properties amounts to 475 which is the 25% of the whole staff as of 2013. Responsible public and private bodies in conservation of cultural properties in Turkey are given in Figure 3.4.<sup>159</sup>

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<sup>154</sup> T.R. Prime Ministry Directorate General of Foundations, "Foundations Record Archive," accessed April 19, 2013, <http://www.vgm.gov.tr/sayfa.aspx?Id=97>.

<sup>155</sup> Sultan's ordinances are written in ordinance detail registers.

<sup>156</sup> These are the registers in which the foundation certificate charters are recorded.

<sup>157</sup> T.R. Prime Ministry Directorate General of Foundations, "Foundations Record Archive," accessed April 19, 2013, <http://www.vgm.gov.tr/sayfa.aspx?Id=97>.

<sup>158</sup> Sadi Bayram, "Türk-Islam Kültürü ve Medeniyeti," in *21. Yüzyılda Turk Dünyası Jeopolitiği, Muzaffer Özdağ'a Armağan II* (Ankara: Avrasya Stratejik Araştırmalar Merkezi Yayınları, 2003), 307.

<sup>159</sup> See Acts of 2863, 5737, 5366, 5302, 5391, 5216, 5393, 5390 and Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 32.

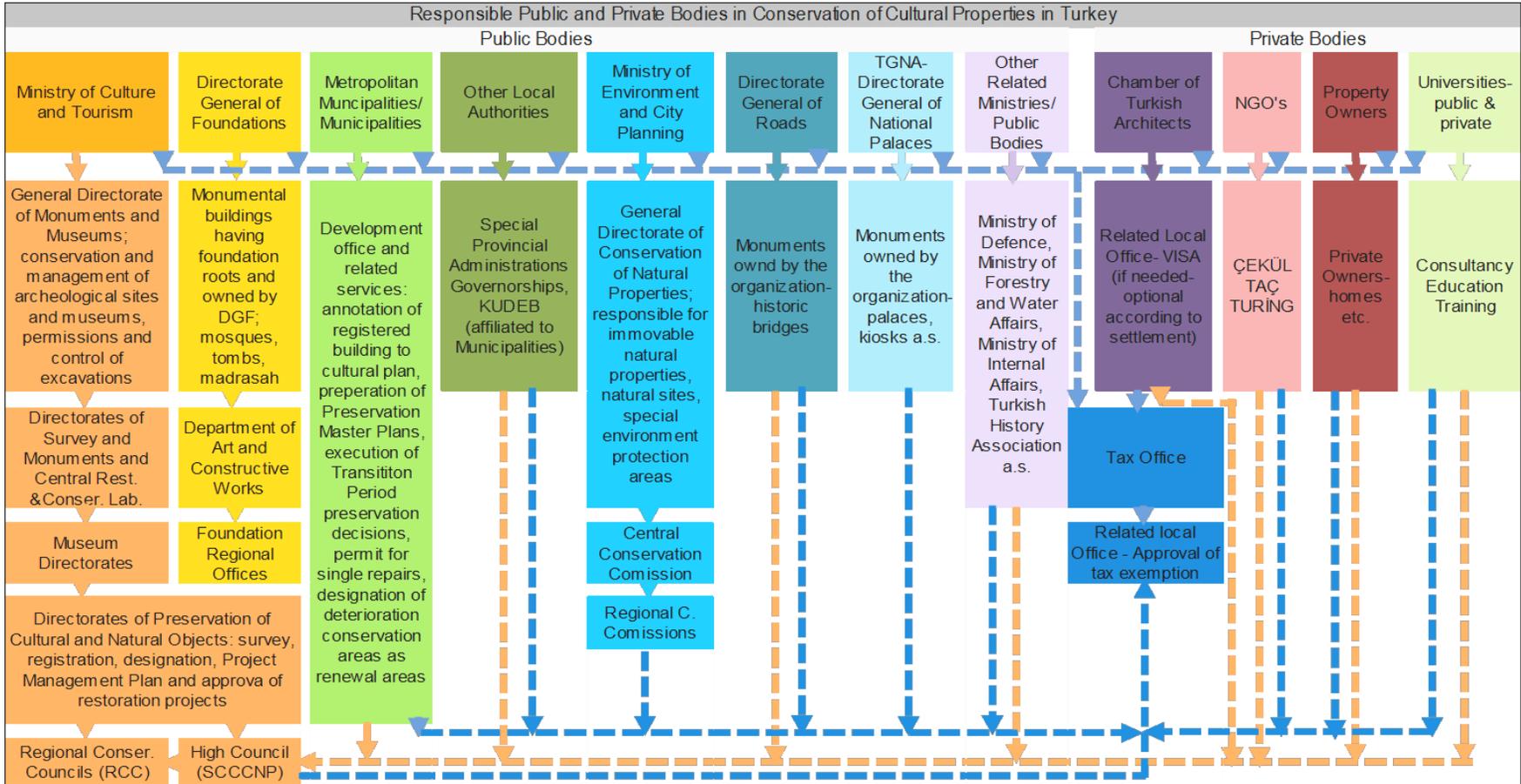


Figure 3.4 Responsible public and private bodies in conservation of cultural properties in Turkey

### 3.3.2 Main Preservation Organizations in the United States:

American historic preservation system is a complex, layered and interconnected system of federal, state and local governments with their own executive, legislative and judicial systems, tribal partnership being also in concern at tribal lands. In addition to these state level institutions, there are also thousands of private organizations even at worldwide level conducting historic preservation in and abroad the United States. Hence, Stipe suggests that for an effective understanding of preservation system and problem in the United States, one must first be able to realize the basic phenomena of general structure of federal system in historic preservation and nature of free-market.<sup>160</sup>

Because of the autonomous nature of the federal system, there is a wide variety of activities and approaches to preservation at the federal, state and local level but each of these bodies in this network bears on the others in varying degrees depending on the nature of the relationship. National Park Service (NPS) under the United States Department of Interior and Advisory Council on Historic Properties are the main federal level authorization bodies in preservation field. There are seven regional offices of NPS all through the country. NPS central office located in Washington, DC includes various sub-divisions and federal programs on historic properties, NRHP and related survey and identification programs being at the heart of all these programs.<sup>161</sup> Apart from NPS there are also other federal level institutions related with historic preservation as U.S. Department of Transportation, Department

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<sup>160</sup> Robert, E. Stipe, "Some Preservation Fundamentals," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe, (Chapel Hill and London :University of North Caroline Press, 2003), 24.

<sup>161</sup> For detailed information on federal preservation programs and the responsibilities of NPS and ACHP see Fowler, "The Federal Preservation Program," 35-79.

of Treasury, Department of Defence, Forest Service, and State Department's Bureau of Educational and Cultural Affairs (USIA/BECA).

Lyon and Brook entitle the role of the states in preservation activities as the "backbone of the preservation," because with the NHPA of 1966, the states have become the central and critical partner for the administration of federal, state and local level historic preservation activities. In each state there are State Historic Preservation Offices and the officers are part of the executive function of state government appointed by and responsible to the governor, in addition they are to subject to the guidance of federal law.<sup>162</sup> To better clarify basic organizations involved in historic preservation process and their responsibilities at state level, state of North Carolina is given as an example and shown in Figure 3.5 and public and private bodies in historic preservation activities in the United States are given in Figure 3.6.<sup>163</sup> Considering their close proximity to the citizens, local governments are also highly responsible for and are to undertake important roles in historic preservation, although Cofresi and Radtke argue that they hardly act or fail to act independently, because their regulatory authority comes from state power and fiscal incentives from public, private and nonprofit sources.<sup>164</sup> Apart from the state institutions, Howard states that in the United States private property owners and

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<sup>162</sup> Elizabeth A. Lyon and David L.S. Brook, "The States: The Backbone of Preservation" in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe, (Chapel Hill and London :University of North Carolina Press, 2003), 81, 111.

<sup>163</sup> For more detailed information on the responsibilities of public and private bodies on historic preservation see NHPA of 1966 and Robert E. Stipe ed., *A Richer Heritage: Historic Preservation in the Twenty-first Century* (Chapel Hill and London :University of North Carolina Press, 2003).

<sup>164</sup> Lina Cofresi and Rosetta Radtke, "Local Government Programs, Preservation Where it Counts," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe, (Chapel Hill and London :University of North Carolina Press, 2003), 117.

private nonprofit organizations constitute the largest part in the preservation of historic properties, as organizing, educating, raising private funds and lobbying.<sup>165</sup>

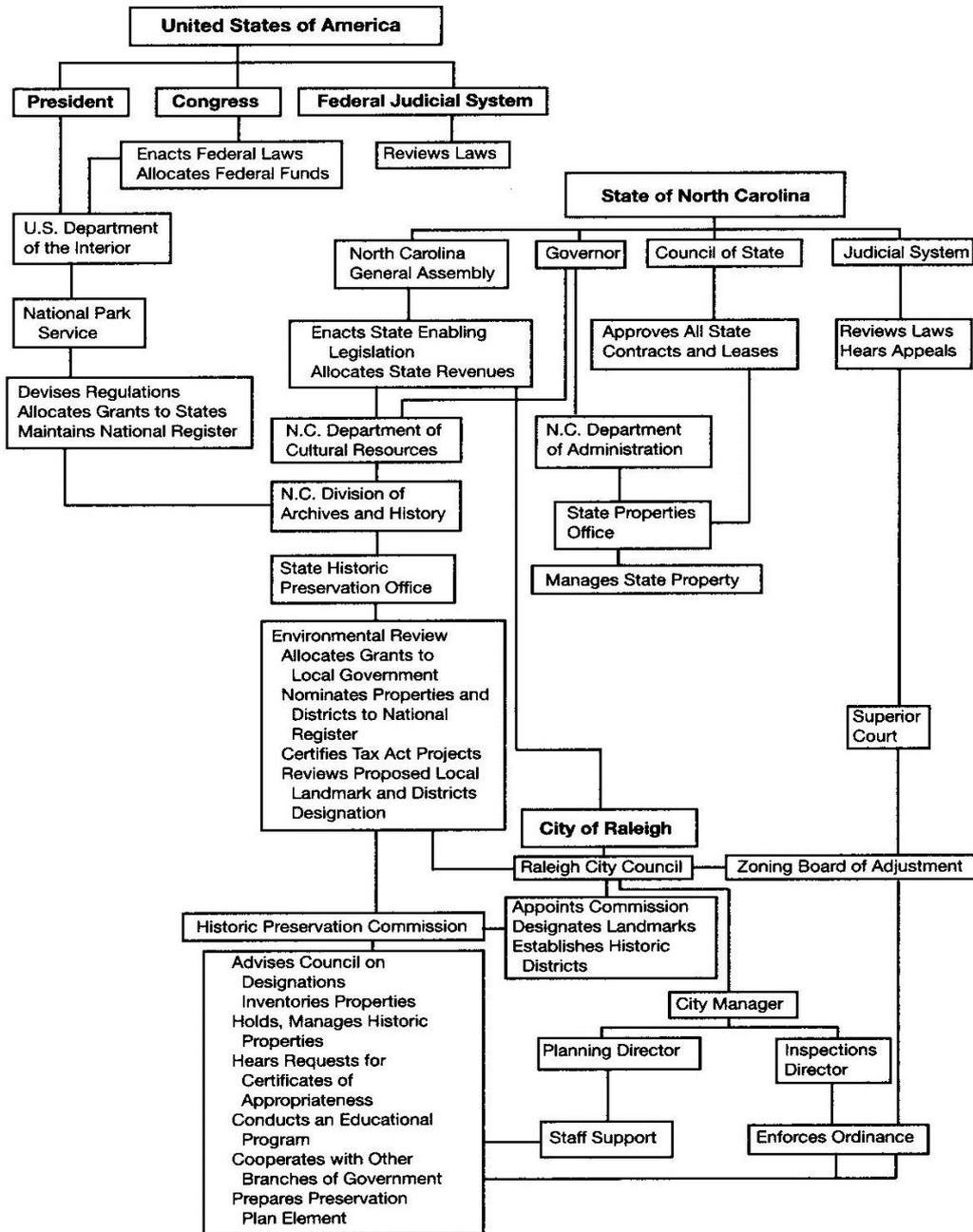


Figure 3.5 Organization of preservation responsibilities in North Carolina. Source: Robert, E. Stipe, "Some Preservation Fundamentals," in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe(Chapel Hill & London:University of North Caroline Press, 2003), 25

<sup>165</sup> For more detailed information on the role of nonprofits and private sector in preservation in the United States see Chapter 4 and also Howard, "Nonprofits in the American Preservation Movement," 313-314.

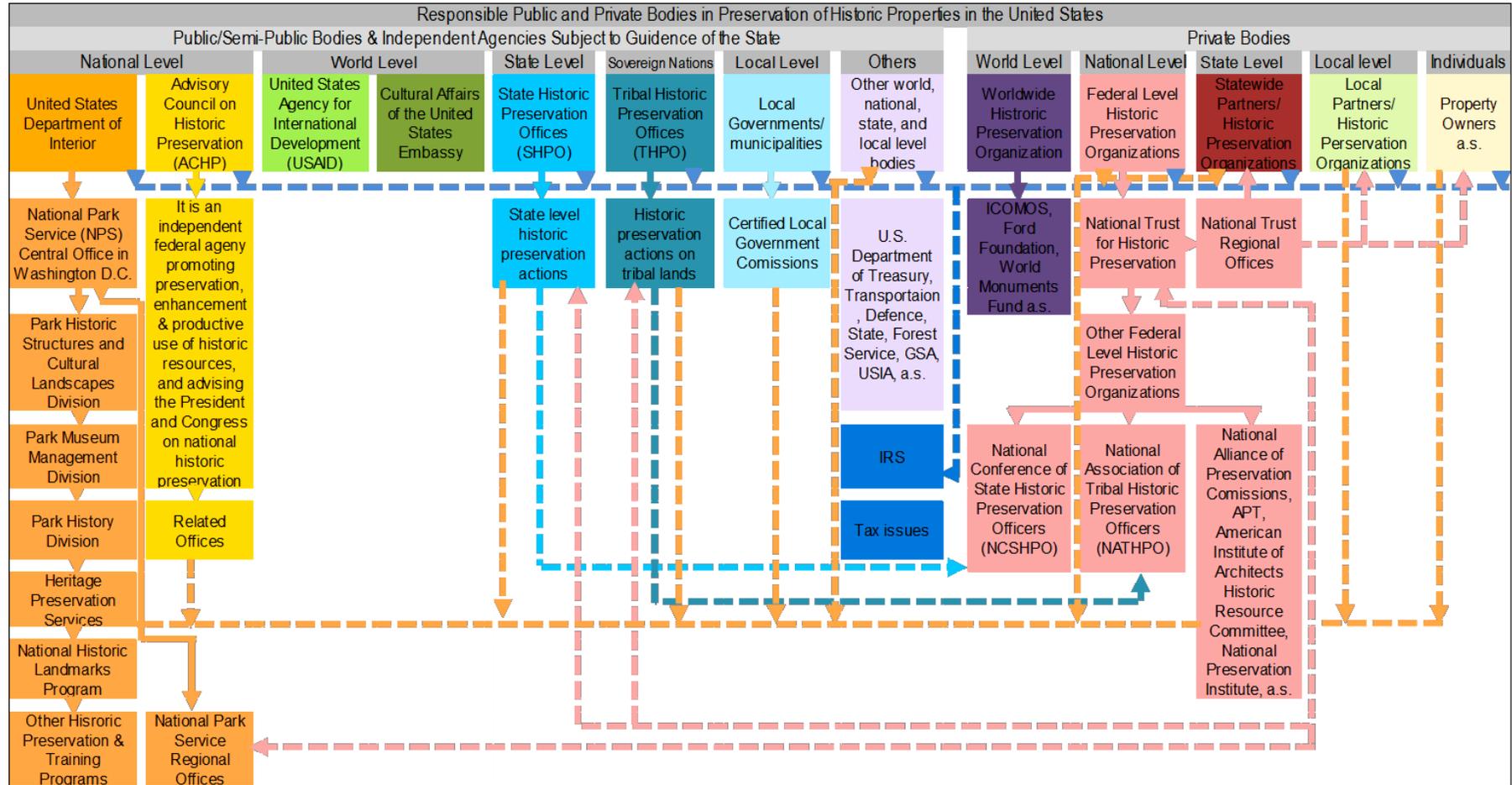


Figure 3.6 Responsible public and private bodies in preservation of historic properties in the United States

### **3.3.3 Comparison of Directorate General of Foundations (DGF) with Internal Revenue Service (IRS)**

DGF, as the chief governmental agency in Turkey responsible for the preservation of cultural properties and management and supervision of all fused, annexed, community and new foundations might be assumed as a comparable institution with IRS in the United States in terms of its supervision of foundations and charitable organizations by means of tax issues. IRS, a United States government federal agency functioning under the authority of the United States Department of the Treasury and founded in 1862 is responsible for collection and enforcement of taxes.

It is observed that there are certain differences in auditing process of foundations and charitable organizations between DGF and IRS both in terms of time interval and content of examination. Even though DGF conducts this process annually including whole foundations under its management and supervision, a variety of selection methods are used by IRS for the examination of charitable and other nonprofit organizations.<sup>166</sup>

If one looks at the auditing process of foundations in Turkey, it is seen that internal audits working for DGF audit the foundations every year. In Regulations of Foundations, it is written that internal audits' reports are conducted within six months of the end of a year and the foundation managers shall have to send those reports to the respective regional directorate within two months of the date of report.<sup>167</sup>

Similarly, in Ottoman period annual auditing seems to be the common practice. For

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<sup>166</sup> For more information on the selection criteria of IRS for organization reviews see, U.S. Department of Treasury Internal Revenue Service, "Charity and Nonprofit Audits: Selecting Organizations for Review," last updated October 17, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Audits-Selecting-Organizations-for-Review>.

<sup>167</sup> Foundations Regulations (2008), *Audits in Foundations*, Part Four, §5, Article 39, accessed April 16, 2013, <http://www.vgm.gov.tr/icerikdetay.aspx?Id=169>.

instance, Var informs that after a careful inspection of Ahmed Pasha's *waqf* deed (*waqfiyah*) dated 1511, it was understood that routine checks or annual audits were applied during the internal control of the *waqf*. Accounts of the *waqf* were examined by the administrator, inspector and the secretary of the *waqf* once a year and submitted to the chief judge of the emperor and then to the Sultan.<sup>168</sup> From this remarks it can be deduced that the court in Ottoman period was the comparable state authority in governing the foundations with DGF. The judge/qadi having the power of controlling the *waqf* and even interfering in the administration of it can be considered as a similar authority as DGF today.

According to the Regulations of Foundations the auditing process includes whether the foundations;

Operate in line with the objective set forth in their charter and deed of trust, are managed in accordance with the legislation in force, utilize their goods and revenues in accordance with the requirements of their charter, the declaration 1936 and the deed of trust, the audits of DGF shall also audit the business and operations of foundations' economic enterprises and participations as well as other participations thereof if necessary.<sup>169</sup>

Regarding Ottoman period Var argues "reliable personnel, separation of powers, supervision, responsibility, annual audits, document control, physical safeguards, and rendering periodical reports" constituted basics of internal audit.<sup>170</sup>

Different from DGF in Turkey, IRS in the United States has different applications regarding tax inquires and examinations of private foundations, other non-profits, and charitable organizations. They are mentioned to be tax-exempt

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<sup>168</sup> Turgut Var, "Internal Control For Ottoman Foundations," *The Accounting Historians Journal* 8, no. 1 (1981): 6.

<sup>169</sup> Foundations Regulations (2008), *Audits in Foundations*, Part Four, §5, Article 42, accessed April 16, 2013, <http://www.vgm.gov.tr/icerikdetay.aspx?id=169>.

<sup>170</sup> Var, "Internal Control For Ottoman Foundations," 6.

organizations under section 501(c)(3) of the Internal Revenue Code. The examination process starts with a letter or phone call from IRS to the selected organization for a review of its returns. The review is a random process rather than annual, for that reason, the organizations should be ready all the time for IRS audits. Two types of audits are conducted by IRS; first one being the field examination and the second one correspondence audit.<sup>171</sup> Among those charitable organizations, church audits have special limitations. According to 26 U.S. Code 7611, it is understood that, Secretary could only begin a church tax inquiry, if a high-level Treasury official reasonably believes that the charitable organization fails to meet the requirements of exemption, carries on an unrelated trade or business, is involved in taxable activities or have engaged in excess benefit transaction with a prohibited person.<sup>172</sup>

IRS examines charity and non-profit organizations in terms of whether;<sup>173</sup>

- an organization timely filed all returns and forms as required under the law
- all returns and forms are complete and accurate
- an organization's activities are consistent with its stated tax-exempt purpose
- Annual returns for the for prior and subsequent and under-audit tax years
- Employment tax returns
- Form 1099 series information returns
- Private foundation excise taxes
- Intermediate sanctions excise taxes
- Excise tax and information returns
- Whether any tax liabilities were properly paid
- Whether an organization complied with disclosure requirements for applications for exemption, for Form 990 series returns, and for fundraising solicitations and events.”

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<sup>171</sup> U.S. Department of Treasury Internal Revenue Service, “Charity and Nonprofit Audits,” last updated September 3, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Audit-Process>.

<sup>172</sup> Internal Revenue Code, Title 26, *Restrictions on Church tax Inquires and Examinations*, 26 USC 7611 (2006), § 7611, accessed April 19, 2013, <http://www.irs.gov/pub/irs-tege/26usc7611.pdf>.

<sup>173</sup> U.S. Department of Treasury Internal Revenue Service, “Charity and Nonprofit Audits: Scope of Audits and Compliance Checks,” last updated October 18, 2013, <http://www.irs.gov/Charities-&-Non-Profits/Scope-of-Audits-and-Compliance-Checks-of-Exempt-Organizations>.

As of scope of the examination, it can be said that, while DGF examines the foundations in a broader context ranging from their operations to economic enterprises, IRS concentrates on the tax issues during the auditing process of charity and non-profit organizations. The similarities and differences between the two agencies in terms of their relation with foundations, management and supervision are summarized in Table 3.6.

Table 3.6 Comparison chart of DGF and IRS

Foundation issues	DGF	IRS
Management of foundations	√	x
Supervision of foundations	√	√
Annual supervision	√	x
Random Supervision	x	√
Auditing monetary issues	√	√
Auditing operational and management issues other than monetary ones	√	x
Responsibility for the preservation of cultural heritage	√	x
Tax exemption and tax deduction applications for the charitable organizations	√	√
Has pre-defined religious roots	√	x
Affiliated to government	√	√
Based on volunteer act	x	x
Responsibility to take action also in other countries based on mutual agreements	√	x

### 3.3.4 Comparison of Main Preservation Organizational Structures in Turkey and in the United States

It is certain that there are differences and similarities in terms of organization pattern of historic preservation activities in both countries. To begin with, in Turkey preservation planning is centralized under the governmental authority of either Directorate General of Foundations (DGF) or Ministry of Culture and Tourism (MoCT). In Ottoman period, thanks to the waqf systems and increasing influence of

Imperial Guard of Architects similarly, a centralized system was in effect, though the institutionalization attempts and systematized conservation activities dated second half of the 19<sup>th</sup> century.<sup>174</sup> As for administration, in 8<sup>th</sup> century Egypt, the qadi or Muslim local judge was the responsible person for the administration of charitable donations ensuring its delivery to the needy. In Ottoman Empire similarly, the qadis (judges) were responsible for the provision of overall judicial basis for the empire.<sup>175</sup> Hence, it can be deduced that waqfs of Islamic world were semi-private organizations; individuals donated with their own will but their donations were subject to state supervision by means of qadi. Today, on the other hand those historically-rooted fused foundations are considered public, but the ones established after the Turkish Civil Code of 743 dated 1926, those of new foundations, as private or semi-private (since they are still under the control of the government in many respects). The relationships between individual, state, society and waqf and its administrative structure are given in Figure 3.7. There were also direct and indirect relationships between these four bodies and the historic preservation, such that incomes of the waqf, individuals or limited state support undertake the repair cost when the repair need raised by the society or the property itself.<sup>176</sup>

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<sup>174</sup> Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 21

<sup>175</sup> See Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam*, 58-59; Janice J. Therry, "Ottoman Empire: 1299-1453," in *Encyclopedia of World History*, vol. 2, eds. Marsha E. Ackermann et al. (New York: Infobase Publishing, 2008), 318.

<sup>176</sup> For more detailed information on the historic preservation in Ottoman period, see Chapter 4.

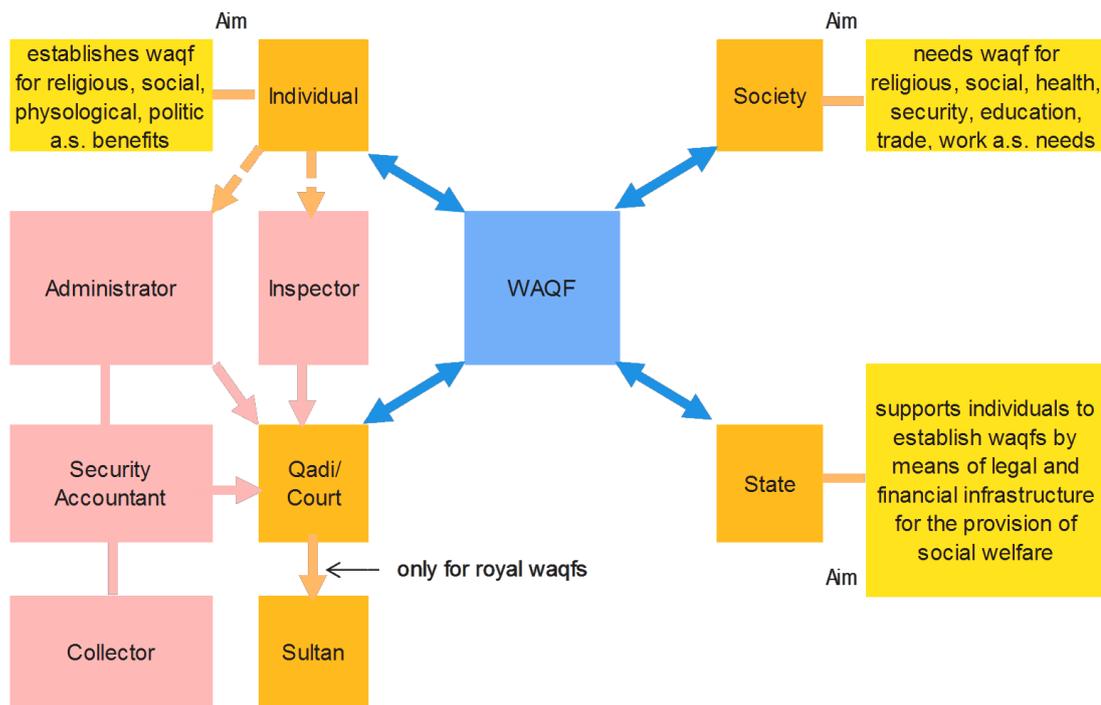


Figure 3.7 State-individual-society partnership in waqf establishment and its administrative structure. Source: Tuba Akar, “The Role of Vakıf Institution in the Conservation of Vakıf Based Cultural Heritage” (PhD diss., Middle East Technical University, Ankara, Turkey, 2009), 32 and Turgut Var, “Internal Control For Ottoman Foundations,” *The Accounting Historians Journal* 8, no. 1 (1981): 8.

On the other hand, in the United States extra governmental forces consisting of local and national organizations historically initiated most preservation activities.<sup>177</sup> As another difference, though, in Turkey the state is the main responsible body for historic preservation, whereas, in the United States most preservation happens outside the federal government in the private sector.<sup>178</sup> Besides, in the United States, there are some worldwide non-profits organizations in historic preservation field such as World Monuments Fund and The Getty Foundation

<sup>177</sup> for more information on the history of preservation in Turkey and in the United States see Chapter 2. See also National Historic Preservation Act of 1966 (2006), §1- (b)(6) and Page and Mason, “Rethinking the Roots of the Historic Preservation Movement,” 6-7.

<sup>178</sup> Stipe ed., *A Richer Heritage: Historic Preservation in the Twenty-first Century*, 35-36.

developing and increasing in number every passing day. There are also federal level international public organizations for the development of historic preservation worldwide as USAID. In Turkey, there is not a worldwide non-profit yet devoted to preservation of historic properties but there are public agencies as TIKA, Foreign Relations Department of DGF and MoCT, but they are mostly conducting duties in the countries having Turkish traces from the Ottoman period.

As for similarities, General Directorate of Monuments and Museums (GDMM) affiliated to MoCT and Regional Conservation Councils (RCC) under the authorization of it in Turkey are the equivalent agencies with the National Park Service (NPS) and its regional offices affiliated to Department of Interior in the United States. In addition to RCC in Turkey and NPS in the United States, in both countries there is an advisory council on historic preservation with some differences in its content. In National Historic Preservation Act of 1966, in the United States this ‘Advisory Council on Historic Preservation (ACHP)’ is defined as an independent agency of the government consisting of twenty members in total from both public and the federal agencies.<sup>179</sup> In Turkey similarly, its counterpart is called as ‘Superior Council for Conservation of Cultural and Natural Property (SCCCNP),’ which includes sixteen members all of which are from different governmental agencies without any public involvement. In the primary Act of 2863 main responsibilities of SCCCNP are defined as;

To define the main principles for the preservation and restoration of immovable cultural and natural properties, to provide coordination between the regional conservation councils (RCC), to assist MoCT by means of delivering opinion on the evaluations of main problems

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<sup>179</sup> For more detailed information on the Advisory Council on Historic Preservation in the United States, see National Historic Preservation Act of 1966 (2006), Title II, § 201.

encountered during the restoration applications, and to give decisions on the special issues raised by different Ministries.<sup>180</sup>

If one looks at the duties and members of these two councils, it is also quite clear that in Turkey, there is hardly a direct public involvement, though to advise, encourage and suggest issues about historic preservation related to public and private sector and individuals is among the very duties of ACHP.

In addition, in Turkey, there are many public agencies responsible for historic preservation; for instance, DGF is responsible for historic properties having foundation traces, TGNA is responsible for national palaces, kiosks, pavilions etc., DGR is responsible for historical bridges, MECP is responsible for natural historic properties and the rest is mainly under the responsibility of MoCT. Similarly, in the United States there are many federal agencies involved in historic preservation activities and working in conformity with NPS. Even though, NPS is the only responsible agency for the registration of historic properties in the United States, in Turkey MoCT is responsible for registration of cultural properties and MECP is responsible for the registration of natural historic properties. Table 3.7. summarizes the comparisons of differences and similarities between two countries in terms of terminology, legislation and organization in both countries is given in

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<sup>180</sup> For more detailed information on the Superior Council for Conservation of Cultural and Natural Property see Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §5, Article 51, accessed November 9, 2013.

Comparison of Historic Preservation Activities: Turkey vs. the U.S.		Turkey			The United States		
Comparison Parameters		Terminology	Legisl.	Organztn.	Terminology	Legisl.	Orgnzttn.
Terminology	Architectural conservation (AC) vs. historic preservation (HP)	AC			HP		
	Different type of historic properties	√			√		
	Main Conservation –Restoration-Reconstruction	√			-		
	Treatment Preservation -Rehabilitation-Restoration-	-			√		
	Methods Reconstruction						
	Classification Buildings, sites, structures, districts, objects	-			√		
	of properties: 1 <sup>st</sup> group & 2 <sup>nd</sup> group	√			-		
	Preparation of Reconstitution projects (if needed)	√			-		
Existence of terms and terminologies specific to the country	√			√			
Documentation vs. nomination	Documenta.			Nomination			
Legislation	Main historic preservation Acts: Act of 2863 CCNP vs. NHPA		CCNP			NHPA	
	Existence of complementary guidelines, regulations& standards		√			√	
	Evaluation Criteria of historic properties	Four main evaluation criteria	-			√	
		Nine main evaluation criteria	√			-	
	In legislations less emphasis on intangible cultural heritage		√			√	
	Legislations: restrictive on the owners of historic properties		√			-	
	Minimum obligations on the owners of listed historic properties		-			√	
	Nomination/ Documentation	By State, federal, tribal or individual bodies	-			√	
	By Public agencies or private bodies	√			-		
Organization	Autonomous structure: federal-state-tribal-local			-			√
	Centralized structure: national			√			-
	Existence of a high/advisory council: SCCCNP vs. ACHP			√			√
	Public involvement			Less			More
	Existence of worldwide preservation organizations			State level			Pub&Private
	Institutionalized and systematized organizations			√			√
	Initiatives of preservation: Public vs. private			Public			Private
	Nominations by both public and private bodies			√			√
Registration of historic properties: NPS vs. MoCT & MECP			MoCT&MECP			One-NPS	

Table 3.7 Comparison of Turkey and the United States in terms of historic preservation terminology, legislations and organizations.

## **4. ANALYSIS OF THE PRESERVATION FOUNDATIONS**

In this chapter is conducted an analysis of the preservation foundations both in Turkey and in the United States with the following headings. First, the role of waqfs and foundations in historic preservation in both countries is explained. Afterwards, to better clarify the issue one case study has been selected from each country namely, Foundation for the Protection and Promotion of the Environment and Cultural Heritage (ÇEKÜL) in Turkey and National Trust for Historic Preservation (National Trust) in the United States, following with a comparative analysis.

### **4.1 The Role of Foundations in Historic Preservation Applications**

What are the main models for foundation systems active in historic preservation in Turkey and in the United States? Are there significant differences between promotion of historic preservation by Turkey waqf systems and the United States nonprofit organizations? To engage fully with these issues and to shed new light on these questions, one needs first to have a better sense and discovery of how foundations in both countries having different national, historic, religious, and cultural characteristics shaped historic preservation.

#### **4.1.1 The Role and Importance of Foundations in Turkey in Historic Preservation**

This part analyses foundations and their role in historic preservation in Turkey both established before the abolished Turkish Civil Code of 743, namely fused and annexed foundations, and the new foundations established after its acceptance. To grasp the dimensions of the foundation sector and to be able to define and explain its

role in historic preservation in Turkey, it is useful to begin with a historical overview of the relationship between the state in its early periods, namely, Seljuk, Principalities and Ottoman Empire, and religious and other waqf institutions. The first waqf document founded in Anatolia dated 1048 demonstrates the existence of waqf system in Anatolia even before the Turks started to enter in it as a mass group. Starting from that period especially public buildings were constructed and maintained by means of waqf institution.<sup>181</sup> Thus, thanks to waqf system, “institutionalization” in repair and maintenance works started at the very early periods in Anatolia as an autonomous effort of individuals.<sup>182</sup>

As Bakırer stated, it was and still is an important and favorable factor for a building to have a waqf root in its maintenance and repair process.<sup>183</sup> Because, one the aims of a waqf was the perpetuation of the waqf buildings for long years. Waqf deeds included necessary specifications for the regular maintenance and repair of those buildings, as well as number of workers and their wages and the source of the money to be able to do those repairs. As a result, most of the waqf buildings could be able to reach up to now.<sup>184</sup> For instance, in the waqf deed of Sivas I. Izzeddin Keykâvus Hospital dated 1220, it was written that the income of the waqf land allocated as the akar<sup>185</sup> of the hospital was to be used for the regular maintenance and repair of the hospital, and only the surplus of the income after that repair work could

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<sup>181</sup> Akar, “The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage,” 1.

<sup>182</sup> In spite of the close relationship between the religion and state in Ottoman Emperor, it was not considered among the duties of state to provide religious institutions and many other public duties and to organize and maintain them for their perpetuation. See Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 16.-18. Yüzyıllar, 37.

<sup>183</sup> Ömür Bakırer, “Vakfiyelerde Binaların Tamiratıyla İlgili Şartlar ve Bunlara Uyulması,” *Vakıflar Dergisi* 10 (1973): 113.

<sup>184</sup> Bakırer, “Vakfiyelerde Binaların Tamiratıyla İlgili Şartlar ve Bunlara Uyulması,” 113. Bahaeddin Yediyıldız, “Vakıf Müessesesinin XVIII. Asır Türk Toplumundaki Rolü,” *Vakıflar Dergisi* 1(1938): 2.

<sup>185</sup> Akars were the income generating real estates for hayrats benefiting from their incomes.

be used for other purposes (Figure 4.1).<sup>186</sup> Thanks to these specifications written in its waqf deed, nearly 800 years after its construction, the hospital is still restored should the need arise, the last of which was completed in 2012 by DGF (Figure 4.2.).

After examining many of the 13<sup>th</sup> and 14<sup>th</sup> century waqf deeds, Bakirer concludes that there might not have been permanent workers responsible for the repair of the waqf buildings in those periods. Because, though, in those waqf deeds there is information about the duties and wages of the staff, there is hardly any information on the people in charge of repairs and their wages. In addition, she argues that during those times there were just general definitions about the repair works without any detail.<sup>187</sup>

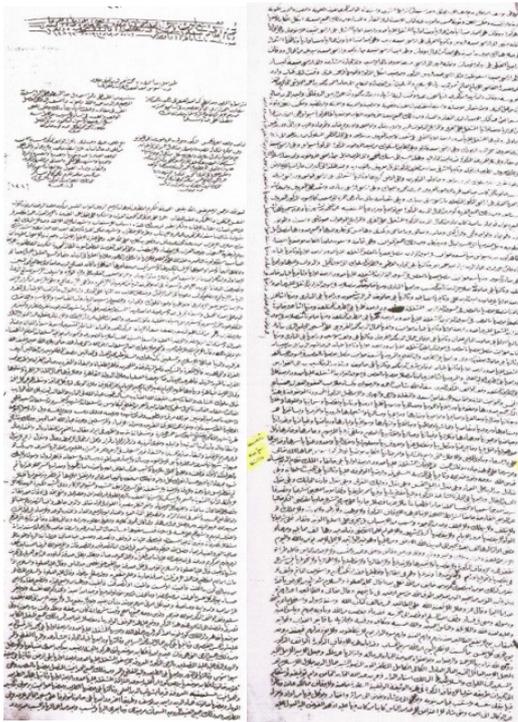


Figure 4.1 Waqf deed of Sivas I. Izzeddin Keykavus Hospital, in Arabic. Source: Archives of Directorate General of Foundations, waqf deed registered in book #584, page # 288 and row #138.

<sup>186</sup> Muallim Cevdet, "Sivas Darüşşifası Vakfiyesi ve Tercümesi," Vakıflar Dergisi 1 (1938): 35-38; Bakirer, "Vakfiyelerde Binaların Tamiratıyla İlgili Şartlar ve Bunlara Uyulması," 114.

<sup>187</sup> Bakirer, "Vakfiyelerde Binaların Tamiratıyla İlgili Şartlar ve Bunlara Uyulması," 115.



Figure 4.2 Views from the main iwān (left) and tomb section (right) of the hospital during its in-progress restoration in 2011. Source: Photos by the author.

From 15<sup>th</sup> century onward, the specifications in waqf deeds related with repairs started to be more defined and systematic. As an instance, amount of money that should be spent for the repairs, number of architects and other workers responsible for the repairs and their wages, even the number of apprentices was to be trained by the skilled staff were all predetermined in the 15<sup>th</sup> century and later period waqf deeds.<sup>188</sup> As a result of deep archival research, Bakırer also claims that up to 19<sup>th</sup> century, when neglects started to be confronted in waqf institution, waqf sources allocated for the repair work of the waqf properties were actually used for the maintenance and repair of those buildings.<sup>189</sup>

There are two types of waqf buildings, which are hayrat and akar. Hayrat buildings are the ones “benefited from on their own,” which provide public service without generating income. Akar buildings, on the other hand, provide public service, as well as generate income both for themselves and for the hayrat buildings – in other words, akar buildings are the ones “benefited from their income.”<sup>190</sup> For instance,

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<sup>188</sup> *Ibid.*, 116-121.

<sup>189</sup> *Ibid.*, 126.

<sup>190</sup> Akar, “The Role of Vakıf Institution in the Conservation of Vakıf Based Cultural Heritage,” 19.

mosque, madrasah, public kitchen, and hospital are categorized as hayrat and baths, lands, bazaars, stores, gardens etc. are classified as akar providing income for the continuity, repair, and maintenance of the first group, hayrat buildings. To provide perpetuation and to take under control of their maintenance and repair, in the waqf deeds of hayrat buildings their akars, income sources, are clearly specified. Those akars of the hayrats specified in the waqf deeds were the main sources of repairs both for the akar and hayrat buildings. In that respect, there is an indirect relation between the repair process of a hayrat building and its akar specified in the waqf deed.

Mütevelli, tenant a charitable person, individual or state itself took this responsibility, if the waqf did not have enough income and/or its akar(s) did not exist anymore.<sup>191</sup>

Nevertheless, it should be noted that in this classical waqf system ‘perpetuation of the inheritance’ not the ‘historic preservation’ was the main objective, but ultimately the former aim was a supportive of the later. Waqf-repair relationship in Ottoman period and sources of expenses for repair process and are given in Figure 4.3 and Figure 4.4, respectively.

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<sup>191</sup> State contribution for repairs was quite limited and seen as the last resort to apply whenever the waqf itself and individuals were incapable to tackle with the issue. See Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi, 16.-18. Yüzyıllar*, 67.

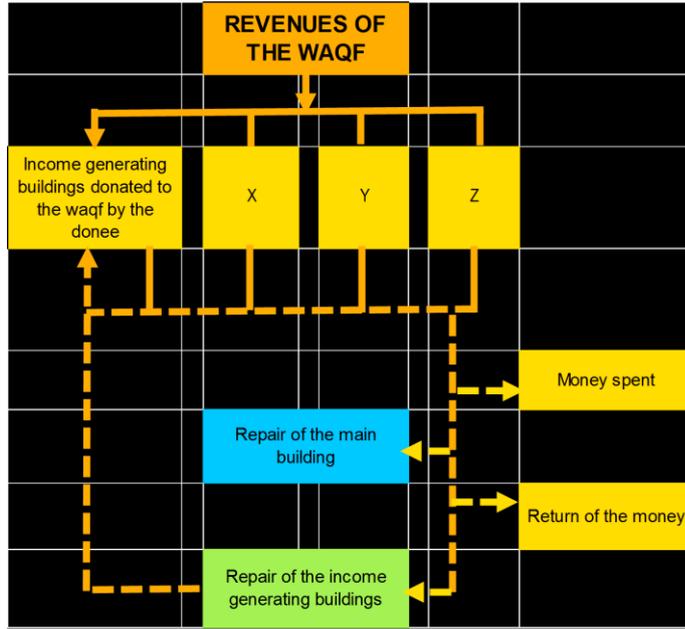


Figure 4.3 Diagram showing the waqf-repair relationship in Ottoman period. Source: Redrawn from Emre Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 16.-18. Yüzyıllar (Ankara: ODTÜ Mimarlık Fakültesi Yayınları, 2004), 172.

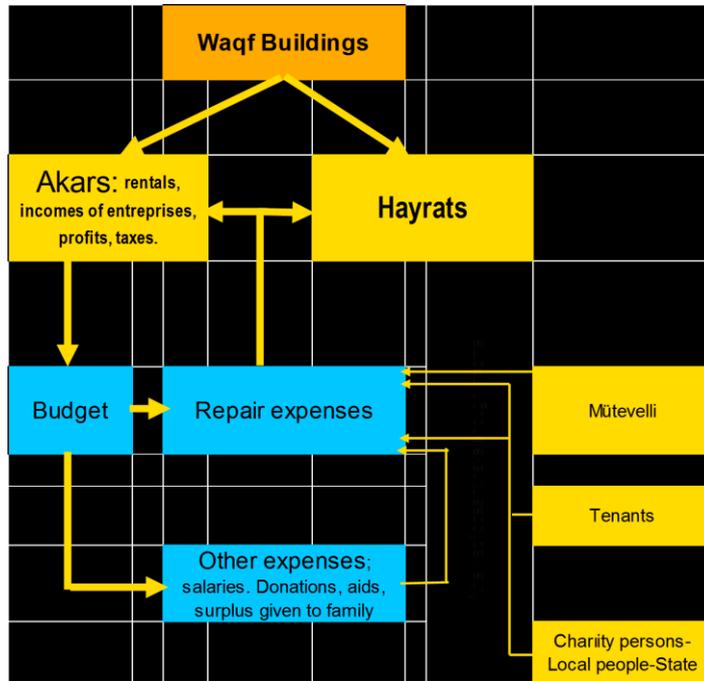


Figure 4.4 Repair process of akar and hayrat buildings in Ottoman period. Source: Redrawn from Tuba Akar, "The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage (PhD diss., Middle East Technical University, Ankara, Turkey, 2009), 45.

In Ottoman period, new constructions except for houses were built either by the state itself (*miri* constructions) or by the individuals in the context of waqf. *Miri* constructions included military constructions as castles, fortresses, city walls, and armories, constructions related with public works as bridges and roads, palaces and complementary buildings and other buildings in which public works were conducted.

On the contrary, individuals carried out most of the constructions related with religious, educational, commerce and similar public services. The reason for that was explained in two ways; the state directed some of the revenues obtained from agricultural lands to its own officers and in turn, those individuals devoted the excess of their revenues to public services and secondly, they believed in the religious incentives of the waqf system.<sup>192</sup> So to speak, individuals dedicated their revenues based on the state sources to waqf constructions and their repairs with their own will without any legal enforcement by the state.<sup>193</sup> Similarly, sultan himself or his relatives used their own monetary resources for waqf constructions. Nevertheless, in spite of the active role of individuals in public services, administrative and military

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<sup>192</sup> For an individual to devote his revenue or immovable for waqf purposes it must be the property of the individual himself. Hence, in Ottoman period it was so common that the state/sultan delivered the utilization right of some of the agricultural lands to its officers not only for rewarding him but also with an intrinsic expectation of his charitable acts as waqf constructions. Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi, 16.-18. Yüzyıllar*, 16- 17. Similarly, in Islamic world even in tenth and eleventh centuries waqfs were first started to be used by as a course of action by state officials, especially in madrasahs. See Sabra, *Poverty and Charity in Medieval Islam, Mamluk Egypt, 1250-1517*, 70-71.

<sup>193</sup> In Ottoman society, religious values were highly an important factor for the repair and maintenance of properties. They repaired and maintained buildings also to follow the guidance of Quran and Islamic religion, such that, in Quran Surah Immunity (9:18) it is written; "He only shall repair the mosques of GOD who believes in GOD and the last day, and is steadfast in prayer and gives alms, and fears non but GOD; it may be that these will be of the [rightly] guided." See Mirza Ab'ul Fazl, *The Quran: A New Translation From the Original*, ed. Hasanuddin Ahmed, 5<sup>th</sup> ed. (Hyderabad: Jalaluddin Akbar, 2002), 147.

bureaucracy was the prevailing power for most of the constructions and restorations.<sup>194</sup>

Waqf institution which had an autonomous structure up to 19<sup>th</sup> century started to be centralized with the establishment of Ministry of Foundations (Nezaret-i Evkaf-ı Hümayun) in 1826.<sup>195</sup> Akar explains the possible reasons for centralized waqf system started in 19<sup>th</sup> century as the desire for finding solutions for the corrupted waqf institution in that century, reforms of the Tanzimat era, and political and economic conditions of the period.<sup>196</sup> Reforms of the Tanzimat era, namely Ottoman reform period that was effective starting from 1839 up to 1876, changed the rules and institutional structure of classical waqf system largely, in that all the waqfs were gathered under the centrally-budgeted and administrated Evkaf Nezareti.<sup>197</sup> Before that date the incomes of the waqf, the sources of the treasury and the contributions of the individuals were the three main sources for the preservation of historic properties.<sup>198</sup> Trustee/*mütevelli* was the responsible person for the management/administration of these incomes, expenses, renting, conserving the waqf against corruption, and similar tasks in accordance with the articles of the waqfiyye and wills of the founder. Nevertheless, state had the right to audit and supervise of the *mütevellis*. In waqfiyyah founders of the waqfs proposed some rules for the

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<sup>194</sup> Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 18.

<sup>195</sup> Akar, "The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage," 1

<sup>196</sup> *Ibid.*, 25-26.

<sup>197</sup> *Ibid.*, iv.

<sup>198</sup> Madran, *Osmanlı İmparatorluğu'nun Altın Çağlarında Onarım Alanının Örgütlenmesi*, 145 and Madran, "Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi I," 60.

maintenance and continuity of their waqfs and state formed legal regulations for the conservation of waqf buildings and applied these regulations by qadis.<sup>199</sup>

Then, in 1935, DGF was founded, and today the Republic of Turkey continues to perform the preservation of waqf buildings according to the specifications of their waqf deeds by means of DGF. Nevertheless, it should be clarified that DGF is only responsible and eligible for the provision of both technical and financial sources for the preservation of waqf buildings belonging to DGF and for those whose offspring are not alive today, namely, for the fused (mazbut) foundations administered by DGF and constitute the greatest amount among all the other registered foundations (See Table 2.1.). On the other hand, again, DGF is the responsible agency for the provision of technical support during the preservation process of waqf buildings registered under annexed foundations administered by their trustees/mütevellis and supervised by DGF and, whose financial source for repair is in that case the offspring himself, tenant or an outside sponsor. Thus, it should be noted that before the centralized waqf system starting from early-19<sup>th</sup> century trustee/mütevelli- individual himself- was the only responsible person in all type of foundations for the repair and maintenance of the waqf buildings without any direct state intervention, which is the main difference with today's waqf system. Main responsibilities of DGF in terms of the preservation of waqf properties defined in Foundations Act of 5737 dated 2008 are as follows:

Article 28- Identification, inventory, registration and safeguarding (for the purposes of this term, those properties that belong to the Directorate General and fused foundations) of the immovable and movable cultural assets owned by the foundations at home and

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<sup>199</sup> Akar, "The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage," 17, 38, 41.

abroad as well as the expropriation, exploitation, repair, restoration and -if needed- reconstruction works of the cultural assets of the foundation and conservation areas whose ownership have changed over shall be pursued and carried out by the Directorate General.

Ten percent of the corporate tax base of enterprises and participations more than fifty percent of the capital of which belongs to Directorate General or fused foundations shall be transferred to the Directorate General in order to be used for the repair of cultural assets belonging to fused foundations with scarce source of revenues.

The Council shall be authorized to conserve and maintain immovable categorized as cultural assets owned by fused foundations with scarce source of revenues by means of revenues generated by foundations with similar objectives.

Article 29- Immovable and movable cultural and natural assets owned by the foundations shall be preserved by the Directorate General, relevant public institutions and their users.

Article 30- Cultural assets originating from foundations, the ownership of which have -for whatsoever reason- been passed to the treasury, provincial administrations, municipalities or village legal entities shall be transferred to the fused foundation.<sup>200</sup>

If we look at contemporary preservation activities and the role of foundations in those systems, one major difference between the Ottoman period and Turkish Republic can be evaluated to be the today's centralized system of preservation under the control of state, as opposed to autonomous structure of waqfs in Ottoman period. Although, qadi, as the representative body of the state in those times, was the responsible person for the repair and preservation decision of waqf buildings, actually, that decision had an autonomous structure including mütevellis, individuals and tenants, which was far from the systematic state institution as DGF. Regarding new foundations, established after the abolished Turkish Civil Code of 743 dated 1926, and their roles in preservation, they are subject to the auditing process by DGF

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<sup>200</sup> Foundations Act of 5737 (2008), §2, Chapter 3, Articles 28-30 on Foundation's cultural and natural assets, Identification, registration and sustenance of the foundation's cultural assets, Conservation of Foundation's cultural and natural assets and Transfer of cultural assets of foundations.

by means of different respects ranging from financial issues to operational ones.<sup>201</sup> Today, number of new foundations specifically devoted to promotion of socio-cultural-historic values is 167 and to environment field is 120.<sup>202</sup> Even though, the state continues to be the primary actor in preservation of waqf properties, and since there is little stimulus/obligation for the private bodies in preservation issues, both individuals and civil society organizations are in fact, effective in historic preservation. As Şahin and Güner state that thanks to active services of those organizations in Turkey, an effective and conscious public opinion started to develop gradually in heritage protection<sup>203</sup> especially after 1990s. They point out the importance of civil society organizations in terms of their role in increasing public awareness for the preservation activities. They claim that those organizations create a kind of pressure by means of projects and campaigns developed among the public to preserve heritage. They also argue that NGOs are basic, necessary organizations for not only developing strategies and providing funds for the preservation of heritage but also for raising awareness for the preservation.<sup>204</sup>

One of the first NGOs in historic preservation field in early republican period was Touring and Automobile Club of Turkey founded in 1923 first under the name of “Türk Seyyâhin Cemiyeti”. It started its duties just with two staff and approximately

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<sup>201</sup> For more detailed information on the auditing process of DGF and its content, see Chapter 2.

<sup>202</sup> T.R. Prime Ministry Directorate General of Foundations, “Foundation Statistics,” accessed June 23, 2013, [www.vgm.gov.tr](http://www.vgm.gov.tr).

<sup>203</sup> Sultan K. Şahin and Saadet Güner, “Kültürel Miras Koruması ve Sivil Toplum Örgütleri Arasındaki İlişki (Relationship between the Protection of the Cultural Heritage and Non-Governmental Organizations NGOs)” (paper presented at the annual meeting of the Dokuz Eylül University Fine Arts Department 1st International Traditional Arts Symposium, İzmir, November 16-18, 2006, 1-9).

<sup>204</sup> Şahin and Güner, “Kültürel Miras Koruması ve Sivil Toplum Örgütleri Arasındaki İlişki,” 3, 8.

with ten members.<sup>205</sup> It was active mostly on the preservation publications and on limited financial contributions for the preservation of historic buildings.<sup>206</sup> The Society of the Lovers of Antiquities in Izmir, established in 1927 and mostly concentrated on museology and archeology fields was another NGO of early republic period. Assembly of Istanbul Advocates, which was first, established in 1911 for the preservation of historic properties in and around Istanbul was among the first NGO's active in preservation field in early 20<sup>th</sup> century.<sup>207</sup> Edirne Regional Association of Advocates of Ancient Monuments (1935), Association for the Conservation and Repair of Monuments in Turkey (1946) Association for Conservation of Historic Houses (1976), Foundation for Conservation of Monuments and Natural Heritage (TAÇ) (1976) and Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL) (1990) were the other NGO's established for preservation objectives before 1990s.<sup>208</sup>

The number of NGO's, associations and societies in historic preservation increased especially after 1990s.<sup>209</sup> Environment Protection and Research Foundation (ÇEVKOR) (1991), Turkish History Foundation (1991), Ahlat Culture, Art and Environment Foundation (AKSAV) (1992), The Turkish Foundation for Combating Soil Erosion, for Reforestation and the Protection of Natural Habitats (TEMA) (1992), Society of Conservation and Restoration Specialists (KORDER) (1998), and Foundation of Ankaraites (1999), History, Archeology, Art and Cultural Heritage

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<sup>205</sup> Stubbs and Makaś, *Architectural Conservation in Europe and the Americas*, 339, see also Touring and Automobile Club of Turkey Official Web Site, "Our History," accessed September 18, 2013, <http://www.turing.org.tr/tr/tarihcemiz.asp>.

<sup>206</sup> Madran, "Cumhuriyetin İlk Otuz Yılında Koruma Alanının Örgütlenmesi II," 83.

<sup>207</sup> *Ibid.*, 83-84.

<sup>208</sup> *Ibid.*, 84.

<sup>209</sup> Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 38.

Preservation Foundation (TASK) (2000), Turkey Environment Protection Foundation (TÜÇEV) (2001), and Friends of Cultural Heritage (KÜMİD) (2002) are just some examples of associations, foundations and societies established after 1990s for the promotion, protection, identification, and inventory of cultural and natural heritage in Turkey.<sup>210</sup> In addition, some organizations as Vehbi Koç Foundation (1969) and Sabancı Foundations (1974), which were first established for education purposes started to be active in conservation field in last decades.<sup>211</sup> For instance, Çengel Han in Ankara was restored by Vehbi Koç Foundation between the years 2003-2005 and since then it has been used as Çengelhan Rahmi M. Koç Museum. Those NGO's interact or engage with DGF by means of either sponsorship or collaboration, and such a sponsorship and collaboration is only in question if the property has waqf roots. In either way, first, the restoration project of the waqf-based property to be restored is to be approved by the preservation council of MoCT and its preservation is to be controlled by the experts of DGF. If a property does not have a waqf root, then NGO's may collaborate with the other related institutions, but again they will be under the control of auditing process by DGF by means of different respects.<sup>212</sup>

If one looks at the Performance Program of DGF as of year 2013, it is seen that there is a huge amount of budget allocated for the restorations of waqf based cultural heritage, nearly 38% of the whole budget of the Directorate (Table 4.1.).<sup>213</sup>

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<sup>210</sup> For more information on the civil society organizations and their role in historic preservation see Dedehayır, *Yerelden Ulusala Ulusaldan Evrensele Koruma Bilincinin Gelişim Süreci*, 47-48.

<sup>211</sup> Güçhan and Kurul, "A History of the Development of Conservation Measures in Turkey: From the Mid 19<sup>th</sup> Century Until 2004," 38.

<sup>212</sup> See Section 3.3.3. on page 75, for more detailed information on the auditing process of foundations and its content in Turkey.

<sup>213</sup> T.R. Prime Ministry Directorate General of Foundations, *2013 Performance Program of T.R. Prime Ministry Directorate General of Foundations*, Ankara ( 2013), 1-35, accessed October 1, 2013, <http://www.vgm.gov.tr/db/dosyalar/webicerik257.pdf>. In 2012, in total 113 waqf-based cultural properties were under restoration, among them 84 were completed and restoration projects of 91 waqf-

In addition to the direct expenses on historic preservation, with restore-operate-transfer method in 2011, long-term rental of thirty-eight waqf-based cultural properties were implemented in return for their restoration. As a result, DGF made 100 million TL investments and twenty-five million TL rental income and five thousand people were employed during their restorations and since 2003, 198 waqf cultural properties were restored with this model and under the rental of DGF.<sup>214</sup>

Today, in addition to its own sources for repair expenses and restore-operate-transfer model, DGF also uses treasury contributions (in last years, the treasury contribution rate is 0%), sponsorship and other incomes defined in the Act of 5737 Articles 16, 28, and 77 for the repair of waqf-based cultural properties. Fuel consumption fund was also used as a source for repairs of DGF between the years 1984 and 2000.

According to Fuel Consumption Act of 3074 dated 1984, in Article 6, it was written that 0.5% of fuel consumption taxes received by tax offices were to be allocated to DGF, though in 2000, this Article was amended and fuel consumption tax contribution for DGF was abolished.<sup>215</sup>

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based cultural properties were completed. T.R. Prime Ministry Directorate General of Foundations, *Activity Report of T.R. Prime Ministry Directorate General of Foundations as of 20*, Ankara (April 2013), 1-88, accessed October 1, 2013, <http://www.vgm.gov.tr/db/dosyalar/webicerik261.pdf>.

<sup>214</sup> T.R. Prime Ministry Directorate General of Foundations, *Activity Report of T.R. Prime Ministry Directorate General of Foundations as of 2011*, Ankara (April 2012), 1-81, accessed October 1, 2013, <http://www.vgm.gov.tr/db/dosyalar/webicerik248.pdf>. Those thirty-eight waqf-based cultural properties were planned to be used after their restorations for cultural, cultural and tourism, cultural and commercial, residential and similar functions. Similarly, in 2012, 11 waqf-based cultural properties were appraised with restore-operate-transfer method to be used for butik hotels, Turkish baths, and education, cultural, commercial and residential buildings. As a result, 153 million TL investments and thirty-five million TL rental income was gained and nearly five thousand people were employed during their restorations. T.R. Prime Ministry Directorate General of Foundations, *Activity Report of T.R. Prime Ministry Directorate General of Foundations as of 20*, Ankara (April 2013), 1-88, accessed October 1, 2013, <http://www.vgm.gov.tr/db/dosyalar/webicerik261.pdf>.

<sup>215</sup> Fuel Consumption Tax Act of 3074 (1984), Article 6, last updated August 22, 2013, <http://www.gib.gov.tr/index.php?id=1028>.

Table 4.1 Table showing the performance goal of DGF as of 2013 in terms of historic preservation of waqf-based cultural properties.

Performance Goal/ 2013	#of waqf-based cultural properties under restoration	#of waqf-based cultural properties whose restoration was completed	#of waqf-based cultural properties whose project tender was completed	# of movable cultural properties gained to the waqf museums	# of people visiting waqf museums	Budget (TL)	%
Preparation of restoration projects of waqf-based cultural heritage and restorations	150	50	50	-	-	146.792.331	35
Preservation arrangement presentation & exhibition of museum objects	-	-	-	11.200	800.000	9.650.000	2,3

Incomes defined in the Foundation Act of 5737 in Articles 16, 28, and 77 directly and/or indirectly affecting the repair of waqf-based cultural properties are given below:

Article 16 of Foundation Act of 5737 related to use and rental of immovable cultural properties of fused foundations in public services in exchange of their repairs:

A function shall be allotted by the Directorate General to the charity immovables belonging to the fused (mazbut) foundations in line with primarily its respective charter. Any charity immovable, which cannot be exploited or utilized by the Directorate General, may be rented out until they can actually be used for their original purposes.<sup>216</sup> For the purposes of making charity immovable functional, Directorate General may allot charity immovable to public entities and institutions, to foundations with similar objectives or to associations working for public benefit against their repair and restoration

<sup>216</sup> To use a property in its original purpose can be explained as to bring it to its original function when it was first constructed.

works under its supervision, in order to ensure their use for the services defined in the foundation charter.<sup>217</sup>

Article 28 of Foundation Act of 5737 related to corporate tax rates that are to be used for repairs:

Ten percent of the corporate tax base of enterprises and participations more than fifty percent of the capital of which belongs to Directorate General or fused (mazbut) foundations shall be transferred to the Directorate General in order to be used for the repair of cultural assets belonging to fused (mazbut) foundations with scarce source of revenues. The Council shall be authorized to conserve and maintain immovable categorized as cultural assets owned by fused (mazbut) foundations with scarce source of revenues by means of revenues generated by foundations with similar objectives.<sup>218</sup>

Article 77 of Foundations Act of 5737 related to DGF support of sponsorship for repairs and tax deduction and tax-exempt privileges:

Immovable properties owned by the Directorate General or by the fused (mülhak) foundations shall enjoy the privilege of being government property, so that they shall be immune to being sequestered or pledged; all kinds of transactions involving the said properties shall be exempt from taxes, duties, levies and charges. Real persons and legal entities who are willing to study, improve and support foundation culture at home or abroad shall be allowed to sponsor scientific organizations, strategic studies, conferences, symposiums and similar cultural events falling under the scope of the Directorate General and included in its activity and investment programs. Individual and corporate sponsors shall be allowed to advertise commercials at such events subject to rules to be determined by the Directorate General. Funds, donations and sponsorships to be provided by such real persons and legal entities for the maintenance, repair, restoration or sustenance of movable and immovable properties owned by the foundations, for landscaping works and expropriation of such property under the Directorate General's control shall be deducted from their income and corporate tax base. Movable and immovable properties donated to a foundation during or after its establishment shall be exempt from inheritance tax.<sup>219</sup>

In addition to waqf system and NGOs, thanks to the zakat and sadaqa, as another Islamic philanthropic tradition, as well as sponsorship and volunteering, even today those deposits, without any contribution of the government, construct most of

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<sup>217</sup> Foundation Act of 5737 (2008), §2, Chapter 2, Article 16.

<sup>218</sup> Foundation Act of 5737 (2008), §2, Chapter 3, Article 28.

<sup>219</sup> Foundation Act of 5737 (2008), §4, Minutes and Exceptions, Article 77.

the new mosques. There are also examples of historic preservation accomplished by the philanthropic/charitable givings of wealthy and/or willing people. As an instance, a 15<sup>th</sup> century Ömer Sikkîn<sup>220</sup> Tomb located in Bolu, Göynük, which was under the ownership of DGF was restored in 2008 by a benefactor who was not even a rich person but highly willing as much as spending all his fortune for the preservation of the tomb (Figure 4.5.).<sup>221</sup> As another example, Green Mosque in Bursa, which is one of the most important monuments in Turkey from 15<sup>th</sup> century was restored with the sponsorship of Harput Holding and under the control of DGF experts, at a cost of ≈\$900.000,00 between the years 2009-2012 (Figure 4.6.). These experiences might be evaluated as the effectiveness of religious motives, faiths, and beliefs in Turkish preservation activities even in waqf assets, which are already under the guarantee, ownership and control of government according to their waqf deeds and laws. It can also be evaluated as the existence of efforts by the state in mobilizing philanthropic activities via religious institutions.

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<sup>220</sup> Ömer Sikkîn is an important person in Islamic religion history. He was one of the followers- murid- of Hacı Bayram-ı Veli, a significant spiritual leader and the founder of Bayrami Sufi Sect.

<sup>221</sup> Its preservation projects were prepared and financed by DGF and it was restored by sponsorship method.

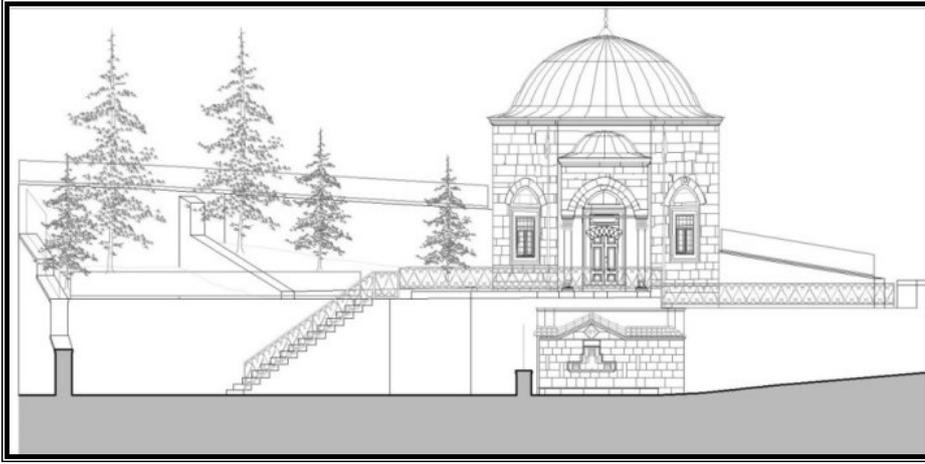


Figure 4.5 North-west façade drawing of Ömer Sikkîn Tomb. Source: Archives of Directorate General of Foundations, Ankara District Office.



Figure 4.6 Bursa Green Mosque- entrance portal (left) and an interior view during its in-progress restoration in 2011. Source: Photos by the author.

#### ***4.1.1.1 Activities of NGOs in Historic Preservation in Turkey in the Case of Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL)***

ÇEKÜL is a nongovernmental organization based upon volunteering established in 1990 with the support of twenty-five charter member under the presidency of Metin Sözen. The members of the foundation are categorized as board of trustees, management board, executive committee, inspectorate, high advisory council and

general secretary.<sup>222</sup> Today, ÇEKÜL has 130 delegates all around Turkey including architects, city planners, archeologists, art historians, economists and educators transferring and sharing their knowledge on different scale and quality projects as a volunteer act.<sup>223</sup> Metin Sözen,<sup>224</sup> a prominent professor in Turkey is still the president of the foundation and is the main advisory person especially on the preservation of cultural properties. The central building of the foundation is located in Istanbul, though according to its foundation deed it has the right to open new branches both within the country and abroad. In its foundation deed objectives of the foundation are defined as,<sup>225</sup>

- To perpetuate and enrich natural, historical and cultural heritage
- To create a conscious and determined life style both for today and for the future
- To healthy and complete transfer of cultural environment fed on water, air and greenery to the future generations
- Thus to preserve, evaluate and research natural, historic and cultural heritage by ensuring that they will be the source for the future generations.

When it was first founded its revenue was fifty million and the potential incomes of the foundation were determined to be possible movable and immovable properties, incomes to be obtained from publications and education activities, charitable contributions of individuals and entities, incomes and income shares of

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<sup>222</sup> T.R. Prime Ministry Directorate General of Foundations, *Archives of Directorate General of Foundations, File on ÇEKÜL, Foundation Deed of ÇEKÜL*, dated October 22, 1990, Article 7.

<sup>223</sup> Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), “Gönüllülük,” accessed April 18, 2013, <http://www.cekulvakfi.org.tr/proje/gonulluluk>,

<sup>224</sup> He was a professor at Istanbul Technical University and after his retirement, he became active in ÇEKÜL and dedicated himself for the promotion of historic preservation by collaborating with local municipalities. Aygen, *International Heritage and Historic Building Conservation: Saving the World's Past*, 230.

<sup>225</sup> Foundation Deed of ÇEKÜL, Article 3.

financial enterprises established by or participated by the foundation, and incomes of cultural and social activities held by the foundation as seminars, symposiums, trips, and dinner organizations.<sup>226</sup> According to the Article 15 of the foundation deed, if the foundation ends because of any reason defined in Turkish Civil Code, its assets can be transferred to another foundation established with similar objectives.<sup>227</sup> In 2001, Articles 2, 4, and 6 of ÇEKÜL foundation deed were re-arranged with new minor and major additions.<sup>228</sup> Thus, especially by means of Article 4, potential incomes of the foundation increased.

Volunteering is the basis for the continuity of the activities of ÇEKÜL for more than 20 years. Even though, volunteering is the main concern among the members and coordinators of the foundation, any expenses of management board members resulted from the execution of foundation activities are provided by the incomes of the foundation. In addition, periodic or permanent committee members selected by the high advisory committee are to be made a payment amount of which is to be determined by the management board members.<sup>229</sup>

Similar to other new foundations established after abolished Turkish Civil Code of 743, ÇEKÜL is also subject to the supervision of DGF and annual auditing process. Considering natural resources, cultural heritage and man as a whole, it develops projects for the preservation of natural and cultural heritage in city, region

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<sup>226</sup> Ibid., Articles 5-6.

<sup>227</sup> Ibid., Article 15.

<sup>228</sup> T.R. Prime Ministry Directorate General of Foundations, *Archives of Directorate General of Foundations, File on ÇEKÜL, Re-arranged Foundation deed of ÇEKÜL*, dated November 26, 2001.

<sup>229</sup> Foundation deed of ÇEKÜL, Article 14.

and country scale by using both national and international funds and volunteer activities.<sup>230</sup>

Some important natural and cultural heritage preservation activities of ÇEKÜL are; Tree Forests, 7 Regions 7 Cities, Protected Towns, Towns Reconciled, Fortressed Towns, Villages Should Survive, Respect to Sinan and Silk Road - Culture Road, Environmental Cultural Centers, Industrial Heritage, Town Inventories, Traditional Living Culture, Urban Shops for Local Crafts, Basin Management and Town Museums and Archives (Figs. 4.7. and 4.8.).<sup>231</sup> ÇEKÜL began the restoration and preservation of cultural heritage ranging from residential buildings to castles, industrial and commercial buildings, historic streets, neighborhoods, towns, basins, and regions in 1997. All these activities are implemented either by means of the volunteer act of ÇEKÜL representatives or by the support of local municipalities, authorities, other civil society organizations, local experts, individuals, governorships, universities, chambers, MoCT, associations and similar organizations.

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<sup>230</sup> Şahin and Güner, “Kültürel Miras Koruması ve Sivil Toplum Örgütleri Arasındaki İlişki, 3.

<sup>231</sup> For more information on its activities see Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), “Cultural Heritage,” accessed October 8, 2013, <http://www.cekulvakfi.org.tr/cultural-heritage> and Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), “ÇEKÜL Foundation Activity Report 2010” (2010), 1-92, accessed October 5, 2013, [http://www.cekulvakfi.org.tr/files/dosyalar/cekul\\_2010\\_faaliyet\\_raporu.pdf](http://www.cekulvakfi.org.tr/files/dosyalar/cekul_2010_faaliyet_raporu.pdf).



Figure 4.7 Inventory projects of Burdur, Kars and Kayseri prepared by ÇEKÜL. Source: Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), “ÇEKÜL Foundation Activity Report 2010” (2010), 37, accessed October 5, 2013, [http://www.cekulvakfi.org.tr/files/dosyalar/cekul\\_2010\\_faaliyet\\_raporu.pdf](http://www.cekulvakfi.org.tr/files/dosyalar/cekul_2010_faaliyet_raporu.pdf).



Figure 4.8 Restoration of a historical house in Gaziantep with the collaboration of the local municipality and ÇEKÜL. Source: Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), “ÇEKÜL Foundation Activity Report 2010” (2010), 20, accessed October 5, 2013, [http://www.cekulvakfi.org.tr/files/dosyalar/cekul\\_2010\\_faaliyet\\_raporu.pdf](http://www.cekulvakfi.org.tr/files/dosyalar/cekul_2010_faaliyet_raporu.pdf).

In addition to restoration and preservation activities and programs, ÇEKÜL is also organizing some cultural heritage education programs such as seminars, discussions, conferences and trips to increase the preservation consciousness among

the users of the nature and the culture (Figure 4.9.). The Towns Belong to the Children Heritage Education Program, Education of the Educators, Intangible Cultural Heritage Museum Educations, Cultural Envoys, Historical Buildings Tell the Story of Istanbul, Trees Tell the Story of Istanbul, City Museums Program, and Fruits and Vegetables on Season are among some education programs of ÇEKÜL.<sup>232</sup>



Figure 4.9 Cultural Heritage Education Program for Children organized by ÇEKÜL. Source: Handan Dedehayır, *Yerelden Ulusala Ulusaldan Evrensele Koruma Bilincinin Gelişim Süreci* (İstanbul: ÇEKÜL Vakfı, 2010), 83.

Today, ÇEKÜL has approximately 900.000,00 volunteers from all walks of life all around Turkey to implement its goals and activities with the collaboration of "public-local-civil-and-private" actors. As a result of this collaboration Union of Historic Cities (TKB-Tarihi Kentler Birliği) was established in 2000, which is one of the most important projects and achievements of ÇEKÜL with the membership of over 300 municipalities.<sup>233</sup> Union of Historic Cities was first established with the

<sup>232</sup> For more information on its activities see Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), "Cultural Heritage," accessed October 8, 2013, <http://www.cekulvakfi.org.tr/cultural-heritage> and Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), "ÇEKÜL Foundation Activity Report 2010" (2010), 40-47, accessed October 5, 2013, [http://www.cekulvakfi.org.tr/files/dosyalar/cekul\\_2010\\_faaliyet\\_raporu.pdf](http://www.cekulvakfi.org.tr/files/dosyalar/cekul_2010_faaliyet_raporu.pdf).

<sup>233</sup> Foundation for Conservation of Natural and Cultural Heritage (ÇEKÜL), "Community Organizing," accessed October 5, 2013, <http://www.cekulvakfi.org.tr/community-organizing>.

collaboration of 52 historic town municipalities and with the support of MoCT, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education, Chamber of Architects, UNESCO Turkey National Committee, volunteer experts, associations, and individuals as the 12<sup>th</sup> member of Europe Union of Historic Cities.<sup>234</sup> It organizes education seminars on historic and cultural heritage preservation, culture and environment, and public improvements and historic towns as well as supplies financial assistance for the member municipalities to achieve its stated goals. Thanks to its activities, many towns in Turkey became aware of their historic values, which caused in turn application of restoration and rehabilitation projects and attracted heritage tourism, as well.<sup>235</sup>

#### **4.1.2 The Role and Importance of Nonprofits in the United States in Historic Preservation**

Nonprofit organizations have always played an important role in the preservation of historic properties in the United States and abroad as well, by means of the establishment of worldwide organizations. Considering the first preservation movement started by an organized citizen action in 19<sup>th</sup> century, and even according to some sources in mid-18<sup>th</sup> century,<sup>236</sup> it is understood that private preservation approaches are nearly as old as the establishment of the country.<sup>237</sup> Murtagh argues that "...private citizens, not government were the proper advocates of preservation... and (m)ost preservation efforts throughout the end of the nineteenth century were

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<sup>234</sup> It was founded with the cabinet decision and under the control of General Directorate of Local Governments affiliated to Ministry of Interior. For more information on TKB see Dedeşayır, *Yerelden Ulusala Ulusaldan Evrensele Koruma Bilincinin Gelişim Süreci*, 60-87.

<sup>235</sup> Aygen, *International Heritage and Historic Building Conservation: Saving the World's Past*, 232.

<sup>236</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 25; Stubbs and Makaş, *Architectural Conservation in Europe and the Americas*, 429.

<sup>237</sup> For more detailed information on the history of historic preservation in the United States, see Chapter 2.

characterized by the kind of pietism and private support typical of the Mount Vernon effort.”<sup>238</sup> He assumes the preservation motives of the period as; assertion of legitimacy, association of history for reassurance, use of preservation as a defense against cultural and political hegemony, patriotism, and transcendent rather than intrinsic reasons. He further argues that from the very beginning women were highly influential in private historic preservation even in leadership level and government contributions started primarily in twentieth century, though in many other countries it has primary responsibility in preservation since mid-19<sup>th</sup> century.<sup>239</sup>

Howe claims that private sector involvement and its investments in historic preservation has increased in parallel with change in cultural philosophy and with the tax incentives, public policy advantages, and funding programs.<sup>240</sup> As in many other activities, in the United States preservation of historic properties are also implemented as a set of activities by different sectors. Howe points out the collaboration of four main groups in development process in historic preservation, which are developers, government agencies, community groups and preservation organizations.<sup>241</sup> Similarly Wunthow argues that some of the historic preservation activities are accomplished within the for-profits or market sector, some are accomplished within the state (NPS being the primary federal agency and SHPO and other federal agencies being responsible for defined tasks in terms of preservation), and some others are accomplished by the voluntary organizations, NGO’s,

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<sup>238</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 30.

<sup>239</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 30, 37-8. Frank and Petersen, *Historic Preservation in the USA*, 77.

<sup>240</sup> Howe, “Private Sector Involvement in Historic Preservation,” 279.

<sup>241</sup> *ibid.*, 281.

philanthropic agencies, foundations etc.<sup>242</sup> He suggests that though, all these three sectors are related to each other, the degree of overlap between the sectors is one of the significant variations differentiating one society from another.<sup>243</sup> If we look at the situation in the United States, Watt argues “America is a ‘strong’ nation with ‘weak’ state (contribution)” compared with other European countries in terms of governmental revenue as a percentage of gross domestic products (GDP).<sup>244</sup>

In private sector, main approaches for financing historic preservation are counted as consortium financing, public-private partnership, investment tax credits, syndications, mortgage and equity financing sources, commercial banks, pension funds, real estate investment trusts, transfer of development rights and preservation easement.<sup>245</sup> Private preservation organizations are highly dependent upon and use one or more of these motivations for financing historic preservation.

#### ***4.1.2.1 Activities of NGOs in Historic Preservation in the United States in the Case of National Trust for Historic Preservation***

Among the entire private nonprofit preservation organizations in the United States, National Trust for Historic Preservation has a special importance. It is a private nonprofit preservation organization established in 1949 as a result of subsequent meetings started in 1946 and with the support of the Congress under the

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<sup>242</sup> Wuthnow, “The Voluntary Sector: Legacy of the Past, Hope for the Future?” 11, see also Merrill, “The Role of Private Nonprofit Organizations in the Historic Preservation and Housing Rehabilitation Process: A Case Study of Savannah, Georgia,” 79.

<sup>243</sup> Wuthnow, “The Voluntary Sector: Legacy of the Past, Hope for the Future?” 11.

<sup>244</sup> David Harrington Watt, “United States: Cultural Challenges to the Voluntary Sector” in *Between States and Markets: The Voluntary Sector in Comparative Perspective*, ed. Robert Wuthnow, 245-287 (Princeton, New Jersey: Princeton University Press, 1991), 247.

<sup>245</sup> For more detailed information on these financial sources see, Howe, “Private Sector Involvement in Historic Preservation,” 295-304.

Public Law of 81-408.<sup>246</sup> National Park Service, which was founded in 1916, arouse the need for the establishment of such a nongovernmental organization which would both alleviate the burden of government in historic preservation and at the same time would be in collaboration with the public.<sup>247</sup> Similarly, it was the end of the Second World War that preservationists realized the need for a national, nongovernmental and nonprofit organization uniting the knowledge and guidance with historic preservation. Because, at those times the country lacked a nationwide organization representing the private citizens and capable of solving debated issues in the field.<sup>248</sup>

According to the By-Laws of NTHP, Article 1, approved in May 5, 1950 the Secretary of the Interior, the Attorney General of the United States, the Director of the National Gallery of the Art and a determined number of citizens were to be the members of the corporation.<sup>249</sup> The first historic property of the trust was the Woodland Plantation, which was restored and opened to the public by the vigorous efforts of NTHP in 1952 (Figure 4.10.).<sup>250</sup> In its first years the number of sponsoring organizations of NTHP reached to thirty six ranging from national museums, private foundations and preservation associations and by 1956 it had two corporations, 182 organizations and nearly 1.500 individual memberships and with the generous financial and volunteer support of these organizations NTHP conducted

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<sup>246</sup> For more detailed information on the Public Law 81-408, "Establishing the National Trust" dated October 26, 1949, see Mulloy, *The History of the National Trust for Historic Preservation*, 214-216.

<sup>247</sup> Finley, *History of the National Trust for Historic Preservation 1947-1963* (Washington, D.C.: National Trust for Historic Preservation, 1965), 1, 51-53; Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 40; National Council for Historic Sites and Buildings Report of the Committee on Organization of the National Trust, dated November 4, 1948; Mulloy, *The History of the National Trust for Historic Preservation*, 10.

<sup>248</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 39.

<sup>249</sup> Finley, *History of The National Trust for Historic Preservation 1947-1963*, 69.

<sup>250</sup> Finley, *History of The National Trust for Historic Preservation 1947-1963*, 7; Mulloy, *The History of the National Trust for Historic Preservation*, 14; Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 43.

nationwide historic preservation.<sup>251</sup> As the number of memberships increased, so did the property holdings of the Trust.<sup>252</sup> In addition to historic preservation, education programs and trips were organized and it began to publish *Historic Preservation* magazine starting from March 1949 and *Preservation News* periodical started in 1952 (Figure 4.11.). In 1953, NTHP conducted the inventory of historic American buildings together with NPS, Library of Congress and AIA.<sup>253</sup> Today, the trust has been leading the Preservation Week celebrations since 1973, Preservation Honor Awards since 1971, America's 11 Most Endangered Historic Places List, and National Treasures Program.<sup>254</sup>



Figure 4.10 Woodland Plantation, Mount Vernon, VA, The first property of NTHP.  
Source: Elizabeth D. Mulloy, *The History of the National Trust for Historic Preservation* (Washington, DC: The Preservation Press National Trust for Historic Preservation in the United States, 1976), 17.

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<sup>251</sup> Finley, *History of The National Trust for Historic Preservation 1947-1963*, 39; Mulloy, *The History of the National Trust for Historic Preservation*, 22.

<sup>252</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 45.

<sup>253</sup> Mulloy, *The History of the National Trust for Historic Preservation*, 18, 20.

<sup>254</sup> Official web site of National Trust for Historic Preservation, "A Brief History of the National Trust," accessed October 8, 2013, <http://www.preservationnation.org/who-we-are/history.html#.UIOvD7WxXIU>.



Figure 4.11 Preservation News and Historic Preservation periodicals published by NTHP as an important attempt in historic preservation in mid-20<sup>th</sup> century. Source: Elizabeth D. Mulloy, *The History of the National Trust for Historic Preservation* (Washington, DC: The Preservation Press National Trust for Historic Preservation in the United States, 1976), 123.

In 1960s, the Trust experienced some certain changes in terms of both preservation movement and financial issues, as well. In 1966, under the Public Law of 89-665 NTHP, the only private organization up to that day mentioned by name in the law, became eligible for federal funding under certain circumstances,<sup>255</sup> which lasted up to 1998. Thus, after that date it was still heavily dependent upon private contributions and volunteer supports.<sup>256</sup> After 1998, the Trust had to find new sources for the historic preservation, as a result, its services started to be more commercial, such that service fees began to be applied for for-profits and nonprofit historic real estate developers. In addition, the Trust gave impetus for the establishment of statewide preservation nonprofits in all states to build a strong

<sup>255</sup> Mulloy, *The History of the National Trust for Historic Preservation*, 121-22.

<sup>256</sup> Congress started to scale down the funding in 1995 and in 1998 it withdrawn the funding totally. See official web site of National Trust for Historic Preservation, “A Brief History of the National Trust,” accessed October 8, 2013, [http://www.preservationnation.org/who-we-are/history.html#\\_U1OvD7WxXIU](http://www.preservationnation.org/who-we-are/history.html#_U1OvD7WxXIU); Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 45; Howard, “Nonprofits in the American Preservation Movement,” 325.

network and to improve public policy at the state level. Thanks to such a collaboration and coordination, a higher level of statewide preservation operation mostly by means of professional staff was motivated.<sup>257</sup>

According to National Trust By-Laws adopted in 1973 in Article 2, the purposes of the Trust were defined as:

- (a) to further the policy enunciated in the Act of August 21, 1935, and related Acts, for the preservation of historic American sites, buildings, objects, and antiquities of national significance,
- (b) to facilitate public participation in the preservation of the sites, buildings, and objects of national significance or interest,
- (c) to receive donations of sites, buildings and objects, significant in American history and culture and preserve and administer them for public benefit,
- (d) to accept, hold and administer gifts of money, securities or other property of whatsoever character for the purpose of carrying out the preservation program, and,
- (e) to execute such other functions as are vested in it by the Act of October 26, 1949, as amended and by related Acts.<sup>258</sup>

During its historic preservation activities, it collaborates with statewide and local preservation organizations and SHPOs in addition to its seven field offices. Statewide and local preservation organizations are non-profit groups, normally supported by voluntary memberships, working across either state or specific community or metropolitan area to promote preservation practices. The National Trust for Historic Preservation members of the boards of the trustees are not paid any compensation for their services excluding travel and actual expenses caused by board meeting attendance, and other official duty performance.<sup>259</sup> Preservation priorities are

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<sup>257</sup> Howard, "Nonprofits in the American Preservation Movement," 325-326, 332.

<sup>258</sup> Mulloy, *The History of the National Trust for Historic Preservation*, 230; Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 47.

<sup>259</sup> National Trust for Historic Preservation Act, *National Trust for Historic Preservation in the United States Creation and Purpose*, 16 U.S.C. 468b, Administration of National Trust, Composition of

determined to be building sustainable communities, promoting diversity and place, protecting historic places and public lands, re-imagining historic sites.<sup>260</sup> Even though, those priorities look more like ÇEKÜL, they are very new for the NTHP, and are not part of its formal mission.

Today, the trust has 300 employees in total working at headquarters in Washington D.C., in 13 field offices and in historic sites in 15 states, as well as 750,000 members and supporters.<sup>261</sup> As Murtagh argues, the local, state and national level organizational growth of the Trust since its establishment reflects the progress and increase in the preservation movement in the country since Second World War.<sup>262</sup>

#### **4.2 Comparison of ÇEKÜL with NTHP**

It is important to understand the current situation in historic preservation field in both countries. Thus, it is considered useful to compare ÇEKÜL in Turkey and NTHP in the United States, as the two important nationwide preservation foundations. They are compared in terms of different parameters ranging from their purposes, sources of income, legislations, and number of members, major implementation fields, and scope of preservation, as well as many other respects, which are summarized in Table 4.2. The comparison showed that unlike fused and annexed foundations in Turkey, the new foundations as in the case of ÇEKÜL represent both similar and different

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Board of Trustees, Terms of Office, Compensation, Expenses (1949) §3, accessed October 8, 2013, [www.cr.nps.gov/local-law/FHPL\\_NtlTrust.pdf](http://www.cr.nps.gov/local-law/FHPL_NtlTrust.pdf).

<sup>260</sup> Official web site of National Trust for Historic Preservation, “Preservation Priorities,” accessed October 8, 2013, <http://www.preservationnation.org/who-we-are/preservation-priorities.html>.

<sup>261</sup> Official web site of National Trust for Historic Preservation, “A Brief History of the National Trust,” accessed October 8, 2013, [http://www.preservationnation.org/who-we-are/history.html#\\_U1OvD7WxXIU](http://www.preservationnation.org/who-we-are/history.html#_U1OvD7WxXIU).

<sup>262</sup> Murtagh, *Keeping Time: The History and Theory of Preservation in America*, 49.

approaches in historic preservation implemented by non-profits in the United States as NTHP. As for one dissimilarity, if one just looks at and compare at their main aims of establishment as defined in the foundation deed of ÇEKÜL and by the By-Law of NTHP, it is understood that NTHP still pursues a very dated approach to (traditional view of heritage) preservation, though ÇEKÜL aims to follow a more modern and progressive way of approaching heritage, giving importance to both natural and cultural heritage. Nowadays, NTHP also tries to integrate and enhance both natural and cultural heritage but it seems that it is still on the concept level without their actual applications on preservation.

Table 4.2 Historic Preservation: ÇEKÜL and NTHP compared

Comparison parameters	ÇEKÜL in Turkey	NTHP in the United States
Aims	Clearly defined in the foundation deed.	Clearly determined by the legislations.
Year of establishment	1990	1949
Source of income	There is not an already existing source of money for the historic preservation, it has to create its own sources- Public funding, private funding, human resources, and volunteering- possible movable and immovable properties, book sales and education activities, incomes and income shares of financial enterprises established by or participated by the foundation, and incomes of cultural and social activities	There is not an already existing source of money for the historic preservation, it has to create its own sources- Public funding between 1966-1998, individual, foundation, corporation and other donor contributions and volunteer supports- investment income, grant income, membership dues, admissions and special events, royalty and rental income, contract services, article sales, and advertising.
State power	State has the control in terms of monetary issues and in terms of the implementation of the aims defined in the foundation deed	State power/intervention existed up to 1998, then it became independent of the state, and today it is just under the control of IRS for tax issues
Legislation/regulations	Turkish Civil Code 4721; Foundation Act of 5737	Public Law of 81-408; Act of October 26, 1949 and By-Laws
Social motivation/the extent of public/citizen participation and volunteering	High social motivation and public participation	High social motivation and public participation

Table 4.2 (contd.) Historic Preservation: ÇEKÜL and NTHP compared

The role of traditions	Classical waqf system is ineffective, instead the regulations of Turkish Civil Code of 1926 are applied	Unlike general tradition in which individuals were the first to start a preservation activity it was established with the support of the state itself
Social acceptance of historic preservation/overall awareness	Increasing public awareness in historic preservation	High public awareness
Approximate # of members	It has 130 delegates all around Turkey, has approximately 130 representatives and 900,000 volunteers.	Today, the trust has 300 employees , as well as 750,000 members and supporters
Major works and areas of implementation in historic preservation	Tree Forests, 7 Regions 7 Cities, Protected Towns, Towns Reconciled, Fortressed Towns, Villages Should Survive, Respect to Sinan and Silk Road - Culture Road, Environmental Cultural Centers, Industrial Heritage, Town Inventories, Traditional Living Culture, Urban Shops for Local Crafts, Basin Management and Town Museums and Archives, Union of Historic Towns	Historic preservation, education programs and trips, Preservation Week celebrations, Preservation Honor Awards, America's 11 Most Endangered Historic Places List, and National Treasures Program.
Historic preservation publications, training and consulting	It has many published books and gives importance to historic preservation education activities and consults related bodies in that respect	It has many published books, gives importance to historic preservation education activities, and consults related bodies in that respect.
Public and private supporters and authorities	Both public and private supporters	Both public and private supporters- but financially just private supporters
Who makes decisions about what to preserve	Metin Sözen, president of the foundation, is the primary decision-making advisory contact for the historic preservation	Different motives
Selection criteria	Different motives	Different motives
Preservation priorities	Education, publication and collaboration with related bodies for the enhancement of historic preservation throughout the country are the top priorities.	Emphasis on education and publications, in addition to building sustainable communities, promoting diversity and place, protecting historic places and public lands, re-imagining historic sites
Scope of the preservation	National level	Local, state and national level

Table 4.2 (contd.) Historic Preservation: ÇEKÜL and NTHP compared

<p>Are the members paid for their duties?</p>	<p>Any expenses of management board members resulted from the execution of foundation activities are provided by the incomes of the foundation. In addition, periodic or permanent committee members selected by the high advisory committee are to be made a payment.</p>	<p>Members of the boards of the trustees are not paid any compensation for their services excluding travel and actual expenses caused by board meeting attendance, and other official duty performance</p>
<p>Who gives technical assistance?</p>	<p>Delegates all around Turkey comprising architects, city planners, archeologists, art historians, economists and educators transfer and share their knowledge on different scale and quality projects as a volunteer act.</p>	<p>Different motives</p>
<p>Area of Preservation</p>	<p>Both natural and cultural heritage preservation- Fruits and Vegetables on Season, Tree Forests, and Basin Management programs are just some activities on natural heritage enhancement.</p>	<p>Mostly cultural heritage preservation</p>

## 5. DISCUSSION AND CONCLUSION

Keune claims that while preservation techniques can easily be transferred from one country to another, it is rather a complex issue to transfer the ‘ideas’.<sup>263</sup> Considering the intensive role of the private sector in historic preservation in the United States, as opposed to extreme government involvement in so many other countries, and different legal systems, organization structures, financial and cultural basis and political contexts, he points out the difficulty in drawing precise analogies between the United States preservation practices and those of other countries.<sup>264</sup> Being aware of these points with this thesis, basic commonalities and differences between Turkey and the United States preservation practices by foundations were investigated in terms of their current legal and administrative structures and preservation terminologies. By juxtaposing their separate origins, seeking to make coherent sense of their complex and sometimes-contradictory backgrounds, and outlining their development, the earlier chapters have sought ways to raise many of these issues with an attempt to introduce the possibilities of transfer of knowledge and lessons learnt from each other within the limits of the current systems. Thus, in this chapter, in addition to benefits and liabilities of these two different approaches in both countries, possible transfer values are outlined and further recommendations for future studies are determined under subsequent headings.

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<sup>263</sup> Keune, “Historic Preservation in a Global Context: An International Perspective,” 376.

<sup>264</sup> *ibid.*, 353, 377.

## 5.1 Basic commonalities and differences: pros and cons

On a theoretical and objective level, the following results emerge:

As the main conclusion of this research on historic preservation implemented by foundations in Turkey and in the United States argues, it can be said that the main **financial source** for the preservation of waqf-based historic properties in Turkey is **already present** mostly in the form of akar/income generating building for the repair of hayrat and for itself as a result of its long lasting waqf system. In addition, new foundations and individual contributions are also effective in historic preservation, though in limited scale. In the United States, on the other hand, individual supports and contributions either by means of establishment of foundations, volunteering or charitable giving, and government grants constitute the greatest amount of the financial source for the promotion of heritage.

Though there are some state-funded foundations, namely, federal trusts in the United States, there is **not an already existing and permanent pool of financial sources** for their preservation by foundations; instead, it has to be **created later when the need arises**. Federal trusts of the United States are like the foundations of Turkey in several respects. First, they are both under the custody and control of the government. Second, the United States government has the responsibility for the control of the earnings of most federal trust funds as in Turkey; DGF is responsible for the management of all fused foundations including their monetary issues.

Nevertheless, there are also significant differences between the federal trusts of the United States and waqfs of Turkey. For one thing, even though in Turkey there is just one state institution, namely, DGF, responsible for the management and

supervision of waqfs, in the United States different federal agencies administer different federal trusts according to their purposes. In short, in the United States there is **not a primary central agency** for the control of federal trusts. In addition, in contrast to fused and annexed foundations of Turkey, the terms and requirements of which cannot be changed over the centuries, federal trusts in the United States do not have any fiduciary responsibility to their beneficiaries and their purposes, collections, and payments are subject to change.

Taking its roots from Islam, waqf system was highly effective in Turkey up to the 19<sup>th</sup> century, founders organizing each waqf individually. Even though it started as an individual act in its history, because of certain reasons in today's Turkish Republic, it became a centralized system. Hence, in terms of jurisdictions, today, in Turkey there is a **centralized and large system of regulations** and laws for the foundations including the ones in the preservation field. They are either managed or supervised by the state under the control of DGF according to their types. Therefore, in Turkey, historic preservation is one of the state's major cultural concerns. Nevertheless, this centralized system may cause the problem of feeling of pressure, especially in terms of new foundations and in their preservation activities.

In the United States on the other hand, not-for-profits under the category of 501(c)(3) are tax exempt organizations and they are audited by IRS just in terms of monetary issues, hence, **jurisdictions** on these organizations which also include preservation foundations are **very small** compared to Turkey. Even though, in the United States there are also federal trusts controlled and supervised by the federal government, they are still quite a few. On the other hand, Stipe points out the possible negative sides of this approach, too, and argues, "(a)ministrative structures can work

for or against preservation.”<sup>265</sup> He claims that preservation activities extremely far away from the state level may cause decline in the prestige of the state and may in turn bring about reorganization problems and new solutions to reduce the number of independent agencies and trying to find ways to put them under control.<sup>266</sup>

In addition, different from Turkey, **preservation of the modern** is a concept so often used in the United States. Especially, in late 1980s United States witnessed a considerable progress in preservation of historic properties belonging to recent past.<sup>267</sup> Event though, according to the National Park Service’s Bulletin a building should be at least fifty years old to be eligible for listing, it has also been added that this fifty-year period has been chosen just as a reasonable span and a building might be eligible for listing because of its “exceptional importance at the national, State or local level.”<sup>268</sup> As Sherfy and Luce stated in New York City for instance, there are properties under the age of fifty years and founded eligible for nomination.<sup>269</sup>

As another main conclusion, in the United States, **private foundations and individuals are highly effective** in preservation both in terms of financial and organizational respects though, in Turkey, today, the **state is the main body** for the preservation of waqf based historic properties. Just by examining historic preservation field, it can be clearly stated that today Turkey is a ‘strong state’ with ‘less public participation,’ though in Ottoman period just the opposite was in effect;

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<sup>265</sup> Robert E. Stipe, “Where Do We Go From Here?” in *A Richer Heritage: Historic Preservation in the Twenty-first Century*, ed. Robert E. Stipe (Chapel Hill and London :University of North Caroline Press, 2003), 483.

<sup>266</sup> Stipe, “Where Do We Go From Here?” 483.

<sup>267</sup> Susan D. Bronson and Thomas C. Jester, “Conserving the Built Heritage of the Modern Era: Recent Developments and Ongoing Challenges,” *APT Bulletin 28(4), Mending the Modern* (1997): 4-12.

<sup>268</sup> Marcella Sherfy and W. Ray Luce, *National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Last Fifty Years* (Washington, DC: U.S. Department of the Interior, National Park Service, 1979, rev. 1998), ii.

<sup>269</sup> Bronson and Jester, “Conserving the Built Heritage of the Modern Era: Recent Developments and Ongoing Challenges,” 6.

waqf institution constituted the most of the works, similar to **decentralized nonprofits** in the United States now.

As for new foundations, in Turkey there is not a worldwide foundation yet in historic preservation field, and the others acting within the periphery of the country are rather small in scale compared to the ones in the United States and they work with limited financial and volunteer supports. Even though, in Turkey there are representatives of foundations in foreign countries as ÇEKÜL, historic preservation activities are mostly concentrated on the countryside scale. In addition, this study's comparison approach between ÇEKÜL and NTHP has enabled us to compile a wide range of information related to research field of historic preservation implemented by a new foundation in Turkey and a non-profit in the United States. The comparison results showed that the new foundations in Turkey as in the case of ÇEKÜL are quite similar to the ones in the United States as opposed to the foundations and their preservation activities established before the Turkish Civil Code of 743.

As other commonalities, in both countries there are well-established **undergraduate and graduate level degree programs** at the state and private universities in historic preservation since 1964 even before the acceptance of main Preservation Acts in both countries.<sup>270</sup> Nevertheless, different from Turkey, historic preservation graduate programs in the United States are highly interdisciplinary, accepting students from different backgrounds in addition to architecture. In Turkey, only in recent years, it has become an interdisciplinary field and only in limited number of universities. Hence, Tuncoku suggests that in Turkey both for qualified restorations and economic considerations, historic preservation graduate programs

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<sup>270</sup> Keune, "Historic Preservation in a Global Context: An International Perspective," 378.

necessitating an interdisciplinary collaboration should accept students from different disciplines as archeology, history of art, chemistry, civil engineering, geology and urban planning.<sup>271</sup>

In addition, in both countries there are tax incentives in the legislations either in the form of tax **exception or tax deduction** and support for the **sponsorship and public involvement** (more in the United States) for the preservation of historic properties.

## **5.2 Potential lessons that could be learnt from each other**

Once the basics of historic preservation activities have been explained and a comparison has been made in both countries, the question arises as to whether the United States and Turkey concept of foundation/waqf system of historic preservation can be applied at least partially, to each other in the future, even though as understood, the classical waqf system of Turkey is significantly different from the foundation system in the United States. One of the main aims of this thesis was to explore those possible transfer values of knowledge and lessons that could be learnt from each other in both countries in terms of preservation practices implemented by the foundations. Hence, below are summarized possible reciprocal interactions and transfer values between the two countries for the sake of the historic preservation.

For one thing, Keune suggests that in the United States the scope and scale of private sector-volunteer accomplishment is so widespread and so creative in developing imaginative funding techniques that it deserves to be transferred to other

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<sup>271</sup> S. Sarp Tuncoku, "Günümüzde Koruma/Restorasyon Çıkması – Problems of Conservation/Restoration Today," *Mimarlık Dergisi, Mimarlar Odası – Journal of The Chamber of Architects* 315 (2004): 56-59.

countries.<sup>272</sup> This highly developed voluntarism and private contribution can be structured in Turkey according to the United States example of citizen initiative in the historic preservation. In addition, he mentions about the potential adaptation of new techniques developed in the United States to other countries notwithstanding their varying organizational structures and legal framework to provide fund for preservation as revolving funds, below-market interest rate loan, tax incentives and easement programs.<sup>273</sup> National Park Service and Internal Revenue Service are the two main actors for the provision of tax incentives to be used for historic preservation in the United States and it is estimated that approximately \$21 billion was spent for those preservation after the acceptance of Tax Reform Act of 1976 up to the year of 2003.<sup>274</sup>

Similarly, according to main legislation in preservation field in Turkey, municipalities and special provincial administrations are to spend at least 10% of their real estate tax revenues and TOKİ is to make use of at least 10% of its credits for the maintenance, repair and restoration of registered immovable cultural properties. Moreover, restorations of all waqf-based buildings are tax-exempt. Even though, arguably, there are above-mentioned similar attitudes in the United States as tax-incentives, tax exemptions and tax-deductions, those legislations specific to Turkey may still have transfer value to the United States. In addition, special regulations existent in the Foundation Act of 5737 developed for the funding of repairs as Article 16 and Article 28 in which possible rentals and transfer of taxes to be used for the repair of cultural properties are mentioned might have possible

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<sup>272</sup> *Ibid.*, 377.

<sup>273</sup> *Ibid.*, 377.

<sup>274</sup> Howe, "Private Sector Involvement in Historic Preservation," 279.

transfers to be used for the cultural properties in the United States. Fuel consumption fund, which was effective between the years 1984 and 2000 and used in repairs of waqf-based buildings, is also worth transferring, though; DGF no more took advantage of this fund after 2000. Hence, those different ways of tax incentives in both countries used for historic preservation can undoubtedly have potential transfer values in part in Turkey and in the United States' historic preservation strategies.

Secondly, as the historic properties and waqf system dates back to much earlier in Turkey compared to the United States, some of its precepts can be adopted. Classical waqf system observed in Turkey in Ottoman period, in which waqf institution having an autonomous structure was supported by the state as a public policy and state-public-individual network was organized in such a way to provide its continuity, offers an efficient benefit for the repair of historic properties.<sup>275</sup> Today, this autonomous structure does not exist anymore; instead, centralized financial and administrative system under the state control of DGF is in effect. Even though, today there is such a concept change in the application of classical waqf system, this organized and centralized system has also potentials to be explored for new restorations. First, such a centralized system brings about the organized and predetermined preservation decisions in terms of what to preserve, how to preserve, how many buildings are to preserve per region, per year, how much money are to be allocated for the preservation per year etc.<sup>276</sup> Second, since the main actor in preservation of waqf-based buildings is already determined by the state and by the laws, in a way those properties are under the guarantee to be preserved with the

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<sup>275</sup> Akar, "The Role of Vakif Institution in the Conservation of Vakif Based Cultural Heritage" 147-8.

<sup>276</sup> The influence of new foundations, associations and NGO's in decision-making process of preservation of waqf-based historic properties is rather limited and in fact, they are only effective when sponsorship or collaboration with DGF is in question.

already existing enforcements and financial sources. Hence, actually, there is no need to wait for a waqf-based historic property for the money-pool of individual contributions, though it also has special importance and supported by the state today.

Even though, this centralized waqf system is unique to Turkey, at least its positive sides might be examined more for a potential transfer value in the United States, in which nearly just the opposite of this system is in effect. Nevertheless, it should be also noted that, though, an appropriate government regulation is necessary to maintain public confidence such as coordination and organized structure observed as in Turkey, as Stone has suggested in some cases avoidance of government regulation should be the main concern. In his suggestion, he mainly refers the private foundations and the family involvement in their acts. He advocates that “[t]o preserve foundation’s independence and to allow foundations to carry out their missions, there should be no government regulation of the grant making process itself includ[ing] both selection of areas of interest by a foundation and the actual making of grants to particular donor.”<sup>277</sup>

As another thing, there is a special advantage to be gained by a close examination of the United States’ approach to historic preservation in its main legislation. Especially Section 106 review process is a relatively unknown concern in Turkey. Even though, civil society involvement has been mentioned in some parts of the main Act of 2863<sup>278</sup> and Foundation Act of 5737, Article 77, in general, unlike the legislations in the United States, Turkish legislations lack direct involvement process of public in important decisions and mitigation of adverse effects related to

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<sup>277</sup> Stone, “The Charitable Foundation: Its Governance,” 63.

<sup>278</sup> Act of 2863, *Law on Conservation of Cultural and Natural Property* (1983), §7, Additional Article 2.

historic properties.<sup>279</sup> Keune further suggests that Section 106 process should be expanded to be implemented for “American-foreign aid programs” considering their potential effect in significant historic properties in the countries they are located.<sup>280</sup> Hence, such a concern has obvious transfer value to Turkey.

Nevertheless, it should be acknowledged that basic preservation approaches are highly linked with the administrative/organizational, legal structure and historic background of each country and that the comparison and possible transportation of these results to the United States and Turkey historic preservation approaches has to be considered in their own historic, economic and socio-cultural context. Even though, change, after all, is the one constant in both countries, it should be noted that above-mentioned possible transfer values in preservation field of each country may or may not be applied, or might be a long process because of the existent structure.

### **5.3 Future Recommendations for further studies**

Keune points out the importance of cooperation and coordination between the preservation community and design professionals, local governments and their bureaucracies and nonprofit organizations for an effective protection of historic neighborhoods.<sup>281</sup> He argues that in the United States there is not yet an entirely unified relationship between landmark and historic district regulations, which is worth studying for future developments in preservation field. Besides, public participation is to be provided for urban historic preservation, too. In Turkey, there

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<sup>279</sup> In Turkey, though sponsorship is supported by means of legislations the concept is highly different from the United States such that, in those legislations the emphasis is given to the monetary issues rather than the active involvement of individuals in the decision making process of the historic preservation.

<sup>280</sup> Keune, “Historic Preservation in a Global Context: An International Perspective,” 380.

<sup>281</sup> *ibid.*, 377.

are examples of such attempts even from 1980s. As an instance, in 1980, in Kuşadası Great Mosque neighborhood, ‘a local neighborhood cooperative project-aiming heritage tourism’ was launched with partial funding of T.R. Tourism Bank and with the participation of METU, Kent-Koop, a union of housing construction cooperatives, local municipality representatives and owners of the properties.<sup>282</sup> Hence, for the further studies, the ways for the increased unified participations in landscape and rural heritage preservation are to be investigated in both countries.

Moreover, cooperation and coordination with international historic preservation organizations are to be increased in both countries.

In addition, similar cross-cultural studies in historic preservation field are suggested to be developed for other countries, as well, by using applicable parameters used in this study conducted for Turkey and the United States cases. This cross-cultural focus is important, as it allows key information affecting historic preservation to be compared, combined and developed, as well.

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<sup>282</sup> Aygen, *International Heritage and Historic Building Conservation: Saving the World's Past*, 228.

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