

TEN YEARS WITH SEVENTEEN-TEN: A DECADE IN THE CONSERVATION OF TRADITIONAL VERNACULAR HOUSES 1973-1983

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The period from 1973 to 1983 occupies a special place in Turkey's relatively long history of the care and conservation of cultural property for a number of reasons. Perhaps the first and foremost of these was the enactment, in 1973, of the Antiquities Law numbered 1710 (*Eski Eserler Kanunu*) the provisions of which, at least in theory, broadened the coverage of conservation decisions to embrace the examples and ensembles of the traditional vernacular buildings and were in force until 1983.

However, despite the officially initiated pilot schemes mostly undertaken by the universities to lead the way, as it were, the number of practical implementations of conservation proposals during the decade remained far from satisfactory. What is more, the years from 1973 to 1983 also witnessed a rather swift disappearance of countless fine examples of traditional vernacular houses in many parts of the country and, paradoxically enough, especially in settlements which contained conservation areas designated under the provisions of the 1710.

An overview of the ten years during which the Antiquities Law numbered 1710 remained in force, may therefore point to a variety of conclusions that would be valuable, at least academically, for future reference.

THE STATUTORY FRAMEWORK WITHIN WHICH 1710 FITTED

As regards the care and conservation of cultural property, the general statutory framework which existed during the decade from 1973 to 1983, and into which the Antiquities Law 1710 fitted, may usefully be examined according to the following general guideline, without going into detail:

1. The type of the statutory provision

- The Constitution
- Parliamentary enactments (laws)
- Bylaws, regulations, ministerial circulars, etc.

2. The definitions contained in and the possible coverage and scope of the provisions

- in terms of historic-cultural-natural assets and resources
- in terms of the distinction between the movable and immovable cultural property
- in terms of historic sites/conservation areas to be designated under such provisions, ie., conservation of single building versus that of groups and ensembles

3. Other related concepts

- Property ownership and redevelopment rights
- Private benefits versus public interest
- Legal expropriation and compulsory acquisition
- Tax relief, exemptions, grants, loans, technical/financial assistance, penalties, etc.

4. The organizational structure at ministerial, municipal, public and/or individual level

5. System of appeals and arbitration in case of legal (or otherwise) disagreements.

Along the outline suggested, certain issues pertaining to the safeguarding of cultural property in general and the individual examples, groups or ensembles of the traditional vernacular in particular, came first of all, under the 1961 Constitutional directives which concerned:

- the right to live in a healthy environment,
- the provision of adequate housing for the masses,
- the safeguarding of historic-artistic-cultural values,

all of which were defined principally as the State's obligations and responsibilities.

Further details of the statutory structure necessary for the architectural and urban conservation work would then be looked for within the legal provisions existing for the regulation of planning activities as well as those enacted for the express purpose of the care and conservation of cultural property.

1710 AND THE PLANNING LEGISLATION

The principal legal enactment concerning the physical planning of urban or rural settlements in force was the Law numbered 1605 as amended by the Law numbered 6785. Some provisions of the latter, relating to the care of cultural property, were overruled by the Antiquities Law 1710. For example, principles set forth in 6785 for the establishment and composition of survey teams to be assigned for making inventories and evaluation of buildings slated for conservation were rendered practically ineffective upon 1710's recognition of the Supreme Council for the Immovable Antiquities and Monuments (*Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu, GEEAYK*) as the sole authority in this respect.

On the other hand, the current official procedure for the ratification of town plans, as dictated by 1605/6785, was also adopted for the conservation proposals. This meant that conservation schemes were considered as special and com-

plementary parts of the town plans and, as such, approval and endorsement was to be obtained not only from the GEEAYK but also from the Ministry of Reconstruction and Resettlement (*İmar İskan Bakanlığı*) as well as by the local municipal councils involved.

This particular ratification process obviously required additional and special review and control procedures for which neither the said Ministry nor many of the municipal councils were adequately equipped. Furthermore, the restrictions which were inevitable in all conservation decisions drew vehement objections from the municipal councils, the members of which had direct and often personal interest in every planning, redevelopment, and renewal project and did not always readily share the evaluations and conservation decisions of the GEEAYK.

Another very significant part of the statutory procedures in this connection concerns the standard bylaws and building codes (*Tip İmar Yönetmelikleri*) then in force in most municipal areas, some of which were demonstrably rich in values to be conserved. The uniform format and contents of these codes predated the enactment of the Antiquities Law 1710 and had not been altered or amended according to the added special requirements of GEEAYK decisions. It quickly became obvious that as regards the width and alignment of roads, neighbourhood densities, building and/or floor heights, the dimensions of individual architectural elements, etc., the standard codes reflected norms which were clearly and detrimentally incompatible with the physical features and qualities of the vernacular buildings and settings.

1710: THE GOOD, THE BAD, AND THE VAGUE

In broadest terms, the Antiquities Law 1710 generally seemed to have:

a. introduced the concept of conservation areas/historic sites which were to be designated by reason of historic or archaeological merit or natural beauty; thus significantly broadening the scope of statutory provisions which were in force until then (1);

b. brought new definitions for 'immovable antiquities', 'monuments', 'building complexes', etc., so as to facilitate a better and more comprehensive conservation of cultural property of different kinds and at various levels.

In fact, however, the primary weakness of the 1710 has been the ambiguity that still surrounded the exact boundaries of the enactment's coverage concerning the traditional vernacular buildings and settings. It was not clearly stated, to begin with, whether or not traditional/historical vernacular buildings were to be included among items cited by name in Article 1. When houses are not specifically mentioned by name in such citations (as was the case in the previous regulations) there is hardly any legal enforcement for their proper evaluation to ensure their survival and conservation (2). Even when houses are legally included in the provisions, it is still not sufficiently clear if the evaluation and conservation will be directed towards all examples, only to the best, or to a certain portion of select samples. This has repeatedly been commented on as the most crucial issue for the future of the surviving traditional vernacular houses and there seemed to be little clarity in this direction in the provisions of 1710 (3).

1. The 1710 had replaced the much earlier Antiquities Code of 1906.

2. In the Turkish legislative experience in this respect, legal measures by themselves have generally been inadequately confined to either loose definitions or lengthy citations by name, type and/or category. Such citations are known in the legal terminology as 'tadad'.

3. Çeçener, 1982, 253.

The effectiveness of the Law's pertinent directives, therefore, was congenitally hindered by this lack of proper reference to and an adequately clear definition of the urban ensembles and their constituent elements. This meant that the sheer legality of the GEEAYK decisions to designate conservation areas could essentially be challenged. Therefore, the entire designation process had to be backed up by the building-by-building inventorization and by taking individual decisions for the conservation of each individual vernacular building within a designated historic site. Objection of the owners then followed and the tempo of all subsequent work, i.e. the necessary technical intervention, was seriously hampered by delays in the approval procedure or other legal entanglements.

Another intrinsic shortcoming of the Antiquities Law 1710 was the absence of a just and balanced articulation of the concept of 'personal benefit' and that of 'public interest'. Although the two concepts were implicit in the 1961 Constitution, they were never fully elaborated in any practical degree of sophistication in the Turkish civic and statutory codes (4). It was overlooked in the 1710 as well, for example, that sometimes there ought to be limits to exercising individual property ownership and redevelopment rights (i.e., personal benefits) in view of the greater social gains (i.e., public interest) to be expected from such seemingly inhibitive decisions as those of conservation of cultural property. Since there was no reconciliation of the two to be worked into the legal provisions, an acceptable and workable system of compensation and/or other equities had hardly developed and, almost traditionally, conservation decisions were expected to be enforced as compulsory 'orders' (5).

Regulations for financial aid and technical advice to owners of properties slated for conservation, although foreseen in 1710, were not readied before 1979 and then only with scarce funds which were well-nigh inaccessible on account of bureaucratic complexities. The owners were thus largely deprived of the State's help and guidance and felt understandably frustrated with what seemed to them an almost despotic breach of their rights.

4. Doğanay, 1974, 5-6.

5. The term 'order', when used in connection with the preservation and conservation of cultural property, is in fact of some interest. It may be usefully noted that in the British system the statutory action to follow the initial designation or 'listing' of a building as an historic asset to be kept, is the issuing of a 'preservation order' on the owner although the State extends considerable help through loans, grants, expertise, etc., the ultimate step in which is the expropriation of the listed property if it is the only means of securing its survival. This is also implemented by issuing what is known as a 'compulsory purchase order' again on the owner. In no case, however, is the term 'order' taken in the strictly authoritarian or military sense.

6. It must be mentioned, however, that leaving the designated property to eventual decay and dilapidation, sometimes conveniently speeded up by an 'accidental' midnight fire, appears to be an alternative not too seldom resorted to.

The only comprehensible alternative, then, would be to appeal the designation through the Court of State (*Danıştay*) (6). Consequently, appeal applications have literally flooded in, after each announcement by GEEAYK to designate a conservation area/historic site. Not only the cases of single buildings but even the wholesale urban conservation decisions were often brought to the Court, like the historic site of Kütahya which was appealed, ironically enough, by the town's municipal authority (*Belediye*) that was to implement the very designation under law.

Such cases of conflict between the State and the members of the public, arising from their respective evaluations of the same buildings, were arbitrated by the Court of State often through professional (usually academic) expertise. This meant, of course, yet a third assessment of the debated buildings and, although operationally final, gave rise to even further negative repercussions, casting not too slight shadows of doubt on the authority, dependability, and irreversibility of the GEEAYK decisions. Discussions centering around the question of architectural evaluation and evaluative criteria in connection with the conservation of vernacular buildings thus continued throughout the decade, with very little if any, commonly agreed base, framework or motive, despite frequent references to such clichés as 'the typical Turkish house' and the like.

IS 1710 REALLY TO BLAME?

Generally speaking, the public response to conservation decisions in this period manifested itself basically in two distinct ways:

a. In the case of institutionalized architecture and 'monuments proper', eg., *hans*, *hamams*, mosques and palaces, the designations were accepted, approved of, and even anticipated, without much argument.

b. Designations of vernacular buildings, ie., houses, however, generated much criticism and severe objections were raised.

Looking back, it now becomes more clear that this was due to:

1. the conceptual and almost total, categorical rejection by the public of the designation of houses as objects having other than ordinary utilitarian or commodity value;

2. the inadequate supplementary guidance and assistance to ease out at least some of the hardships and restrictions imposed as necessary requisites of conservation;

3. the wide-spread anticipation of quick and easy profit to be made through renewal and redevelopment in rapidly urbanizing areas;

4. different and often vaguely defined criteria and priorities exhibited by the public, the experts, and the responsible authorities in their respective assessment of the same buildings.

It is not too incorrect to state today that as a result it has not been possible in Turkey to implement a reasonable coherent policy for the conservation of vernacular houses when it was most needed and at a time when it would have probably been successful. The necessary statutory and organizational mechanisms existed and were found to be more adequate and better articulated than those in many countries with brighter accomplishments in conservation (7). An able cadre of sufficiently specialized architects and planners had been trained in universities and, more significantly, a promising number of designations had been made by the GEEAYK in good faith under the provisions of pertinent legislation. Difficulties clearly originated elsewhere, starting with the process and criteria of architectural evaluations of vernacular houses with all the ideological affiliations which may be connected thereunto (8).

7. See Stripe, 1982, 1984; Akçura, 1973, 13-17.

8. Üstünkök, 1982, 271-282.

The idea of vernacular buildings to be conservation items, individually as well as in groups and ensembles, was flatly refused and what has been achieved from 1973 to 1983 was only possible against a very strong current of public opposition and skepticism. In the process, there emerged insurmountable differences of approach and opinion between the GEEAYK and government agencies; between the public and the academic institutions; between the State, and the academic institutions; between the public and the Court of State and even between the State and the Court of State. In any system which is infected with such an active and intricate array of feverish conflicts, disputes, and disagreements on a single issue, there could never have been a future. Indeed, in the very first years of the 1980s, swift and substantial changes were introduced in three relevant directions:

a. Universities' effectiveness in and contribution to conservation was changed drastically when the new Higher Education Law of 1981 (2547 sayılı Yüksek Öğretim Kanunu) reduced the status of the formerly independent graduate departments of restoration and conservation to mere chairs within architecture departments in a move contrary to all contemporary tendencies and developments in other parts of the world;

b. The GEEAYK was also given a new status, with several branch committees of regional character, potentially more open to local influence by municipal forces. Furthermore, a retrospective reviewing of all past decisions of the Council was ordered;

c. The same regional diversification was adopted in a simultaneous re-structuring of the Court of State, the special enactment for which, having been replaced by a new law also in 1981;

d. Finally, the Antiquities Law 1710 itself was repealed altogether and replaced in 1983 by the Cultural Property and Natural Resources Conservation Law numbered 2683 (*Kültür ve Tabiat Varlıklarını Koruma Kanunu*).

WHAT NOW?

It will not be an optimistic prophecy to suggest now that the rapid urbanization of the past half a century or so will eventually slow itself down to a more manageable level in the early years of the twenty-first century which is only a decade away. This would hopefully curtail the pressing demands for the demolition and redevelopment of the existing fabric of cities and the following will then probably be among the primary issues of conservation:

1. There will have remained only a minimal number of individual examples or meaningfully complete ensembles of the traditional vernacular buildings in large urban agglomerations to be of any significance. Because of the severely contracted number of still standing examples, the ideally primary criteria for their evaluation will cease to be valid. What is left will be assessed on the base of 'rarity' alone.

2. Building products of the relatively recent periods, eg., the early Republican architecture of the First and Second Nationalistic Movements and the early examples of the International Style, will be included more firmly among the buildings designated for conservation.

3. Because of the shared property ownership pattern that has been legally in practice since 1965 with multiple fragmentation of ownership through distinct freehold rights on independently useable parts, the maintenance, renewal, or redevelopment of the buildings will be confronted with additional difficulties which will result in practical problems of conservation of another category (9).

4. The attention of conservation efforts, academic as well as real and administrative, will have to shift by necessity to rural areas and/or small settlements where, obviously, not the most brilliant examples of the traditional vernacular architecture will have survived in an abandoned and possibly derelict state.

5. It is also to be expected that the practical proposals for conservation will include serious consideration of removal from the authentic location, the once coherent character of which will have eroded as a result of the failure of a more sensible conservation policy, to that which will be modelled after the architectural museums of the technologically more advanced societies.

In the meantime, a first duty of all pertinent organizations is to help build an effective, more civilized, and dependable public awareness of the value of the vernacular houses in order to dampen the evaluative discrepancies in this respect. It must be kept in mind that there will be less and less of two things in due course: there will be fewer buildings to conserve and there will be less time in which to do it.

GELENEKSEL KONUTLARIN KORUNMASINDA, 1710 SAYILI YASA İLE ON YIL

ÖZET

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1973-1983 arasındaki on yıllık süre, Türkiye'deki kültür varlıklarının korunmasına ilişkin çalışmalar açısından özel bir önem taşır. Bunun bir nedeni, 1973'te çıkarılan 1710 sayılı Eski Eserler Yasası ile getirilmiş olan 'sit' kavramı ve böylelikle, geleneksel-yöresel konut yapılarının da daha yeterli bir biçimde koruma kapsamına alınmış olmasıdır. Bununla birlikte, adı geçen yasanın yürürlükte kaldığı on yıl boyunca Gayrimenkul Eski Eserler ve Anıtlar Yüksek Kurulu'nun tüm kararlarına ve Üniversiteler Öncülüğünde geliştirilen çok sayıda pilot projenin varlığına karşın, koruma önerileri gereken düzeyde uygulamaya aktarılamamıştır. Dahası, aynı süre içinde yakılan, yıkılan, yitirilen geleneksel-yöresel konutların sayısı şaşırtıcı boyutlara ulaşmıştır. Bunlar arasında çoğunluğun koruma kararlarına konu olması ise, herhalde ayrıca düşündürücü bulunmalıdır.

1980 ertesinde devlet örgütlenmesine, Üniversiteler, Danıştay, Anıtlar Kurulu, Türk Tarih Kurumu ve diğerleri ölçeğinde çok sayıda yeni düzenleme getirilirken, 1710 sayılı yasa da yürürlükten kaldırılmış ve 1973-1983 arasında alınmış sit ve bireysel koruma kararlarının yeniden gözden geçirilerek gereksiz bulunanların iptali istenmiştir.

Bu yazıda 1710 sayılı Eski Eserler Yasası'nın yürürlükte kaldığı on yıllık sürenin, adı geçen yasa açısından genel bir değerlendirmesi yapılarak bir yandan koruma çabalarının yakın geçmişine ışık tutulacağı, öte yandan da bu konuda geleceğe yönelik bazı kestirimlerin yapılabileceği umulmaktadır.

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