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THE CONCEPT OF PUBLIC INTEREST
IN TURKISH PLANNING EXPERIENCE
WITH REFERENCE TO TOURISM CENTERS

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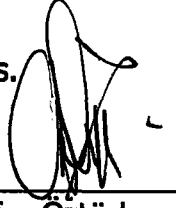
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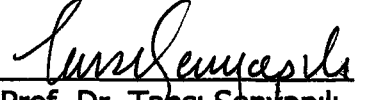
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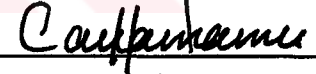
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ABSTRACT

THE CONCEPT OF PUBLIC INTEREST IN TURKISH PLANNING EXPERIENCE WITH REFERENCE TO TOURISM CENTERS

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The main objective of this thesis is to study the transformation of public interest concept in Turkish planning experience through an investigation of selected tourism center decisions. Since the emergence of public and private spheres, the eternal debate on the meaning of "public interest" has persisted. The debate intensified significantly with the rise of capitalist society.

As far as planning process is concerned, the initiation of comprehensive planning in the twentieth century introduced the concept of public interest into the urban planning experience. Since then, both in the western world and in Turkey, the meaning and influence of public interest in physical planning is argued. One of the most lively of such argumentation has come out in tourism planning in Turkey. A significant transformation took place in the Turkish planning experience after 1980, due to the neo-liberal policies applied. Planning institutions are naturally subject to economic and political pressures because of social transformations. In the study, the public interest concept was first discussed in both planning theory and practice

generally. A similar discussion has also been developed with respect to jurisprudence. The hidden ties between planning and jurisprudence were behind the interpretation of public interest concept by these organizations. In this respect, planning was studied with its implementations, institutional structure and governmental institutions, in order to emphasize different public interest interpretations. In the same way, discussions regarding the role of judicial power have been framed as the final authority to evaluate planning decisions and applications through the views of technical experts. Because public interest is the main concern of the Public Law, though with an "obscure" structure, such a method has been found appropriate. In fact, the concepts of planning and public interest are ideological with different interpretations under the impact of various political powers in a capitalist market economy.

As a conclusion, institutions, which serve the public and organize these services might have independent "roles" and might "essentially" attribute different meanings to what they defend in the name of public interest. Planning on the other hand, manipulated whether quantitatively or qualitatively, is the main tool to balance the "tension" between "public" and "private" spheres that are effective in the formation of urban space. In this thesis, the planning experience is discussed with respect to the periodical interpretations of the public interest concept, and evaluated in the light of tourism center decisions.

Keywords: Public Interest, Planning Paradigms, Turkish Planning Experience, Planning Law, Tourism Incitement, Tourism Centers

ÖZ

KAMU YARARI KAVRAMI'NİN TÜRK PLANLAMA DENEYİMİ İÇERİSİNDEKİ YERİNİN TURİZM MERKEZİ KARARLARINA REFERANSLA İNCELENMESİ

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Bu çalışmanın amacı Türk planlama deneyimi içerisinde kamu yararı kavramının göstermiş olduğu dönüşümün, seçilmiş Turizm Merkezi kararlarından yola çıkarak incelenmesi olarak özetlenebilir. Planlama kararlarına doğrudan müdahale olarak gerçekleşen ve yargıya konu olan kararlar; kamu yararı kavramının da planlama yaklaşımları gibi bir dönüşüm sergilediğini göstermek açısından önemli verilerdir. Bu müdahale biçimleri 1980 sonrasında uygulanan neo-liberal politikaların etkisi ile dönüşüm göstermişlerdir. Planlama kurumu, toplumdaki dönüşümlerin de etkisi ile yoğun bir ekonomik ve politik baskı altındadır. Dolayısıyla salt kapsamlı planlama anlayışının bu dönüşümler karşısında etkin olamadığı açıktır. Diğer gelişmekte olan ülkeler gibi Türkiye'de de, ekonomik baskılar sonucu kısa ve uzun dönemde spekülasyon bir yatırım aracına dönüşen mülk ve kullanım haklarının düzenlenmesinde etkisiz kalan planlama kurumu dönemsel değişiklikler göstermiş, farklı politikalar ve yaklaşımlar geliştirmiştir. Kuşkusuz

bu yaklaşımların ardında savunulan kamu yararı anlayışı da zaman içerisinde farklılaşmıştır.

Kamu yararı kavramı, planlama teorisi ve pratiği çerçevesinde sürekli tartışılmaktadır. Benzer tartışma hukuk alanında da söz konusudur. Planlama kurumu ve yargı arasındaki bağ her iki kurumun da kullandığı kamu yararı kavramının yorumunda gizlidir. Bu çalışmada planlama; planlama pratiğini, kurumsal yapısını ve yorumladıkları kamu yararı anlayışını vurgulayabilmek açısından devletin kurumlarını da içermektedir. Aynı şekilde yargı; yargıya intikal etmiş uygulamaların değerlendirildiği otorite anlamında, seçilmiş Danıştay kararları ve bu kararlara esas teşkil eden bilirkişi raporları bağlamında ele alınmıştır. Kamu yararı kavramının kamu hukuku'nun her dalında temel kavram olması, gerek bu alanda gerekse planlama alanında uygulamalar sırasında bürünebildiği "bulanık" anlam böyle bir yöntemi gerekli kılmıştır. Aslında gerek planlama gerekse kamu yararı kapitalist pazar ekonomisi içerisinde farklı politik güçlerden etkilenen ve yorumlanan ideolojik kavramlardır.

Sonuçta, topluma hizmet amaçlayan kurumlar birbirinden bağımsız ve "öz"de savundukları kamu yararı adına çelişkili ve dönemsel olarak farklılaşan roller üstlenebilmektedir. Planlama ise niceliği ve niteliği ne olursa olsun kent mekanının üretiminde etkili olan; "kamu" ile "özel" arasındaki "gerilimi" dengeleme, ilişkileri düzenleme aracıdır. Bu çalışmada turizm merkezleri kararları baz alınarak süreç içerisinde farklılaşan kamu yararı kavramı yorumlarının dönemsel olarak şekillendirdiği planlama deneyimi tartışılmaktadır.

Anahtar Sözcükler: Kamu Yararı, Şehir Planlama, Turizm Merkezleri, Türk Planlama Deneyimi, Planlama Kurumu, Planlama Teorileri, Planlama Hukuku

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CHAPTER I

INTRODUCTION

Planning intervenes and changes the use of ownership rights on urban land. It therefore guides, defines and legalizes the ways of capital accumulation and income re-distribution. Theoretically, planning plays a key role for the redevelopment of land or real property to economically active urban space by defining the land use rights and regulations in the spatial income redistribution process. Alternatively, it has an indirect effect in the transformation process.

All formations, interventions and implementations in urban areas are realized interactively. They are interactive parts of the economic process formed in a capitalist market economy by the policies. Planned or unplanned actions re-form these relations and the process itself. Planning is neither a sudden action, nor a medicine; it is also a process. Therefore; the usage of descriptive adjectives such as "optimum", "efficient" and "sustainable" have to be preferred, rather than normative ones such as "correct", "good" and "meaningful" for the definition of planning action while formulating any question concerning the concept of planning.

Planning might not be considered as a separate and independent tool or an instrument in market economies. Although a search for the unique meaning of "complete and correct intervention of planning" is another debate, in fact it seems *vicious circle* and will probably not reach abstract

and practical results. The same thing is inevitably valid in the search for "public interest".

Within the capitalist process, *a transformation due to the interactions with different political powers* can be in question for both planning and public interest concept.

Both the planning process and the public interest concept are *indirectly or directly influenced by the balance of power in the capitalist market economy*. As noted by Williams, the planning system,

is capable of delivering public policy decisions concerning the public interest, the definition of which itself a political matter. This is particularly true in respect of restrictions on development, imposition of conditions or planning obligations (Williams, 1997:154).

Planning also develops new aspects and approaches, as it is a process itself. Because the public interest concept outlined by political ideology, takes its own place in planning approaches as a "framework" or "obscure concept". "In fact, political will also explains the extent to which private decisions are influenced in the public interest" (Williams, 1997:154). *Consequently, instead of mentioning one concrete concept with reference to another, evaluating the conceptual interactions in the whole process shaped with different political and economical powers will result in a much more productive solution in the planning and public interest discussions*. Different public authorities deal with the public interest concept in different ways with various perceptions and this causes a conflict during the planning process. As a conclusion, both the plan and the application are subject to another review of judicial processes.

Our assertions are; planning is an *interactive process* and it is/has been subject to *transformations* in the face of *capitalist urbanization*

dynamics. Moreover, the impact of a capitalist market economy has to be evaluated in the consideration of public interest as well, where *it is an ideological concept*. Therefore, the aim of this study is to cover the conspicuous deficiency on the conceptual platform.

1.1. The Conceptual Transformation

The main part of this study is to evaluate the transformation of public interest approaches in the Turkish planning experience. Meanwhile, the concept of public interest and its meaning in the theory and practice of urban planning will be analyzed with reference to the "tourism centers", which have direct effects on the Turkish Urban Planning System and regulations. Planning applications, especially after the 1980s, were formed by *the politically defined public interest approaches* from liberal right wing governments.

The current planning institution and its tools are subject to change, due to rapidly changing economic, political and sociological concepts; in Turkey and in other developing countries. Under these circumstances, the concept of public interest is also subject to the same interactions. Moreover, the "fuzzy" structure of the concept always produces multiple outcomes. The public interest is almost the main subject of everything which has "public" or "social" significance; including jurisprudence, laws, civil rights, media, state authority etc. Our discussion focuses on its natural content, meaning, judicial review-interpretation and transformation according to decision makers and professionals. This survey will deal with the concept and its implementation both in planning theory and practice.

The theoretical and practical place, usage and interpretation of the public interest concept in jurisprudence is another debate. Jurisprudence is

also open to influences like the planning concept. The judicial process is always affected by ideologies on a periodic basis. This study will shortly deal with the positivist, economic and practical argumentalist debates in jurisprudence with reference to the public interest concept.

Planning is a process. The plan, as an outcome; is “the legal assurance of the decisions” itself, dealing with both the public and private sectors. On the other hand, the public interest is, an important and abstract component behind every stage and may be conceived as more than one concrete mission sentence or planning decision during and/or at the end of the process. The assertion is that, the nature of public interest concept is also subject to *change* whereas its interpretations may also *vary* according to *different planning approaches in time*.

The main concern of this study is to scrutinize the essential attributes of two important processes. The first one is the planning process and the second is the judicial review of planning cases, where most of the tourism center decisions are made. The determinations or actors of both processes and the main reasons for these cases have to be investigated. At the same time, the various interpretations of the public interest concept are another debate. This might extend our discussion to the search for the meaning of ‘public’ according to both processes. The point is to look at where the ‘urban phenomenon’ and the ‘public’ naturally and interactively interact.

Both processes work for the sake of the public in essence and the public interest concept is one of the important starting points behind these approaches. However, there are differences at the end regarding the public interest. The planning process produces and the judicial process reviews that product or intervention for the sake of the public. It is possible to conclude that there are various public interest interpretations made by different public

authorities and they are mostly subject to the judicial review process where the court decision itself is presupposed to be in favor of the public interest. Then we reach the question; "which one of these public interest concepts is the 'most' public?" In other words, why is the concept that we, planners, defend subject to the judicial review process, and what if the judicial review's interpretation becomes rather different from that of the planner's? This is the second assertion of this study that; the concept of public interest also *varies* according to different social institutions. The concept that planners or planning authority defend may be different from what "public opinion" in practice is. In addition, when the concept becomes subject to another authority, the court, it may gain a different meaning in the process at the end: "the court's decision is the 'public interest' by the law". Jurisprudentially, during the review process, its essential meaning is suspended, the new outcome of the process will automatically produce the new essence whether it is applicable or not. The problem of practical applicability is another discussion in jurisprudence.

So, the concept pertaining to which process will fit the public interest aimed at the beginning by the planners? As long as people behave that "planning is public interest" and "the law is public interest", the optimum public meaning of the concept has to be elaborated with reference to the both processes, as well.

1.2. The Aim

The aim of this study is to elaborate the concept of public interest with reference to "selected Turkish cases of tourism center decisions" and the planning institution. This debate may be summarized under two main headings;

- the meaning of public interest for the planning process in the capitalist market economy, and
- the transformation of the meanings in the context of public interest point of view of planning.

The author believes that, although the urbanization process and the planning institution attracted lots of interest and debate; the public interest concept has always been accepted as a given fact. As a legitimization tool for planning applications, it may have “only a structural definition” (Akilloğlu, 1989:1). There exists a slight difference between *the planner’s concept of public interest* and *the stated aim of the plan*. Consequently, the question of public, public ownership, public goods and their meanings in planning have remained rather untouched. On the other hand, the terms “public” and “private” have always been perceived as opposite in theory; but they may also be taken as complementary where planning is a tool to balance the tension between “public” and “private”, especially where “the ownership pattern” is concerned. This tension in the ownership pattern plays an important role in the production process of urban space (Günay, 1995b). It has to be discussed that the “*public exists for the sake of the private*” and “*planning itself, may not be representing merely the public interest*”.

A rigorous discussion of planning and its institutionalizing process in the 80’s, focusing on ownership, re-distribution of interests, physical arrangements, and planning tools within the perspective of public and private interests; may help to evaluate the efficiency or inefficiency of planning in the current capitalist urbanization process, especially in developing countries.

In the quest for meaning the correct formulation of the public interest question is important. Many previous researches have questioned whether “it is a ‘epiphenomenon’ or ‘concrete’ subject?” Before trying to answer all these questions, it is important to highlight a mistake of the

traditional planning approach, which is, to consider the public interest as a “relative” concept, a “myth” which was nearly overwhelmed by philosophical relativity.

Planning institution in Turkey is in transformation. However, this institutional transformation always follows the capital, which first transforms the physical urban space. As a result, planning is thought to be a simple instrument of legal confidence and legitimization. The citizens and authorities perceive its institutional body and technical definitions in that way, too. The main cause of this is the use of static planning approaches by accepting “public interest as a sacred tool for the sake of public, despite of public”. The main cause behind these approaches might be the unmanaged hierarchy of planning in Turkey.

The planning institution has to be investigated within the frame of the “public interest” and this may give clues regarding the role of planning in today’s capitalist market system, where planning is an important institution, not a simple profession. As noted before, first the State then the other public institutions target public services by definition. The frame and content of public services or duties which also include public interest by definition are defined by the policies in accordance with the laws which also represent public interests in a democratic state. The difference occurs in the ideological background of application policies developed or suggested by particular governments. As long as the process is for the public interest, the outcomes will naturally and ideologically include impacted public interests at any scale. Our aim is to have a close look at the neo-liberal programs, especially in the 1980s. We realize that the aimed public duty and interventions mainly conflict with current planning approaches. This assertion leads to two debates. First, planning indispensably is under the pressure of the political process. On the other hand, neither its long bureaucratic procedure nor ideology is compatible with the market necessities guided by neo-liberal

policies in the capitalist system. At this point, the political process will either degrade it or try to figure a more liberal planning approach. The essence of unscaled public interest debates that pinpoint 'the aimed public interest is blocked by planning authority' hides behind this argument. By saying 'unscaled', we would like to emphasize the chaos of shifted meaning in the use of public interest by different authorities. At the end, none of them is appropriate to planning uses. The second is the transformation problem of planning and its approaches without affecting its ideology and legitimacy.

In this context, planning is assumed to be a basic legitimization tool of interventions in the capitalist system, which re-produces itself in the long term, instead of achieving the market rationality provision in the short term. Planning interferes at this point and debate takes its shape. The essence of neo-liberal policies is, to open the way for capital accumulation crisis.

Capital is trying to get rid of the spatial obstacles and limits. This effort is in harmony with the whole world for the de-regulation of the capitalist program. The 'Program's main target is, to move the capital allocated for the urban land for speculative purposes and improve the market production and to use the public resources till the last drop. (Keskinok1995:209)

Under these circumstances, the public interest was also interpreted according to this identity. In addition, it was defined as a solid reason behind the interventions. Meanwhile, legitimization is another subject, which shall be discussed from the planning point of view, like the concept of ownership; where almost all discussions on these subjects shift to planning ethics and to the meaning of public interest. In fact, this concept has to be elaborated by carefully defining that question: according how planning approach interprets the public interest, what tools it uses to legitimate itself.

There are differences between different planning approaches' view of public interest and of the legitimate base of planning.

For this aim, the concepts, which have obscure definitions but different descriptions, shall be redefined, focusing on the theoretical and practical frame of urban and regional planning with reference to the dynamic process of urban development.

1.3. Scope of the Study and The Method

As pointed above, the concepts related to public and social development are subject to transformation within the development process. The public interest concept does not remain sociologically stable. In general, a socially accepted public interest phenomenon may misplace or transform its meaning in time. Where another one, which recently has no strong meaning for the public, may gain importance; such as the use of coastal areas under the pressure of national and local touristic development. This will also result in a redefinition of the equilibrium between public interest and social interest, which is another debate. The same transformation is valid for planning institutions and their policies. Currently, functionalist-comprehensive planning became static, as the issue changed in time; it is not as effective as it was once thought at the practical stage, because its tools and approach are becoming ineffective against the dynamic changes powered by speculative behavior and the impact of neo-liberal policies. The planning system of Bank of Provinces and other authority conflicts caused by new regulations, such as Tourism Encouragement Law, have now led to this sense of ineffectiveness. As it pointed in this study, planning has to develop new approaches. Otherwise, the neo-liberal regulations will result in their own perspectives. The concept of urbanization is subject to a rapid change, and planning interventions in the urban arena have to be capable enough to control this dynamism. Today, planning needs to be conceptually well-defined and

flexible policies need to be applied. A balance between private and public interventions in terms of urban land use and urban economics has to be achieved:

The relevance and importance of the economic literature dealing with public goods and market failure have not been fully appreciated by planners in general (Moore, 1978:388).

Because all planning activities are linked by a concern for providing and allocating public goods, it is argued that, a theory of public goods is simultaneously a justification of planning. Planning institutions especially in developing and underdeveloped countries, "fail to resolve this fundamental question: Is planning more likely to promote public welfare than not planning?" (Moore, 1978:388). This oversimplified question will be discussed in the third chapter. If the capitalist deregulation of market economies is disregarded, planners will always be in the position of trying to find answers to oversimplified questions such as this. Although the question includes some correct terms; neither the problem, nor the framework can be so easily formulated. It can only be considered as a "fake-questionnaire", to divert the planning discussions to more safe areas away from the essence of the problematic.

Urbanization dynamics on the other hand, can give us the clues about the speed and nature of this transformation. When we analyze the urbanization in Turkey after 1980;

one of the main mobility supported by liberal economy policies in the accumulated capital can be seen in the construction and consultancy, mass housing projects for a certain income levels, infrastructure investments, international trade centers. (Tekeli, 1998c:132)

According to him: this is a "transition to a urban space, formed by the accumulation incentives of large scale capital from the one formed by small scale capital" (Tekeli, 1998c:132). The "leading international characteristics of capital" and the "necessity of re-structuring after the 1970 crisis" have also been identified in Eraydin (1988:133), where she points out that;

Recent studies dealing with crisis, are developed in the researches on 'which' frame of re-production process of accumulated surplus-capital generated in circulation (process) may have its shape and; 'what' the spatial impacts of it may be?

As long as there is no absolute formulation for planning approaches and public interest, there has to be a flexible framework to analyze both. The different definitions of public interest and its meaning in planning and judicial process will be elaborated within the historical framework classified by different planning approaches. The French Revolution and the Enlightenment Period will be the starting point in any inquiry into the study of the development of planning and public interest thought. It will also be fruitful to understand the development of urban and public phenomenon with reference to the transformation of property rights, which has its roots in Roman Law and their response to the urban land.

The public interest concept exists before planning. Before it was formed by rational thought having its roots in the Enlightenment, it was first expressed through religious concepts and it had a "benefit" concept that was described metaphysically. The roots, development and debates of this concept will be mentioned in the second chapter.

Planning thought, which evolved during the Enlightenment Period, especially from the point of view of public interest will be studied in the 3rd chapter. In addition, the problematic situation of planning within the

capitalist market mechanisms and the impact of neo-liberal policies will be described. Because without inquiring into the formation of liberal thought and its place in the Capitalist Economy with its nature and capitalist process, the transformation and approaches to planning thought and the concept of the public interest will be defenseless. The concepts of 'public' and 'public interest' of liberal thought which have somehow a flexible ontological basis are also not formed in concrete shapes. It seems necessary to consider these concepts within the formation and development of liberal thought.

It is possible to evaluate the cases of this study in the following conceptual framework. Tourism centers are the outcomes of a certain period of development. Turkey was expecting to develop a new national economic source and almost everything regarding the tourism sector has been automatically accepted as being in the "national" interest; coastal development has mainly been guided according to this target. Especially after the 80's, the public interest idea behind these decisions has been transformed by the guidance of general *neo-liberal* policies. The interventions became directly related to the metropolitan centers and current planning decisions.

In the 4th Chapter, tourism center decisions are analyzed in relation to the development of the Tourism Sector in Turkey and the reasons for these decisions are explained. Tourism becomes a very important sector all around the world with the development of transportation and communication facilities, the changing holiday concept of mainly middle class and the effect of computer technology used by travel agencies. In Turkey, it finds its place in the national economy as an important sector, especially after the 1980s when neo-liberal economic policies were guided and implemented by right wing governments. Here, we emphasize the contradiction between the sectoral formation of tourism and the current

planning regulations. This formation is being sustained through partial, short term solutions. What is the main reason lying behind this contradiction?

In the chapter 5 and conclusion part of the thesis, the research will concentrate on the selected samples of Council of State and of expert reports of recent tourism center decisions in Turkey. An examination of these selected cases might clearly promote an understanding of the changing content of the public interest concept in planning and judicial decisions. Such an approach might also be useful to define a new formulation for planners to understand the public interest with reference to the social reproduction of capitalist relations, which is very effective to reshape the cities of developing countries.

The concept of public interest is defined ideologically and it is subject to the balance of power. To understand the nature of effective powers run in the public interest, selected cases have been identified according to their location, authority conflicts, specific land uses and scale. For this aim, four main and seven supplementary cases have been classified and analyzed into four groups. The first group of cases covers the tourism center decisions in metropolitan areas, mainly in city centers. The second group focuses on the decisions made about previously planned small coastal cities; the third group includes tourism center decision cases excluding metropolitan cities. The last section covers the case located in a national park and forest area. Tourism center decisions in metropolitan urban centers *are not capable enough* to realize the public interest aimed at by the Law. They have a *lack of detailed analyses, alternatives and coordination tools at the definition phase and planning notion for the realization.* These decisions are simply possible to realize as plan changes if necessary. Therefore, the aim is to *withdraw the planning authority* from the process and *open a new way for the accumulated capital in the most valuable parts of the cities.* As long as the term, public interest refers to an ideological issue, this is also suitable to

realize the *free intervention aim* of neo-liberal policies, as stated in this study. On the other hand, it is getting clear that current comprehensive planning approach is not capable enough to realize the transformations and not able to focus on neither real public nor masked private interests.

The same conflicts also emerge in central and local authorities where the Tourism Encouragement Law fails to encapsulate the public interest concept and authority. The essence of public interest was always open to interpretation. The aim was to *realize the given authority* without caring if it was applicable or not. *An ideologically defined meaning was not in synchronicity with that of planning. A neo-liberal planning approach* forced to realize not by planning but through other authorities (like the Ministries of Tourism and Public Works). *Planning was forced to transform or withdraw in the process.* It is noteworthy, that the Ministry of Tourism is insisting that tourism centers are planning decisions. On the other hand, when we analyze the first cases of the 1980's, the same authority was defending that it is just a border definition so no violation to planning authority is valid. After 10 years, with the influence of annulled cases, the planning authority has been *externalized*. This gives the chance that the cases will only be evaluated from the design principle's point of view, not the planning authority or current planning applications. On the other hand, planning today is in the need for new approaches to realize this without using previous preservation decisions. *A new conceptualization of planning must include these tools by definition,* because tourism center decisions may also conflict with preservation practices. Their aim may be to overcome these limitations for the creation of new investments areas as seen in urban centers.

A redefinition of these prevalent interactions behind the evolution of urban space in the 21st Century may give a chance to planners to elaborate on the interactions of planning institutions, and to formulate new planning theories and approaches in developing countries. This will also help

planners to understand and criticize the theoretical and institutional approaches to urban planning, which may promote a greater understanding of the meaning of the public interest and the realities of urbanization, especially in Turkey.



CHAPTER II

THE CONCEPT OF PUBLIC INTEREST

*"Though, to tell you the truth, my dear More,
I don't see how you can ever get any real justice and prosperity,
so long as there's private property,
and everything's judged in terms of money –
unless you consider it just for the worst sort of people to have the best living conditions,
or unless you're prepared to call a country prosperous,
in which all the wealth is owned by a tiny minority –
who aren't entirely happy even so,
while everyone else is simply miserable"
(Sir Thomas More; Utopia)¹*

The concept of public interest has been discussed by jurists, political scientists and planners in various disciplines. Ownership pattern and interventions to private interest are the main subjects for discussion with respect to planning. Here, the very point is to identify the content, frame and use of the concept in planning process. In this study, the concept of individual interest will also assume an important place where, the public interest cannot be shaped without it. As it can be seen in *the tourism center decisions and cases selected in the study*, both individual and public interests

¹ More, Thomas., 1965, **Utopia**, Translated by Paul Turner, Penguin Books, London, p.65 (Utopia is first published in Antwerpen in 1517 by Desiderus Erasmus)

Şimdi sevgili dostum More, içimi açıp en mahrem düşüncelerimi söyleyeceğim. Malın mülkün kişisel bir hak olduğu, her şeyin parayla ölçüldüğü bir yerde toplumsal adalet ve rahatlık hiçbir zaman gerçekleşmez. Ama siz aslan payını kötülere bırakan bir toplumda doğru bir yan bulursanız, büyük çoğunluk yoksulluk içinde kıvrılırken doymak bilmez bir avuç insana memleketin bütün zenginliklerini sömürten bir devlet mutlu olabilir dersiniz, o başka.

may change places and extend their meanings. An individual interest can belong to a citizen or a public authority, whilst the public interest is mainly represented by planning authorities or two public authorities. This means, that a developer's interest may be individual, whilst an authority defends the public interest; or two different public authorities might be on opposite sides of a conflict.

We can summarize the subject by clearly defining the elements and actors as follows;

TABLE II.1
Relational Interests

BENEFITS of <ul style="list-style-type: none"> • Individuals (private) • Institutions (accepted as public) 	BENEFITS of <ul style="list-style-type: none"> Public (undefined but exists, as a given fact)
PUBLIC INTEREST (KAMU YARARI)	
Public Interest <ul style="list-style-type: none"> • Mine • Yours • Our • For everyone <p>Protected by law Immortal Redefined at the ideological level</p>	<ul style="list-style-type: none"> • The State • The Municipality • Institutional Public Interest (represented by public authorities or institutions) <p>Presupposed that institutions or authorities are for the public and the duty realized is for public interest</p>

The terms "*benefit*" and "*interest*" are different although they are sometimes used in a synonymous way in Turkish planning literature.²

Every society may be considered as the combination of different elements and as a living organism. This body has its own essence and characteristics. The nature and specifications of these aims and interests are closely interrelated with one another. The wide area of discussion here aims to discover whether planning can be considered as a "social tool", which looks for alternative ways and scenarios of achieving social aims in the public or private interest.

The assertion is that, the political process in time inevitably affects planning approaches, and the essence of the public interest is always open to *ideological transformation*.

2.1. The Definitions

The term "public" mainly has two connotations. It refers to a state agency, i.e., where the public interest is considered, it signifies the intervention of the state, or it is used to imply a social phenomenon, like the use of public interest or public opinion (Akkar, 1998:1). The term "public" signifies the world itself; it is common to all of us and distinguished from our privately owned place in it (Arendt, 1958:52). It is an archaic term, first encountered in ancient Greece. Its synonym in Greek was "synoikismos", whose first part "syn" referred to "a coming together"; and the second part "oikos" signified "a household", "something between a family and the village" or "tribe". Hence "snoikimos" meant, "putting tribes together" (Sennett, 1988:82). According to Sennett, it was used to signify "making a city". Ancient Greek cities were formed when these "oikos" were integrated into a

² Fayda, çıkar, yarar

central place. Sennett underlines that there were two obvious reasons which led to this integration: the first was related to defense, like all other ancient cities, "... as long as they were exposed out there, on the Greek hills, they could be annihilated" (Sennett, 1988:82). The second was concentrated with economic efficiency; simply, economies would grow better if they lived together:

The term literally means to putting people in the same place, people who need each other, but worship different household gods. In this sense, 'public' refers to a notion which puts differences and varieties together. (Sennett, 1988:82)

The usage of the term in the middle ages may give more clues to understand its changing meaning in time in different countries. According to Sennett "The history of the words 'public' and 'private' is a key to understanding this basic shift in the terms of western culture" (Sennett, 1992:16). The shift focuses on "changes in the public domain":

The first recorded uses of the word 'public' in English identify the 'public' with the common good in society; in 1470, for instance, Malory spoke of 'the Emperor Lucios... dictator or procurer of the publyke wele of Rome'. Some seventy years later, there was added a sense of 'public' as that which is manifest and open to general observation. Hall wrote in his Chronicle of 1542, 'Their inwarde grudge could not refrayne but crye out in places publicke, and also private'. 'Private' was here used to mean privileged, at a high governmental level. (Sennett, 1992:16)

Our current understanding of the opposition of public and private derives from the end of the 17th Century, where it was equated with notions of 'open to everyone' or "open to the scrutiny of anyone" where "private meant a sheltered region of life defined by one's family and friends" (Sennett, 1992:16). Jonathan Swift used the term "to go out in publick" (Swift cited in Sennett, 1992:16). At this time it is a notion that treats society

in terms of geography, "the older senses are not entirely lost today in English, but this 18th Century usage sets up the modern terms of reference" (Sennett, 1992:16). This term is possible to be translated or interpreted in Turkish as "*halkın arasına karışmak – to go out in public*" (Sennett, 1996:32).

We can identify that the word '*le public*' in French had similar meanings. During the Renaissance, the word referred to '*the common good*' on the one hand, and the body politic on the other. "Gradually '*le public*' became also a special region of sociability" (Sennett, 1992:16). Later, the development of cities and the emergence of urban cultures had a direct effect on the meaning and usage of the term:

The sense of who 'the public' were, and where was when one was out 'in public', became enlarged in the early 18th Century in both Paris and London. Bourgeois people became less concerned to cover up their social origins; there were many more of them; the cities they inhabited were becoming a world in which widely diverse groups in society were coming into contact. By the time the word 'public' had taken its modern meaning. (Sennett, 1992:16)

There is another word, which is logically associated with a diverse urban public, "cosmopolitan". The term cosmopolite, first appeared in French in 1738, and referred to:

a man who moves comfortably in diversity; he is comfortable in situations which have no links or parallels to what is familiar to him. (Sennett, 1992:17)

According to Sennett, given the new terms of being out in public, the cosmopolitan was "the perfect public man." These conceptual changes found their reflection in changing concepts of urban space. "As the cities grew, and developed networks of sociability independent of direct royal control, places where strangers might regularly meet grew up" (Sennett,

1992:17). The 18th Century witnessed changes in the management of urban space with the growth of parks, pedestrian roads and soon:

... It was the era in which coffeehouses, then cafes and coaching inns, became social centers, in which the theater and opera houses became open to wide public through the open sale of tickets... urban amenities were diffused out from a small elite circle to a broader spectrum of society. (Sennett, 1992:17)

2.2. An Overview of The History of Public Thought

A brief overview of historical development will give some clues about the private and public interest debate. The development of 19th Century laws focused on the relationship between the state and the individual. The effort was to define the borders separating state authority from the individual rights and duties. The subject was "the agreement model of the private and public interests" (Akilliođlu, 1989:6)³. The main point to focus on is the development of the "planning thought" as well as the "public thought" in the Enlightenment. Of course, it was not known as "planning" at the time, but, today, we can identify the efforts spent on understanding the natural order, which lay at the heart of the "full social order" or "organized-wealthy society". The aim at this time was to use "applied reason" in pursuit of scientific reasonability. The relationship between nature and society was not a "taboo" anymore; and human beings were capable enough to understand and to represent them scientifically, rather than metaphysically or religiously (Friedmann, 1987; Tekeli, 1988a).

The concept of 'public interest' began as a reaction to the religious concept of *common goodness (le bien commun)* after the 1789 French Revolution. It was rational and realist in conception, and supplanted the

³ He also refers to Said, **Hukuk-u Siyasiye**, Dersaadet 1326 (1910), s.7, "Efrad mi heyet-i ictimaiyeye yoksa heyet-i ictimaiye mi efrada hizmet etmelidir ?"

notion of the common goodness concept (*Le Bien Commun*) which was considered irrational and metaphysical:

Le Bien Commun is the common concept of the political history of pre-industrial European societies. This concept has lived from the Greek City-states to the Roman Empire and Middle Ages with the same attribute that fed the monarchies till 1789. (Akillioğlu, 1989:6)

The development of this Unitarian view of common goodness began with Plato and Aristotle. Aristotle asserted that every being looks for perfection; society, just like the individual, also tries to reach goodness that is the last aim (*cause finale*), while perfection constitutes the totality (*unitary*):

The main Unitarian points of view can be obtained from Aristoteles' philosophy; that common goodness or public interest is the totality of the individual interests. They both have the same essence and quality. Being against one of them means the same for the other. Individual, society and the state follow the same route. (They are the reasons of themselves and each other.) Public interest is a common aim which is desired by all kinds of private or common function. (Akillioğlu, 1989:6)

Such discussions aimed to define the essence and content of the concept with frameworks based mainly on religious, or sacred terms, since the aim was to reach the ideal, rather than the practical:

These ideas were the milestones of the Roman Law. Cicero defended public interest as the common concept of public and private laws. Also, St. Thomas Aquinas was defending that the social goodness was the common aim of society and individual in a unitary way, in Middle Ages. Social Goodness was the representation of *Sacred - Goodness of God* in the earth. (Akillioğlu, 1989:6)

In the Enlightenment Period and mainly after the French Revolution, the public interest thought of as a result of the rights and interests represented by the "*social contract*" (*Rousseau*). This rejected the pre-democratic state's concept of the public interest, and its new definition started to gain importance in an understandable, rational way. It was accepted that individual interests could conflict with public interests. The public interest was not the basic sum of individual interests; it was something different and had its own essence. So it had a different structure from the elements which constituted it. This led to the view that the public interest was different from common interest. Public interest was defined and restricted by laws, where *the law or public interest is superior*. This is also the beginning of a new law and state opinion.

2.3. The Structure Of Public Interest Phenomenon

Now the concept of public interest is approached differently. It is defined as a "multi-functional" concept. It is used in different areas for the definition of different sub-concepts related to society (named as *public*) or everything which is commonly accepted by society:

In law, it is used to confirm or verify the existence of the state, to check the convenience of the works done for public according to the law and it is one of the main causes to restrict basic rights and freedoms. (Akıllıoğlu, 1989:1)

On the other hand "the content", "subject" or "the matter" of the concept does not clearly or properly exist. Its definition can be *or is* made morphologically. So it can be thought of as elastic not static. Another important aspect is the complicated nature of the concepts. "Public",

"society" and "interest", which cannot individually express the compound term of "public interest" (Akililoğlu, 1989:1). Held (1970:1-2) refers to the 60's;

The political scientist Glendon Schubert declared in 1960, after a lengthy study called *The Public Interest* that there is no public-interest theory worthy of the name. He acknowledged that he had criticized the public interest theories of other persons without making any attempt to do something positive by suggesting a public-interest concept of my own and he rejected the view that there ought to be a theory of the public interest.

In the same decade, there were also debates on the political definition of public interest. In fact, during the 60's, according to the American sources, the term attracted lots of discussion, mainly about its role in political science:

In 1962, Prof. Frank Sorauf, in a paper entitled *The Conceptual Muddle*, found discussions of the concept mired in a semantic chaos. Sorauf claimed those criticisms of vagueness and ill definition: apply to few concepts in political science as aptly as they do to the public interest.... Clearly, scholarly consensus does not exist on the public interest, nor does agreement appear to be in the offing. Not only do scholars disagree on the defining of the public interest, they disagree as well about what they are trying to define: a goal, a process, or a myth. (Held, 1970:2)

Another area of discussion focused on democracy and voting. Researches of public interest were directed to the genesis of public opinion and the problem of individual representation of common views:

Anthony Downs concluded that; the term public interest is constantly used by politicians, lobbyists, political theorists, and voters, but any detailed inquiry about its exact meaning plunges the inquirer into a welter of

platitudes, generalities and philosophic arguments. It soon becomes apparent that no general agreement exists about whether the term has any meaning at all, or, if it has what the meaning is, which specific actions are in the public interest and which are not, and how to distinguish between them. (Held, 1970:2)

The morphological definition of the concept can be identified hypothetically, all laws support the concept of public interest. It is supposed that the legislative authority aims to protect the public interest through each law; every function of the state is for the public (as accepted - by definition) unless the opposite is verified. There are different kinds of opinions about "public" and "public interest" through the concept of "state". If the public interest concept cannot be clearly identified, it can not be taken into "scientific consideration", since it has an "irrational" structure (Akillioğlu, 1989). This view is open to discussion and will be evaluated in subsequent chapters. According to liberals and new rightists it is a fallacy. On the other hand, it is the basis for state intervention and the basic procedure of law:

... The public interest can be maintained as a contemporary fiction-tale or myth. In political science, based on this hypothesis, the public interest is also identified by some opinions as the tool which is used to sacrifice the state, so that to support the political government. (Nizard, Eisenmann, Charlier). (Akillioğlu, 1989:2)

Today, the concept has to be re-evaluated, in relation to changes in the context of social science and public administration:

Today, the basic feature of public interest is its discussible character. Because contemporary public interest concept is transformable and rational, it has a causal relationship with the democratic state structure. (Akillioğlu, 1989:14)

2.4. Classification Of Different Interest Views

The "interest" spread into a wide conceptual ground. As generally pointed by Schubert (1960), there are two main conceptual frames for a discussion of public interest, public interest as a universal concept, "covering any types of specific decision" and particularization of the concept "identifying with the most specific policy norms". The same complexity arises in the definition of individual interest. There are also various approaches to concept. Gedikli (1998:9) categorizes this with reference to Jordan (1989).⁴ Jordan's sociological argument is based on the absence of a common view on the concept of interest among people. He constitutes his argument on the "size and complexity" of society:

An ordinary person can not look around and recognize what to do for the good of all; no one has a clear enough picture of the rests' needs. (Gedikli, 1998:10)

The second reason is the non-existence of a "cooperatively pursued single common good" (Gedikli, 1998:10) Jordan (in Gedikli; see footnote 4) refers to the endless combinations of interest during an individual's life, which points towards the complexity of individual relations in society.

2.4.1. The Concept of Individual Interest

Held (1970) reviewed the concept of individual interest by referring to various theoreticians. According to her outline which will be discussed in the public interest section, the concept of public interest has been conceptualized by separating it from individual interests. Her classification and definitions regarding the public interest have their roots in individual interests. The first theoretician discussed by Held is Brian Barry.

⁴ Gedikli refers to Jordan, B., 1989, **The Common Good**, Basic Blackwell Ltd., Oxford

Barry suggests three available explications for the phrase “in so-and-so’s interests”, and according to Held (1970:21) “his suggestion may serve as a useful point of departure.”

The first, makes ‘interest’ equivalent to ‘want.’ This rules out, Barry observes being able to ask ‘A wants x but is it in his interests?’ and since this is a sensible question, this explication must be wrong. The second explication, makes ‘interest’ equivalent to ‘a justifiable claim.’ Barry thinks that this must also be wrong because it rules out the sensible question, ‘x is in A’s interests but would it be justifiable for him to claim it?’ The third explication which Barry calls a common sense one and which he associates with Bishop Butler and with Hume, equates ‘interest’ with ‘more pleasure than any alternative open to a person’. (Held, 1970:21)

Barry finds;

The objections to this weaker than the objections to the other explications, but offers as one difficulty the observation that a person can be said without self-contradiction to find pleasure in advancing the interests of others. Another difficulty is that ‘a solicitor can be retained to ‘look after A’s interests while he is away’ and can make a good job of it without knowing what gives a pleasure’. (Held, 1970:22)⁵

Barry’s suggestion, with reference to Locke and Pareto, is “that we can (i) say that an action or policy is in a man’s interests if it increases his opportunities to get what he wants”(Held, 1970:22)⁶.

Since his prime distinction is between ‘want-regarding’ and ‘ideal-regarding’ principles and theories, these two being incompatible and jointly exhaustive of the possibilities. Further discussion brings Barry to claim that “(ii) ‘x is in A’s interests’ is always equivalent to ‘A wants the results of x,’ where x is a policy or action,

⁵ Held, 1970, refers to Barry, 1965, **Political Argument**, NY, Humanities Press, p.175

⁶ Held, 1970, refers to Barry, *ibid.*, 196

and the satisfactions of the desires of other people are excluded from the range of results wanted (Held, 1970:23)⁷.

Richard Flathman is the second theoretician that Held refers to in the individual interest debate. According to Held (1970:23) Flathman

Does not agree with Barry that other-regarding interests should be excluded. He distinguishes two kinds of 'individual interests': self-regarding (or "selfish") and other-regarding. Self-regarding interests are further broken down into subjectively defined and objectively defined ones. Other-regarding individual interests, Flathman says, are such that 'if I have an other-regarding interest, it is my interest, but my interest is *in* the profit, advantage, or welfare of others. Such interests are always subjectively defined'.⁸

S. I. Benn, defends a different opinion "contrary to Barry, [where he] points that an individual's claim must not be 'conclusively justified' for it to count as an interest, but only that it must be based on some normative defense, whether or not this defense is a good one" (Held, 1970:27).

In one particular context, for instance, "a person is said to have an interest in an estate when he can put forward a claim grounded on some principle or standard known to the law.... I am not saying that every interest is a right, for it is no more than a claim with reasons offered in support of it. The reasons may be bad ones or the claim may be defeated by a stronger counter-claim. (also in Benn, 1960:125)

2.4.2. The Concept of Public Interest

Clearly, there are several different definitions of public interest views. From a general point of view; Meyerson and Banfield concentrated on

⁷ Held, 1970, refers to Barry, *ibid.*, 39

⁸ Held, 1970, refers to Flathman, 1966, **The Public Interest**, Wiley, NY, p.27

two main classifications: the Unitary and Individualistic views (1955:322-326). According to Unitary Views, there exists a public interest which directly relates to every individual in society. According to the Organismic view, society has its own aims which are different from an individual's, and Communalist view defends that there are commonly shared interests in society and they are more valuable than other interests as long as they are commonly shared. Individualistic views on the other hand, defend that; public interest is the totality of individual interests. Decisions of the majority are enough to identify the interest for the public. Schubert (1960) refers to the Leys-Perry argument, and Held suggests a more detailed classification. Starting with Schubert's reference to Leys-Perry definition; the point is the acceptance of public interest as "the sense of a stake in the whole political system" (Schubert, 1960:210). According to Schubert, their approach is descriptive "with the hope that this will not close the inquiry but stimulate further investigation" (Schubert, 1960:218):

The "public interest" can have several radically different meanings, as follows: **Formal Meaning:** Whatever is the object of duly authorized, governmental action. **a.** Simple conception: the intention of king or parliament. **b.** Pluralistic conception: the objectives that are sanctioned by any legal or political process, it being assumed that, as a matter of fact, decisions are made in various ways and in various places. **Substantive Meaning:** The object that should be sought in governmental action (or in non-governmental action that is a delegation of governmental power or accepted in lieu of governmental action.) **a.** Utilitarian or aggregationist conception: the maximization of particular interests. **b.** The decision which results when proper procedures are used. **(i)** Simple conceptions: due process of law, majority rule, etc. **(ii)** Pluralistic conceptions: observance of the procedural rules of whatever legal or political process happens to become the decision-maker for a given issue. **c.** A normative conception of public order.... It is difficult to give fair characterization of this conception that will make sense to those who do not share it (Schubert, 1960:217-18).

Banfield and Meyerson's approach deals with the public interest in both the individualistic and social (publicity) dimensions. Generally;

a decision is said to serve special interests if it furthers the ends of some part of the public at the expense of the ends of the larger public. It is said to be in the public interest if it serves the ends of the whole public rather than those of some sector of the public (Meyerson, Banfield, 1955:322).

Unitary Conceptions: The "whole" is supposed to be a single set of ends produced by the consent of all members of the public. Two contrasting unitary conceptions may be distinguished: (Meyerson, Banfield, 1955:322)

a. Organismic: According to this conception,

the plurality is an entity or body politic which entertains ends in a corporate capacity; these ends may be different from those entertained by any of the individuals who comprise the public. (Meyerson, Banfield, 1955:322).

b. Communalist: According to this conception, the ends that the plurality entertains

'as a whole' are ends, which its individual members universally or almost universally share: they are in this sense "common." Ends which many people are, according to the Communalist conception, more valuable than others simply by virtue of being shared are. Thus, the Communalist attaches more weight to common ends than to unshared ones even though the individuals who entertain the ends may themselves attach more weight to the unshared ones. (Meyerson, Banfield, 1955:322)

Individualistic Conceptions: According to those conceptions, "the ends of the plurality do not comprise a single system, either one which

pertains to the plurality as an entity or one which is common to individuals”
(Meyerson, Banfield, 1955:323):

The relevant ends are those of individuals, whether shared or unshared. The ends of the plurality “as a whole” are simply the aggregate of ends entertained by individuals, and that decision is in the public interest which is consistent with as large a part of the “whole” as possible. (Meyerson, Banfield, 1955:323)

Three sub-types may be distinguished in the individualistic conceptions. The Utilitarian feature of this conception is:

that the ends of the individual, as selected and ordered by himself, are taken as the relevant quantity: the public interest is ‘the greatest happiness of the greatest number’ of those who constitute the public. (Meyerson, Banfield, 1955:323)

The Quasi-Utilitarian conception accepts the utility of the individual is the relevant quantity, but a greater value is attached to some men’s usefulness than to others:

Thus, the ends of the “whole” are whatever ends the individuals who comprise it may happen to have uppermost, but with those of some individuals being given more weight than those of others. (Meyerson, Banfield, 1955:323)

The last one is the Qualified Individualistic conception.

in considering the ends of the plurality the person who employs this conception of the public interest excludes from account altogether certain classes of ends, which he deems inappropriate or irrelevant. (Meyerson, Banfield, 1955:323)

A different classification made by Held will be used as an overview. According to her; there are three different views: Preponderance

Theories, Public Interest as Common Interest, and Unitary Views.
Preponderance Theories attempt to discover;

what the preponderance is on a given issue is sometimes thought to be a matter for observation in a way analogous to that which one would use to observe physical forces, or to ascertain prevalent opinions on various issues. Or it may be taken to depend upon a summing up of some kind of or an aggregation of various magnitude orderings representable numerically. According to many of these theories, it is possible to discern a greater or lesser magnitude of interest and of public interest, a higher or lower position on a scale. (Held, 1970:49)

According to Preponderance Theory, society is accepted as a sub-being, and a dependent phenomenon. An individual, on the other hand, shows the basic preponderance. Although there are some differences between the theories of Preponderance, their main subject is individuals and their utilities, rather than society's. Public Interest is defined according to individual interest. There may be conflicts between individual or common interests, (and the meaning of utility may be accepted as "true" according to the individual or common,) but; "the final definition will be an outcome of the powerful majority in society" (Held, 1970:49).

Hobbes (*Hobbes's Preponderance of Force*) defines public interest as the opposite of that of the individual one. An individual's behavior in society aims to have a social profit; which is logically and empirically prior to the others (Held, 1970:50-56). "The public interest cannot differ from the aggregate sum or preponderance of individual interests" (Held, 1970:50). As a first example of those theories which hold that the public interest cannot differ from the aggregate sum or preponderance of individual interests, however arrived at, Hobbes's theory serves well. What an individual desires, for Hobbes, is in his interest:

He assumes a high degree of agreement about certain objectives which, he takes to be, in fact, desired by all men; all men, for instance perpetually and restlessly desire 'power after power' and, because of the resulting conflict, 'all men agree on this, that Peace is Good, and therefore also the way, or means of Peace ... are good. (Held, 1970:51)

Individuals come together as they think that being together is in each other's interest. Public interest can be defined as the interest, which individuals gain by entering into social life. In society, each individual transfers his power and authority to another individual's will, and these are in the interest of every one. "For Hobbes, individual interests are logically and empirically prior to any others" (Held, 1970:53). Held concludes that,

Hobbes as an ethical naturalist and subjectivist, for whom it is empirically true that such rules are necessary for the society and morality is the name that men use for this system of rules. Their ultimate justification is that without them no one would be in a position to gratify any of his desires. (Held, 1970:53)

Hume (*Hume's Preponderance of Opinion*) uses the terms public interest, common interest, public utility and public good not necessarily synonymously. But throughout his discussion according to Held, Hume suggests that to judge a given action, policy or arrangement in the public interest is to consider it advantageous for a preponderance of the individuals affected. He also points out that ethical values could not be researched or judged in a logical-scientific way. "Public interest exists and has an importance, because the common accepts its superiority" (Held, 1970:57). Held identifies the central element of Hume's assertion as;

for something to be in the public interest it must be considered as having utility by a preponderance of individuals. A given action in the public interest may conflict with the interests of some individual's, and men do not automatically and naturally pursue the public

interest, but a governmental system as a whole which is supported by the opinion of the governed is considered advantageous to the greater part. (Held, 1970:62)

According to **Bentham** (*Bentham's Superior Sum*), a community is the collection of individuals, so, its interest (public interest) will be, simply the Sum of individual interests (Superior Sum). The community is a fictitious body, composed of individuals... "Nature has placed mankind under the governance of two sovereign masters: *pain and pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do" (Held, 1970:63-64). In fact, it is also possible to make a common interpretation Bentham, James Mill and John Stuart Mill; they have all pursued the utilitarian line, which was mentioned by Hobbes and then discussed by Locke (Pennock, 1979:126 and Gedikli, 1998:20):

In Bentham, one's happiness should be shaped to be compatible to the happiness of the others. Government should act to produce the greatest happiness of the greatest number, by punishing those who cause pain to others and by rewarding those who give pleasure. (Ball & Dagger, 1991:72 and Gedikli, 1998:21)

Although Mill's approach finds Bentham "narrow and un-practical", his approach is very similar: "happiness is no longer a quantifiable sum, but a quality of life." (Williams, 1991:122)

Held also refers to Samuelson and Arrow's studies of preponderance theories. **Samuelson** presents the case for avoiding a host of problems by bypassing the use of utilities altogether. According to Held, Samuelson uses Utility in a behaviouristic, in a psychological and in an ethical sense. The Utility of an individual can be measured by Ordinal values ($Welfare = F(Utility_1, Utility_2, Utility_3, \dots, Utility_n)$) (Held, 1970:69). Again Held points out that, **Kenneth Arrow** supports Samuelson's view. He argues

that, the interpersonal comparison of utilities has no meaning relevant to welfare comparison (Held, 1970:70-71).

As a result, Preponderance Theories deal with the Community as a collection of individuals, and Public Interest is accepted as a problem of scale. There can be no aim of society itself; what is meaningful is the aims, utilities and interests of an individual. The prerequisite is the acceptance of an interest by the majority as "public interest" (Held, 1970:71).

Held also looks at Common Interest Theories. The acceptance of conflicts between individuals and groups and their interests is the main point of this view. At the same time, the individual's utility that is shared by others is accepted as the public interest. The summation of individual interests has no meaning for the public, because there are other interests of an individual in society which do not conflict with each other (i.e. safety, health, etc.). Another important characteristic of this view is the equation of public interest with the State. The State exists for the public and all actions of the State are accepted in the public interest.

Rousseau's ideas on common interest are accepted as traditional. He confronts the deficiencies of preponderance theories in his consideration of the obligations of men to obey authority (Held, 1970:100). The meaning of public interest is, for Rousseau, quite briefly stated, the common interest, or the interests, which all men have in common. In his view, in contrast to that of the preponderance theorists, the Law originally (establishing government) must, itself, be in the common interest, or based upon unanimous consent, if it is to be capable of serving the public interest and not only the interests of those with a superiority of force or opinion. A majority vote can be taken to indicate that which is in accordance with the

general will or in the public interest. "But the majority vote is for Rousseau a sign of, but not the source of, the public interest" (Held, 1970:105). The same interpretations of Common Interest are used in Welfare Economics (Pareto Optimality, the welfare of a group of individuals may be considered to increase if at least one individual in the group is made better off-in terms of their utility values-without anyone being made worse off).

It is difficult, nearly impossible; to define "public interest" by using "abstract" definitions such as "equality" or "impartiality" and to define a Common Policy for the interests accepted as common in the reality, where "concrete" interests are conflicting (Held, 1970).

Her classification of Unitary Conceptions concludes that, the public interest is a *moral* concept. There is a unitary scheme of moral judgements which should guide every individual at a given time and place, although these individuals may be unaware of it (Held, 1970:135). The public interest is accepted as a normative and political decision, which depends on the value judgements of society:

If an action or decision of an individual is in conflict with the public interest, which is accepted, as rational and valid in social sense, this action or decision has not the public convenience; and public interest is always superior. (Held, 1970:136)

Traditional theories of unitary view take their roots from **Plato's** conception of the common good:

The relation between public interest and individual interest, rather than simply that between a statement about each, and its negation, may be understood in the same terms. Since an assertion that something is in the public interest is a claim that it is right or good, and since an assertion that something is in the interest of an individual is, also, a claim that it is right or good, if

the two are both true, and hence valid, they cannot conflict. (Held, 1970:137)

For **Plato**, it is fundamental that genuine values are in harmony, not in conflict. Again, the objective of any polity is *moral goodness* for Aristotle, as for Plato. First Hegel, then Marx and Engels have developed further representations:

Hegel goes so far as to argue that; in whatever way an individual may fulfil his duty, he must at the same time find his account therein and attain his personal interest and satisfaction. In the state, the universal interest and individual interest are united. For Hegel, then, if public interest be taken in contractual sense, it is to be replaced by public interest in the sense of the interest of the state, which is the universal interest and at the same time the true interest of the public and of all individuals. (Held, 1970:147)

And for **Marx and Engels**;

Marx's objection to *the modern representative state* is that it is based on pure self-interest and has become, as he and Engels put it, *a committee for managing the common affairs of the whole bourgeoisie*. It has destroyed what satisfactions, misguided as they were, had been possible in feudal society, and substituted the rampant pursuit of raw individual interest. In such a state; *the proletariat is without property... Law, morality, religion are to him so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests*. In order to correct the situation, they counsel the proletariat to take the power, temporarily representing its interests as the interests of all. At this stage a wider interest will be imposed on a narrow one in deadly conflict with it. But the transformation is to be carried out for the sake of achieving, and they predict that the proletariat will in fact eventually succeed in achieving a society in which interests no longer conflict. (Held, 1970:148)

The common point of unitary views is the acceptance of an equation of individual interest with the public interest. There exists a "superior" public interest concept, which is to be used if all the individual interests are "true" (convenient for the public), or not.

2.5. Social Development and the need for Public Policies

Before dealing with the public interest concept and its application in planning, the nature of ownership and the ways of creating and holding the socially created values on urban land have to be redefined (Tekeli, 1988:10). The main points for discussion must focus on the perception of the public interest concept by the planners, or planning institutions. The common belief that "urban development plan automatically realizes the public interest" has lost its conceptual meaning. This was the "legacy" of the term when planning was supposed to be the practice of architecture and engineering:

... if the planners were trying to emphasize their values to the society as public interest? Whether the public interest is a camouflage for the individual interests? (Tekeli, 1988b:10)

As mentioned above, social outcomes are also the subjects of social change within the development process. These changes may be radical but generally slow particularly where society is concerned. A static conceptual definition can not cover this dynamism. The legal procedure has to be comprehensive and open to redefinition as much as, planning tools and models.

The place of the public interest concept in Constitutional Organization will be dealt within the following sections.

2.5.1. Public Interest:

In general, the Turkish Constitution is based on the hypothesis that (by definition) "the law -in general- is the public interest", this is valid for both 1961 and 1982 Constitutions and is the principle which was formulated in French Public Law after the 1789 revolution, then accepted by Turkish Public Law (Declaration of Human Rights, item 6: "The Law is the representation of common will"). According to this view, whatever its content, every law constructed by the legislative authority is considered suitable for the public interest.

In jurisprudence, public interest is one of the main tools to defend the democratic state. "The main responsibility of the contemporary jurist is to be conciliatory to compromise the individual freedom with the public interest" (Wade, cited in Örucü, 1976:63). According to Örucü, the attempts to look for the public interest in jurisprudence are not concrete conceptual efforts; they are made in an effort to be "just", because the public interest demands that jurisprudence deals with issues in this manner. The use of the public interest concept may be used in the same way as some other concepts like social interest, common interest etc., here; the important point is not the term, but the meaning (Tanör cited in Örucü, 1976:65).

Like planning, the debate about public interest concept in jurisprudence is a wide area. This study will investigate the public interest, from the planning and the Council of State's approaches.

The subject is considered in different ways from other countries' Constitutions and judgment systems. As an example, distinct from the Continent, in England the public interest is not supervised by judgment because ministers are responsible to parliament about public interest issues. The reason is a common belief that, if the public benefit issues are supervised, there will be no necessity for the government (Marshall and Moodie, 1968:96, cited in Örucü, 1976:64). On the other hand, a very significant example can be given from a supreme court decision in 1965 and from the literature which follows it:

Opposite vote document handed by C. Közeoğlu states that: 'our law has not described public interest concept. Although public interest is not an abstract concept, it also does not have any measures. To describe it under the light of law and apply it according to the conditions is under the responsibility of judges.' 28.9.1965:65/26, 65/49 (AMKD. S.3 sh.186) (Örucü, 1976:65)⁹

Here, as Korkut (1996) mentions, the replacement of authority of 'the judges should not carry out' discussion is important due to its continuation since 1960. Again, Örucü (1976:65) discusses the meaning and use of the term with reference to different sources. According to him, it is difficult to explain this concept properly and a consensus will be much more useful in practice:

as it can be understood, the discussions and explanations on this subject shows how difficult it is to explain the concept. Kapani, M. who said that it is impossible to identify what to include, or exclude from the public interest concept, states that it is again the legislative power which will use its authority in this area

⁹ (Örucü, 1976:65)

C. Közeoğlu'nun karşı oy yazısı 'Kanunlarımız kamu yararını tanımlamamıştır. Kamu yararı mücerret bir mefhum olmamakla beraber, belirli bir ölçüsü de yoktur. Bunu kanunların ışığı altında tanımlamak ve olaylara göre uygulamak yetkili hakimlere düşen bir görevdir. 28.9.1965:65/26, 65/49 (AMKD. S.3 sh.186)

which provides expanded appraisal authority. (Örücü, 1976:65, 69)

On the other hand, the search is not to find its 'concrete' meaning, because it is 'social' and transformable. The problem is in its interpretation and what kind of limits to apply to it:

Umar, B. also states that public interest concept is not concrete, its continuous definition does not exist; it can change according to the conditions. First law maker appraises it. It is the Constitutional Court that makes decisions about, if the consideration is appropriate or not. As the same manner, Soysal M. states that, the courts never investigate if it is a public interest or not, but they only investigate the reason lying behind it, either it is for the public interest or for another reason. Without investigating it the public interest approach can never be determined in other ways. When we said there is individual or class wise objectives behind it, do we really mean there is no public interest? How we can determine the public interest, without deciding what is public interest or not? (Örücü, 1976:65, 69)¹⁰

¹⁰ Bu konuda ilginç saptamalar ve özellikle 1961 Anayasasının yürürlükte olduğu dönemde Anayasa Mahkemesi Kararlarına ilişkin saptamalar için bkz. Örücü, E., "Taşınmaz Mülkiyetine Bir Kamu Hukuku Yaklaşımı", İstanbul Üniversitesi yay.2132, İstanbul 1976

...görüleceği gibi bu konuda tartışmalar ve açıklamalar bu kavramı açıklamanın ne kadar zor olduğunu gösteriyor. Kamu yararı kavramının içine neyin girip neyin girmediğini kesin olarak tesbite imkan olmadığını söyleyen Kapani, M., geniş bir takdir yetkisine olanak veren bu alanda, bu yetkiyi kullanacak olan yine yasama organıdır demektedir. Umar, B.,'de kamu yararı kesinlikle tayini için değişmez bulunmasına imkan olmayan, değişmez ve daima geçerli bir tanımlanması mümkün olmayan, şartlara göre değişebilir... önce kanun koyucu takdir eder ... bu kamu yararı telakkisinin yerinde olup olmadığını kesinlikle tayin ve takdir edecek olan Anayasa Mahkemesidir, demektedir. ... aynı yönde Soysal, M., bu görüşe göre mahkemeler ... gerçekten kamu yararı olup olmadığını araştıramazlar, ancak kamu yararı amacı ile mi, yoksa başka bir amaçla mı yapıldığını araştırabilirler. Biz gerçekten kamu yararı olup olmadığını araştırmadan kamu yararı amacından başka bir amaç güdüldüğünün nasıl saptanabileceğini düşünmüyoruz. Gerisinde kamusal olmayan, örneğin kişisel ya da sınıfsal düşünceler var derken acaba kamu yararı yok mu denmektedir? Kamu yararının ne olduğuna karar vermeden gerçekten kamu yararı güdülüp güdülmediği nasıl saptanır? (Örücü, 1976:65, 69)

There are six main categories identified and accepted for the meaning of the public interest concept to be used in the Constitution and the laws. According to the Turkish Supreme Court's decisions;

1. It is a general and extensive concept,
2. The public interest is supposed to be in harmony with social interest,
3. Public service is public interest,
4. Public interest is the cause of limitation,
5. Public interest is social interest, superior and changeable,
6. Public law is a functional concept in every field of administrative law (Akillođlu, 1989:10-11).

2.5.2. Public Interest: (As a special Constitutional organization)

There are certain definitional differences with respect to the public interest concept between the 1961 and 1982 Constitutions. In the new one (1982), there was made a different order under the "public interest" title. The 3rd subheading of the "social and economic rights and duties" part of "basic rights and duties" heading is named "public Interest". Under this heading: "the use of sea-shores,i.43", "land ownership,i.44", "agriculture, stock farming and the workers of these sectors, i.45", "expropriation,i.46" and nationalization,i.47" are located.

According to jurists and political scientists, this is an interesting situation because, the public interest concept has been defined or identified in opposition to its classical morphological definition.

If the location of the item is considered, *the use of sea-shore* can be accepted as a *basic right*. But it is not pointed out clearly. In the 43/2nd item of the Constitution, only *the subject of the public interest in the use of the sea-shore* is considered. Whether the use of the sea-shore is a basic right for every citizen, or not, depends on how it is interpreted. (Akillođlu, 1989:3)

This definition guided some supreme-court decisions for the prohibition of coastal development constructions. Supreme Court decisions before the Tourism Encouragement Law enacted in 1982, interpreted the concept of public interest according to the Constitution. After 1982, the cases became mainly the subject of the Council of State.

2.5.3. Public Interest: Limitation of Basic Rights;

The point is the difference in the meaning of public interest. While it is accepted to be a "special cause" for limitation in the 1961 Constitution; it is a "general cause" in 1982.

Public interest is taken as a *cause* for the limitation of basic citizenship rights in both 1961 and 1982 Constitutions. In the first one (1961), only "ownership, i.36", "expropriation, i.38", "nationalization, i.39" and "freedom of work and agreement, i.40" were the special limitation causes; where *public interest* is accepted as the cause of limitation for all basic rights in the second one (1982). (Akillođlu, 1989:4)

It automatically affects the definitions of public interest in both Constitutions. In the 1962 Constitution, the contextual definition was important for public interest. In the 1982 Constitution, on the other hand, the morphological definition gains importance. According to Akillođlu

(1989:4); "There is no difference to say the right *can be limited for public interest or limited with the approval of the law*".

In both Constitutions, the concepts of public and social interest are differentiated:

The ownership right can only be limited for public interest and the use of it can not be regardless of social interest. (1961/i.36, 1982/i.35) and in the item 165 of 1982 Constitution it has been said: In development plans ... investments the acceptance of the social interest is the point. This shows that the legislator accepts these terms to have different meanings. (Akillođlu, 1989:6)

There are different opinions about the dilemma between public and social interests. But the common view, according to Akillođlu, public interest in its narrow definition, is the measure for limitation of ownership rights, and it incorporates a general structure (frame) which includes all social values in its broader definition. On the other hand, according to other opinions public interest is the representation of the interests of the governing class, whereas social interest is the common interest of the people living all over the country (Dođanay, 1974:5). Alternatively, these two concepts are the same in their basic meanings and represent the *common interest of society* (Keleř, 1983).

There are some other concepts used together with *public interest* such as "social interest", "common interest", "common wealth", and "social wealth":

The common standpoint of all these concepts is the description of an interest which is different than private interest, and supreme. The real differentiation is

between the private and public interests rather than public and social. (Akilloğlu, 1989:6)

From the planning point of view, *the analysis of the difference between social and public interest* is of importance. The concept of public interest has always been attributed to the national scale and known as social interest especially in the case of tourism centers. This exaggeration is mainly guided by *neo-liberal policies* which accept tourism as a national sector with its all components. This acceptance needs a broader concept of interest than simply public interest. Whether consciously created and defended, this view has created lots of debate in the area of public interest. On the other hand, the problem of conceptual scale helped to clarify the planning sector and other sector's acceptance of interest. Further discussion on the social and public interest conceptualization will be included at the end of this section.

2.6. Public Interest Discussions And Jurisprudence

The general understanding of Turkish Jurisprudence behaves that economical, sociological and cultural evaluations are not the subjects of the judicial process and have to be thought of as peripheral. However, this is almost impossible and the courts have to recognize economical, sociological and cultural evaluation in practice, especially where the interpretation of the Judge is concerned. Economical analysis of the judicial system gains importance to identify the usage of economic and other related thought in the decision process. This debate has certain similarities with the elaboration of public interest and economical thought in the planning process:

In the public jurisprudence theory and application, what the judges should not do is the supervision of appraisal (replacement of authority). Because, while they are solving the problem, they should not act as substitutes of public authorities; they only make decisions according to the laws, rules and regulations which were enacted by different bodies of the government. The

prohibition of appraisal supervision is very important, because it is the result of separation of powers. The responsibility of jurisprudence is not to make decisions about legislation and management, but supervise them in the context of an upper norm. Otherwise, there will be no appraisal authority of neither the legislative power nor administrations; and because the jurisprudence function will expand too much, they will violate the execution functions. Due to this, economic rationality should be used according to the Constitutional rules, cause so as not to applications that will end in the replacement of authority. (Korkut, 1996:20)¹¹

The public interest concept is one of the main issues of jurisprudence. Basically, the court exists for the public, to solve disagreements, and its decisions are in fact the interpretations of the law. According to the judicial system, the court or the judge solves the case by interpreting the laws and previous similar cases in the name of public interest. The point that the author discusses is, the similarity between the court's decisions and planning decisions, and the same decisions of the judge or the planner. On the other hand, a decision, an application or the result of a planning intervention may cause resistance. There may be an objection of the rightful land owner, or of a civil institution versus another public institution like the municipality. This is natural.

¹¹ (Korkut, 1996:20)

Kamu hukuku teorisinde ve uygulamasında yargıçların yapmaması gereken şeylerin başında yerindelik denetimi gelir. Yani yargıçlar önlerindeki sorunu çözerken kamu otoritelerinin yerine geçip bir karar alıcı organ gibi davranmamalı, sadece devletin çeşitli organlarının çıkardığı yasa, tüzük, yönetmelik vb., düzenleyici işlemlerin hukuka uygun olup olmadıklarına karar vermelidirler. Yerindelik denetimi yasağı önemlidir, çünkü kuvvetler ayrılığı ilkesinin bir sonucudur. Yargının görevi yasamaya ilişkin ve idari nitelikteki kararlar vermek değil, bu kararları bir üst norm çerçevesinde denetlemektir. Aksi halde gerek yasama organının gerekse idarenin takdir yetkisi diye birşey kalmaz, yargı işlevi aşırı genişleyerek yasama ve yürütme işlevlerine tecavüz eder. Bu nedenle hukukta iktisadi rasyonaliye mutlaka anayasal kurallara bağlanarak kullanılmalı, yerindelik denetimine yol açacak uygulamalara gidilmemelidir.

Nevertheless, the point that planners acknowledge is that, the plan or the idea behind the plan and application or intervention covers an "absolute" public interest. This is also natural where it is nearly impossible for the planning institution to justify its own concept of public interest through every step of the planning process. The planner and the planning process have to be optimistic and rely on the concepts which are somehow presupposed, otherwise there would be no need to plan. If the process continues in court, this means that the planning decision defended by the planners or the municipality for the sake of public interest, is now the subject of another process - the judicial review process, with the point of justification being not the action or the result but the public interest concept itself. Now, we have to elaborate and understand the meaning of the public interest concept in this process.

The judicial decision process first accepts the material which constitutes the case as independent and unadulterated. It is neither true, nor false, does not declare in favor of support the public interest nor against it when it is the subject of jurisprudence. The concepts will find their own meaning in the decision of the court. It means that, the court decision is the public interest, although it may oppose the planning decisions'. This situation is inspired by the law where the law is defined as the public interest. Another discussion in judicial theory is on relationship between the law and public interest. According to some theoreticians, this might be summarized as "Petitio Principii" (Ibn Rusd, 1986:4-5). This debate can be extended to include the state, which is the subject of another discussion. In fact, when we evaluate the different views of public interest according to the theory of state; the lessons of history demonstrate that ruling powers and monarchies strengthen the existence of the state with a unique, absolute and static 'social goodness concept'. This concept is "supernatural and has its roots in religion" according to Akillioğlu (1989:14). Consequently, there is a causal

relationship between the public interest concept and the democratic state (Akilloğlu, 1989:14).

First, we have to clarify the debate; we have to define the roots of the common “formal” belief that “the law is the public interest”. It automatically accepts that “the court decision is in the public interest”. According to Akilloğlu (1989), this opinion has its roots in enlightenment philosophers, particularly Rousseau (*the Social Contract*); and was formulated after the French Revolution. The political aim of French Revolution was to replace the “king’s will” with the “public will”. *The general will (L’interet Général)* is always superior to *the private will*. So, the members of general parliament (Les Etats-Généraux) who were responsible for defining the law, have prepared laws for the public, and so long as they were the representatives of the public will; the laws were in the public interest. It was the law, that was superior. “In fact, today’s pluralist democracy has also this power” (Akilloğlu, 1989:15)

The existence of a *Petitio Principii* in the evaluation and the use of public interest concept in jurisprudence is another debate. The identical definitions of “law = public interest” and “public interest = the state’s interest” are the backbone of these discussions. The question can be generalized through a discussion of the judicial system’s public interest understanding, which derives its power from the state, particularly if we accept the Rousseauen approach to its institutions; and this may be the subject of the 4th fallacy of Ibn Rusd (Ibn Rusd, 1986:4)¹²:

¹² They have been summarized as;

Relation (İlinti, Araz): The thing which is true for something is also true for all relevant or related subjects; or vice versa, if the thing is true for the relevant ones, it is true for the main thing. It can also be defined as the mistake of applying a general rule to a special condition without elaborating on the subconditions that subconditions may fail the general rule applied to the main condition. ‘Kriskos is different than Socrates and Socrates is a human, so; Kriskos is different than human.’

The most general 'false reasoning or fallacy' is to define a problem as unique, because there are more than one interrelated problems. Solutions might be reached by excluding the definition of the relevant ones. But this solution might not be the real one for the problem in general. The generalization is the problem itself. 'Seven (false reasoning) fallacies' of Ibn Rusd are also known as 'extra dictionem'.

2.7. Liberal Approaches

The distinction between 'public and private' has historical background in judicial definitions. It is the characteristic of Roman – German Law Tradition (Erdoğan, 1999:8). From this point on; according to him, the public relates to the state and the private relates to individuals and civil society. Here, the state is the main actor, owner and representative of everything defined as public. This idea has been criticized by the Liberal theorists as:

the public interest is a value to be protected by the state in its essence and there exists a presumption

A dicto secundum quid ad dictum simpliciter: To use a principle or proposition for the special conditions of which are not defined or addressed. Water boils at 100 °C, but this is scientifically correct only at the sea level.

Ignoratio elenchi: To ignore the essence of the question, therefore to come to a solution which is irrelevant with the main question.

Petitio Principii: (savi kanitsama, musadara ala'l - matlub, teknik hata): Postulation of the beginning, begging the question; a logical fallacy in which a premise is assumed to be true without warrant or in which what is to be proved is implicitly taken for granted. "The parliament is the reflection of free will of individuals, because members are democratically selected. They reflect the needs of citizens. Every decision taken reflects the Public will."

Consequent: Technically wrong deduction, observing a logical sequence by using irrelevant cause and effect.

Pseudo cause: (non causa pro causa): to destruct the first proposition by referring to pseudo causes. "you cannot travel around the world, because world is flat and flat is infinite, you cannot travel around the infinity. (*post hoc ergo propter hoc*): the fallacy of arguing from temporal sequence to a causal relation

Formulation of a complex combination of questions: Where the answer may not satisfy or include an unwanted acceptance. For example; 'Are you still using drugs?'

defending that all the activities of the state are public interest. It is possible to find its degenerated version in Turkish Public Law tradition. By interpreting this presumption; all the state actions are automatically accepted to be in the public interest and the actions taking place in the private sphere have nothing to do with the public interest. (Erdoğan, 1999:8)

Erdoğan also criticizes the form and definition of both civil activity and public interest, where a civil action or service cannot be defined in the public interest alone. "There must be a tie for all civil actions to State in any extend to count them as for public interest" and the essence or content of the public interest has been defined by "the State independently" (Erdoğan, 1999:8).

Another manifestation of this degenerated concept of public interest, according to the Liberal view is that; "all activities which supply an advantage in economical terms to the State are accepted as being in the public interest. From this point of view, the public interest acts for the 'benefit of the treasury' (nef-i hazine)" (Erdoğan, 1999:8). According to him, in the end, the identification or unification of public interest with the State is 'naive' in theory and insufficient and deceptive in contemporary practice. By accepting that the state can not be totally devoted to the public sector, they also suggest that the public can not be identified completely with the state. "In contrast, the meaning of the State might be defined after defining the public" (Erdoğan, 1999:8).

The "public sphere" is where we can measure "public opinion". Erdoğan refers to Habermas' discussion of the public and its ways is of importance:

The entrance to the public sphere is open to all citizens or individuals. In every meeting for conversation, a certain part of public sphere is constructed. At this

point, none of those individuals act for private business, for men or members of a certain professional institution, nor for the public groups who belong to the formal bureaucracy or the law. Citizens move as a public when they coincide with the general interest (benefit) without an obligation. (Habermas, 1996:709 and Erdođan, 1999, 8)

Liberal theoreticians accept these opinions as an expression of liberty. The public sphere is the place where the conversations and discussions related to benefit of everyone will take place and public opinion generated. Habermas observes;

On the other hand, although the public sphere is open to all citizens as it is related to the general benefit; citizens are not treated as individuals but as members of the public. Because of that, public opinion as a consensus is another category different from collective private opinions.(Habermas, 1996:709 and Erdođan, 1999:8)

The state is 'public', because taking care of the "common goodness of society" is its duty (Erdođan, 1999:9). Moreover, only the existence of laws is not enough to protect the political act of the public: "suitable cultural tradition(s), social institutions and the political culture of a liberated society are also necessary" (Habermas, 1997:51).

According to Callaghy (1994:235), "the essential public sphere is an area within civil society, where new norms are generated and the rules of policies defined with reference to the duty of the state." Erdođan finds this definition both similar and yet different from Habermas' notion of the Political Public. According to him the essential meaning of the "separated public sphere in the civil society is the need for a sphere to discuss or to consent on a common goodness/common interest" (Erdođan, 1999:9). Thiemann expresses a similar opinion (1996:96);

Liberal Theoreticians define the public sphere as the state's activation area where it acts as an agency by using neutral adjudication tools for the interests of different groups and individuals. This separation of public/private spheres; (1) limits the actors in the public sphere by identifying the state in this area, and (2) identifies the activities of groups nor related to the state as the reflection of some private or individual interests, and this limits the collective activities of these groups in serving the welfare of the public. (also in Erdoğan, 1999:10)

Another descriptive presentation of the liberal approach to the public interest can be found Hayek who observes that "The common goodness in a liberal society is just to facilitate the measurement of various unknown goals" (Erdoğan, 1999:10). In fact, the title of the book reveals the main thrust of liberal thought about the public interest: "the mirage of social justice"¹³. Because liberal thought does not deal with society or collectivist groups to identify 'common interests' or 'public goodness'; it starts from the point of individual liberalism. The Liberal point of view accepts that although people may be formed as groups, individuals may join the consensus in the public sphere with their liberal private thoughts and interests:

To join a consensus does not necessarily mean that they lose their individuality. They are accepted as the individual members of public sphere. The point is that their interests can not be neglected for the sake of public interest. (Erdoğan, 1998:355)

The most descriptive liberal opinions focus on the State, politics and public institutions, particularly where collectivist decisions are concerned. In liberal thought "obligatory politics has no value in the liberal idea, because they control the realization of self developed individual ideals and exert

¹³ Hayek, F. A., 1995, **Kanun, Yasama Faaliyeti ve Özgürlük 2: Sosyal Adalet Serabı**, Çev: Mustafa Erdoğan, İş Bankası Kültür Yay., Ankara

pressure on the choices of self-realization" (Erdoğan, 1999:13). This is also valid for all public activity:

It is not possible to solve religious, moral and philosophical problems by Collectivist Decisions. They only constitute the rigid border of both politics and publicity. (Erdoğan, 1999:13)

In fact collectivism is the keyword. The same is valid for the planning institutions or planning thoughts, because planning is obligatory. The liberal point of view and evaluation will certainly contradict with 'current' planning thought and will establish its own approach or 'sphere' for planning problematic. This also provides a clue to understanding the liberal view of public or social movements whatever their ontological roots (religious, race etc.) are.

2.8. Concluding Remarks

It has been asserted that, planning approaches are inevitably influenced by the political process and the essence of public interest is always open to ideological transformation. It can not only be framed as elastic and comprehensive but also *ideological*. Ideologies establish the border as either infinite or narrow, *then it is defined* in its elastic, comprehensive, abstract or concrete forms at different conceptual scales. The periodical transformations in such borders are caused by different political powers. The *conceptual scale* is another important subject in both public interest and planning discussions. It is useful to refer to it to generate meaningful basis and to develop defendable results.

By referring to an example given by Örüçü (1976:64), "two politicians might as well defend public interest while advocating nationalization or privatization. Both are valid. The problem is ethical". With the acceptance that the problem is ethical, here, the "scale" is also open to

the influence of various political powers and policies in time. Because of the obscure content of the public interest, the influences and contradictions of policies with the planning institution may also assume an ethical perspective. This is the key for the public interest – social interest debates. The essence of this debate is the “scale”. When the scale of public interest is extended to the national level, the concept of interest becomes more “social”. It means that, the concept of interest is transformed.

As noted by Örüçü (1976:64)¹⁴, “The public interest is a defined directive approach constructed in the political decision process by a certain ideology”, when the local discussions of the concept are extended to a national level. As a result, the debate of public interest versus social interest becomes important. It is noteworthy that this debate is re-created in opposition to planning interventions at the local scale after the 1980’s. The subject of interest is shifted from the planner’s responsibility by altering its scale during the judicial review process. Tourism center decisions at the local scale are direct interventions to current planning approaches, and the planning authority might be overcome by means of grounds such as, whether tourism is for the public or the national interest. The subject will be critically reviewed in the planning section of this thesis from the neo-liberalist point of view.

¹⁴ Örüçü refers to Benn & Peters, 1966, Social Principles and Democratic State, George Allen, London, pp.271-73

CHAPTER III

PLANNING

In this chapter, the public interest concept, as defined within the framework of "planning" will be discussed. The main parts of this chapter will concentrate on the subjects of planning thought, its conceptual development, planning theory discussions, discussions of legitimization and their impact on different planning approaches that emerged in the world and in Turkey. The transformations and interactions of the planning concept and practice will be evaluated in terms of public interest approaches within the market economy practiced by neo-liberal policies. The main concern of this study is, to discuss the interaction between planning and public interest within this framework. At this point, another subject to discuss will be the "plan" within the framework of its tools. As a process, planning itself is subject to politics. "The interaction between planning and politics (and vice versa)" discussions (as stated by Keleş, 1995:33) are important for the construction of legitimate techniques for the planning process and the plan¹. Moreover, as Cullingworth (1994:172) noted: "planning policy can not be divorced from other areas of public policy".

¹ (Keleş, 1995:33)

As in most other countries; planning has been accepted as an impartial action which has to be far off the politics at every stage. Is it possible to separate the planning from the political action? Moreover, has it to be? To answer both questions in a positive way is not possible according to our experiences. ... It is not reasonable to accept planning as an impartial action externalised from the political process; it is not

3.1. On the Conceptual Development of Planning Thought

*"Nature and Nature's laws lay hid in night,
God said 'Let Newton be!' and all was light"
(Hampson, 1968: 38)*

Both the practice of planning and public interest thought have their roots in the age of enlightenment. The modern planning approaches began in the early 20th century. "Planning thought is a child of the enlightenment" and "enlightenment has given the right to define destiny to human's hand by destroying the dominant power of sacred myths" (Tekeli, 1995:17). It is obvious that the roots of modern planning thought are in the European Experience of the 19th Century (Lai, 1997:165 and Escobar, 1992:132). Lai refers to Escobar's three factors on the development of modern planning as a profession:

first the emergence of town planning in the later stages of the industrial revolution as a means of overcoming many new problems (notably health concerns) associated with urbanization; second, the rise of social planning to cope with problems of poverty and education which were redefined as 'social problems', capable of being managed through new professions like planning and social work; and, the third invention of the new economy – an activity, separated apparently from morality, politics and culture. (Lai, 1997:165 and Escobar, 1992:132)²

According to Friedmann, planning has its ideological background in the work of Henri de Saint-Simon and Auguste Comte in the early 19th Century, "in which the vision of science working in the service of humanity first took shape" (Friedmann, 1987:21). Claude Henri de Rouvroy de Comte de Saint-Simon (1760 - 1825) was "the quintessential modern man". He

acceptable to let the planners become the partisans of a certain political thought, either. The point is to establish healthy relationships.

² Please note that the 'new economy' defined by Lai is the Liberalism. (see Liberalism, New Right and Neo-Liberalism section)

defended that the future was a predictable social reality which, could be socially explained (Göle, 1986:22). Friedmann adds:

A full century of material and perceptual changes had to pass before planning emerged as a distinctive practice, with its emphasis on technical reason and social rationality. The first and most important among these changes was the gradual breakdown of the 'organic' order of feudal society and the emergence of the economy as a system of interrelated markets. (Friedmann, 1987:22)³

He also notes that, there was some sort of planning that prevailed before the 19th Century and defines it as "orthogonal design", or the "artificial and rational ordering of space".⁴ This period was also the time when "modern planning is applied to the full range of problems that arise in the public domain as a form of technical reason" (Friedmann, 1987:24):

The discovery of a public domain may be seen as the crowning achievement of the enlightenment. As a social movement, the enlightenment had, for the first time, projected the masses of ordinary people into the stream of historical events, legitimated a democratic politics, and given birth to the 'fourth estate' of the press, which helped to establish, for a rapidly urbanizing society, a shared sense of the 'public'. Problems that rose to public consciousness were thus, by definition, of general concern. This development helps account for the multiplication of planning activities in the post enlightenment period. (Friedmann, 1987:24)

If we go back to the economic reasoning of Escobar's three factors (Lai, 1997:165), it is helpful to clarify the rise of the planning profession after the Second World War. Lai (1997:165) evaluates planning and its new framework in two periods; before and after World War II.

Planning, after the war

³ Polanyi, 1957, cited in Friedmann 1987

⁴ Houghton and Ewans, 1980, cited in Friedmann 1987

was a new profession dealing with the techniques, activities, procedures, and management of government interventions in spatial and socio-economic affairs. (Lai, 1997:165)

According to Lai (1997:165), Escobar's three factors, mentioned at the beginning of this section, are directly related to the policy issues below. Lai takes them to explain the rise of modern planning from a recent historical perspective. It also helps us to conceptualize neo-liberal approaches and their impact on the formation of say, 'postmodern planning' or the planning issues of 1980's. The policy issues are:

(a) the concern for efficiency in resource allocation in the presence of 'market failure', (b) the desire for equity in income, wealth distribution and opportunity, (c) a general acceptance of Pigovian micro-economic and Keynesian macro-economic management in Western countries. (Lai, 1997:165)

The socio-economic and political situation of the world before the Second World War was also effective in formulating a new global order after the war. The most important components of pre-war conjuncture, in terms of the rise of modern planning after the war, have been simply summarized by Lai (1997:165) as; "the Leninist – Stalinist central economic planning and Nazi totalitarian 'National Socialism'." These two have more affected the post-war new framework of a mainly economic and political order.⁵

Pigovian and Keynesian interventionist thoughts played important roles in the post-war economy. Lai (1997:166) identifies this period as a

⁵ Here the approach of Lai (1997:166) is fruitful;

A. C. Pigou and J. M. Keynes were writing their famous interventionist treatises that revolutionized the libertarian neo-classical tradition. Pigou's (Pigou, 1932) 'The Economics of Welfare' provides justification for government intervention on resource allocation efficiency grounds, whereas Keynes (Keynes, 1936) 'The General Theory of Employment, Interest and Money' offers -short run- solutions to macro-economic problems of unemployment and stagnation.

Table III.1
Planning Paradigms¹²

PLANNING PARADIGM	PERIOD	COMPONENTS OF RATIONALITY	INTERPRETATION OF THE PUBLIC INTEREST	NOTEWORTHY EXAMPLES OF THEORETICIANS
Mainstream Development				
Experimental Holism	1900-35	Personal and positive knowledge	Fragmented, tending toward the monumental (communal)	Howard (1974), Dewey (1927), MacKaye (1928), Adams (1935), Mumford (1938) also Geddes
Scientific Conjecture	1935-50	Sociological and positive knowledge	Tending toward the collective and monumental	Mannheim (1935-36), Tugwell (1975), Cohen (1969), Johnson (1982)
Rational Comprehensive	1950-65	Positive knowledge	Epiphenomenal and individual (mass phenomenon)	Meyerson (1956), Kent (1964), Chapin (1965), Robinson (1965), Friedmann (1966, 71), Faludi (1973), McLoughlin (1969), Chadwick (1970)
Liberal Political-Science Critique	1950-70	Positive and sociological knowledge (nonrigorous nonstructural interpretation)	Plural, tending toward the monumental (worked out through partisan mutual adjustment)	Meyerson & Banfield (1955), Lindblom (1959, 65), Banfield (1959, 70), Altschuler (1965), Rabinowitz (1969, 73)
Radical-Liberal Critique (Advocacy Planning)	1960-70	Positive and sociological knowledge (accepts the notion of different world views)	Groups acting as individuals	Davidoff & Reiner (1962), Davidoff (1965), Clovard and Piven (1966), Marris & Rein (1967), Goodman (1971), Grabow & Heskin (1973), Heskin (1980)
Learning Theorists (New Humanists)	1971 now	Personal knowledge sociological knowledge (of lesser importance) (collapse of substance into process)	Fragmented and immanent (communal)	Dunn (1971), Hampton-Turner (1971), Schon (1971), Krieger (1981), Friedmann (1973)
Neo-Marxism Critical Studies	1972 now	Sociological knowledge (structural and deterministic interpretation)	Epiphenomenal and fragmented along class lines (collective – monumental under socialism)	Bookchin (1973), Castells (1978), Goldstein-Rosenberry (1978), Goodman (1971), Paris (1983), Harvey (1978), Kirk (1980), Forester (1982), Kiernan (1982), Habermas (1976)
Trends (New Decentralism)				
Voluntarism (Right Libertarianism)	1978 now	Neo-rationalism, positive knowledge (radical behaviorist interpretation)	Epiphenomenal and individual	
Self-management (Left Libertarianism)	1975 now	New-rationality: bounding and balancing the dimensions of knowledge	Communal interdependencies of the individual and collective good (public interest founded in the rational method)	Jantsch (1980, 81), Maturana-Varela (1980), Friedmann (1978), Ogilvy (1979), Roszak (1972)

¹² Source: Weaver et al., 1985:154

The rational decision is the decision, which have consensus between experts. This forms a background for the existence of professional community. Most of the time for specific subjects, the consensus of the society did not happen to be at the same point with the professionals. The difference between the two in fact, determines what the populism is. Trying to keep away from populism is one of the important components of the planner's ethic. (Tekeli, 1995:20)

Yet, Tekeli (1995) emphasizes that during the decision phase planners should carry out long-range perspectives and comprehensive studies. This effort will isolate the planners from the administrators/managers (Tekeli, 1995:23).

On the other hand, the impossibility of comprehensive rational planning is also discussed within the context of planning literature which, has been developed by separate decisions for a long time. Impossibility in the long range planning because of the difficulties to forecast the development in the outer world conditions and altering objectives were put forward. (Tekeli, 1995:23)

3.3. The Concept of Planning

*"Consequently,
he who wants to have right without wrong
Order without disorder
Does not understand the principles
Of heaven and earth
He does not know how
Things hang together."
(Chuang Tzu)*

Planning theories and institution include many different components. Here, the most difficult thing is to define the starting point in the discussion, to draw the paradigms or define the conceptual frame for a fruitful discussion. According to Friedmann (1987:413);

It would be wrong, of course, to blame our present predicament on any single 'cause', on a cause even so general and abstract as objective, technical reason. It would be equally wrong however, to dismiss the connection and to continue with solutions that derive from the traditional responses of rational planning.

Although planning is being accepted as the main tool and a vital necessity of modern metropolitan management by public, political or civil authorities and institutions, it can be claimed that planning is also perceived as a standard bureaucratic procedure which must, legitimate some decisions regarding the city, in Turkey. Planning is a legal necessity for all applications and interventions enacted by municipal authorities through the law.

On the other hand, its theoretical and practical base became a subject of criticism due to some unsuccessful interventions owners' objections who believe that there has been a public (municipal) invasion on their private interests. The planning institution, here, presents a further "dilemmatic" position in itself.

The main basis of planning is being accepted by the planning professionals without justification. "The goodness of planning is axiomatic, it has been elevated to the facts-exempt status of an article of faith." (Moore, 1978:387). Meanwhile; as a result of the natural dynamics of the urbanization process and the fact that urban space is an outcome of the relations of production, the justification of planning is always under discussion after routine suggestions of change in "planning law" by the politicians. In fact, the pressures of these changes are inspired by the power of changing relations of production. We can clearly identify that, the urban environment is the configuration of sophisticated spatial organizations formed and ruled by economic, social and natural processes. As a result of these highly interactive relations -in the process- spontaneously developed or planned "spatial realities in the third dimension" occur. Then they start to

guide and define new economic and social processes. There is no accidentally developed spatial reality in the urban area, *urban reality is not simply contingent*. Here comes the point; what is the exact or ideal - optimal location of planning within this chaotic-spontaneous platform as a factor of balance? We can continue on this debate with discussions like;

- Everything in society, even the social order, belongs to capitalist economical interactions. Therefore, planning is a social and political instrument, which is necessary to achieve economic aims, and whoever has the political power gets the benefit.
- Planning is a tool of bureaucracy, which is necessary to legitimate every kind of intervention made by the persons (investments and speculations) or by the state or municipalities for the sake of public interest.
- As long as planning refers to the future in the long term; it may not need to supply the basic needs of the society. Therefore planning tools may be used as an instrument by other brother-like professions (civil engineering, architecture etc.) where necessary. And it is possible to transfer the authority of planning to different public institutions or bodies of the state, again where necessary.

The point to discuss is how the role of planning to perceive and understand the development process, to guide the dynamics and to implement the "optimum public balance" is being affected in the process. Here, we can find four main processes: the transformation of land and the city (urbanization process), the planning institution and its development, the public, public ownership, interest and the ownership pattern.

The contemporary situation of planners, then, is much like that which faced the *ancien régime* in France when

a king died, and the shout went up from the streets, *Le Roi est mort, Vive Le Roi!* We are inclined, with planning in mind, to repeat this phase. The old planning has died, but we can not do without planning. We can not wish to separate knowing from action. Yet our paradigms are rapidly changing - paradigms of how knowledge is gained, of who the relevant actors are, and of how knowing acting can be successfully linked to each other. In response to multiple crises, planning is undergoing its own transformation. (Friedmann, 1987:416)

After viewing the historical development of planning thought, planning theory and discussions and the process, which was effective in modern planning formation, we can trace the transformation of the public interest concept within the planning idea. After describing the problem in a clear way, it will also be discussed from a capitalist perspective, focusing particularly on neo-liberal politics' point of view. In case, this has not been carried out, this will only become the answer to what is planning and where should it be applied; and the discussion would not go any further than the preceding paragraph.

3.4. The Framework of Liberalism, New Right and Neo-Liberalism on Planning

*"... by just looking at what I have written, do not think India is just a Sprit.
She has teeth and bones and they are growing up.
Nehru's Party and movement has already been occupied
by the politicians who are the men of new generated investors and industrialists...
So that Nehru is in straits, between the mangle of 'Private Sector' and 'Public Sector' ...
Now, the religion, tradition and praise is one side;
misery, poverty and the efforts to exhaust the economic benefits
by the state plannings is on the other.
Both stands still.
The opposition between them prevents the steps of progress and development.
What will happen to the great expectations and hopes of Europe?"
(Berkes, 1999:67)¹³*

¹³ Berkes (1999:67) his interpretations on the economic and political situation in India in 1958. Pakistan and India have been freshly formed as young nations (both in 1947). India has been supported by Europe where Russia and China were becoming giants and Pakistan had the vision of an Islamic Republic.

... bu yazdıklarına bakarak Hindistan bir ruhtur sanma. Dişleri ve kemikleri de var ve her gün daha güçlenerek. Nehru'nun partisi şimdiden politikacıların elinde. Onlar da yeni türeyen tüccar ve endüstriyalistlerin

With its own extended meaning "the bound international accord aiming to change the role of government was considered and found its place in the new neo-liberal doctrine named by USA President Reagan and English Prime Minister Thatcher at 1980s" (Martin, 1995). Martin approaches the subject from the perspective of international business and capital:

In the heart of neo-liberal economy there lies the contrast that in the provision of public services and the establishment of economy, the public should take over the institution. According to this thesis, if there is no interference to the market and private sector, the wealth that will be created will be distributed to everybody on small quantity basis, 'drop by drop'. The competition between producers for pleasing the customer will identify where the public interest lies and protect it. (Martin, 1995:15)

Consequently, governments "should release them" (i.e. international business and capital). Within the New World order, there are other reasons for the development of rightist ideologies. The dispersion of the old Soviet Union was a victory for them in proving their thesis, with a greater commitment:

In most of the countries various weakness of public sector provides ammunition for the attack of New Right movement; at the same time because the "communist" systems would not able to bring productivity, justice and democracy to the public, the assertion that was put forth by the right wing saying 'freedom of individuals is the freedom of market' is supported. Although,

elinde. ... İşte Nehru bunların temsil ettiği ve boyuna İngilizce 'Private Sektör' (özel sektör) dedikleri ekonomi ile 'Public Sector' (kamu sektörü) dedikleri iki bölümün mensesi arasına sıkışmış. ... Şimdilik din, gelenek, övünmek bir yanda; sefalet ve ekonomik çıkarların devlet planlamaları ile kösteklenebilmesi çabaları bir yanda ayakta, ama olduğu yerde durmakta. İki yan arasındaki zıtlık ilerleme, değişme adımlarını hiçe indiriyor. Günün birinde Avrupalıların beslediği büyük ümitler ne olacak? (Berkes, 1999:67)

privatization and commercialization of public services found justification in this frame, this was designed to satisfy the necessities of the international business environment in a market becoming universal very quickly as a whole. (Martin, 1995:15)

There are other basic definitions and theories of Liberal thought as figured out by the Liberal theoreticians. Their common point is 'freedom' which deals mainly with the economic position of individuals in society:

Liberalism is a theory of liberty and man is the essential point of it. (Tibuk, 1999:33)

and,

Liberalism consists of the basic philosophy and thought of the modern world. Liberalism constructed-generated the main paradigm behind the developments of the modern world, and more; it has been shaped in parallel to global developments. It shapes the modern world itself. (Çaha, 1999:38)

According to Çaha (1999:38), it is possible to find the roots of Liberalism in *the Sophism, Epicurism and Septicism* of Antiquity in terms of liberal "pleasure" and "happiness" of the "individual". The acceptance and expansion of Christianity is also important, because then the terms "human", "right", "law" and "equity" became important in civil life:

Social liberalism accepts the natural order, and rejects rationality. It is possible to change society step by step, revolutionary movements and ideologies are dangerous where they cut off the historical roots and destroy the social accumulation. (Çaha, 1999:54)

John Locke is commonly accepted as the pioneer theoretician by liberal ideologists. He is the theoretician of the liberal state (Göze, 1989:153). Although there are some differences at the theoretical level, generally liberal theoreticians accept the following conceptual development chronology:

Because the process has two phases, (elimination of imperialism or political change - revolution - afterwards economic improvement/development) the Wilsonian half of the process expected to be completed with the other half, Leninist one. The hope for national development lay in the legitimization of the whole world structure. The destiny of Wilson ideology was dependent on the destiny of Leninist ideology. If we like to express it in a cruder manner, we can say, 'Leninist ideology was the fig leaf of Wilson ideology'. (Wallerstein, 1995:120)

Wallerstein defends that these processes were similar in essence.

Wallerstein's criticism of neo-liberalism depends on this belief:

Now the fig leaf has fallen and the king is nude! The commotion about the 1989 victory (end of Soviets) in every part of the world cannot atone for the absence of significant expectations for economic transformation in a capitalist world. Consequently, the funeral tune will be sung by the Wilson followers, not with the Lenin followers. Wilson followers are having hard times and they do not have any reasonable political alternatives. (Wallerstein, 1995:120)

On the other hand, according to the liberal theoreticians, these are the successes of the liberal thought in practice:

Declarations of Independence, United States Constitution, Declaration of Human Rights are the great success of Liberalism. (Baydur, 1999:56 and Erdoğan, 1993:96)

In fact, these may be accepted as a new formation, which was necessary within capitalism, once previous liberal policies had been bankrupted. On the other hand, these are possible to be identified as necessary developments, because of new duties of the states, which will limit social opposition, and which emerged parallel to increasing poverty.

According to Martin; in the 1970s, the Chicago School which Friedrich von Hayek and Milton Friedmann were leading formed the neo-liberal pronouncement. Martin determines the development of new right ideologies as follows: "Government supervision and public sectors were the most serious obstacles to the development of universal capitalism" (Martin, 1995:75). Such obstacles should be overcome by politics - new right politics.

For the elimination of these obstacles, conservative politics and liberal economy gathers in the world opinion, which shared generally by new right movement, create its own ethical and intellectual justifications. (Martin, 1995:75)

Martin defines the New Right Doctrine as the unification of liberalism and conservatism as follows:¹⁹

New Right movement is a combination of distinct liberal and neo-conservative discourses. The market liberal dimension is concerned with the conditions necessary for a free economy, while the neo-conservative dimension gives priority to the maintenance of authority particularly in civil society. In combination, there is a coincidence of interest in the promotion of a free economy and a strong state. (Martin, 1995:75)

Although these opinions about New Right movements' approach to government can be expressed as "the task of governments is not to deal with the causes of inequalities but, to police its effects, by preventing the collective actions to improve the position of people at a disadvantaged position in the market" or "the rejection of strike rights" are very stiff, they depend on the assumption that the market is committed in favor of individuals. In fact, what Martin tried to express was the efforts to reduce

¹⁹ Walker cited by Martin 1995:77, The original source is Walker, A., 1992, "The Strategy of *Unequilibrium*", The Social Effects of Free Market Policies, Ed: Ian Taylor, Harvester Wheatsheaf, London, pp.29-47. (Martin also notes that quoted terms that Walker used is referenced to Gamble, A., 1988, The Free Economy and The Strong State, MacMillan, London

government intervention. Discussions carried out from the planning point of view also mention this subject. (See: Keskinok, 1995; Keleş, 1995; Günay, 1995b; Tekeli, 1995) The approach of the New Right movement to social associations has an impotence on the planning view too, Martin's (1995:75) statement was given with reference to Hayek:

Hayek describes not only government but also civil institutions as freedom threatening components. The intervention of officials and group interest approaches should be minimized. From this point of view, democracy should be limited instead of providing additional positive rights to citizens, and in this way, intervention of the majority to the individual freedom and market should be prevented.

Here, the new right movement's approach to planning becomes clear. Planning institutions are organized. Moreover, they deal with the organization of individual benefits in the name of public interest. If we evaluate the public, public sphere and public interest concepts from a liberal point of view, there is a connection between our concepts and the above given criticized concepts.

3.5. Planning and the Impact of Neo-Liberal De-regulation Policies

An important problem of developing and underdeveloped countries' cities, as well as, of their planning institutions; seems to be disorganized or a solely-technical intervention of planning. An identification of land use rights in urban areas, and to carry out this issue by taking public opinion into consideration constitute the nature of planning. All interventions have a role to play within the capitalist market economy. In this case, the subject cannot only be evaluated as a simple matter of property rights, or the equal distribution of surplus values generated:

Today, unsynchronized interventions or the lack of intervention into the urban development process of especially metropolitan areas are structurally determined by the anarchic nature of market mechanism. (Keskinok, 1995:207)

As stated by Keskinok (1995:207) "within the agglomeration of market economies, the continuous development of urban areas cannot be easily limited". Therefore, first the process itself, then planning, property transformation and the share of surplus values in this process have to be considered. This kind of approach is necessary to understand the nature of periodical interactions formed in the public interest concept and planning approaches. On the other hand, an externalized description of 'benefit or interest' from the process is not helpful. Public interest or interests behind planning approaches might only be possible to explain through the frame of periodic interaction.

Looking at the purposes and approaches of neo-liberal policies from the planning point of view will give us more idea about the general purpose of neo-liberal policies. Martin (1995:14) states that:

The role of public and government in improving, describing and protecting public interest, is stimulated through a campaign of privatization and transferring the Public Sector into trade, due to the necessities of the international business environment.

According to Martin, at the outset industry, agriculture and subsequently national developing sectors are the main issues facing powerful companies. During the 80's and 90's, in some African and Latin American metropolitan cities, urban services were privatized. Behind this approach lies the assumption of excluding planning, to create a crisis in metropolitan services and incorporating this into a whole politics. In this manner, the

planning is also marginalized. According to Keskinok (1995:208), this is necessary for the market mechanism because

although their objective is the public interest, in capitalism, all planning activities are under the limitation of the law of unequal development of capitalism.

The public interest concept and the limited planning intervention that we have discussed in the neo-liberal approach section of this study, have been named as "post-modern" by Özcan (1997:52). According to her, especially the widely accepted neo-liberal policies and approaches after 1980 are post-modern: "The individual has to recognize that there is the individual occupying the center of the free world and no organizational or institutional base is necessary to create the solutions" (Özcan, 1997:52). Although the term post-modern cannot encompass all the components of transformation under discussion, her definitions seem to have a certain resonance:

The historical mission and responsibility of planners are to adopt the importance of public interest concept which has gained universality with the progress in planning thought, to the society. And to constitute the environmental public opinion against the global destruction of the international capital, by the terms of spatial development. (Özcan, 1997:53)

Consequently, control mechanisms like planning will always yield some limitations and these limitations will decrease the market productivity according to the liberal approach. The main objective is to let the market free. In this way, the main objective is to achieve the best price and thereby to promote competition. In fact, the main aim is to create a new organizational environment. This will open up the market. We need to have a look to neo-liberalism in a critical way to see whether it will be beneficial to the free market.

3.6. Legitimation Debates or the Self-criticism of Planning

Before proceeding with this subject, it might be worth asking whether, planning and interventions were in disagreement with prevailing ideologies. Besides the discussions of Keskinok (1995), Keleş (1995) also asks a similar question:

When planning discipline is better than disorder belief is put aside; the belief of legalization of non- planning and disorder will be adopted as a value in society. Isn't this the approach adopted in poor countries by the rich countries of the west in this global world? (Keleş, 1995:35)

The debate takes different shapes in different planning approaches. Here, to look at some noteworthy examples from the debates in approaches. Breheny and Low (1994:1) point out that; "a more recent role has been the development of broad-based environmental strategies; often under the umbrella of 'sustainable development'." This means the approach is changing and planners are now "well beyond their traditional land use interests" (Breheny and Low, 1994:1). As stated in this study; it is necessary to point that, the transformations of issues have an effect on planning approaches generated. Breheny and Low (1994:1) summarize the changing nature of planning issues in the United Kingdom as follows;

Three main changes have occurred in recent years that increase the need for coordinative planning; (a) the scope and issues that planners are required to address has widened, (b) the direct powers of planners and local governments generally have been weakened, (c) the relationships between public and private agencies have changed.

The general idea is the need for a new approach with a new type of planner. The suggested name may be found in their title as well; the planner, now, has to be "an impresario". They define this position for

planners by treating them as 'mediators' in the weakest form of the roles, 'facilitators'; a stronger role, and 'impresarios' the strongest, assertive version. The planner as impresario will act as "coordinator but also propose agendas, promoting consensus, and so on" (Breheny and Low, 1994:2). A similar approach comes from Lucy (1994:305); in the paper named –in fact- very explanatory; "If Planning Includes Too Much, Maybe It Should Include More". Lucy argues that planning is a guide:

Planning should expand, relying on the principle of 'healthy places nurture healthy people', where the other professions are ill prepared, by their conceptual foundations, for leadership. Public Administrators and Policy Analysts have an essentially non-spatial education, with extensive reliance on microeconomics. Architects and Landscape Architects lack conceptual grounding in social, economic and political processes. (Lucy, 1994:305)

The literature of 1990's goes with the debates on the legitimacy of planning by also looking at new social and technological developments in society. Innes (1998:52) urges that "planning researches and educators have to put more emphasis on information and *communicative planning*", where the new concept of information will be increasingly effective in public action. She argues that planners have to develop new approaches in this "broader concept of information" and not to forget that "being technically right is never enough to influence action". It is in fact the process of consensus and "on Habermas' views of communicative action and rationality" (Innes, 1998:52). In another study she made, it is pointed out that the "consensus building with stakeholders offers a model for planning that responds to each of Althusser's critiques of 1960's" (Innes, 1996:460). By adding:

Now by taking his challenge, contending that not only have practices now arisen that make comprehensive planning possible, but also political and social theory

has evolved to provide its intellectual grounding.
(Innes, 1996:460)

The debate in the full liberal economies is also interesting. The paper from Peiser has the explanatory title for itself; "Who Plans America? Planners or Developers?" (Peiser, 1990:496). According to Peiser, planners "have been moved to the sidelines" (1990:496), and they suddenly recognized that the influence of planning over America's built environment is not strong as it once was. The debate here is interesting where Peiser tries to define the mutual roles and responsibilities of planners and developers. The point, he discovers, is that the liberal viewpoint of developers on planning is to say 'let us go!'. An important reference, on the other hand, in Peiser that; "neither planners nor developers, bureaucrats and bankers develop America" (1990:498). The liberal headache of planning in America summarized in the same paper by referring Innes de Neufville²⁰;

(a) Whom do planners serve?, (b) How can planners choose between being a value neutral analyst or a committed effective political actor?, (c) If there is no single public interest, how can planners know what interest and value to serve?, (d) How can planners do long term comprehensive systematic planning in a world where action is undertaken incrementally and there are no centers of power?, (e) Should a plan be a vision of the future, a contract, or a first step in planning?. (Peiser, 1990:497)

The major changes in societies and their policies have also created a transformation in the ideological meaning and use of the terms public, private and of course the movement area of planning. This view, that this study also supports, has been framed mostly by critics of new Marxism.

we suggest initially that the deliberations on public and private consumption that were central to the urban

²⁰ Innes de Neufville, Judith., 1983, "Planning Theory and Practice: Bridging the Gap", Journal of Planning Education and Research 3, pp.36-45

studies of the 1970's and 1980's can retrospectively be regarded as tracing the lines of a fundamental transition in society, ... where the ideological valencies of the terms 'public' and 'private' have shifted almost beyond recognition with numerous practical developments combining to give 'considerable force to the view that collective and private consumption are increasingly hard to distinguish. (Clarke and Bradford, 1998:865)²¹

In fact, while carrying out this type of discussion, there are some points that should be taken into account. Surely, an occupation/profession or organization should question itself. However, to question the legitimate base may also be the result of the insistence of different ideologies for the creation of an irrelevant discussion. "Do they want to drag it down to that way?" Keleş (1995:35) points "In other words, the effort of investigating the legalization, although justified on an ethical basis, can also lead people to question the very existence of planning". Another approach is, that technical personnel may lose their legal status due to the negative effects of planning which arises from the system (Kubin, 1995:13). Then, can we expect planning to be an institution for the whole community within a free market mechanism? The answer to this question can be, that planning should be disregarded within the capitalist process. Whenever utopias were not produced, the design again should exist in the same mechanism and the design which was not approved by the mechanism will be ignored by the system itself. As Keleş puts forward:

As it can be seen that, legitimization did not have a single, absolute and international measure. The concepts differ according to time and place. Consensus that means the agreement of majority has a close relationship with legitimization. Although it is not easy to find a criterion for legitimization from politics and ideological approaches; human rights, basic freedom, public interest, a respect for urban and

²¹ Dowding and Dunleavy, 1996:37 cited in Clarke and Bradford, 1998:865

environmental values can be accepted as some of the concepts. However, nearly all of them are related to value judgement. (Keleş, 1995:31)

3.7. Planning, Tourism Sector and Urbanization Dynamics

This part of the study consists of two main parts. The first part is dealing with planning in Turkey with respect to transformed regime of capital accumulation in the cities, and the second, the Tourism Sector development under the impact of urbanization dynamics.

Today, it has been understood that to perceive planning solely as a technical action and to find practical or theoretical answers to the questions raised by this approach is an oversimplification. The planning thought and application, namely the planning system's relationship with social institutions whether, economic, social, or political should be questioned once more. The legitimization of planning within the existing system and the roles of the planners might only be shaped and established through this approach.

In Turkey, respect for plan and planning have many zigzags for the last 35 years. Between the 1960-80 period, a covered negative attitude to planning was in sight. After 1980, with the effect of changes in the World, opposition to planning was fearlessly put forth even at the official surroundings. Non-Planning becomes a government policy.... Today, we can clearly see that planning is no more a tool of government policy. In the 1982 Constitution, the position of planning is not as respectful and powerful as it was in the 1961 Constitution. (Keleş, 1995:35)

When the same period is inspected from public interest approach point of view:

The preparation of plans with the participation of the public in 1970's became the part of principle of

planning. This approach was a reaction to the "elitist planning" which accepted its own views as being in the public interest.

Yet, as it was expressed by Tekeli (1995:22) in general "although participation can be valueable, it is still important how to overcome the problems that will be met during the application". Because, "if the participation range will be expanded and the planning is reduced according to the demands of the participators, there will be no public interest left", which is also called populism (Tekeli, 1995:22).

Uncontrolled or unplanned developments in the urbanization process result in problematic urban areas, which lack of basic urban services. We already have mentioned that this is not simply a fault of the national planning; but a result of problematic formulated within the free market system. Planning, has been underestimated by even the public, and has given rise to a situation, where urgent service problems are being solved by engineers, architects and local government bureaucrats purely in the short term. The real influence of planning is always under pressure from routine and necessary criteria such as the provision of an infrastructure, the reproduction of plots for housing, transportation and sanitary projects.

This is the main point, that this thesis hopes to emphasize at this stage. The problem of planning should be defined clearly and with all its relations. At present, both the dynamics of the market and immediate planning problems -arising in urban areas-, do not deal with the transformation of planning and public interest. This can also be risky for the planning and defended public interest concept and can easily become a part of populist discussion.

What is evident here is that, in a free market economy, the government's basic economic and public activities have been transformed: as

Martin (1995:15) states, "in order to be effective, new approaches to public administration, relationship between community and citizens, have to be developed". One of the main problems to date of planning is that such a process has not yet occurred. When the dynamics of the process are understood in a comprehensive way, the development of new applicable approaches will be possible.

Basically, the ownership pattern of urban land and the use of development rights are claimed to have a direct effect on the planning institution in the formation of planning decisions, on the development of cities, land use decisions and on the urban or metropolitan macroform. They influence first; the formation of urban areas in the physical dimension and second; the planning institution, which tries to create a livable - functional urban environment for the sake of an improperly defined concept, named the "public interest". At that point, planning's point of view and of interventions gain importance. In fact, while we are searching for solutions to all the problems, "the property relations should be re-considered" (Keskinok, 1995:205 and as Günay, 1995b mainly discusses). The conflicts caused in the area of tourism derive from both property rights and authorization. In this subject we can begin with Keskinok's (1995:207):

... although the relationship between capitalist interests and the rent contains certain conflicts within the market economy, the resolution of this conflict is possible. However, this never happens automatically. This may require the government action at some time or loosening of certain institutionalized forms of state intervention at other times. In the 1980s, when we encounter a solid capital accumulation crisis, obstacles preventing this accumulation were removed from time to time by overcoming the development planning (imar) rules according to the rationality of the market itself.

In the 80's, it is possible to include neo-liberal policies and the investments focused on Tourism, in the scenario. As at the case studies

demonstrate, the 'thing' that needs to be overcome, is not planning bureaucracy or simple rules. It is the conflict between the 'benefit', which takes its power from, the policies formed by a certain ideology and the public opinion created in a populist way; and the 'interest' of the plan itself.²²

Another debate focuses on the type of ownership. Both applications have been supported by economic policies and planning approaches; what is most important is what type of ownership can lead to most meaningful developments. However, as it was stated above and at the beginning of this study; abstract descriptions like "good" or "meaningful" render this discussion pointless. The important thing is, either public or private, to alter the ownership of the living places, to prevent unfair rent, and redistribute the materialistic and moral acquisitions of the environment to both owners and the general public. One of the major objectives is, the development of both private and public property, and also the development of Tourism Areas. This can only be achieved by planning. On contrary, the subject of the agenda will be only ownership transfers and their legal debates.

As mentioned before, "the goodness of planning is axiomatic, it has been elevated to the facts-exempt status of an article of faith" (Moore, 1978:387). Unfortunately for planners, a significant number of citizens for whom they try to plan do not share this belief. This is not only a problem in developing countries, it is the outcome of complex relations in capitalist urban arenas as Moore (1978:387) has pointed out;

A rigorous theory which explains why planning should be done in terms that are intelligible to both the

²² When the planning becomes fussy in the game which of the rules are changed according to the demands of the 'big brothers'; this complaint is not taken into the consideration. So, nobody wants to play with the fussy planning and try to realize more joyful games without it. Seriously, planning is being reduced to the old-fashioned guard who stops almost everything tried to be done for the goodness, interest of the public.

planners and the planned can mitigate the conflict between them, provide suggestions about the desirable scope and methods of planning, and (not coincidentally) make planners happier individuals. The economic theory of public goods provides the rudiments of such a theory.

An "Urban Development Plan" may be thought of as the legal confidence of the values created on urban land. *It is a rule of law.* The plan is named in Administrative Law as a rule-operation. To obey with it, is a must. But it is a fact that, economic pressures and unstable central and local government policies with inapplicable short and long term promises, cause the planning institution to lose its influence. In fact, planning is an important civil institution and the main supervisor of all public works in urban areas. Of course the planning institution alone can not be blamed for this situation. It is a result of the sophisticated structure of social development and movements and the complex economic - political power, which intervenes in the planning arena.

The concept of Urbanization, on the other hand, needs new conceptual frameworks.²³ The literature is rich on the capital accumulation process in relation to social transformations. They starts with "the emerge of the surplus value" (Tekeli, 1998c:131). By looking at whole city as a capital, Tekeli (1998c:131) unifies capital accumulation and urbanization; by adding "the scrutiny on the usage, exhausted and invested surplus value seized". According to him, there are four types of relationship which might express the relationship between capital and the city;

²³ Tekeli, 1988c:130

The importance of a scientific contribution in the social sciences depends on the fecundity of the conceptualised thing. The more fecundant in concept gets more attraction. On the other hand, when its fecundancy gets more and more, its outstanding becomes blurred. Because it starts to be used in different essence and various frames. The concept of capital accumulation had the same destiny in urbanisation literature.

(1) the city is the area of production where the surplus value is being generated, (2) the city is the area of reproduction of current social formation or type of production, (3) the city is the place of capital accumulation with its infrastructure and buildings of production & service, (4) the city has the impact on capital accumulation and sharing of surplus value with the rent created on urban land. (Tekeli, 1998c:131)

When we consider the 1980's, we have some clues on the "new type of accumulated capital and the transferred international capital that creates new pressure on urban space" (Eraydın, 1998:136). This is also inevitable for the tourism areas, especially because of the encouragement supplied by the law. For the last 20 years of neo-liberal policies, first the urban areas were the concentration points of accumulated capital, and subsequently tourism investment was encouraged.

It can easily be seen in the selected cases in table 5.1 that, tourism area decisions have also taken for the metropolitan central business districts. They have created problems. In fact, these decisions are simply possible to realize as the plan changes where necessary. Nevertheless, the new construction rights are not possible to achieve with plan changes, where they are not aiming public interest but clearly private ones. Therefore, the aim is to *withdraw the planning authority* from the process and *open a new way for the accumulated capital in the most valuable parts of the cities*. As long as the public interest is ideological, this is also suitable for the *free free market aim* of neo-liberal policies, as stated in this study. Tourism activity in the urban centers may only be a land use function and the planning process defines it; according to our assertion, the effort to promote it as the dominant sector is a *suspicious* action.

On the other hand, the cases prove that *current* comprehensive approach of planning is not capable enough to implement any transformations and cannot resist public or private interests.

The given facts of heavy economic fluctuations, the pressure of unbalanced income distribution and migration, the cosmopolitan topography of the urban population, differences based on education and cultural background, the speed of ownership fragmentation and rents, all serve to impede the development of an urban, public and environmental consciousness, as well as, leaving the institutional meaning of planning undefined.

The problem, on the other hand, is the absence of long or short term, effective and applicable "planning policies" in efficiently managing Turkish planning hierarchy today. In this connection, for the solution of current and possible-future urban land use and planning problems, the accumulation and treatment of economic and socially created values in urban land, have to be discussed in a much wider spectrum of planning, with respect to the public interest concept; in order to realize the efficient-comprehensive structure of achieving a "just and equitable" treatment of urban land values in liveable urban spaces. Planning is neither a simple feature nor an instrument to be used as a standard and formal legitimization tool.

3.8. Public Interest Concept in Planning

The concept of public interest has only a "structural definition" (Akillioğlu, 1989:1) in jurisprudence, public administration disciplines and planning. The public interest concept may be evaluated according to several points of view, and different definitions are possible. It is a multi functional concept. On the other hand, it is impossible to find a properly defined

conceptual and practical "subject of public interest" in the planning literature; though, looking for such a "static - practical" explanation is meaningless within a sociologically "dynamic" social structure. The concept is comprehensive. It is a common point of any discussions, involving "ownership" and its social meaning. Because of this, different opinions have evolved. Here, the point is to identify the content, frame and use of the concept in planning which changes the ownership pattern (individual interest) for the sake of the public.

The rigid acceptance of public interest phenomenon as a concrete and static fact exhausts both planning and judicial processes and authorities. The acceptance of the concept as invisible also affects public confidence in the planning institution with its all components.

Hence the main subject of planning, the property, becomes simply an excuse for short term profit maximizing speculative investment tool in the urban arena, which sacrifices the aesthetic, hygienic, and other private property rights. Planning itself became the legitimization or controlling tool of this economic process. The point is; planning is always following this development where in fact, it should be one step ahead. On the other hand, the citizens now perceive the judicial review process of planning in a contradictory position to the public interest. The main reason for this distrust is the unplanned and contradictory practices of -again- other public authorities, say municipalities; such as the delay or ignorance of the suspensions of administrative acts (of development applications) by the court.

Another important subject is the sustainability of planning interventions. Today, planning decisions without applicable short and long term policies cause considerable problems. These actions have caused planning to lose its civil support and power. The lack of sustainability can be

analyzed under two subheadings; first one is the discontinuous, unsustainable structure of local government and the spontaneous intervention of central government. Local governments as planning authorities have always faced economic and political problems; a lack of funds, slow bureaucracy and technical problems. Because of this; planning authorities today face difficulties in formulating and applying fundamental planning cases; particularly where the development of metropolises will always force them to look after daily service needs. The second problem is the hidden danger of large scale urban development projects which lack short and long term supportive application policies. These projects first create an "economic lasso" for other possible future projects. On the other hand; the tradition of unplanned intervention which starts with development amnesties is still alive and can now be transformed to the unplanned intervention to the public lands and tourism center decisions by the government.

The point is the fact that all these authorities have their own versions of the 'special scaled' public interest idea. The difficulty is thus to define a concrete framework for the concept of public and related issues like public interest, public domain etc., which are produced in a shifting, interacting phenomenon called 'society'.

On the other hand while all these problems are discussed, two main mistakes are made. The first is, to consider the public interest concept as *an epiphenomenal concept* divorced from the main process of economic relations. With an approach like this, the concept of public interest is simply *an abstract phenomenon*. The second mistake is, to consider planning solely as a subject without reference to the planning institution, experience and process. In these conditions, planning becomes something in which the practical implementations are correct but which is nevertheless not working.

If we would like to explain the subject more fully, both planning and public interest concepts need to be allied to the capitalist relations of production.

In fact, the concepts of neo-liberalism, globalization and privatization are not just new fashions, but effective ideologies. With the onset of neo-liberal policies, the subjects of reduced government power and privatization of public services are contemporary, and it may seem that "reduced urban management" may also be on the agenda (Keleş, 1995:35).

As has been emphasized in this study, if either the planning process or public interest is explained in isolation from one another, it might lead to misinterpretation or missed points in the formulations (see: Ibn Rust, 1986:6).²⁴ At the same time, these two concepts may be allied to one another. Under these circumstances, planning becomes an unfair subject, and the public interest concept becomes more than ideological and shifts towards a metaphysical meaning. Actually, the separation of planning and public interest concepts from one another is another noteworthy debate. "Planning and public interest concepts cannot be separated from each other" (Boratav, 1995:26). Tekeli's observation is also very revealing;

In recent years, there are many debates, which ignore the public interest. Some writers who are against elitist planning practice, state that there isn't anything like the public interest, usually it is a ruling class' or planners' idea of interest. (Tekeli, 1995:22)

According to Tekeli, same counter opinions are also supported by the assertion that planners are mainly from the middle class and the public interest idea that they defend is the middle class's public interest:

The opposition also said that, actually the things which was presented as the public interest in planning,

²⁴ See: Public Interest chapter for 'Petitio Principi' and 'non causa pro causa' fallacies

constitute the balance of the bargaining process of different powers in the community. (Tekeli, 1995:22)

Again, according to Tekeli (1995:22) – which also resembles the legitimacy discussions – (see: Keleş, 1995:35) also:

If we planners, overlook the public interest, there will be nothing left in our hand except increasing individual opportunity. Not only planning but also public administration law will lose their support. To put forward the existence of a crisis in public interest depends on what the ontological assumption of human beings and community is.²⁵

On the other hand, “components which are expected to improve the welfare of community should find their expressions either as public or collective interest or just as a common political preference” (Boratav, 1995:27). What Boratav has stressed is that, “this is the obligation of government, otherwise the government will lose its public legitimacy” (Boratav, 1995:27).

As for Tekeli, there can be another ontological assumption:

we can accept the existence of a community that all individuals are in relation. Which means individual and community exist as ontological. An individual should

²⁵ Ontological: relating to or based upon being or existence

The extreme ontological assumption is the assumption of organic government, and this accepts community as the only ontological level. In this concept, individual does not have any interest, a common interest arises from an unknown foundation. The individual interest is identical with the communal one. Other radical ontological assumption supposes that community is atomistic. In this context, public interest formed out collectively with the interests of the individuals. However, we should also mention about a public interest. Because, when individuals use their freedom in a liberal community, this limits the freedom of other individuals especially if they are living in a urban area and as a conclusion nobody can use their freedoms. In a community like this, in order to realize the freedom of individuals, some organizational arrangements should be conducted at the communal level even they can be very limited. This necessity of minimum arrangement will determine the limits of the liberal public interest. (Tekeli, 1995:22)

accept that, with his selections/preferences (by accepting the existence of the society), he can change the community. Under these conditions, there should be a good community that can be formed by the reconciliation of individuals. Hence, the public interest was established with the help of this commonly produced community understanding. It is historical. It is open to individuals development; its range can be expanded with the political struggles of an individual and communities in time. Whether the restricted means of liberalism or expanded means which depend on the acceptance of the community agreement, these concepts will have positive values which were described by the planner. (Tekeli, 1995:22)

The planning's solution may be the coordination with a comprehensive tourism Macro-Plan which has been developed with reference to the defined national tourism interest, concerning the planning institution and supported by applicable short and long term policies in the regional planning hierarchy. In this frame of reference, it is much more reasonable to conceptualize the place of planning and other public authorities and the public interest without conflicting with the ideologies. As long as the public interest is defined at the ideological level, these kind of sustainable tools are important where the general policies and approaches are changing rapidly in developing countries. Sustainability must be the main specification in tourism planning approaches to guarantee the adoption of transformation in the long term.

CHAPTER IV

THE CONCEPT OF TOURISM AND TOURISM CENTER DECISIONS

In this chapter, the tourism sector, its development and importance within the Turkish economy will be briefly discussed and the concepts of tourism centers will be scrutinized with reference to the planning concept and public interest.

The demand for liberal economic policies are directly related to the lack of capital and technology, which are required to develop the necessary infrastructure in developing countries. According to Martin (1995:27) "even if the outer inspiration of economic policies does not occur; they will constitute one of the basic problems of development". The point that Martin argues here is, the crucial need for technology and capital especially for energy and telecommunication, and they will be supplied by the foreign capital. These important sectors are the favorites of international ventures. On the other hand, these demand and supply systems have created a spiral effect:

Demands from global businesses for the re-organization of utilities to meet their needs has been one of the major pressures on governments to divest or deregulate those sectors. (Martin, 1995:27)

In general, the approach to tourism in developing countries or in countries where the concept emerged more rapidly than expected, might be

formulated as follows. Tourism increases national income and ceases the bottleneck of foreign exchange, which almost all developing countries have faced. Turkey is one of the countries, which have this problem chronically; Turkish foreign dept has increased rapidly after 1980 (Çavdar, 1992:229). According to this economy oriented view, tourism will help decrease the external trading debt and it is one of the key sectors in the provision of development for the country. (*It is the Industry without a Chimney*) So, the main goal of tourism policies can be summarized as the provision to increase the bed capacity, at any cost (Günay, 1982).

In fact, tourism should be considered within the main recreational planning of the country, however, its sectoral impact on the increase of foreign exchange and national income should not be neglected. While the recreation and tourism development considered together, conservation should also be included. (Günay, 1982 and Expert Reports)¹

So, the concept of tourism planning should not be reduced only to planning works dealing with land allocation and physical arrangements for tourism needs. It is a part of comprehensive regulations including recreation and conservation notions. According to the spatial specifications, it also becomes an important component of coastal planning or a significant element of urban recreational systems, as noted almost in all the expert reports. In Turkey, tourism is usually accepted in accordance with the first approach and its main target was perceived as to improve the "external payment balances" (Expert Reports).

As the facts of Turkish economy considered, the main purpose of tourism became the 'increase in bed capacity', which would automatically increase revenue. This presumption, in fact, is the essential point of public

¹ The references have been made to the common definitions and interpretations found in these reports.

interest concept generated by neo-liberal policies regarding this sector. If the aim is to increase welfare with the help of tourism investment; then they are for the common welfare of society. The size and content of the public interest has been extended to the national level without considering the transformation in its essence and policies. The acceptance is clear: tourism is necessary at any cost and the ones who refuse it are against national development.

It is a clear 'ignoratio elenchi', the third fallacy of Ibn Rusd,² which is to ignore the essence of the question, therefore to come to a solution which is irrelevant to the main problem.

New comprehensive approaches of both tourism sector and planning are necessary for the progress in the resolution of conflicts where the atomistic and independent spatial re-organization interventions can not be defined as planning approaches. The importance of tourism to the national economy will increase and both large-scale national metropolitan and international capital will be the investors. The sector has also some problems due to the rapid growth in capacity. Göymen summarizes them as;

the balance between public and private investors/institutions and cooperation have to be re-evaluated according to the specific conditions of Turkey; institutionalization has to be achieved immediately in the private part of the tourism sector; and the investments in new technologies which will increase the chance of competition have to be synchronized and coordinated. (Göymen, 1997:32)³

In addition to the existing problems of the tourism sector, *the atomistic planning approaches* will continue to create environmental

² See public interest Chapter for detailed footnote of the Fallacies of Ibn Rusd.

³ The use of technology and the number of professionals will determine the inner and outer competition in the sector. (Göymen, 1997:32)

destruction in both urban land and nature. The lack of comprehensive approaches to planning will result in unfairly distributed and locally useless revenues to be accepted without evaluation by the public and this will incite existing regional unbalances.

4.1. Tourism as an Economic Sector

In the period of 1960-75, capital investments in tourism were realized on a small scale from local bases. Capital preferred to deal with sectors that were more profitable (Eraydın, 1997:33). Tourism was the sector to realize a small amount of capital, which could not have been transferred to the industrial sector in the national economy at the local level. Land speculation in coastal areas and the construction of secondary houses (auberges) reached a very high level. An important amount of land which formed one of the main tools for the investment of metropolitan capital after 1980, was transferred from local owners during and especially at the end of this period:

Under these circumstances, because policies and incentives were provided for more productive investments, tourism investment remained limited. Tourism has been successful in attracting the small capital. In these period, especially those local investors who owned the land constructed small-scale touristic establishments." (Eraydın A., and Eraydın H., 1989 and Gönlüm, 1992:50)

Later, as a result of the legislation process of Tourism Regions, Areas and Centers, the land that was owned by small-scale local capital groups played a determinant role. "The land on which small scale touristic establishments and second houses were constructed in this period has been determinant in the definition of TRAC" (Gönlüm, 1992:50).

Between 1975-82, with the impacts of international crisis, although industry remained the highest investment sector, the ratio of profitability decreased and income distribution deteriorated (Eraydın, 1997:34).

The increase in rent and surplus revenues obtained by the shortage of the market caused an important accumulation. Most of that accumulation has been transferred to the tourism sector after 1983. In 1983, an important increase in the tourism investments can be observed.(see: table IV.1) (Eraydın, 1997:34)

4.1.1. How the Concept of Tourism Developed as an Important Sector

The first task on this issue was given to the Ministry of Development and Public Works in 1960 and the determination of 'touristic public improvement (imar) regions' study was initiated. Later, this task was handed over to the Ministry of Tourism, founded in 1963, and the duties expanded as 'to carry out every kind of investigation and study in order to appraise/evaluate the touristic means/opportunities' (Expert Reports):

In this context, the first regional study was "Physical Development Investigation of West Aegean", completed in 1968, and in this study the areas, which the investment would be concentrated, were identified. The main aim of this study was to encourage the investors by carrying out the infrastructure planning. (Expert Reports)

In this way, physical-planning activities in tourism continued from the 1960s to the 1980s including both social and economic analyses which depended on dense area researches. Detailed studies were completed on land use patterns, communication systems, natural data and environmental impacts and great efforts were made to make the decision-making process more systematic:

During these two decades, 1/25.000-scale regional plan decisions were produced depending on strategy plans of 1/250.000 scale planning policies. Afterwards plans and projects were developed within a wide range of architectural details of design including streets, structures/buildings, etc. In the above-mentioned context, two different types of plan were developed: **Environmental Development Plans: (Çevre Düzeni Planları):** 1/25.000 scale Environmental Development plans were produced for the regions where important tourism resources were dense. In these plans, tourism investment regions were indicated and the important leading decisions on infrastructure were created. People/establishments that wanted to make investments in tourism consulted to the Ministry and received information about appropriate areas. They could receive credits for the construction and furnishing (tefrişat), but the support of the government for general infrastructure issues was limited. (Expert Reports)

The second type of plans were the following at the application stage.

Tourism Development Projects: (Turizm Gelişim Projeleri): With regard to the direct application planning, Ministry of Tourism identified the high potential tourism areas where vast tourism development could be implemented. Ministry had the property right and created 1/1000 scale plans submitted for the approval of Ministry of Public Works and Development. In this type of development areas, general infrastructure and the regional development services and expenses afforded/supplied by the public, and for the investors, property rights are presented as territory share, partnership or by long-term leasing/franchising of parcels. (Expert Reports)

After 1980, investment in tourism made important steps with the implementation of liberal policies in the national economy. Foreign capital was also invested in the sector. In this period, the number of small investors decreased and big firms having large capital emerged. Since they were larger and more organized, their spatial tendencies were different (Eraydın,

1997:34 and Gönüm, 1992:51). According to Eraydın, the increasing accumulation of metropolitan-based capital in the tourism sector can possibly be explained through;

- capital accumulation,
- know-how in the construction sector,
- equipment and professional stock and
- decreased investment costs because of the coastal area investments done within previous years (Eraydın, 1997:34).

The existence of international crisis also decreased their profit especially in the international consultancy and construction works.

Table IV.1
Investments in Tourism Sector by Years⁴

Years	Public Sector (billion TL)	(million USD)	Private Sector (billion TL)	(million USD)
1972	6.452	16.130	4.011	10.028
1975	7.529	18.823	5.134	12.835
1980	4.986	12.465	6.514	16.285
1981	6.044	15.110	6.654	16.635
1982	5.360	13.400	7.075	17.688
1983	6.465	16.163	7.775	19.438
1984	14.400	36.000	15.700	39.250
1985	18.200	45.500	35.900	89.750
1986	14.006	35.015	13.888	34.720
1987	14.951	37.378	15.402	38.505
1988	15.970	39.925	17.097	42.743
1989	17.050	42.625	18.950	47.375

⁴ Turkish Background Report on Selected Environmental Topics, Ministry of Environment, 1990, p.I-46

As noted above, mainly the advantageous coastal land purchased cheaply during 1960-75 provided the main means for investors to decrease investment costs:

In 1987, 75.5 percent of all touristic establishments having operating certificate was realized by the local capital. 24.5 percent of that was based on the capital coming from outside the town. (Eraydın and Eraydın, 1989:160 and Gönlüm, 1992:51)

This situation confirms the characteristics of 1960-75 period.

New regulations of liberal policies accelerated the entrance of international capital into the sectors via joint venture investments. In 1980's, the results of the crisis were still somehow effective, and foreign capital needed new international investments.

During the same period, the growth of capital in the tourism sector appeared because of certain changes related to tourism. In order to create a more suitable for environment developing tourism, several changes were made in economic, political, social and administrative fields. (Gönlüm, 1992:51)

That was a natural development process when we consider the liberal policies, the sector was ready and of course, the conditions had been re-organized. Then came the 'economic stabilization program starting from 24 January 1980'.

The economic policies initiated after 24 January 1980 "stipulated that the public sector should not compete with private enterprises which had potential success in the tourism sector" (Gönlüm, 1992:52). That was the expected point and then, "Therefore, the task of the government is to organize the tourism sector as a contribution to the economy" (Gönlüm, 1992:52). The Tourism Encouragement Law was enacted in 1982.

4.1.2. Tourism Today and New Program for 1999

The demand of international tourism has shown an increase of 45% within last 10 years and international income of tourism has reached to 450 billion US Dollars in 1997. In the year 1998, the total number of tourists expected as 632 million with a revenue of 480 billion US Dollars. (DPT 1999)

Again, the revenue share of Turkish tourism within the International Revenue from tourism has increased from 3 per thousand to 1.4% between 1987 – 1997. The number of tourists has increased from 2.8 million to 9.7 million (in 1997), the number of certified beds has increased from 106.000 to 348.000, (together with municipal certified 362.000 and secondary houses of 220.000, the number is more than 1 million) within the last 10 years (1987 – 1997). There are 4300 certified tourism agencies in the sector. (DPT 1999)

In the year 1997, 9.7 million tourists visited Turkey. The revenue of this sector has been realized as 7 billion US Dollars. Turkey is the 14th highest according to the number of tourists and 8th highest in terms of tourism revenue among 10 European countries which had the highest revenues. The number of tourists is expected to be 11 million with the revenue of 7.6 billion US Dollars. The forecast for the year 1999 is as follows: an increase of 11.8% in tourism revenue resulting 8.5 billion US Dollars. (DPT 1999)

In the year 1998, shares of manufacturing, energy, transportation and housing sectors have increased, where agriculture, tourism, health and other ones have decreased in the investment of capital expenditure.

A real increase of 2.3% in the Investments of Private Capital Expenditures was realized in the year 1998. The primary sectors were agriculture, transportation, communication, tourism, education and health. The decrease in private investments of the housing and manufacturing sectors is expected to continue.



Table IV.2
Developments In Tourism Sector

	1997 Realized	1998 Realisation Forecast	1999 Programmed	Average Increase (%)	
				98/97	99/98
Number of Tourists (x 1000)	9.689	11.000	12.000	3.5	9.1
Number of Citizens went Outside for Tourism (x 1000)	4.633	5.000	5.500	7.9	10.0
Tourism Revenues (million \$)	7.002	7.600	8.500	8.5	11.8
Tourism Expenses (million \$)	1.716	2.000	2.200	16.6	10.0

Source: DPT 1999

Table IV.3
The Sectoral Distribution of Capital Expenditure Investments
(Percentage distribution with current prices)

	1997			1998 Realization Forecast			1999 Programmed		
	Public	Private	Total	Public	Private	Total	Public	Private	Total
Agriculture	10.9	4.3	5.8	7.7	4.6	5.3	7.5	4.7	5.4
Mining	1.6	1.1	1.2	1.7	1.2	1.3	1.7	1.2	1.3
Manufacturing	2.5	22.8	18.2	3.1	21.1	16.8	4.0	20.5	16.6
Energy	12.8	3.9	5.9	15.7	3.1	6.1	15.9	3.1	6.1
Transportation	33.6	21.4	24.1	36.1	22.6	25.8	30.6	23.4	25.1
Tourism	0.8	2.5	2.1	0.7	3.4	2.8	0.7	4.1	3.3
Housing	1.5	36.4	28.5	1.7	34.9	27.0	2.4	33.4	26.1
Education	12.6	1.1	3.7	10.6	0.7	3.1	13.5	0.7	3.7
Health	4.4	2.9	3.2	3.8	4.4	4.3	3.8	4.9	4.6
Other	19.2	3.8	7.2	18.9	4.0	7.5	19.9	4.0	7.8
TOTAL	100	100	100	100	100	100	100	100	100

Source: DPT 1999

4.2. Tourism Encouragement Law

However, in 1980s, it was understood that the bed capacity was still insufficient; tourism investments were not encouraging for the big capital investors and despite the planning, investors were not attracted by the credits (Expert Reports). During the same period, a bottleneck in external payments occurred and the need for a foreign exchange mechanism reached the highest level. Under these conditions the Tourism Encouragement Law, no. 2634 was enacted on 12.3.1982. In short, the goal of this law was to solve the land/property problems of the areas which had been assigned for tourism, to accelerate allocations, increase credit options, and for facilities to use the advantage of the local and national governmental infrastructures:

The objective (item 1) and concept (item 2) of the law is also taken into account in the same aspect. The main objective of the law put forth as 'to provide the necessary organization and take the necessary precautions that will organize, develop tourism sector which would bring a dynamic structure and mechanism'. (Expert Reports)

In order to reach this objective the law should bear judicial decisions for:

The tourism service and in order to provide these services identification and development of Tourism Regions, Areas and Centers and encouragement, management and control of tourism investment establishments. (Expert Reports)

Thus, central management could provide a more effective role in tourism by increasing the control and authority of the Ministry:

In the above mentioned context, Regional Development Plans were prepared for the Çanakkale-Antalya coastal zone and some inner areas which have specialties like Cappadoccia; and also tourism development projects were put into practice at Side, South Antalya and Köyceğiz. Thus, creation of organized tourism areas like

organized industrial regions could be conducted and investments can be concentrated at these areas. In tourism, physical planning studies were supported by credits, investment on infrastructure and land assignments. In Turkey 75 % of public sector and 25 % of private sector joins the tourism investments. (Expert Reports and Günay, 1982:333)

Concepts such as Tourism Region, Tourism Area and Tourism Center replaced the previously held notions of the Tourism Development Region, Tourism Development Area, Organized Tourism Region which were defined in the development period of tourism planning, by Expert reports:

The Law gives a legal nature to these definitions and indicates the application tools in the area of investment. In short, concepts considered in the planning literature, transformed into legal status. On the other hand, we would like to express that Tourism Region, Tourism Area and Tourism Center were developed as being the activity areas of tourism sector. And from the planning principle point of view the named qualifications should be taken into consideration. (Expert Reports)

Tourism Encouragement Law is arranged in six parts and composed of 40 articles. The purpose of the law, as mentioned above, is 'to regulate, develop and provide for a dynamic structure and operation of the tourism sector.' The law comprises provisions for governing the tourism sector, including definitions of tourism regions, areas and centers (TRAC), the establishment and development of such regions, areas, centers, and the encouragement, regulation and inspection of tourism investments and facilities. All planning and implementation studies according to the law were made for the physical units as defined by the law.

Tourism regions are the regions, boundaries of which are determined, following proposal by the Ministry, by the Council of the Ministers.

Tourism areas are the areas within tourism regions where high priority may be given to the development on account of the existence of scenic areas and sites of historical and cultural interest, the boundaries of which are determined and announced, following proposal by the Ministry, by the Council of Ministers.

Tourism centers are those places important to tourism within or outside tourism regions and locations, the boundaries of which are determined and announced, following proposal by the Ministry, by the Council of Ministers. (Tourism Encouragement Law, Sect.1, Article 3)

Although these concepts are not new, "the law provides them a legal status, determines the incentive decisions and the tools for the implementation process" (Gönlüm, 1992:54).

It can be said that the most important measure of the determination of TRAC is land allocation. In TRAC, where the infrastructure is provided by the State, State owned lands may be allocated to investors on long term lease (maximum 49 years) (Bylaw for Public Land Allocation for Tourism Investments, Sect.1, article 2). The determination of TRAC is mostly intense in those areas where large amounts of public land exist. In TRAC, public owned lands are transferred to the Ministry of Tourism. Investment and running certificates are taken from the Ministry:

This bylaw; comprises expropriation, allocation to the ministry, land registration, allocation to the investors leasing and establishment of easement of immovable, defined for touristic purposes by development plans in tourism regions, areas and centers and provisions governing term, cost, termination of rights and other particulars of these procedures. (Gönlüm, 1992:56 refers the Bylaw of Encouragement Conditions and Incentives, 1987:66)

Here, the criteria for the declaration of Tourism Centers (determined by the Ministry) are necessary to search for later critics of inner city implementations:

within the existing infrastructure, the areas located at a distance of at most 2 hours from air and sea ports,

the areas which are specialized in social and technical infrastructure of accommodation, shopping, transport, communication, entertainment etc.

the areas which can bring the highest exchange return via investments,

the areas where tourism and other labor force activities depending on tourism are the basic sectors,

the areas having a population whose amount is determined by the Ministry,

the areas which can maintain daily visits by means of both sea and land transportation modes to reach the natural, historical and cultural attractions,

the areas where most of the land is allocated for tourism purposes in regional plans. (Gönlüm, 1992:60 source: Criteria for the Determination of TRAC,1985:2)

4.2.1. Debate on the Planning Approaches: Comprehensive Planning vs. Structural Planning

Up to 1980s, tourism planning had been considered as the plans for specialized activity areas (housing, camping, recreation, hot springs etc.).

Later, it was observed that multifunctional areas, which should be taken into consideration as being a part of comprehensive planning, were declared as Tourism Centers and handed over to the tourism sector. Although Tourism Center declaration was perceived as a border recognition, in fact it turned out to be a planning decision under the jurisdiction of Law No. 2634. Item 7 of the same law states that,

Pre-Development Plans are under the supervision of Ministry of Public Works and Development and implementation plans are under the supervision of Ministry of Tourism. As per item 8 of the same Law, Treasury, Forest, Public and all real person's territories can be allocated for the Ministry of Tourism. Under these circumstances, supervision has been given to the tourism sector in multi-sectoral areas, that is to say cities. (Expert Reports)

While determining tourism regions, tourism areas and tourism centers, historical, archeological, socio-cultural tourism values, winter, hunting and water sports and health tourism and other tourism potential should be taken into consideration. "The Formation of the Working Groups and their Authority and Working Style for identification of Tourism Regions, Tourism Areas and Tourism Centers Regulation/Bylaw" states that the rules and authorities of the working groups will be established as follows for the identification of tourism areas:

Tourism Regions, Areas and Centers are always designated as being the part of a *comprehensive planning* activity and concepts are defined accordingly in the Law. Due to this, Tourism Centers should be the places, which have touristic priority. Tourism should be directed to natural, historical, archeological tourism values, winter, hunting and water sports and health tourism which can offer racing opportunities on worldwide basis and should play an important role in the evaluation of touristic resources instead of places where people visit for daily purposes or business purposes. (Expert Reports)

While the law aimed to solve the territory and ownership problems in the areas where comprehensive planning activities were conducted with regard to the values defined, in fact, singular facilities which have non-touristic functions were also included and used as a tool for more sophisticated development plans in the cities. Especially, "Tourism + Business Center or Tourism + Trade" concepts appeared as a conclusion of these kind of implementations. Expert Councils believe that these types of samples should not "constitute an example"(Expert Reports):

It was understood that these types of facilities which used the advantage of the encouragement measures after the law did not give the expected results, and regulation was re-organized. (Expert Reports)

The most important impact of the Tourism Encouragement Law was the provision of area allocation and property rights solutions in areas of tourism priority. In this direction, every kind of encouragement were given when a Tourism Investment Certificate was received and when it was within the Tourism Area or Center. Lately, a change in the 16th item and an amendment of two items to the Tourism Encouragement Law No. 2634 on 30.5.1991, which was published at the Official Gazette on 6.6.1991, suggested that:

investments and facilities which have a tourism certification pay electricity, gas and water fees from the lowest grade that is applied to housing and industrial facilities in that region. (Expert Reports)

Starting from the 1920s, *comprehensive planning* has been the basic approach, which supervises expansion of cities, macroform, land use and transportation. In this type of planning there are three main phases: "research, analysis and planning." Every kind of data related to the area that is going to be planned and also different sectoral researches and analysis are

taken into consideration and used in the planning of zoning a approach.

Under these circumstances:

As it was stated at the 4th item of the Law, the region that is going to be identified as Touristic Center should have historical, archeological, socio-cultural tourism values, winter, hunting and water sports and health tourism and other tourism potential, and also from the planning point of view Touristic Centers should be places where direct investment should takes place.

In the Multi-sectoral areas, areas where allocated for tourism in the plans which were developed with the comprehensive planning approach, if necessary, can be announced as Tourism Center. This subject is explained at the 3rd paragraph of item 7 of the Law.

Research and analysis are two very important phases of the sectoral planning. However, as stated before, Tourism Center is not only the border determination but it is a decision which effects planning process directly. (Expert Reports)

4.3. The Problems and Conflicts with Planning Decisions

4.3.1. Local Government versus Central Government

A vast number of debates took place about the identification and authorities of tourism Centers in trial files. In this context, the tension between local and central governments has effected the planning principles and public interest concept. According to the outdated Development Planning Law no. 6785, the authority is given to central government, however, the approach of Municipality Council is very important in every plan and plans are subject to discussion within these organizations. Development Planning Law no.

3194, given the authority to local governments except the status mentioned in the 9th item (later the 9th item was canceled). During the planning activities between 1970 and 1980, tourism activity areas were not run over and no contradictions occurred with other planning decisions. In this regard, because only the untouched areas were planned, this subject was brought into attention. (Expert Reports)

Actually, the descriptions considered in Tourism Encouragement Law were enacted in 1982 and they were directed to the areas, which were outside the jurisdiction of local government. In this manner, only the 3. paragraph of the 7th item referenced to this kind of relations and it was said that:

out of the tourism areas, inside the municipal area and neighboring area and areas which were allocated for tourism, where a facility that had a certificate or demands of the Ministry requested for development planning should be carried out. (Expert Reports)

However, in subsequent years, it can be observed that municipal areas which, has different sectoral activities were announced as tourism centers under the authority of the Ministry.

We would like to repeat again that, this should not be accepted as a border identification, because it has a negative effect on existing development planning decisions. This approach causes frustration between local and central governments and has created disagreements both for planning principles and public interest. We can observe that this subject cannot be clarified by legal discussions. (Expert Reports)

Although it is not clearly stated by the Laws, from the public interest and planning points of view, it will be very beneficial if central government and municipalities can carry out planning and border

identification activities together, especially within municipal borders and in neighboring (mücavir) areas.

In the old Development Planning Law No. 6785/1605, a central authority had the right besides approval at plans, to carry out plans according to items 26, 29, annexed items 7 and 8 of Amendments. Whether these items or 9th item of new Law No. 3194, are designed and used for regional or sectoral plans and for the issues having strategic importance. In contrast to the nature of the Law, issues related to the identification of borders and approval of the plans which have been carried out by the central authority within the municipal borders increased tension between central and local administrations. (Expert Reports)

Consequently, the tourism Center concept should be interpreted within the context discussed above and should be evaluated as part of the tourism sector.

By this time, (the mid-80's) the court had canceled some of the TRAC decisions and approaches. The cancellations have been made by the decisions of the Council of State. Certain local administrative bodies and the Chamber of City Planners had sued the Ministry to cancel some of the tourism area and center decisions. On the other hand, the declaration of TRAC mainly in Istanbul and other metropolitan areas resulted in certain significant problems. TRAC declarations mostly aimed to create incentives. *This kind of declarations were independent from the general logic of urban planning. These destroy urban development dynamics.*

On the other hand there were other kinds of departure from the TRAC recommendations. The Land Allocation part of the law (article 8) has been enlarged by a protocol signed between the Ministry of Tourism and the Ministry of Finance and Customs in March 18th, 1986. Public lands whether in TRAC or out of it were transferred to the Ministry of Tourism and allocated to

tourism investments. Then, in order to increase the bed capacity, public lands out of TRAC were allocated without proper plans. *This process served to enhance speculative investments.* In addition, the seeds of future authority conflicts were generated. For example, the Ministry of Forestry can allocate forestlands to tourism investments without looking for necessary TRAC conditions:

After 1982, certain towns, which planned before, have been declared as TRAC. Those declarations have created a negative pressure on their planned development towards one specific sector. This situation is against general principles of planning. (Gönlüm, 1992:99)

TRAC appears to have neglected the current planning costs and plans in use. This is the first thing to be evaluated during the judicial review process.

The definitions of TRAC in the law have no arguments about the TRAC declaration for multi-function settlement areas (Gönlüm, 1992:101). According to Planning Law 3194, all the planning approvals are made by local administration. On the other hand, according to the Tourism Encouragement Law, in TRAC, while approvals of 1/25.000 and 1/5000 scale plans are made by the Ministry of Public Works and resettlement, 1/1000 scale plans relevant to tourism are approved by the Ministry of Tourism. The cancellation of more than 50 TRAC decisions of original declarations simply proves *that there is a conflicting situation on the administrative base.* It is also evident that public land allocations out of TRAC areas have led to problematic and unplanned tourism investments which conflicts with the essence of the TRAC mechanism and the public interest that TRAC defends. *It has become a legitimization tool to maximize individual or defined sectors institutionalized interest groups.* General problems in the procedure are summarized by Gönlüm (1992:106-107) as follows:

at the determination stage of TRACs; insufficient analysis studies have created conflicts with planning authority, TRAC became a legitimization tool for incentives, TRAC created unplanned tourism investments,

at the planning stage; planning approach that TRAC uses is unable to cover complex urban integrity, TRAC decisions have guided an increase in capacity without considering the current urban infrastructure and environmental impacts, TRAC decisions have not been based on integrated regional plans,

at the implementation stage; TRAC in settled areas have caused administrative conflicts between different administrative bodies, in order to increase bed capacity the main objectives of TRAC have been ignored, even the capacity have been forced to be increased during the implementation process. (Gönlüm, 1992:106-7)

4.4. Common Interpretations In Expert Reports⁵

4.4.1. Evaluations about Selected Cases

- Identification and announcement of tourism center is not the only determination of the border. This situation is clearly understood when we investigate jurisdiction and activities carried out by the Ministry and 3rd and 37th items of Law no. 2634 and,

a) Regulation about "Development Planning Preparations and its Approval at Tourism Areas and Centers, dated 27.1.1983;

⁵ This section has been prepared by a research on expert reports of the selected cases. **Expert Reports**, unpublished reports, submitted to 6th Council of State between 1986 – 1998, prepared by

- b) "Formation of Working Groups and its Duties and Authorities and their Working Style for Tourism Regions, Areas and Centers", dated 27.7.1983
- Tourism Encouragement Law is dated 12.3.1982 and the Regulations mentioned above have been used for the transfer of the Law into life and they are dated 1983. During that date, Development Plan Law 6785/1605 was in force. The Ministry of Development and Public Works has the authority in the preparation of "pre-development (nazım) plans" and development plan implementations. The decisions about tourism were undertaken without any conflicts with pre-development plans and development plan implementations, physical planning approaches were not evaluated on a sectoral basis, and followed-up comprehensively and supervised by the Ministry of Development and Public Works. The areas, which have priority in tourism, are generally selected and planned in the Regional Development Plans (1/25.000 scale) and the areas were out of the Municipality borders. When we have a close look to the Encouragement Law sentences/verdicts, it can be foreseen by the Ministry that the Tourism Region, Area and Center descriptions, determinations and planning as being to tool of tourism sector development and also suitable to the approved plans by Ministry of Development and Public Works (item 7, paragraph 2)
 - When we pay close attention to Encouragement Law No. 2624 (item 6 and 7) it is clearly seen that, the pre-

preparation planning and development planning suitability were considered. When the Regulation dated 27.1.1983 was examined the process that should be followed for Tourism Area and Centers, the development plan and places that have no development plan (pre-permission, plan preparation phases and approval) is explained, including additional physical development plans. They are under the investigation of Municipalities within the municipal and neighboring areas. The authority is Governor out of municipal borders. The City Council decides and then forwards to Ministries for approval. After the approval, they are announced by the Governor, City Council and Municipalities (items 7, 8, 12 of the Regulation). Again it is stated in the 13th item of the same regulation, this regulation is in force instead of old dated Development Planning Law no. 6785/1605 Amendment 7 and 8 (items 3.01 and 3.04); as it can be understood from this item, development planning is related to Tourism Regions, Areas and Centers, its aim is to have the supervision of planning and construction related to the existing development plan as stated in the Amendments 7 and 8 and development plan dated 1975.

- Regulation was prepared for the identification of Tourism Region, Area and Centers, which was foreseen in the Law no. 2634. The representatives of this commission should take into account the evaluation of the approaches of their own organization for the identification of Tourism Areas and Centers together with the verdicts of Law no. 2634. As an example 7th item of Law no. 2634 states that, Ministry of

Development and Public Works has the authority of pre-development planning, maps and coastal zone determination and Ministry of Tourism has the authority to approve the development implementation plans in compliance with the approved pre-development plans. Consequently, the responsibility of Ministry of Development and Public Works continues for the identification of Tourism Region, Area and Center, planning and carrying out changes according to the Law no. 2634 and its regulations.

- What the lawmaker wants to underline in the 7th item of Law no. 2634 is, Ministry of Development and Public Works and Ministry of Tourism are the Ministries which are responsible for the pre-development planning and development planning implementations for the areas out of municipal borders/areas and they both can use their authorities for making changes for tourism functions with regard to the above mentioned places, however, Ministry of Tourism do not have direct approval for implementation plans.
- In summary, we can not say that Law no. 2634 has prepared for encouraging the development of tourism and organizing this sector in a planning discipline has formed its basis.

4.4.1.1. Coastal Zones

- Old Development Plan Law no. 6785 which determined the principles how to organize the coasts and Regulation related to the amendments 7 and 8, together with Coast Law 3086 which was cancelled/anulled by Court of Constitution, has the following in common: coast should be under the authority and possession of the government and everybody

should have the right to take advantage from the coast free and equal. The same manner accepted in the Coast Law no. 3621, dated 17.4.1990 and has expressed the public benefits in the usage of coast and coastal zones. The new law has brought an important change: at the coasts where the development implementation plan is carried out, the width of the coastal zone increased from 10 meters to 20 meters.

- In Turkey, with the tourism activities, how to use the coastal zones comes into light. And it was realized that, the so-called second housing and housing investment and tourism recreation were contradictory. Whether the regulation on coast or in the planning context, the following principles were dominated for the usage of coasts and inner parts:

- Coast is under the authority and possession of the government, and everybody has the right to take advantage free and equal.
- The zone should be open to public and will be allocated for open area or pedestrian ways.
- Housing investments will take place at the inner parts.
- These principles have gained importance especially at the cities where coastal zone uses are intensive. In these types of profound developments, the coast should be assigned to more beneficial activities than swimming. From now on, taking the advantage of the coast is true for every citizen, not only the ones who are living on the coastal zone.
- However, due to the sectoral economic pressure of tourism, compromises were delivered and observed that many touristic facilities had broken the "every citizen can get

benefit from the coasts / coasts are open to every citizen" principle. Because the tourism concept only considered as increase in foreign exchange balance and bed capacity. The same subject comes into surface during trials. Whether the natural beauties and zones which form the coasts will be under the rule of tourism facilities or will be the property of the whole city/urban area.

- The attitude that supports the tourism facilities prefers not to let native people to be in touch with other and also to maintain supervision. Yet, in the long run, instead of forbidding communication between tourist and native citizens, with the help of social education and training to have a more solid and healthy base. Coast is a component that joins everybody together and this identity should be preserved.

4.4.1.2. On the Housing Development at the Coastal Zone

- With regard to the improvement in tourism and recreation areas, two different uses become effective. At metropolitan cities while housing and tourism facilities are built together, at the undeveloped coastal areas, secondary housing and coastal tourism happen to become competing with each other.
- The allocation of coasts as being first priority to tourism and recreation areas, this approach was reflected to coastal planning at the society's expecting long term benefits from this sector. As mentioned before, in Turkey regulations concerning the coastal zones developed according to this

approach, and for Coastal Laws the definition of “buildings for community benefits” was put forth. According to the Law these type of structures are:

- Facilities determined or approved according to regulations, with standard price lists for the use of everybody free and equal.
- The assignment of a specific area for buildings for communal uses behind the coastal zones.
- To alter the parcels at the beginning to tourism facilities and then to housing area is not an appropriate implementation from the planning principles and public interest point of view. They should be preserved for the following developments.
- To carry out alternations in each parcel is against the comprehensive planning principles. Plans are not obliged to meet owners’ personal investment demands. Owners are obliged to apply the demands of planning and public interest principles.
- In the long term, excessive housing and natural environment destruction will cause a negative impact; due to this before having the plan of the whole region, parcel based implementations should be prohibited.

4.4.1.4. On the Approaches to the term Coast, Coastal Zone, Sea Shore

- Touristic activities that started after 1950s and 1960s accelerated the inclination toward the coasts and two main construction trends have ruled the costs. The first trend was tourism activities itself, second one is the secondary housing, once local then attracted investors from other cities. By time, these two investment trends showed disorders with natural and historical environment of the country and the protection content which was already neglected during that time, started gaining importance in recent years.
- According to a study which was carried out at 1985, the plans conducted for Aegean and Mediterranean coasts with bed capacity allocated for tourism facilities and secondary buildings are:

Table IV.4

Bed Capacities in Aegean and Mediterranean Coasts in 1985

Regions	Tourism Bed Capacity	%	Secondary Housing Bed Capacity	%	TOTAL	%
North Aegean	24 700	2.5	32 000	5.6	56 700	3.6
Aegean	318 300	31.9	252 300	43.9	570 600	36.2
South Aegean	285 500	28.6	185 300	32.2	470 800	30.0
West Mediterranean	210 200	21.1	25 000	4.4	235 200	15.0
East Mediterranean	158 900	15.9	80 100	13.8	239 000	15.2
TOTAL	997 600	100.0	574 700	100.0	1 572 000	100.0

Source: Günay, Tuba., UNEP Priority Actions Programme, Mediterranean Action Plan, Management of Coastal Zones in the Med., 1985.

- Tourism Development Projects gained importance, and as a result the bed capacity was reached to 292.000 in October 1996. Bed capacity around 300.000 is still under construction. With this point of view, Turkey has reached to

a bed capacity that can compete with other Mediterranean countries. On contrary, secondary housing investments have destroyed natural and historical environment. The table given above shows the pressure on the coastal regions by showing secondary housing only in Mediterranean and Aegean coasts and areas allocated for tourism. When we assume that all above-mentioned areas are constructed, the coast that is the main resource of tourism itself is confronting the danger. As a conclusion of these observations, development in the sector does not only mean increase in bed capacity but also creation of comprehensive organizations for recreation and protection principles.

- Due to this issue, to add the parcels to the big tourism areas accepted as logical as being Tourism Areas. The main objective here is to use the coastal zoning in a more beneficial way. In the development of Tourism Area and Center, the same logic was used and this has created massive regions for tourism services. In the Tourism Areas, which are planned to work as Organized Industrial Regions, property rights are gathered and only the facilities that give different types of services in low profiles can have the approval.
- There are many views supporting or opposing the above given attitude toward Tourism Areas and Centers. Opposing Views state that, with this point of view, only certain segments of people will benefit from the coasts and such a development will result in the coasts to become concrete.

- Views which support the implementation, state that, in the above given attitude, investors are attracted to tourism which has high foreign exchange income. And all the facilities are respectful to the environment, the bed capacity of the country is increased.

When it is used wisely, Tourism Area and Centers would have positive impact on the tourism of the country. On the other hand; Antalya, Kaş, Kalkan, Kızılay (Ankara) are examples which only aim to increase the densities or to use partial urban area only for Touristic Purposes.



CHAPTER V

CONCLUSION: THE TRANSFORMATION OF PLANNING APPROACHES AND PUBLIC INTEREST CONCEPT WITH REFERENCE TO THE SELECTED CASES

In this chapter, the selected Turkish judicial review cases of tourism center decisions will be in focus through the assertions made in this study. The selected cases include both the 'Decrees' of Council of State and the 'Expert Reports'. Each document is summarized in the order of;

- The description of the CASE,
- The CHRONOLOGICAL SUMMARY of the process,
- The EVALUATION of Experts or the Court,
- The RESULT(S).

In addition, a REMARKS part is added at the end of each grouped case. These remarks are to show the transformation in the planning approaches and the interpretation of public interest phenomenon. Moreover, detailed supplementary summaries of the cases have also been prepared to point out the relationships between the assertions of this study and real cases.

There are four main and seven supplementary cases classified into four groups; the first group of cases covers the tourism center decisions in metropolitan areas, mainly in city centers. The second group is about the

decisions in previously planned small coastal cities; the third group includes tourism center decision cases located out of metropolitan cities. The last one covers the case located in a national park and forest area with authority conflicts.

In summary, the following definitions discussed in each part's remarks section will be looked at with reference to the assertions of this study. For the first group of cases, the definition of tourism centers in the centers of metropolitan cities by the law caused several conflicts as;

- Tourism center decisions at the hearts of metropolitan centers *are not capable enough* to realize the public interest aimed at by the Law. They have the *lack of detailed analyses, alternatives and coordination tools at the definition phase and planning notion for the realization*. This is the proof of our assertion; these decisions are simply possible to realize as plan changes if necessary. Nevertheless, the new construction rights cannot possible to achieve with plan changes when they are not aiming at the public interest but focus clearly on private interests. Therefore, the aim is to *withdraw the planning authority* from the process and *open a new way for the accumulated capital in the most valuable parts of the cities*. As long as the public interest is ideological, this is also suitable to realize the *free intervention aim* of neo-liberal policies, as stated in this study.
- The current tendencies and future development plans of metropolitan centers have been *disregarded* by the direct intervention in planning decisions. *Hence, the neo-liberally-*

framed policies are in the need of legitimation, the current planning institution and limitations do not match the conflicting public interest.

- The decisions are clearly out of aim, as stated in decrees after the judicial review. They have *lack of abstract reasons* to realize the public interest stated by the Tourism Encouragement Law in the name of tourism development in the central business districts. Alternatively, the encouragement of tourism by the law is not designed for developed central parts of metropolises. Tourism activity in the urban centers may only be one of the land use functions and the planning process defines it; according to our assertion, the effort to inject it as a dominant sector is a *suspicious* action.
- The potential of technical infrastructure problems in the future have been disregarded. This causes the problem of social cost in the long term and creates unnecessary financial obligations for the local governments in terms of possible future public projects.
- In addition, the *vested rights* (müktesep hak) and *precedence of applications* (emsal) have been created. This creates a series of chain reactions in terms of planning experience.
- On the other hand, the cases prove that the *current tools of planning institution have also no proper approach* to the re-development of central business districts. The current

comprehensive approach of planning is not capable enough to realize the transformations and cannot resist either real public or masked private interests.

In the second group of cases, the conflicts between public authorities are the subjects to prove that the essence of public interest concept transforms in time with the ideological impact of political powers.

- The absence of applicable tools and strategies causes authority conflicts in between the central authority representatives (i.e. Ministry of Tourism) and local authorities.
- It is noteworthy that there were *neo-liberal privatization policies* applied by the right wing governments, which forced the *governmental centralization*. The opposite was realized in the formation of new local governments, *metropolitan municipalities* at the same period, especially after 1984.
- The same conflicts were also evident in different central authorities where the Tourism Encouragement Law cannot express the public interest concept and authority. The essence of public interest was always open to interpretation. The aim was to *realize the given authority* without caring whether it was applicable or not. The *ideologically defined meaning did not coincide with that of planning*. *Planning institution was forced to transform in or withdraw from the process.*

- Again, the planning process is reduced, externalized to realize the interests of capital owners on the valuable coastal lands of small cities.

The third and fourth groups of cases are important to prove that, when the tourism center decisions are applied to new developed or reserved areas with their advantageous locations, and where natural and historical values are concerned, circumstances can be more favorable:

- It is noteworthy that, the Ministry of Tourism is now insisting that tourism centers make planning decisions. On the other hand, when we analyze the first cases of 1980's, the same authority was defending that it was just a border definition so no violation to planning authority was valid. After 10 years, with the influence of annulled cases, the planning authority was externalized. This gave the chance that cases would only be evaluated from the design principles point of view, not the planning authority or current planning applications.
- Previous preservation decisions of development plans may be supportive for the realization of tourism centers. This also shows that our assertions on the coordinated and planned implementations are successful. This is the way for healthy transformation of the concepts and approaches with sustainable implementations via development strategies for the public interest.
- On the other hand, it also proves that planning today is in the need for new approaches to realize optimum and

sustainable tourism centers without making use of previous preservation decisions. *A new conceptualization of planning must include these tools by definition*, because tourism center decisions may also conflict with preservation implementations. Their aim may be to overcome these limitations for the creation of new investments areas as seen in urban centers.

- The extensive interpretation of public interest by the court is of importance. *Natural and historical values and their protection also accepted as being in the public interest*. The extensive transformation of the public interest in the practical arena for the public, national interest and international economy is a new approach for the judicial process.

5.1. First Group of Cases: Conflicts with Current Planning Framework in Metropolitan Centers

The definition of tourism centers in metropolitan areas requires detailed research. Data collection, analysis and synthesis should be carried out, alternatives should be produced and land use decisions, the determination of functions and an understanding of the relationship between functions should be produced. In a planning area, if a functional change has to be conducted, and functional relations are not adopted according to the whole plan basis, the system and functional framework of the plan will be distorted.

On the other hand a definite function cannot simply be fragmented and cannot be planned for only tourism purposes out of the whole plan.

From the planning legislation viewpoint, it is also impossible to determine an area in the urban environment for another function. If one function of plan is to be altered, this can only be conducted by the revision of the plan. In the plan, if a land use function is allocated for housing and same area will be transformed to a tourism center, it is necessary to consider the plan as a whole and it should be revised accordingly. Today, the technical and social infrastructures in metropolitan cities are not even sufficient for their own population.

In the following cases, our definitions and proven assertions will be pointed in *italics*.

5.1.1. Expert's Report on the Annulment Case of "1/5000 Scale Development Plan of Istanbul Ataköy Kazlıçeşme Tourism and Business Center Hotel, Fair, Commerce and Office Buildings" (File No: 97/126) ("Istanbul Ataköy Turizm Merkezi İçinde Yeralan Kazlıçeşme Turizm ve İş Merkezi, Konaklama, Fuar, Alışveriş ve Büro Binaları'na İlişkin 1/5000 Ölçekli Nazım İmar Planı'nın İptaline" İlişkin Danıştay 6. Dairesine Sunulan 97/126 Dosya No'lu Bilirkişi Raporu)

THE CASE

The determination of 1/5000 scale Development Plan of Istanbul Ataköy Kazlıçeşme Tourism and Business Center, Hotel, Fair, Commerce and Office Buildings have been approved by the Ministry of Public Works. The

area is located in Ataköy Tourism Center. Metropolitan municipality of Istanbul sued for the annulment. The case continues for 12 years.

CHRONOLOGICAL SUMMARY

9.8.1991 Case Application - in the case which was opened at the Istanbul 2nd Administrative Court (1991/1779) the claims of municipality stated as follows:

- The Ministry does not have the authority to approve the plan
- The approving authority is the municipality.
- The area, although remained in 1/50.000 scale "affiliated tourism development for historical and cultural environment", with the 1/5000 scale Zeytinburnu Development Plan as "Leather Marketing and Accomodation Facility" and opened up to the commercial activities.
- Some part of the area is included as "Public Service Area" (area to be expropriated by the Municipality for recreational, social and cultural facilities, storey parking lots, exhibition, fair, congress lounges) and some part as Recreation Tourism Area (shopping center + office buildings etc. can take place, total floor area ratio=1.00) in 1/5.000 scale Ataköy Tourism Center Revision Plan which was approved on 22.8.990 by Istanbul Metropolitan Municipality.
- The plan which was approved on 18.6.1991 by Ministry of Public Works, for the whole area with the value of total floor area ratio=2.00, determined as "Kazlıçeşme Tourism and Business Center Project Center" (including the functions as housing, fairs, shopping, office buildings). The decisions taken for the sake of private interests and the density of the area was increased.
- Due to this, to stop the implementation and to annul the plan (approved by Ministry of Public Works, dated 18.6.1991) requested.

The Response Document of Ministry of Public Works dated 11.5.1992:

Since the case is very important, the execution was transferred to the Council of States by 2nd Administrative Court and afterwards to the 6th Council of States (1992/779); the objection of the case requested according to the following issues:

- The authorization belongs to the Ministry of Public Works in the in dispute area according to the Tourism Encouragement Law no. 2634,
- The priorities were determined according to the national and international tourism potential of Istanbul and there is no objection against the planning principles.

Expert's Report dated 10.7.1992

The expert report prepared by Prof. Dr. Hande Suher and Prof. Sema Kubat, the following views presented, and stated that considering the urbanization, planning principles and public interest in dispute plan approved by Ministry of Public Works on 18.6.1991 was not appropriate.

- There is no objection against the laws and regulations in the announcement of the dispute area as tourism center; however, the criterion was not stated and the drawing document subject to announcement was insufficient.
- Instead of using it as a recreation area determined in the plan dated 19.11.1986, to alter it for housing, fair places, shopping centers and office buildings, the density will be increased and the limitation of the public use is against the planning principles and public interest.

9.3.1993 Dated Annulment of Planning Decision

The 6th Council of State annulled 18.6.1991-dated 1/5.000 scale Development Plan approved by the Ministry of Public Works due to the increase in density and negative impacts upon existing land use functions.

2.6.1995 Abrogation of the Annulment of Planning Decision:

A new expert research required by the court for "Kazlıçeşme Tourism and Business Center, Housing, Fairs Area, Shopping Center and Official Buildings 1/5000 scale Development Plan", located in the Ataköy Tourism Center approved by Ministry of Public Works according to the 7th item of the Law no. 2634, by taking into consideration the conditions of the announcement, investigate and examine if it is in compliance with urbanization and planning principles.

During the judicial review process, a new 1/5000 scale plan has been approved by the Ministry with a new land use function of tourism + commercial activities. *This supports our assertion that public use is being accepted as equal to public interest by the Ministry. This is an example of different public interest interpretation of various public authorities. In addition to that presupposed approach, during 80's, public authorities were insisting on that their approach was only a border definition and no invasion to the current planning authority was valid. On the other hand, as seen on the following cases, they have changed their vision by strongly pointing that they have the authority of planning, so the plans have to be approved by them, in 90's. Main cause may be the annulled cases during that period.*

EVALUATION

Ataköy Tourism Center decision was not mentioned in the file although it has close relations with, and also the existing expert's reports were not considered as the subject of the case. Ataköy Tourism Center covers up a 4 km. length coastal zone and the in dispute area just covers the 25 % of the total area. *As seen in this case, only the land use decisions and authority have been discussed for 12 years without referencing to the current planning process and metropolitan development, accepting this land is in the middle of an empty area.*

Unfortunately, there are no planning and design activities about either Ataköy Tourism Center or in dispute Kazlıçeşme region. The coastal zone initiated from the Historical Peninsula and lies till to Ataköy, have present development for both Central Business Center and for Istanbul City. Without taking into consideration the characteristics of the area, it is impossible to make any interpretations about construction rights and land use decisions.

Today, except the outdated 1/50000 scale strategic plan, the evaluation of other plans from the planning viewpoint, is not possible. *A planning approach cannot be presented in the discussion, which nearly lasts for 15 years.* In the planning process, the following issues about the region should be carried out:

- determination of the objectives
- to conduct researches
- to conduct analysis of the researches
- to conduct alternative plan and design studies
- to conduct selection between them
- to produce legal planning documentation

As stated in the expert reports, the area is in the tourism center but the tourism activity within a 20 hectares area cannot be determinable. Is tourism the correct function? This was not discussed. If the area would not going to be used for tourism, then why was tourism center decision taken? However, the area is not an unknown/whatever area. It is the area, which can have impact on the future of Istanbul, the largest city of the country.

RESULT

- A comprehensive evaluation should be carried out for the area.
- Project - resource - application should be seamless
- Historical structures and areas should be reflected to the project
- Planning borders should be according to the natural and artificial borders.
- The inclinations of Zeytinburnu community should be reflected to the project
- Without conducting the above mentioned issues, to determine the straightness of the functions cannot be possible.

As it has been expressed repeatedly, the decisions of this case did not lean on a real planning and design process.

As a conclusion, it has been decided that for the "Plan" which is subject to the case, from the urbanization and planning principles and public interest point of view, this plan and planning approach have too many uncertainties and due to this a scientific evaluation cannot be conducted.

The decision is against the following principles:

1. *By damaging comprehensive planning understanding, priorities were provided for tourism sector,*

2. *The functional complexity of the city centers have been treated as a single function and this causes violation in urbanization principles,*
3. *While producing decisions about multi-functional city center, not to give room for researches and analysis, this causes violation in the understanding of regulation decrees and planning phases,*
4. *Causing unnecessary frustration between central government and local government and it is against the public interest because it gives the authority to central government.*

5.2. Remarks for the First Group of Cases

In the definition of tourism centers, the current tendencies of metropolitan development and planning have been *disregarded*. Tourism Centers can not be named as simple commercial activities. Here, the *direct intervention* in current planning decisions and regulations are clear and they can not be defined as being in the public interest. These cases are also important to prove that tourism center decisions in the metropolitan areas have shifted their aim in essence and have become partial plan changes for the sake of commerce. On the other hand, in this group of cases, the idea and public interest of tourism centers have been transformed to the commercial - private ones.

For the definition of inner city tourism centers, new tools and ideological frames are necessary. In fact, these kinds of direct interventions clearly affect plans, cause authority conflicts, and they are not necessary. The essence of these decisions is possible *to realize with reasonable plan changes at any time if necessary*. The debate is possible to extend to the discussions of *necessity for new metropolitan planning approaches for the re-development of metropolitan centers with a new concept of public interest and management*. Another point is the disregarded capacity of planned

development. These kinds of investments in any form will create technical problems in the urban infrastructure. They can not simply be evaluated as tourism investments where, they will have more effects on the current capacity of the technical infrastructure. This is another point that the current infrastructure has been established by the municipalities with their financial sources which are taxes. Here, the long-term potential problems will arise. *The social cost* is another subject because of missed programs and unsynchronized policies. Tourism center decisions in metropolitan centers seem to overcome planning authority and this is against the tendencies of systematized development. In these cases, the court decisions are not constructing the practical interpretation of public interest. In fact, they can not; the main responsibility of the court is to validate the reality according to the laws. The problem is the wasted investment and physical space.

On the other hand, it is also clear that these cases are good examples of urban centers which will remain profitable with their current commercial capacity for large-scale capital accumulation. The current approach of planning to the Central Business Districts of metropolitans might be criticized. *The planning tools and current legal perspective may seem insufficient to supply the demand.* However, this can not be the cause for direct intervention without proper policies and strategies in urban areas. The *vested right* and *precedence* of previous decisions may provoke some speculative demands.

5.3. Second Group of Cases: Tourism Center Decisions covering Whole City

According to the tourism center concept formed for the increase in bed capacity, a region, which is open to multi-sector development, cannot be evaluated through a single sector (tourism). The decision may be valid according to the legal structure of the law, but it is in contradiction with the local government planning authority. In the following case, not an unused

tourism capacity will be created, but a decision that will form the future of a city is under question.

In this case, the Tourism center decision has created an unnecessary frustration between central and local authorities. Due to this, a real planning process was not followed. Instead of this; the ideas were formed on a vicious circle basis. To consider the tourism fact just as a bed capacity in general planning and in particular recreation planning, is not suitable. If central government requires improvement in these types of activities, the correct way is to coordinate with the local government.

Again, in defense of the central authority, it was stated that the ways of coordination for financial and technical issues for environmental organization with municipalities should be searched. Consequently, the central authority should lead its good will, at the places determined, but Research, Analysis and Planning should be followed. It is obvious that, the municipalities and ministry in special occasions have the authority for making plans, arranging plans and approval authority. This does not mean that, the related government could produce a plan decision out of the comprehensive development plan in execution. Tourism, which was a prior sector for settlement, could not change the rule. The change of plan decision which would intensify the pressure on whole city, would damage the equity principle. On the other hand, it would lead to a loss of natural and aesthetic values which constitute the current touristic attraction of small cities and the existing economic value like infrastructure.

The determination of a "tourism center", its declaration and the relevant planning amendments are contradicting with the comprehensive planning concept and are harmful. The ignorance of the wholeness of the city planning - giving the priority to tourism sector - has been considered as

contradicting with the planning principle as well. Again, it is known that development plans should be prepared according to comprehensive researches and analyses including the whole city and environs, and these should be examined and approved by the authorized directorates due to legal limitations. It is a must that the planning amendments of any scale should value the same process. The process, which raises decisions about a multifunctional settlement, consists of a single goal and a sector under the name of "tourism center" is against the planning and urbanization principles as well as the public interest.

5.3.1. Decree of the Council of State on the Annulment Case of "Antalya - Kaş Tourism Center " (Dated 14.05.1991; Decree No: 91/1118) ("Antalya Kaş Turizm Merkezi Kararının İptaline" Dair Danıştay 6. Dairesinin 14.05.1991 tarih ve 90/1620 Esas, 91/1118 Sayılı Kararı)¹

THE CASE

The annulment of the Council of Minister's decision for the determination of Antalya Kaş Tourism Center, dated 18.1.1990, no 90/70 published on 5.3.1990 at the no. 20452 Official Gazette.

EVALUATION

During the planning activities carried out between 1970-1980, everything comply with the tourism sector activities planning and the planning decisions did not have any contradiction. Actually, the descriptions in the Tourism Encouragement Law enacted in 1982 were in compliance with the above mentioned planning framework. Afterwards, it was realized that in the determination of tourism centers different types of activities were taken

¹ Note: Same Decree Number has been specified for the case of Istanbul Beşiktaş Levent Tourism Center above. There may be a numbering error on the original source.

into consideration. Tourism center decisions are not just a border determination but should be considered that this has created certain changes in the development plans.

Tourism has integrated to the economies of both settlements after 1970s. Although tourism is a sector on seasonal basis, Kaş and Kalkan continue their fundamental central settlement activities for the whole year. The approach, which puts them under the domination of tourism sector, is not acceptable from urban planning principles. As discussed before, with this decision Ministry of Tourism has received the authorization rights, and also Ministry of Public Works could use its authorization for taking planning decision on parcel basis with circular no. 25582 dated 24.12.1989 and 7th item of the Law no. 3294. The approach seems to be in violation with the nature of the Planning Law no.3194.

In the 1/25000 scale Kaş-Finike-Kumluca plan prepared by the Ministry of Public Works, Kaş and Kalkan considered within comprehensive planning understanding, and also 1/1000 scale plans of the both places were produced. This planning decision serves just for one sector, it only became a coastal zone approach because it did not rely on justifications, researches and analysis and the decision was underestimated to a border definition case.

RESULT

According to above given reasons, the annulment of the decision of Council of Ministers dated 18.1.1990, no. 90/70 on determination of Antalya Kaş Tourism Center was approved.

5.3.2. Expert's Report on the Annulment Case of "Antalya Kaş Tourism Center" (File No: 90/1620) ("Antalya Kaş Turizm Merkezi Kararının İptaline" İlişkin Danıştay 6. Dairesine Sunulan 90/1620 Dosya No'lu Bilirkişi Raporu)

THE CASE

The Annulment of Antalya- Kaş Tourism Center and Antalya-Kalkan Tourism Center.

CHRONOLOGICAL SUMMARY

18.7.90 Litigant requested the annulment of tourism center decision, which was forwarded to 6th Council of State with the following reasons:

- In the Encouragement Law no. 2634, there is no verdict which states that the responsible authority in determination of Tourism Centers is the Ministry of Tourism. This authority is given to Council of Ministries with the item 37, sentence A of the same law. On contrary, development plan and application plan authority is given to Municipalities on 3.5.1985. According to this, authorities given to Ministries and Municipalities are restricted with regulations.
- Kaş tourism center border covers all municipal borders and planning authority within this area belongs to the municipality. This authority is in execution with the votes of citizens.
- The settlement area subject to the case, has its own development plan in compliance with 1/25000 scale Environmental Organization Plan, which was conducted by Ministry of Public Works.
- The tourism center decision, by consuming all planning authority of municipality destroys the democratic election decision given, has also creating a condition against of the public interest.

15.10.1990 The annulment of the case requested with a petition presented to Council of State by Law Office of Prime Ministry.

- The Chamber of Planners did not have the authority to request the annulment of the change of plans by jurisdiction and with this issue the Chamber of Planners was not in a status of conflict of interests ("menfaati ihlal edilenler").
- The announcement authorization was given to Council of Ministers by jurisdiction.
- The objective was not to produce decision for land use but to increase the effect of Ministry of Tourism. By this way, completing the missing infrastructure to utilize low tariff application will be possible.

23.11.1990 The response by Chamber of Planners to the claims which was submitted to 6th Council of State,

- To protect the public interest by jurisdiction as being an organization of experts association affiliated to TMMOB (Union of Turkish Chambers of Architects and Engineers) is a natural right.
- An incorrect decision on urbanization principles and decision would be against the general benefit of the association and this has caused opportunism.
- Association is not an ordinary organization but expert on urbanization.

EVALUATION

According to the Central Places Theory, this investigates settlements from activities and relations viewpoint:

1. There is no grades between settlements,

housing projects for a certain income level and especially large-scale business and trade center constructions in the form of skyscrapers have forced the metropolitan macroforms. In fact, this is the transition of capital especially after the 1970 crisis. The spatial impacts of this restructuring capital have influenced both metropolitan developments and shifted to the tourism sector.

The point asserted in this study is that, the same mobility of large-scale capital accumulation has already tended towards Tourism. This mobilization is not a simple investment; it also becomes important for international capital as well. This tendency is being supported by neo-liberal economic policies, and requires more than planning. If the concept can not be scrutinized at a more general level, and conflicts between planning and tourism investments are taken at the legal or the legitimate levels, the capitalist market economy will generate new planning tools with the help of the neo-liberal re-structuring process. Whatever the name we call for this transformation of planning approaches and public interest, it has already started.

REFERENCES

Akçura, Tuğrul.,1982, **İmar Kurumu Hakkında Gözlemler**, ODTÜ, Ankara

Akıllıoğlu, Tekin., 1989, "Kamu Yararı Kavramı Üzerine Düşünceler",
Notlanmış Konuşma Metni, Dünya Ormancılık Günü Toplantısı, Türkiye
Ormancılar Derneği, 19 Mart 1989

Akın, İ., 1993, **Kamu Hukuku**, Beta Basım Yayım Dağıtım A.Ş., İstanbul.

Akkar, M., 1998, **The Notion of Public and Public Sphere: Its Roles in
terms of the Discipline Of Urban Planning and Urban Design**,
unpublished paper for UD 531 lecture, METU, Ankara, 1998

Alexander, E., 1994, "To Plan or Not To Plan, that is the question:
transaction cost theory and its implications for planning", **Environment and
Planning B**, vol 21, pp.341-352

Arrow, K. J., 1951, **Social Choice and Individual Values**, Wiley

Aren, Fatma Ülke., 1982, "Kamu Malı Olarak Mekan", **Türkiye Birinci
Sehircilik Kongresi 1. Kitap**, ODTÜ - ŞBPB, Ankara, ss.55-66

Ball, T., Dagger, R., 1991, **Political Ideologies and the Democratic
Ideal**, Harper Collins, NY

Baydur, Mithat., 1999, "Liberalizm", **Yeni Türkiye: Liberalizm Özel Sayısı**,
Ocak-Şubat 1999, Yıl 5, sayı 25, ss.56-63

Benn, S. I., 1960, "Interests in Politics", **Proceedings of The Aristotelian
Society**, vol 60, pp.125-26

Berkes, Niyazi.,1999, **Asya Mektupları**, Yapı Kredi Yay., İstanbul

Boratav, Korkut., 1995, "Kamu Yararı ve Planlama", **Planlamanın
Meşruiyeti ve Plancıların Konumları: Birinci Planlama Kongresi**,
TMMOB Şehir Plancıları Odası Yay., (1995), Ankara, ss.26-29

Breheny, M., and Hooper, A., (eds.), 1985, **Rationality in Planning**, Pion Ltd., London

Breheny, M., and Low, M., 1994, "The Planner as impresario?", **Environment and Planning B**, Vol 27, pp.1-3

Castells, Manuel., 1977, **The Urban Question (A Marxist Approach)**, Edward Arnold Publishers Ltd., Great Britain

Checkland, S.G., 1983. "An Urban History Horoscope", **The Pursuit of Urban History**, Editors: D.Fraser, A.Sutcliffe, Edward Arnold, London, pp.449-466

Chuang, Tzu., 1965, "Great and small", **The Way of Chuang Tzu**, T., Merton (ed.), New Directions, NY, pp.87-90

Calaghy, T., 1994, "Civil Society, Democracy and Economic Change in Africa", **Civil Society and State in Africa**, John W. Haberson, Donald Rothchild and Naomi Chazan (eds.), Lynne Reiner Publ., London, pp.231-53

Clarke, D. B., Bradford, M. G., 1998, "Public and Private Consumption and The City", **Urban Studies**, Vol 35, No 5-6, pp.865-888

Cooke, P., 1983, **Theories of Planning and Spatial Development**, Hutchinson & Co: Publishers, London.

Cullingworth, J. B., 1994, "Alternate Planning Systems: Is There Anything to Learn From Abroad?", **APA Journal**, Spring 94, pp.162-172

Çaha, Ömer., 1999, "Liberalizmin Temel İlkeleri", **Yeni Türkiye: Liberalizm Özel Sayısı**, Ocak-Şubat 1999, Yıl 5, sayı 25, s.38-55

Çavdar, Tevfik., 1992, **Türkiye'de Liberalizm (1860-1990)**, İmge Yay., 41, Ankara

Dear, M.J., 1986, "Postmodernism and planning", **Environment and Planning D: Society and Space**, Volume 4, pp.367-384

Doğanay, Ümit., 1974a, "Toplum Yararı ve Kamu Yararı Kavramları", **Mimarlık**, Temmuz 1974, Ankara

Doğanay, Ümit., 1974b, "Toprak Mülkiyeti ve İmar Hakkı Çelişkisi", **Yapı**, S.6

DPT., 1999, 1999 Yılı Programının Uygulanması, Koordinasyonu
ve İzlenmesine Dair Bakanlar Kurulu Kararı Eki, 17 Ekim 1998 Gün ve
23496 Sayılı Resmi Gazete'de Yayımlanan 13 Ekim 1998 gün ve 98/11844
Sayılı Karar

Eraydın, Ayda., 1988, "Sermaye Birikim Sürecinde Kentler", **Defter:
Edebiyat, Tarih, Politika, Felsefe Dergisi**, Sayı 5, İstanbul, ss.133-153

Eraydın, Ayda., ve Eraydın, Hakkı., 1989, "Turizm Sermayesinin Oluşumu ve
Mekansal Arayışları", **Türkiye'de Son On Yılda Turizm Yapıları
Uygulamaları Sempozyumu**, Yıldız Üniv., İstanbul, ss.??

Eraydın, Hakkı., 1997, "Turizm Sektörünün Gelişimi ve Merkezi Yönetimin
Yönlendirme Çalışmaları", **Kent Gündemi**, Sayı 4, TMMOB Şehir Plancıları
Odası Yay., Ankara, ss.33-35

Erdoğan, Mustafa., 1993, "Liberal Anayasacılık ve Hayek", **Türkiye
Günlüğü**, sayı 22, ss.96-103

Erdoğan, Mustafa., 1998, "Cumhuriyet ve Demokrasi Arasında Türkiye",
Liberal Toplum, Liberal Siyaset, Siyasal Kitabevi, Ankara, ss.343-62

Erdoğan, Mustafa., 1999, "Kamu Alanı ve Liberalizm", **Yeni Türkiye:
Liberalizm Özel Sayısı**, Ocak-Şubat 1999, Yıl 5, sayı 25, s.38-55

Escobar., 1992, "Planning", **The Development Dictionary: A Guide to
Knowledge as Power**, N. Sachs (ed.), Zen Books, London, pp.132-45

Expert Reports., **Expert Reports**, unpublished reports, submitted to 6th
Council of State between 1986 – 1998, prepared by Baykan Günay, Ali Türel,
Özcan Altaban, Çağatay Keskinok, Gönül Tankut, Argun Eyyapan, Yücel
Çağlar, Duran Taraklı, Melih Ersoy, Çetin Göksu, Murat Güvenç

Faludi, Andreas., 1973, **Planning Theory**, Pergamon Press Ltd., (Urban and
Regional Planning Series vol.7)

Flathman, Richard., 1966, **The Public Interest**, New York, Wiley

Friedmann, John., 1973, "The Public Interest and Community Participation",
Journal of the American Planning Association, Jan., 1973

Friedmann, John., 1987, **Planning in the Public Domain: From
Knowledge to Action**, Princeton University Press, USA.

Gedikli, Bahar., **A Critical Evaluation of Development Amnesties**, Unpublished M.Sc. Thesis, Graduate Program of Urban Policy Planning and Local Government, METU, 1998

Gök, Tamer., 1980, **Kent Planlama ile ilgili Yasal Kurallardan Seçmeler**, ODTÜ, Ankara

Göle, Nilüfer., 1986, **Mühendisler ve İdeoloji**, İletişim Yay., İstanbul

Göymen, Korel., 1997, "21. Yüzyıla Girerken Turizmde Genel Eğilimler ve Türkiye", **Kent Gündemi**, Sayı 4, TMMOB Şehir Plancıları Odası Yay., Ankara, ss.30-32

Göze, Ayferi., 1989, **Siyasal Düşünceler ve Yönetimler**, Beta Yay., İstanbul

Gözübüyük, Şeref.,1974, **Hukuka Giriş ve Hukukun Temel Kavramları**, Sevinç Matbaası, Ankara

Günay, Baykan., 1982, "Türkiye'de Turizm Planlaması Çalışmalarının Değerlendirilmesi", **Türkiye Birinci Şehircilik Kongresi 2. Kitap**, ODTÜ, Şehir ve Bölge Pl. Böl., Ankara, ss.329-350

Günay, Baykan., 1989, **Farklı Planlama Yaklaşımları, Şehir Planlama Eğitimi İlişkileri**, Yayınlanmamış Bildiri, Türkiye 13. Dünya Şehircilik Günü Kollokyumu, Kasım 1989, İstanbul

Günay, Baykan., 1992, **Mekan Planlamasında Temel Yaklaşımlar ve Temel Sorunlar: Türkiye Gerçeğinde Bir Değerlendirme**, Friedrich Ebert Vakfı Ekonomi Forumu için Hazırlanan Ana Tebliğ, 5 Aralık 1992, Çırağan Palace Kempinski, İstanbul

Günay, Baykan., 1995a, "Planlama Yaklaşımlarının Mülkiyet İlişkileri Açısından İrdelenmesi", **Planlamanın Mesruiyeti ve Plancıların Konumları: Birinci Planlama Kongresi**, TMMOB Şehir Plancıları Odası Yay., (1995), Ankara, ss.63-71

Günay, Baykan., 1995b, **The Role of Property Relations in The Evolution of Urban Space and Urban Design Approaches**, Unpublished Ph. D. Dissertation, METU Dept. Of City and Regional Planning, June 1995, Ankara

Günay, Tuba., 1985, UNEP Priority Actions Programme, Mediterranean Action Plan, **Management of Coastal Zones in the Mediterranean**

Habermas, 1996, "Public Sphere", **Princeton Readings in Political Thought: Essential Texts Since Plato**, Mitchell Cohen and Nicole Fermon (eds.), Princeton Univ., Press, NJ., pp.709-14

Habermas, 1997, **Kamusalığın Yapısal Dönüşümü**, Çev: Tanıl Bora ve Mithat Sancar, İletişim, İstanbul

Hall, P., 1989, "The Turbulent Eighth Decade, Challenges to American City Planning", **Journal of the American Planning Association**, No:275, pp.275-282

Hampson, Norman., 1968, **A Cultural History of the Enlightenment**, Pantheon Books, New York

Harvey, David., 1975, **Social Justice and the City**, Edward Arnold Publishers Ltd., London

Held, Virginia., 1970, **The Public Interest and Individual Interest**, Basic Books, New York

Hightower, H., 1969, "Planning Theory in Contemporary Professional Education", **Journal of the American Institute of Planners**, Vol. XXXV, No. 5, September, pp.326-329

Ibn Rüşd., 1986, **Tutarsızlığın Tutarsızlığı (Tehafüt et Tehafüt)**, Çev., Kemal Işık, Mehmet Dağ, Ondokuz Mayıs Üniversitesi Yay., 14, Samsun

Innes, J., 1998, "Information in Communicative Planning", **APA Journal**, winter 98, pp.52-63

Kapani, Münci., 1970, **Kamu Hürriyetleri**, AÜ Hukuk Fakültesi Yay., No: 264, Ankara

Keleş, Ruşen., 1995, "Siyaset Dışı Planlamadan Planlamasız Siyasete", **Planlamanın Mesruiyeti ve Plancıların Konumları: Birinci Planlama Kongresi**, TMMOB Şehir Plancıları Odası Yay., (1995), Ankara, ss.30-35

Keskinok, Çağatay., 1995, "Kentler, Rantlar ve Planlama", **Özelleştirme Değil Kamulaştırma**, Kaynak Yay., 167, İstanbul, ss. 205-217

Kılıçbay, M. Ali., 1999, "Liberalizmin Temel Çelişkisi", **Yeni Türkiye: Liberalizm Özel Sayısı**, Ocak-Şubat 1999, Yıl 5, sayı 25, ss.97-99

Korkut, L., 1996, "Etkinlik, İktisadi Hukuk Okulu ve Türk Hukukundan Bir Örnek", **Ekonomik Yaklaşım**, Gazi Üniversitesi İktisat Bölümü Yay., cilt 7, Sayı 22, Ankara, ss.5-20

Kubin, Gülten., 1995, "Sunuş Bildirisi", **Planlamanın Mesruiyeti ve Plancuların Konumları: Birinci Planlama Kongresi**, TMMOB Şehir Plancuları Odası Yay., (1995), Ankara, ss.13-14

Lai, L. Wai Chung., 1997, "Property Rights Justifications For Planning and a Theory of Zoning", **Progress in Planning**, D. Diamond and B. H. Massam (eds.), October 1997, Pergamon, Elsevier Publ., pp.161-245

Lucy, W. H., 1994, "If Planning Includes Too Much, Maybe It Should Include More", **APA Journal**, summer 94, pp.305-318

Macpherson, C.B., 1990, **Democratic Theory**, First Published 1973, Oxford University Press

Martin, Brendan., 1995, **Özelleştirme: Kimin Çıkarına? (Kamu Sektöründe Reform)**, (original: In The Public Interest, 1993, Zed Books), Çev: Osman Ç. Deniztekin, Cep Kitapları AŞ, 124, İstanbul

McAuslan, P., 1980, **The Ideologies of Planning Law**, Pergamon Press, Great Britain.

Meyerson, M., Banfield, E., 1955, **Politics, Planning and the Public Interest**, Free Press

Ministry of Environment, 1990, **Turkish Background Report on Selected Environmental Topics**, p.I-46

Moore, Terry., 1978, "Why Allow Planners to Do What They Do? A Justification from Economic Theory", **AIP Journal**, October 1978, pp.387-398

More, Thomas., 1965, **Utopia**, Translated by Paul Turner, Penguin Books, London, (first published in 1517)

More, Thomas., 1997, **Utopia**, Çev: S. Eyuboğlu, V. Günyol, Cem Yayınevi, İstanbul

Özcan, Ümit., 1997, "Kentsel Tasarımın Tarihi ve Felsefi Temelleri", **Planlama**, 97/2, ss.51-53

Özcan, Ümit., 1998, "Şehirciliğimizin Yüzyılı", **TMMOB Şehir Plancuları Odası Haber Bülteni**, Sayı 116, Ekim 1998 (ile üyelere gönderilen ek)

Örücü, Ersin., 1976, **Taşınmaz Mülkiyetine Bir Kamu Hukuku Yaklaşımı**, İstanbul Üniversitesi Hukuk Fakültesi Yay., No: 473, İstanbul

Peiser, Richard., 1990, "Who Plans America? Planners or Developers?", **APA Journal**, Autumn 90, pp.496-503

Pennock, J. R., 1979, **Democratic Political Theory**, Princeton Press, NJ

Richardson, H. W., 1971, **Urban Economics**, Penguin Modern Economics Text, Suffolk, England

Roweis, S. T., Scott, A. J., 1981, "The Urban Land Question", **Urbanization and Urban Planning in Capitalist Society**, (Eds: M. Dear, J. Scott), Methuen Co. Ltd., NY, pp.123-158

Roweis, S. T., 1981, "Urban Planning in Early and Late Capitalist Societies: Outline of a Theoretical Perspective", **Urbanization and Urban Planning in Capitalist Society**, (Eds: M. Dear, J. Scott), Methuen Co. Ltd., NY, pp.159-178

Sander, Oral., 1993, **Anka'nın Yükselişi ve Düşüşü: Osmanlı Diplomasisi Tarihi**, İmge Yay., No:65, Ankara

Sennett, R., 1988, "The Civitas of Seeing", **Place**, vol 5 no 4, pp.82-84

Sennett, R., 1992, **The Fall of Public Man**, WW Norton co., NY.

Sennett, R., 1996, **Kamusal İnsanın Çöküşü**, Çev: Serpil Durak ve Abdullah Yılmaz, Ayrıntı Yay., 168, İstanbul

Tekeli, İlhan., 1980, "Türkiye'de Kent Planlamasının Tarihsel Kökleri", **Türkiye'de İmar Planlaması**, ODTÜ, ŞBPB, Ankara, 1980, ss.8-112

Tekeli, İlhan., 1982, **Türkiye'de Kentleşme Yazıları**, Turhan Kitabevi, Ankara,

Tekeli, İlhan., 1988a, "CP 511 Planning Theory", **Unpublished Lecture Notes**, METU, RP Graduate Program

Tekeli, İlhan., 1988b, "Mülkiyet Kurumu, Kamu Yararı Kavramı ve İmar Planları üzerine", **Planlama**, 88/2, Aralık 1988, ss.6-13

Tekeli, İlhan., 1988c, "Kentleşmeye Kapital Birikim Süreçleri Açısından Bakmanın Sağladığı Açıklama Olanakları", **Defter: Edebiyat, Tarih, Politika, Felsefe Dergisi**, Sayı 5, İstanbul, ss.130-132

Tekeli, İlhan., 1995, "Plancının Meşruiyetini Oluşturmada Etik Sorunlar", **Planlamanın Meşruiyeti ve Plancıların Konumları: Birinci Planlama Kongresi**, TMMOB Şehir Plancıları Odası Yay., (1995), Ankara, ss.17-25

Tekeli, İlhan., 1999, "Liberalizm'i Ontolojik Kabullerinden Yola Çıkararak Sorgulamak", **Yeni Türkiye: Liberalizm Özel Sayısı**, Ocak-Şubat 1999, Yıl 5, sayı 25, ss.77-81

Thiemann, Ronald, F., 1996, **Religion in Public Life: A Dilemma for Democracy**, Georgetown Univ. Press, Washington D.C., p.96-97

Tibuk, Besim., 1999, "Liberalizm", **Yeni Türkiye: Liberalizm Özel Sayısı**, Ocak-Şubat 1999, Yıl 5, sayı 25, s.33

Wallerstein, Immanuel., 1998, **Liberalizmden Sonra**, Çev: Erol Öz, Metis, İstanbul

Weaver, C., Jessop, J., Das, V., 1985, "Rationality in The Public Interest: Notes Towards a New Synthesis", **Rationality in Planning**, Breheny, M., and Hooper, A., (eds.), Pion Ltd., London, pp.145-165

Williams, G., 1991, **Political Theory in Retrospect**, Edward Elgar Publ., Hampshire

Williams, Richard., 1997, "The Land and Property Markets", **Town and Country Planning**, May 1997, pp.153-155

Yavuz, F., Keleş, R., Geray, C., 1978, **Şehircilik, Sorunlar, Uygulama ve Politika**, SBF Yay., No: 412, Ankara

Yavuz, Fehmi., 1980, **Kentsel Topraklar**, SBF Yay., No: 452, Ankara

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