

ECONOMIC POLICIES, LEGISLATIVE REGULATIONS AND  
PROFESSIONAL ETHICS IN URBAN PLANNING IN TURKEY

A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF SOCIAL SCIENCES  
OF  
MIDDLE EAST TECHNICAL UNIVERSITY

BY

AYHAN ERDOĞAN

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF SCIENCE  
IN  
THE DEPARTMENT OF URBAN POLICY PLANNING AND  
LOCAL GOVERNMENTS

JULY 2018



Approval of the Graduate School of Social Sciences

---

Prof. Dr. Tülin Gençöz  
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

---

Assoc. Prof. Dr. Osman Balaban  
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

---

Prof. Dr. H. Çağatay Keskinok  
Supervisor

**Examining Committee Members**

Assoc. Prof. Dr. Osman Balaban (METU, CRP) \_\_\_\_\_

Prof. Dr. H. Çağatay Keskinok (METU, CRP) \_\_\_\_\_

Assoc. Prof. Dr. Kübra Cihangir Çamur (Gazi Uni., ŞBP) \_\_\_\_\_



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

Name, Last Name: Ayhan Erdoğan

Signature :

## **ABSTRACT**

### **ECONOMIC POLICIES, LEGISLATIVE REGULATIONS AND PROFESSIONAL ETHICS IN URBAN PLANNING IN TURKEY**

Erdoğan, Ayhan

M.S., Department of Urban Policy Planning and Local Governments

Supervisor: Prof. Dr. H. Çağatay Keskinok

July 2018, 133 pages

In a profession group, ethic principles are seriously on the agenda when professional ideals and practices are separated from each other; and the difference between what is and what should be increased. In this context, the thesis study shows that there is a growing tension between the historically produced ethical principles of urban planning profession and professional practices; and, because Turkey experienced economic and legal changes and transformations in urban planning, professional ethics violations were transformed within this framework. The main argument of this thesis is that the increasing popularity of professional ethical issues is to be related to increasing disparity between professional ideals and urban planning practices. And this argument becomes more meaningful in cases when the whole professional domain that is production of built environment, land use development has become the main arena of economical accumulation and interest. In this study, the basic economic paradigm

shifts and legislative regulations in the country since 1950 are examined in three sub-periods and the effects of the changes and transformations experienced in these periods on the planning profession and occupational ethics are studied. In this context, it aims to study the relationship between economic and legislative regulations in Turkey and professional ethics violations and occupational debates via the cases sent to UCTEA Chamber of City Planners Discipline Committee because it involves practices that are contrary to the urban planning ethics.

**Keywords:** Urban Planning, Professional Ethics, Public Interest

## ÖZ

### TÜRKİYE’DE İKTİSADİ POLİTİKALAR, YASAL DÜZENLEMELER VE ŞEHİR PLANLAMA MESLEK ETİĞİ

Erdoğan, Ayhan

Yüksek Lisans, Kentsel Politika Planlaması ve Yerel Yönetimler Ana Bilim Dalı

Tez Yöneticisi: Prof. Dr. H. Çağatay Keskinok

Temmuz 2018, 133 Sayfa

Bir meslek grubunda mesleki etik ilkelerin yoğunlukla gündemde yer edinmesi, mesleki idealler ile pratiklerin birbirinden uzaklaştığı; olan ile olması gereken arasındaki farkın açıldığı dönemlere denk gelmektedir. Bu kapsamda tez çalışması, şehir planlama mesleğine dair tarihsel olarak üretilen etik ilkeler ile mesleki pratikler arasında git gide büyüyen bir gerilim yaşandığı ve iktisadi birikimin yoğun olarak yapılı çevre üretimi yolu ile elde edildiği Türkiye’de, şehir planlama alanında yaşanan iktisadi ve yasal değişim ve dönüşümlerin, planlama meslek etiği ihlallerine zemin hazırlayarak bu ihlalleri çeşitli biçimlerde dönüştürdüğü düşüncesinden yola çıkmaktadır. Bu çalışmada, 1950 yılından itibaren ülkede yaşanan temel iktisadi paradigma değişimleri ve yasal düzenlemeler üç alt dönemde ele alınarak, bu dönemlerde yaşanan değişim ve dönüşümlerin planlama mesleğine ve meslek etiğine etkileri incelenmektedir. Bu çerçevede, şehir planlama etiğine aykırı uygulamalar içerdiği için TMMOB Şehir Plancıları Odası Onur Kurulu’na intikal eden dosyalar

aracılıđıyla mesleki etik ilke ihlallerinin ve meslek camiasındaki tartıřmaların, Trkiye'nin yařadığı iktisadi ve yasal dnřmler ile iliřkisini incelemeyi hedeflemektedir.

**Anahtar Kelimeler:** Őehir Planlama, Meslek Etiđi, Kamu Yararı

**To the people  
who struggle for a fair and free future**

## ACKNOWLEDGEMENTS

This thesis study could not be completed without persistent incentives and aids of beautiful people in my life.

First of all, I would like to thank my thesis advisor H. Çağatay Keskinok for mind-opening debates and his valuable contributions during this thesis.

I would also like to thank Tuğba Oğuz for her support from the beginning of this work and for the motivation she has given in the worst moments. Her constant insistence was one of the greatest contributions to finish this work.

I would like to thank Şelale Balambar for providing me the access to all of the resources of this work without hesitation when I was in prison and thank her for working with me throughout this thesis and also thank her for being my friend in my life.

I also want to thank my colleagues Deniz Yaşar, Umut Arslanoglu, Burak Özgür, Tayfur Gürel, Setenay Bilgici, Ceren Ilter, Bilge Nur Bektaş, Gözde Güldal and Emre Kaygusuz; my other colleagues from the Chamber of City Planners Ayşecan Akşit, Çağatay Öndersoy, Murat Yıldız and Cansu Demir, my friends Emre Sevim and Ender İplikci. I appreciate Ali Düzgün Bağ, Emrah Akbaş and Garip Akgül who have always been with me in a large part of my life, I always feel their support and love. Without them, like many things in my life, this work would be missing.

I also want to present my gratitude to my mother, my father and my brother Savaş for all their efforts.

I would like to express my special thanks to my friends Halil and Ali who were with me in prison and had intellectual conversations with me.

Finally, I want to dedicate this thesis to all my colleagues who are struggling for the construction of free, equal and fair life spaces and also for the right to live of trees, waters, birds and squirrels.

## TABLE OF CONTENTS

PLAGIARISM .....	iii
ABSTRACT .....	iv
ÖZ.....	vi
DEDICATION .....	vii
ACKNOWLEDGEMENTS .....	ix
LIST OF TABLES .....	xiii
1. INTRODUCTION .....	1
2. ETHICS AND PROFESSIONAL ETHICS.....	4
2.1 What is Ethics? .....	4
2.2 Theories of Ethics .....	6
2.2.1 Deontological Ethics .....	7
2.2.2 Teleological Ethics .....	8
2.3 Beginning of Professional Ethics Discussions .....	8
2.4 What is Professional Ethics? .....	9
2.5 Contents and Functions of Professional Ethics Codes .....	11
3. PROFESSIONAL ETHICS IN THE FIELD OF URBAN PLANNING .....	14
3.1 Public Interest Concept in Historical Framework .....	17
3.2 Public Interest; Definitions and Approaches .....	19
3.3 Planning Theories and Ethics .....	22
3.3.1 Comprehensive Planning Approach and Technician Planner .....	24
3.3.2 Advocacy Planning Approach and Advocate Planner .....	26
3.3.3 Radical Structuralist Planning Approach and Operative Planner .....	27

3.3.4	Deliberative Planning Approach and Moderator Planner .....	28
3.4	Evaluation.....	28
3.5	Professional Codes of Ethics in Urban Planning in Different Countries ....	30
3.5.1	Canada.....	31
3.5.2	India.....	33
3.5.3	USA.....	35
3.5.4	Cuba .....	36
3.5.5	United Kingdom.....	38
3.5.6	China .....	39
3.5.7	Evaluation .....	40
4.	ECONOMIC AND LEGISLATIVE REGULATIONS IN URBANIZATION PROCESS OF TURKEY AND PLANNING PROFESSIONAL ETHICS.....	44
4.1	Economic Paradigm Shifts and Transformations of Government’s Role in Urban Areas.....	45
4.1.1	Import-Substitution Industrialization Period.....	45
4.1.2	Export-Oriented Growth Period.....	47
4.1.3	Built Environment Production Oriented Growth Period.....	50
4.1.4	Evaluation and Conclusion .....	51
4.2	Affects of Legislative Regulations for Urban Areas to Planning Professional Ethics.....	55
4.2.1	Important Legislative Regulations for Urban Areas between 1950 and 1980.....	56
4.2.2	Important Legislative Regulations for Urban Areas Between 1980 and 2000.....	65
4.2.3	Important Legislative Regulations for Urban Areas after 2000.....	72
5.	CHAMBER OF CITY PLANNERS DISCIPLINE COMMITTEE AND PLANNING ETHICS .....	78

5.1	Cases Sent to Chamber of City Planners Discipline Committee in Historical Process .....	79
5.1.1	The Period Before 1980 .....	79
5.1.2	The Period Between 1980 and 2000 .....	84
5.1.3	The Period After 2000.....	88
5.1.4	Evaluation.....	100
6.	CONCLUSION.....	106
	REFERENCES .....	116
	APPENDICES .....	124
	A. TURKISH SUMMARY/TÜRKÇE ÖZET .....	124
	B. TEZ FOTOKOPİSİ İZİN FORMU .....	133

## LIST OF TABLES

Table 1. Comparisons of Different Countries' Urban Planning Professional Ethics Principles .....	41
Table 2. Economic Policies and Their Affects on Urban Planning Field.....	54
Table 3. Numbers of Law Amendments that Determines the Process of Interventions to Urban Areas .....	73
Table 4. Distribution of Discipline Committee Files .....	101



## **CHAPTER 1**

### **INTRODUCTION**

Professional ethics is a historically produced subdivision of ethical theories that take up all the ethical practices on the social level in the sense of a particular profession. The principles set out in this framework are principles that are entirely related to the field of profession and are not based on rules established by professional members in a closed environment but on the basis of universal moral values and directly related to these values.

Professional ethics is an institutional structure that is historically produced and have rooted effects, rather than a system of entirely professional normative values. For this reason, professional ethics present a system of principles and rules that restricts / regulates the professional practices of professional members by nourishing universal moral values that shape the nature and ideals of the profession within the framework of occupational and social accumulation and values taken over from the past.

Urban and Regional Planning is a profession that has to operate in order to establish public interest and to produce publicity in the framework of social justice, since every decision made in the framework of the historically constructed core values system of the profession affects all the environment living in the scale in the point of question. Therefore, it is expected that a city planner will operate in line with occupational ethical rules and guiding principles that are formed on a historical and scientific basis. But external factors, such as the effects of political decision-making circles or the legal framework and the economic programs determined on a macro scale, directly influence the process and content of the production of professional activity.

The following argument is proposed in this study: Professional ethical issues and debates are gaining momentum, and their contents are changing drastically in the periods when people is drifted apart from professional principles that are binding

among the profession members and leading towards the rules produced historically; and, practices that are contrary to the definition of the public interest are widespread.

This thesis shows that there is a growing tension between the historically produced system of values and the professional practices of the planning profession and it points out that in Turkey, the experiences in city planning as economic and legal changes transform the professional ethics violations in various ways. In this context, this thesis aims to examine the relationship between the debates, agenda topics and ethical violations in the profession and the legal and economic transformation in Turkey via the cases that are reverted to the Chamber of City Planners Discipline Committee.

Thesis work consists of 3 parts. In the first part, different theories of ethics will be discussed by giving a theoretical framework about the concept of ethics. Subsequently, the basic reasons for occupational groups to preserve the historical accumulation of the profession and to direct their colleagues to this direction as a necessity of the professional ethics principles, the contents and functions of these principles shall be explained.

In the second part, discussions on professional ethics will be explained with in the field of urban planning and the theoretical approaches and definitions for the concept of public interest, which is the basic function of the profession as a result of historical accumulation will be pointed out. Then the main planning theories and the urban planner roles they defend in relation to the ethical understanding of these theories will be examined. In the second part, a comprehensive evaluation will be presented by comparing the texts of occupational ethical principles and codes of conduct published by the professional organizations related to the urban planning field of the countries with different dynamics and planning schools.

In the third part of the thesis, the economic processes that affect the environment building and production in Turkey by considering legislative changes, the process of planning the professional fields and their effects on professional practice will be examined. In this section, it will be presented that a process based on the economic paradigm shifts, starting from the year 1950 and consisting of three different sub-periods that includes today. In each period, the changing role of the state in the

production of the environment building will be discussed together with the economic paradigm changes and the effects on the planning profession will be evaluated. Then, in the same periodic logic, the legal arrangements affecting the environment production in the country are examined, and each of these regulations is related to the prevailing economic policies of the period; planning profession and the effects on professional practice will be examined.

In the fourth and last part of the thesis, with the permission of the Chamber, the files of urban planners that were sent to the Chamber of City Planners Discipline Committee because they violated urban planning professional ethics will be examined within the framework of the former part, namely, periodization process. In this way, professional ethics and violations will be tried to be assessed in relation to the course of the historical process, legal arrangements and changes in economic paradigm.

## CHAPTER 2

### ETHICS AND PROFESSIONAL ETHICS

#### 2.1 What is Ethics?

Aristotle is the first philosopher to treat ethics as a field of philosophy on its own, separating it from theoretical philosophy (logic, physics, mathematics, metaphysics). It divides practical philosophy into three areas: ethics, economy and politics. While the subject of the theoretical philosophy was limited to the changing and unchanging existence, in practical philosophy, subjects are the human acts and their products.

Ethics, which has been regarded as a discipline of philosophy by itself since Aristotle, is derived from the *ethos* word in Greek and has two different uses. In the first use, its meaning is the habit, tradition and morals and the person who acts in accordance with the tradition which is valid in the ancient city, is accepted to be appropriate with the "ethics". In the second and narrower use, the person who behaves in accordance with the ethics is the one who transforms it into a habit in order to realize the good by understanding the transferred values and rule measures. Thus, habit, custom or tradition takes the meaning of character and is the basic attitude of the ethical, virtuous acts (Pieper, 1999).

Theoretically, ethics is defined as the discipline of philosophy that is the basis of individual and social relations established by human beings, the nature of right or wrong, good or bad behavior, and the basis of moral research on its basis (Ersoy, 2008). Ethics is the critical questioning activity which is trying to determine the lines between good and evil, trying to produce solutions with well-behaved actions and behaviors, and a logical basis (Kayaer, 2013). The ethics considered as the consciousness of moral action refers to the qualities that make it possible to define an action as a good act in moral terms (Pieper, 1999).

At this point, it is useful to distinguish ethics and morals, which are often confused in everyday use, in order to avoid the use of some erroneous expressions. Although both areas are very close to each other, they are different in terms of origin, meaning and use. They do not fully match with each other, and for this reason, it is not right to replace each other. To put it briefly, we can say that morality implies models of action that occur as a norm and are validated as a result of processes of respect and acceptance that develop in a community through mutual relations (Pieper, 1999).

The morals term that is derived from *mos* in Latin and *hulk* in Turkish, meaning “temper” and “humor” in Arabic, expresses both the norms, principles and rules which regulates and associates the actions of human beings in relation to others, and values refer to the whole. Ethics, on the other hand, explores both the action in terms of moral good and the values, norms and rules that underlie individual and social relations (İnal, 43). According to this, morality is organized according to accepted, adopted, defined values and rules in a culture; it can be defined as a customized, traditionalized way of life depending on this arrangement (Singer, 2015). Therefore, it is not identical with ethical morality. Ethics is a moral philosophy, whereas morality is a research area of ethics (Çalışlar, 1983).

From here we can define it as a discipline of philosophy that makes inquiries about the norms and values of ethics and moral actions in order to reach general expressions.

At this point, it is useful to explain the main reason why we emphasize the difference between ethics and morals. Morality norms can vary from group to group; a norm that has been historically adopted in a human community may be blamed in another. This is related to the historical shaping of morality in areas with different socio-cultural characteristics. But ethics deals with the differentiated moral norms and value judgments on the meta-level. The most basic and essential task of the ethics is to ensure that the relative is comprehended with absolute motion, as the same way, to ensure that the changeable is understood with unchangeable; on the other hand, to relate them to each other so that they can be compared based on actual, unchanging, normative ones (Pieper, 1999). In this case, the comparison of the field of work, that is, the moral

action, does not damage the property of being universal and not making ethics subjective. Otherwise, there is no binding force of professional ethics.

The same situation can be observed in practices of urban planning profession. It is expected that planners who belong to different planning schools in different countries, operating in different management systems, will show moral differences during their professional activities. However, evaluating the activities of planners in the field of work through the meta-level via universally accepted values of the city planning profession is the point of professional ethics and it points out the prominence of professional ethics.

From this point of view, we can say that ethics is a practical philosophy that is not just purely theoretical and information-based work but also is the actions of everyday life and nourished by them. Hence, practice is both a condition of existence for ethics and also it is ethics' goal (Pieper, 1999). We have already mentioned above that moral practices with a socially produced, historical background constitute the subject of ethics, and that the basic task is to investigate the qualities that are capable of defining these practices as morally good or right action.

Therefore, it is necessary for the ethical theory to produce certain definitions in order to be able to characterize human practices as good or bad, right or wrong. Is it important for an action to produce benefit to be regarded as good, or is it an action that is made in accordance with the rules, is right or good, independent of the result of action itself? The answer to these questions, as we will see in the next sections, has created significant differences in both the ethical theories and the ethical debates as well as the planning ethics that is the subject of this thesis.

## **2.2 Theories of Ethics**

The question of the nature of human action has been the sole purpose common to all the ethical theories that have been tried to be grounded since antiquity. A person's aim or starting point to act, who is a creature having will to act, has always been questioned (Macit, 2009). In fact, this means to question whether the result of human action or the action's intention is moral. Some of the thinkers who are interested in ethics during

the history of thought stressed the morality of the result of action, while others pointed to the importance of intention, not the result. The debate that existed between the so-called teleological and deontological teachings throughout the history of ethics; was actually took place around these two different perspectives (Ashby, 1950).

Similarly, it should be noted that, in discussions of professional ethics in the field of urban planning profession, there are some approaches that prioritize the conclusion of the planning action, namely, result oriented approaches; as well as approaches that prioritize the planning action and the methods applied. It is a result-oriented approach to defend the establishment of public interest at the end of the process, for example, regardless of the nature of the planning process, while the people involved in the planning activity are a criterion for scheduling participation in decision-making processes. Therefore, it is seen that the discussions in the field of ethics are reflected in the urban planning profession ethics. For this reason, briefly mentioning these distinctions of ethics theory will make a significant contribution to the discussion of the urban planning professional ethics that will be explained in the other chapters.

### **2.2.1 Deontological Ethics**

The Word deontological derives from the Greek Word for “ought” and the easiest way of thinking about deontological ethics is that it is concerned with moral rules. A deontological view of ethics, conceived by Kant, is concerned with the rightness of the action. Actions are right or wrong, not because of the good or bad results they bring about, but because they are seen as right or wrong in themselves. In other words, It focuses on right and wrong, not benefit and harm (Howe, 1945).

Therefore, this approach does not take into account whether the objectives are achieved (Chandler, 2001). The right action is to choose the right tools and possibilities, followed by the right rules and principles. The moral value of an action is determined by the intention of the actor. Correct action is universally regarded as a moral duty and obligation to all (Usta, 2011). According to Kant, duty is the obligation to perform an action due to the prescribed rule and lawful respect (Kant, 1982). The individual who fulfills his/her duties, that is, acts according to rules and principles, has

exhibited a moral behavior independently of the outcome of the action. Therefore, in the deontological theory of ethics, the moral criterion of action depends on the individual; for this reason, there is a tendency towards individuality rather than a community-oriented tendency in this approach (Parsa and Lankford, 1998).

### **2.2.2 Teleological Ethics**

The word teleological derives from –telos means purpose in Greek and so is often called consequentialist ethics. The most commonly use form of consequentialist ethics is utilitarianism. In the simplest terms, utilitarianism directs attention to the cost and benefits of consequences of action. A good act is one that creates the greatest balance of good over harm for all people affected, in the long run (Howe, 1945). Therefore, in this ethical approach, the achievement of the dreamed goals is preferred to concepts such as duty, rules and obligations. The only factor directly related to determining the moral character of a behavior at a normative level is the goodness of the results (Cevizci, 2002). The aim is to maximize the proportion of goodness to evil for the greatest number of members of society as much as possible (Pops, 2001). Since action, which creates a good outcome for all, is considered a moral act, there is an aim in this approach to creating a social well-being rather than a tendency towards the individual.

In individualistic variations, the goal is to make society happy by means of people being happy as individuals; one has to consider everyone's good for their own good. The moral person will originally want his/her own happiness, but he/she will know that he/she can not do it without making "many people happy" (Akarsu, 139). For this reason, teleological ethics can be called social orientation, as opposed to deontological ethics theory. It should not be forgotten that this approach is problematic in terms of justice, that is, distribution of "good" through the consequences of actions, but it will not be addressed in this thesis.

## **2.3 Beginning of Professional Ethics Discussions**

So far, the focus has been on the theories of ethics and the nature of man's good or right actions. It was not only about evaluating the daily life practices of ordinary

people, but also about the ethical issues, as well as the groups of people to which they belong and the communities in which they actively participate.

One of the communities that people belong to is the professional community that involves professional work. Occupational societies involve the knowledge and attitude systems that everybody can not have knowledge about. The details of the functioning of the profession can not be known by everyone. For this reason, professional organizations felt the need to set up some ethical principles in order to be observed by their members, with reference to the general morality system.

As Pieper points out, ethics is meaningful when there is a disparity between what is and what should be; and, also between activity and normativity. Otherwise, if everything is good in the current situation, there is no need for the situation that should be (Pieper, 1999). This also applies in terms of professional ethics. Similarly, the need for professional ethics debates and the need for occupational codes of ethics has showed up in situations where members of the profession have moved away from the ideals of the profession. For this reason, each profession has to produce more or less distinct moral values; or moral values for the community which it belongs (Pieper, 1999). As a result of factors such as corruption in public administration, increase in behaviors such as corruption, individualistic behaviors within the capitalist system and departing from the ideals of the profession, the discussions of professional ethics have been intensified and theoretical debates have begun to gain importance.

In short, there are two main reasons why professional ethics principles impose themselves as a need. Firstly, because the process of professional activity is not known to the general public, professional chambers need to give its members the duties and responsibilities to maintain the profession. Secondly, because corruption that we can define as the wrong practices in a particular profession exists, there is a need to preserve the profession and its ideals.

#### **2.4 What is Professional Ethics?**

Professional ethics refers to the principles, that is created by a particular group of professionals to protect the profession, (İnayet, 2012); ordering the members of the

profession in a legitimate manner, forcing them to behave in a certain way; limiting its personal tendencies (Durkheim, 1949), excluding members from the profession when necessary; and also refers to principles that aim to preserve the ideals of professional service. These principles (Scully, 2000), historically produced and adopted by most members of the group, constitute a moral discipline for that profession, and there is no social activity that does not need this discipline (Durkheim, 1949).

The most distinctive feature of professional ethics is that the flaws in the fulfillment of the profession are reacted too much in outside the professional environment. The reason for this is that the practical working process of the profession has not been politicized. For this reason, professional ethics is determined by the professional group and thus determines the duties and responsibilities that society does not know (Durkheim, 1949). Therefore, professional ethics is a historically produced subdivision of ethical theories that take up all the ethical practices on the social level in the sense of a particular profession. But the principles set out in this framework are principles that are not entirely related to the field of profession; on the contrary, they are principles associated with universal values when considered.

At this point, it is important to note that the ethics of the profession is not just the collections of the rules and principles among colleagues. Ethical principles related to a profession can be found in legal and legislative texts when they are institutionalized. Likewise, the ethical principles governing the duties and responsibilities of collecting the profession can also be corrupted by legal and legislative changes. According to the ideological position of legislative will, professional ethics principles can be strengthened by legal regulations or they can be destroyed by legal changes themselves.

As will be mentioned later in this study, for example in the case of Urban Planning, during periods when governments supporting public is dominant, the urban planning processes as a regulatory administrative process are guaranteed with many legal arrangements that aim to establish public interest; in neoliberal governments, the goal of protecting coastal areas in public ownership has been abandoned; facilitating the submission of these areas to tourism investors within the scope of encouragement of

tourism investments could similarly be done with legal arrangements; the concept of public interest could be ignored. Thus, to what extent urban planning profession as an occupational field operating for public good purposes is affected by legal and economic processes, it can be said that the ethical principles defining the duties and responsibilities of the profession for social adjustment are affected in the same way.

## **2.5 Contents and Functions of Professional Ethics Codes**

Banks (2003) found that contemporary codes generally contain the following elements as a result of the examination of ethical codes of different professional groups: (1) general ethical principles that constitute the basis of the profession, such as “improving the well-being of people”; (2) general ethical principles such as “Do not leak professional information” (Do’s – Don’ts); (3) professional principles for ensuring the usefulness of the connected community such as “cooperate with colleagues”, (4) specific principles for guidance such as “Planning service should be based on public interest “ and (5) absolute judgment rules that professionals should have such as “Urban planners must be honest and trustworthy to their employer.” The Principles tend to be broader than the rules and apply to all people in all circumstances. Ethical principles concern attitudes, rights and responsibilities about people’s well-being such as “respect for human dignity” and “development of social justice”. Professional practice includes ethical content indirectly. These include professional morals (etiquette), rules that must be followed by professional occupiers. Although codes are largely different from each other in terms of writing style, they often include the following ethical principles: respect for individuals, respect for the autonomy of service users, improving human well-being, social justice and professional integrity (Demirci, 1999). Professional ethics codes have many functions that result from the above mentioned content features (İnayet, 100) (Mc Hugh, 1996) (Altun, 1995);

- Professional ethics codes also define what can be expected of a profession member as it defines the boundaries of the activity of the profession. In a sense it draws the frame of the profession. Thus, besides the members who are active in the field of profession, they also protect the persons or institutions that they serve because they know what to offer them.

- Professional ethic codes guide the way to make choices according to professional ethics in the contradictions encountered by the profession member by putting rules on professional practice. For this reason, it serves as a guideline for professionals. (Howe, 1980)
- Professional ethics codes contribute to the formation of the identity of that occupation by describing the normative values and behaviors of the occupation. Thus, by determining the responsibilities of members of the profession to the society and the profession, it contributes to the formation of knowledge and respect for that profession in the society.
- Ethical codes provide a normative understanding of the nature of the profession. Thus, it serves as a mirror to the cause of existence of that profession (Howe, 1980).
- When it is detected that the determined rules are not complied with, it defines the sanctions related to the situation and acts as a legal regulator for the profession field (Demirci, 1999).
- Professional ethics codes provide a framework for the ideals of the profession's field, presenting the facts that are impossible to apply in the present case (Banks, 2003).
- It serves as an educational tool because it illuminates ethical and dilemma areas related to the profession (Demirci, 1999).

Since professional ethics is the essence of a profession group, ethics principles are so influential and respected in the way that the professional group maintains organization and historically determined principles. Moreover, when professional groups are strong and organized, this authority influences and respects the ethical discipline they establish. In the opposite case, it becomes unstable, uncontrollable and unenforceable (Durkheim, 1949). In this case, it will not be possible to pass the above mentioned functions. It should be pointed out that although the ethical codes and standards established for the professions are considered as obstacles in some circles, it is not right to argue that the development of ethical codes, the restriction of free will or the character of professional activities should be shaped by the profession. Defending and developing occupational codes of ethics has an important function in coping with the

problems faced in the profession. Codes for regulating occupation areas will be maintained in a respectful and professional position, in order to ensure professional and effective observance, especially by professional organizations. For this reason, today, when the difference between what should be and living reality grows so much, efforts to implement and develop ethical codes that are historically determined and shed light on daily life gain importance as the most important task of professional organizations.

## **CHAPTER 3**

### **PROFESSIONAL ETHICS IN THE FIELD OF URBAN PLANNING**

In the professions that directly affect the daily life of people, the ethical issues are more intense (Duvarcı, 2004). In such professions, there may be a dilemma between the ideals of the profession and personal interests. For this reason, in every field of expertise in public service, there is a classical dilemma. This dilemma creates conflicts where, professionals, who define the public interest as a hypothetical assumption and who are expected to serve the public interest, prioritize their personal interests while performing their profession (Howe and Kaufman, 1979).

Urban Planning is the process of preparing systematic action programs in order to reach the desired targets for the future; the plan is also defined as detailed formulations of the methods or action programs developed to achieve an aim (Ersoy, 2012). In other words, the plan is defined through the aim of reaching and the means necessary to achieve this aim. Therefore, planning is the systematic application of theoretical knowledge (Friedman, 1987).

During the planning process, the planner is in a position to lead and guide decision makers with the proposed solution. For this reason, at the point of changing the status quo, it has the potential to become a tool of change. As will be discussed in detail in the later sections of this work, the side on which the city planner is located on the level of the different social classes that make up the society can shape the content of the professional activity. While it is preliminary to present proposals that will increase the value of urban space change in terms of the planner positioned on the capital side, the main purpose of the planner, who prioritizes the benefit of large populace, is to highlight the use value in urban areas.

City planners' suggestions of spatial decisions and policy proposals, in line with the position they locate themselves, influence the decision-making process. For this reason, the planning profession can be regarded as a profession that directly affects

people's everyday life as a result of determined spatial decisions and policies. The issues of ethics come to the fore when professional planner's interests and the basic occupational ideals such as public interest or social justice are contrary to each other. For this reason, ethical discussions in the planning profession are constantly on the agenda.

In this case, in the urban planning profession, which is supposed to defend the public interest required by the definition, every decision taken contains ethical concerns and professional practices are shaped in this direction.

As mentioned earlier, the main reason for the ethical issues in the field of urban planning to come to the constant agenda is that it is an occupational field that operates on behalf of the public interest. At this point, it can be said that the public interest concept plays a critical role in planning professional ethics.

Firstly, it needs to be determined that the planning has taken place as a regulatory administrative procedure that aims to establish the public interest in the relevant legal texts in our country; and, that the primary objective of the planning is the public interest and that it is guaranteed by the legal framework.

Firstly, Article 35 of the Constitution, which regulates Property Rights, describes the limit of private property and the priority of the public interest. The boundaries of private interests on the property that are not used appropriately for the interest of society, and how to reconcile private interests and public interests are important in terms of urban policy and planning areas (Keskinok, 2000).

This arrangement shows that in the planning practice the public interest is prioritized against private interests and as such has a regulatory influence in the field of planning. Likewise, in the 1982 Constitution, the concept of public interest was used as the title in Chapter Three, which regulates social and economic rights and duties. In this chapter, it is emphasized that public interest is necessary in many places, such as Article 43, which regulates the limits of utilization of the Sea, Article 44 which regulates the Land Property, Article 46 which regulates expropriation proceedings, Article 47 which regulates nationalization procedures and Article 169 which regulates

the protection of forests. Thus, in the decision-making process of planning, the priority of the concept of public interest is repeatedly stated at the Constitutional level.

The concept of public interest is protected in the framework of the Coastal Law, the Zoning Law, the Expropriation Law and the Forestry Law, which are established by the basic provisions of the Constitution.

As one of the most important legal texts for Urban Planning profession, regulating the practice of plan construction, Spatial Planning Construction Regulation needs to be emphasized in this framework.

Spatial Planning Construction Regulation, that aims to protect and develop physical, natural, historical and cultural values, to balance the usage and protection level of these values, to promote sustainable development at country, region and city level, determine the principles and procedures for the implementation of establishing and maintaining spatial plans that provide land use and settlement decisions that are designed to provide a balance of protection and use, forms a frame for it. In a sense, it has been clearly stated that all planning work should be done for public purposes in the (a) clause of Article 7 of the General Principles in the relevant Regulation, which describes the basic objectives and definition of the city planning profession. However, in many places where definitions of the plan types of the same Regulation are made, there are elements that require that the holistic plan or plan changes be prepared for the purpose of establishing public interest.

As can be seen from the legal texts presented in summary, public interest is a very important concept in terms of planning profession as a regulatory administrative process. The concept of public interest is one of the fundamental sources of producing and reproducing the legitimacy and social legitimacy of planning and intervening in urban space (Tezcan and Poyraz, 2013). Therefore, it is useful to address the historical development process of the concept and debate the differences in approaches in the literature on the public interest, before the relation between urbanism and public interest. It is essential to examine the different approaches to the concept of public interest and different public interest terms shaped in this framework in a comprehensive manner in order to address the main thought of this thesis supports that

the professional ethics violations that take place in urban areas are transformed with legal and economic changes in Turkey.

The theoretical baselines and approach differences on the concept of public interest, the main aim of the planning activity and the source of legitimacy, are directly related to the content of planning practices. In this respect, in order to understand the concept of public interest, it is necessary to first look at the main concepts of different periods in the historical process and to discuss different approaches in this framework, to discuss the public interest concept which is restructured with legal arrangements and economic processes and reproduced with different meanings and therefore it is important to make an assessment about the existing planning practices

### **3.1 Public Interest Concept in Historical Framework**

Despite the fact that the concept of public interest is not a very distant past, the concept of "common interest" has a rather old history. This concept was first used by Aristotle in Ancient Greece. Aristotle says that human beings came to look for the virtuous one on the earth, thus creating a socially shared ethos. Therefore, this concept, which we can call today as a common interest with a rough expression, represents a common sense of morality at that time. There is a mutual relationship between the society and the individual here. After Aristotle, this view has served as a base for a long time. It has been stated that in Rome, personal interests should not be superior to common welfare, and that individuals in society should sacrifice their personal interests for common interest (Bal, 2004). In the Middle Ages, Thomas Aquinas said that the common interest meant that everyone was beneficial, and that this common interest was derived from the essence of man, which was nourished by the mutual relationship established with society (Hasgür, 1997).

"Common goodness" as one of the basic concepts of European political history, is a spiritual concept that protects the essence from ancient Greece to the Middle Ages and supports the pre-enlightenment monarchy (Akıllıoğlu, 1991). This spiritual content emerged when the individual and community interests were taken as a whole and the Common Good was accepted as a reflection of God's will (Sancaklı, 2004). The

concept of public interest emerged as a reaction to the concept of common good after the French Revolution of 1789, making public interest out of a spiritual and abstract concept and making it a rational, understandable and worldly value. Public interest is defined not as a sum of individual interests but as a concept that is above it and is its own existence (Sarıkaya Levent, 2011). The Declaration of 1789 contains the opinion that the rights may be restricted by law for the sake of public good and the public interest may be determined by law. Under the control of the public good legislator, it is a common stake that holds the same assertion of reality for all phenomena in different time and space relations within the boundaries of the nation state. It is also a mechanism that is beyond and limits personal interest (Bal, 2004).

In the near term, when national state ideologies are left to globalization policies, it seems that a new concept of public interest has emerged in parallel with the mentioned changes, especially with Ronald Reagan and Margaret Thatcher's politics leaping to all fields starting from the economic area. The public interest, which is homogenized by the homogenization of the whole within the boundaries of the nation state, has been transformed into a separate part of each part separated from the whole by a successful illusion in the last period. It can be defined as a process of erosion in the field of profession (Balamir, 2007), in which the social ground of this period, starting from the 1980s and continuing up to the present day and planning has been narrowed down in this period. Keleş (2000) points out that Turkey of all third world countries with the neoliberal process also experienced rapid urbanization and he said in the situation especially in large cities, it is noteworthy that the incompatibility is becoming more visible between individual interests with common interest. In addition, if the speed of urbanization continues in the same way, it is inevitable that the opposition between the individuals who jealously want to have the right of possession in the land and the powers of its use, and the long-term interests of the land for community will be even greater (p.12).

In this process, it can be said that interventions have been made in favor of the strong ones in the city center with the applications of which the planning principle is disregarded and the public interest, which is the main principle, is ignored, depending

on the changes in planning institution and planning concepts and the changes made in planning law (Özalp and Erkut, 2016).

### **3.2 Public Interest; Definitions and Approaches**

Looking at the public interest definitions made by different people from different fields, it seems that above all, the difficulty of making a clear definition of public interest is emphasized. The most fundamental reason for this is the need for a technical, legal and ethical ground for public interest (Bal, 2004). However, the difficulty of this situation does not mean that the concept of public interest is ignored.

According to Keleş's (1980) definitions, we can say that public interest term as both in a narrow and extensive level put in an appearance in Turkish literature. According to Keleş, public interest in a narrow sense is the legal condition that determines the use of the authorities and resources at the hands of public institutions for the good of the people; the legal measure used in connection with the limitation of the possession right and which guarantees that the substance of this right is not touched. "

Broadly speaking, public interest refers to "all the political and ideological values that determine the need for public transactions and actions to be directed." From this point of view, it is stated that the first definition is a technical expression and the second is a political and ideological content (Keleş, 1989). Doğanay (1974) calls public interest in the broad sense social benefit. Here it is necessary to establish a relationship between public interest and public good.

According to Doğanay, the difference between the society benefit and the public interest is that the former expresses the common interests of all people living in the country, while the latter provides the benefit of preserving the established order, namely, it is the order can regenerate itself through the protection of property relations. According to the author, the concept of public interest should be replaced by the concept of common interest and it should be emphasized that the main concept that expresses "common interest" is community benefit. While Keleş (1975) finds it appropriate to define the broad meaning of the public interest as a benefit to society, it

does not always reflect the fact that separating concepts from one another and putting a negative meaning on the public interest.

From here it can be argued that the concept is part of the order, and that the use of the public interest concept as a measure of public practice based on social interests will reproduce social inequalities, starting with the concept of public interest in the narrow sense. However, the fact that the concept of public interest is the product of certain historical social relations can not be ignored (Tezcan and Poyraz, 2013), which may be a concept used in advocating the interests of large segments of society.

With this in mind, it is necessary to mention that in the later stages of the study, the concept of public interest means the benefit of society in a broad sense.

In describing the broader meaning of the public interest, it is possible to talk about approaches that are shaped by different aspects of perspective. According to Held's (1970) classification "Public Interest and Individual Interests", the public can be examined in three groups. The first is "preponderance theories". These approaches stand out as pragmatic and collective conceptualizations and the public interest means that it is beyond individual interests or it is the sum of individual interests.

Philosophers such as Hobbes, Hume and Bentham have adopted this approach. For example, Hobbes' explanations of "common interest" argue that, in some cases, common interests may conflict with personal interests, but that the arrangements that the decision maker will take in order to maintain and protect the order in an approach based on the maintenance of social order will represent a common cause (Hobbes, 1999). The author's approach, takes state to the center not the community; and moreover, it combines the interests of the state and society in order to build order (Tezcan and Poyraz, 2013). Bentham (2000) notes that the most benefit is to make preferences, but at the same time, the worst of all, the sum of the interests of those who make up the community and what constitutes a community of "common interests".

The second approach is to treat public interest as "common interest". Here the public interest consists of the common interest of all members of society and at the same time the benefits of their individual interests (Held, 1970). The main purpose of governance

of justice, health, education and similar public services is common or general. This approach, which has been advocated by thinkers like Jean Jacques Rousseau and William Pareto, differs from the public interest in the majority. According to this, the general benefit is the concept of a benefit that exists and transcends the benefits of the individual (Keleş, 2000).

The third is "unitary theories". This understanding is viewed from a normative standpoint for public interest. The public utility claims must be in line with the judgments of value, and at a given time, every individual in a given place, whether aware or not, is guided by a single moral value judgment scheme (Held, 1970). This approach is exemplified by Aristotle, Plato, Hegel - Marx 's approaches. While emphasizing that Hegel's approach is an identity between public interest and state benefit, the notion in Marx is handled in conjunction with class content and emphasizes that it serves the interests of the ruling classes in the bourgeois social order and that the interests of large segments of society can be preserved if the working class seizes power has been said (Keleş, 2000).

At first sight, it can be argued that Marx simply excluded the concept of public interest as a concept of bourgeois order. However, in a little depth, it can be argued that Marx's objection is not based on the concept of collective interest itself, but on a content to represent the special interests of the powerful classes presented as generalization in capitalism (Tezcan and Poyraz, 2013). Another public interest approach, especially emerging in the post-1980 period, is the privatization public interest approach, which was added by Keleş to Held's classification. According to this, the public interest loses power and it even entirely abolishes the social and economic efficiency of the public sector (official sector) all over the world. Here, the privatization public interest proposes that private good replace with the public interest and therefore propose to make a full privatization (Keleş, 2000).

The approaches of Campbell and Marshall (2002) and Alexander (2002), in connection with the deontological and teleological ethics theories conveyed in the first part of the thesis work, are mainly based on two methods as the outcome oriented approach focusing on events' content and outcomes and process oriented approach focusing on

the quality of decision-making and planning processes. In addition to outcome-oriented approaches, rights-based and dialog oriented public interest approaches are methods that are set out from ethical scientific explanations and taking into account current participatory planning theories. The rights-based public interest approach focuses on fair and equitable consideration of everyone's right in the planning or policy-making process. According to this approach, values are subjective and individuals are free to make their views on a good life, provided they do not prevent others from behaving in the same way. The core of the dialog based public interest approach is to discuss reconciliation and negotiation. The point that is emphasized in this approach is procedural principles and rules and is mostly related to participatory forms of democracy (Özalp and Erkut, 2016).

Contrary to the approaches taken, in the field of city planning, organic relation between process and outcome is obligatory because of professional ethics. For this reason, in the planning profession, it is necessary to determine both the aim and the means by which it can be achieved (Bettleheim, 1976). Therefore, tools and processes must be accurately defined to achieve the goal of establishing public interest.

The concept of public interest as a regulatory administrative process is always seen as a measure of legitimacy and practice for planners in planning professions as previously mentioned (Alexander, 2002). Public interest has an important meaning to be applied to the implementation of equality and justice principles in the framework of ethical rules. For this reason, it can be said that the historical process, definitions and approaches related to the concept of public interest shape the content of planning practice and the occupational ethical concerns of planners. In the next part of the thesis, urban planning and public relations, public discretionary approach to different planning theories and related professional ethical positions of planners will be discussed.

### **3.3 Planning Theories and Ethics**

As Ploger (2004) notes, planners' decisions and actions can never be free of value. Because the planning profession is a professional activity that determines the

distribution or redistribution of profits formed by spatial decisions, planners are constantly have to choose between the ethical principles they defend and the ethics of "real" politics. Urban planning (Tekeli, 2008), which determines the distribution of social "good" in relation to activities with multifaceted social consequences, is an activity that requires professional ethics codes because the "good" concept is an inherent issue in ethical theory.

However, propositions about ethical values are not a common criterion that can be tested for validity, so they can not be resolved and can not be fully reconciled. Therefore, the presence of ethical symbols such as good, bad, true, and false in an expression does not add anything to the factual quality of that statement. For example, the statement "it is false for planners to leak proposals to property owners regarding the city plan while the planning process is in progress" is not a provable proposition with the empirical facts of the outside world. However, in the statement "A policy is true, because this policy will raise income level and lead to balanced distribution.", the first part expresses the planners' value judgment, while the second part expresses the reason for this statement. And the validity of this justification can be factually tested.

Therefore, social reconciliation on this subject can not go beyond personal emotion expression (Ersoy, 1995) without a historically constructed common criterion or a justification based on this suggestion. If such a compromise exists, then this normative proposition will become factually assessable (Klosterman, 1978).

Because of the normative nature of ethical proposals and the fact that planners have different social classes, cultural backgrounds, political and ideological attitudes, the position of planners in the planning process and the ethical values adopted differ. It is suggested that city planning, which has become a universally practiced management function all over the world, is seen as a neutral, apolitical technical activity independent of value judgments on the one hand, whereas planning is seen as a normative political activity.

In parallel with the differences of understanding about the concept of ethics, there are urban planners, who prioritize value judgments and are openly party to the social sectors, as well as there are planners who carry out professional activities through

technical subjects such as physical planning or land use as the main factor in defining city planning. Therefore, there are opinions that indicate that the planner must be apolitical and use technical knowledge, as well as those who define city planning profession as a profession that needs to be found in political and moral preferences.

In this part of the study, the positions of the planners and the adopted ethical values will be examined on the basis of the four different planning perspectives discussed in the planning literature. Later, the legitimacy of this differentiation will be assessed in the light of the historically produced values of the planning profession.

### **3.3.1 Comprehensive Planning Approach and Technician Planner**

As Şengül (2002) points out, in the comprehensive planning approach, while the concept of public interest was central to planning action, principles such as long term affects of planning comprehensiveness of planning have been at the forefront of the resulting consensus. In this framework, comprehensive planning is on a series of basic assumptions. The most important of these principles is the long-term affects and comprehensiveness of the planning process.

In the normative dimension of such an approach is the concept of public interest. It is believed that the legitimacy of putting planners in this central position bases on that they are the guardians of the public interest. In this kind of planning understanding, it is assumed that planners can develop a range of policy proposals at various levels, identifying the problems of spatial units and proposing a long-range, predictable outcome for resolving these problems.

It is assumed that the planner has the ability to determine the best alternative to solve the existing problems in this process, which is grasped around scientific knowledge and techniques. It is foreseen that scientific knowledge and mind are involved. In this framework, the planning process has the qualities described above as a 'technical' process. In the choice of the alternative, the main concern of the planner, whose impartiality is not questioned, is to protect the public interest. In parallel with the Weber approach, the concept of comprehensive planning underscores this kind of distinction when reducing the planning process to a policy-free, scientific and technical

process. Planners are supposed to be out of political processes and decides in the light of scientific knowledge and techniques in planning process.

The Technician Planner perspective can be said to be an approach which is defined by the act of comprehensive planning, but the claim that the position of being objective and apolitical today must be protected even in situations contradicting the public interest. According to the Technician Planner perspective, the planning process is, in essence, a technical activity. In this approach, the planner sees himself or herself out of political processes as a problem solver.

According to this approach, the role of the planner should be limited to technical work in the hands of policy-makers, decision-makers, evaluation of collected data, preparation of options, and delivery of results to decision makers (Ersoy, 1995). In order for decision makers to make better decisions, it is stated that planners should use technical knowledge to undertake tasks such as reconciliation, conflict resolution, and act independently of value judgments as an apolitical person throughout the process.

Therefore, we can see that the Comprehensive Planning concept, supposed to support the public interest unconditionally by using technical knowledge, is transformed at this point into a totally unbiased power enforcing orders. The ethical values of planners supporting this perspective are summarized as; "The planner must distinguish between subjective judgment and political views and professional practice; the planner must be faithful and trustful to the rules in which the workplace and the employer orders; have the technical knowledge required by the planner's profession and its social contribution should be provided in this way" (Ersoy, 1995).

It should be noted that the technician planner's perspective, which suggests that the planner remains apolitical in all these processes, despite the fact that the planning process is valued at every stage of nature, is in fact suggesting a political stance within itself. Obviously, the position of the planner, who completely ignores the public interest, produces completely employers' requests with his/her technical knowledge and does not make any further inquiries beyond that, is of course a political position.

### **3.3.2 Advocacy Planning Approach and Advocate Planner**

Advocacy Planning Approach; suggests that comprehensive planning process is a technical process and ignores the political content of the planning process (Davidoff, 1965). It emphasized the inequalities that the comprehensive planning approach led to different groups within the society and emphasized that despite the abstract public good principle, comprehensive planning does not equalize every part of the society and exclude the powerless parts of the society.

To overcome this problem, Davidoff planners suggests that planners should be politicized. This leads to the preparation of a large number of plans instead of a single plan, and to clarify what each plan means for different parts of the society (Şengül, 2002). The advocacy planning perspective has opened the debate on the concept of "public interest", which sees society as a whole, ignoring conflicts of interest. It has proposed pluralistic plans against insensitive single plans and suggested that social policies should be developed by debating in society rather than behind closed doors.

It is proposed that urban planners should not be limited to the technician role but to take on the lawyer of the low-income urban poor who can not take part in the decision-making and power mechanism. Thus, there is a fundamental change in the planner ethic that is dominant until that period.

According to this understanding, the apolitical planner type interested in pure facts should replace the planner who prioritizes the oppressed parts of the society / cities, advocates their rights, who see such value judgments as part of their profession (Davidoff, 1965). The formation of urban public policies should not be limited to the selection of "best" options to be made in the light of "objective" research and findings. The planner must also act as agents of a change process that seeks to raise the level of consciousness of the oppressed, unorganized, no privileged sections of society.

The ethical values of planners advocating this perspective can be summarized as; to be the lawyer of the powerless city dwellers who do not have the political power and to leak information to these sections even if it is contrary to the rules of the institution

they are working for and to participate in the demonstrations and solidarity actions (Ersoy, 1995).

It is clear that even though it is unclear what planners are likely to defend the rights of the social groups in the city, and that decisions are left to the personal value judgments of planners, they are concerned about social inequalities and express progress according to the technician planner's description of the apolitical planner position.

### **3.3.3 Radical Structuralist Planning Approach and Operative Planner**

It argues that normative debates about how planning in capitalist societies should be replaced by the question of what urban planning and its functions in these societies is, noting that Radical Structuralist Perspective planning should be examined as an historical and social phenomenon, not as an abstract analytical concept. According to Structuralist radicals, the contradictions and irrationalities created by the unrestrained and uncontrolled movement of the market mechanism in urban areas begin to prevent the smooth and trouble-free functioning of capitalist productive relations and interfere with the regeneration of the system itself and intervene by capitalist state planning. In this theoretical framework, the role of the planner is only the bearer or agent of the system (Ersoy, 1995).

In this approach, all planning processes are seen as activities to help strengthen the legitimacy of the status quo, and the possibility that planners can contribute to social transformation by taking advantage of their relative autonomy and internal contradictions of the institutions they work for is underestimated or overlooked altogether.

This approach focuses largely on what is happening in capitalist societies, rather than what should be and it defines the role of planners in such a framework. Therefore, in this approach, it can be said that the planners' system of ethical values should be what plan, what kind of function should be undertaken. It would be more appropriate to consider the autonomy of the planning process and the planner, rather than defining the planner as the carrier of the system and the planner as the means of ensuring the continuity of the planning system. In this case, planning will confront itself as a

complex, contradictory process whose consequences are determined by political struggles (Şengül, 2002).

### **3.3.4 Deliberative Planning Approach and Moderator Planner**

According to critical theory, urban planning in capitalist societies has transformed into a vehicle that interest groups use to sustain their forces rather than a professional and technical activity.

According to this understanding, the planner's role is to prevent that the system uses the planning as a tool to give false information and distort the communication. All relevant parties should be involved in the planning process and information and communication should be clear, concise, comprehensive, sincere, reliable, appropriate and legitimate in order to avoid misinformation and misdirection in the planning process.

If all parties involved in the planning process are equipped with the right information, the parties will better understand their knowledge (Ersoy, 1995). Therefore, it is stated that decisions made at the end of such a process will be in the public interest. The planner will be the manager of a compromise environment that allows the parties to understand each other, allowing them to make effective contributions, not just as a person who introduces a pre-made plan in this environment and directs them in this framework.

The ethical values of planners supporting this perspective can be summarized as; to try maximizing public participation in the planning process, to equip all relevant parties in the planning process with real and accurate information, to allow the planners to understand each other's opinions and actively participate in the process effectively (Forester, 1980; White, 1991).

## **3.4 Evaluation**

Looking at the four different perspectives presented, it is seen that different approaches to basic issues such as the way of defense of the public interest, the view of planning and the role of the planner are put forward. In such an environment, it is necessary to

define a higher value system for the functioning of the planning profession. Otherwise, if the planners' ethical principles and occupational function is subjective in the production of occupational activity, chaos, lack of inspection and irregularity will arise. In addition, planning occupational legitimacy will be lost in the social level.

Although ethical proposals are not factually tested, professional ethics are a product of a historical process. These features of professional ethics bring them to a kind of compromise product or a common criterion. Hence, professional codes of ethics are realistic.

The system of ethical values historically produced by the planning profession has justified the normative propositions. For this reason, it can be described as principles such as, "It is wrong to infiltrate the decisions taken in the planning process to the owners, because it can violate the principle of equality in the administrative regulatory process". Therefore, despite the fact that the four different perspectives quoted are the ethical principles they produce within themselves, the ethical codes that the planning profession ethics produced historically as a common criterion should be seen as superstructure. Codes of ethics in planning profession are not ambiguous, indefinite and inflexible or they cannot be reproduced according to different understandings; on the contrary, they are historical principles that define the planning profession and the planner roles that nature of planning requires.

It does not make sense to trust subjective assessment of basic planning principles and their interpretations according to different planning perspectives because they establish the legitimacy of planning as a profession in society, protect the long-term interests of society, transfer public resources to future generations, and conserve the natural and historical environment.

For example, we can suppose that the employer requests from the planner to work on a plan to design a mass housing area that will benefit the poor, in a natural and historical heritage area. Will a planner defending the Comprehensive Planning concept ignore the historically generated conservation principle of planning and produce this plan with technical knowledge, leaving the value judgments aside? Or will a planner defending the concept of advocacy planning prepare a plan for this housing area for

the poor, ignoring the qualities of the area and the sensitivity towards social inequalities, without creating any other options?

What kind of attitude will radical structuralist develop about this plan work, which at first glance seems to benefit the poor, but violates the principle of long-term protection of publicity? Will the planners supporting deliberative planning theory open up the field to construction by highlighting the process of participation, ignoring the inheritance of the area in a situation where public demand for public housing becomes dominant as a result of the highest level of public participation in the planning process?

In summary, different approaches and different ethical values impose their own systems rather than a situation that reduces the influence of historically produced ethics. The fact that this thesis focuses on urban planning professional ethics is also the product of such a process.

In line with this need, international and professional organizations aimed to direct their members on "good" or "correct" actions by defining codes of professional ethics. In the next part of the study, ethical codes and codes of conduct published in professional organizations in China, Canada, India, Cuba, America and the United Kingdom will be transferred and a comparative analysis will be conducted.

### **3.5 Professional Codes of Ethics in Urban Planning in Different Countries**

In this chapter, countries with different political regimes, management systems and planning processes were selected. Thus, the effects of these differences on the planning professional ethics and on the behavioral rules of the planners have been observed.

It is necessary to emphasize that the effort to form the principles of the art of making the city with the most general definition is rooted from the ancient Greek, before moving to the texts of professional ethics published in Canada, America, China, India, and Cuba.

When Vitruvius's book "Ten Books on Architecture", which is known as the first written architectural theory book, is examined, it is seen that the professors performing the art of city-making are both guiding the professional practice and stating the rules

of conduct. Although the book defines the art of making the city through architecture, it is possible to evaluate the determinations of the book in terms of urban planning profession as it emphasizes the practice of modern planning in many places.

Architecture is described as an integral part of a wide range of human sciences, and it is stated that architects must have knowledge of other disciplines in order to fulfill their professional activities properly. According to Vitruvius, the architect must be a good artist, must be a good painter, must have drawing knowledge, have good knowledge of arithmetic and geometry, must have studied history and philosophy, be sensitive to music, not be foreign to medical science, have full legal knowledge, and have theoretical and practical astronomy knowledge. (Vitruvius, 1993)

In the Basic Principles of Architecture section, determinations were made about the content of professional practice by suggesting that factors such as "Utilitas, Firmitas, Venustas" (usefulness, robustness, beauty) are necessary for successful architecture.

Since ancient Greece, we are witnessing the continuing concern of professional organizations all over the world over the creation of codes and principles of ongoing environmental production. At this point, while assessing the hypothesis that the legal and economic changes are transforming violations of professional ethics, examining the codes of ethics and codes of conduct published in different countries will provide an important base.

### **3.5.1 Canada**

The Canada Institute of Planners (CIP) was established in 1919 with the aim of advocating rights to employers and decision-makers to be the national and international voice of city planners in Canada. A framework has been presented by the agency that describes the standards at the national level under the heading of basic ethical codes of the planning profession. Professional ethics codes have also been defined for urban planners operating within their state borders by the CIP branch in four different states (Alberta, Ontario, Quebec and British Columbia) as not to be contrary to the said frame.

Two separate texts are published in the form of occupational ethical principles and codes of conduct.

In the chapter of ethical principles, principles such as implementing sustainable planning to regulate resource use; protecting the natural and human environment and mutual relations; be aware that planning decisions have effects beyond the limits of the proceedings; establish a balance between public interest and individual benefit; to provide objective and informative planning recommendations; to improve the level of knowledge of planning theory and practice; making efforts to include all layers of the society in the planning process are determined.

In the chapter of code of conducts, principles such as the planner's responsibility to public interest, planner's responsibility to employers and employees, planner's responsibility to occupation and colleagues are determined.

In the title planner's responsibility to public interest principles such as the planner must respect the ethnic and religious diversity of the public, inform the public and decision-makers about the planning process in a way that does not violate the employer's right to privacy, not to ignore the effects of the planning activity on the natural and human environment, and to ensure that all stakeholders involved in the planning process actively are determined.

In the title planner's responsibility to employers and employee principles such as to provide independent professional opinions to clients, employers, public and courts; to work in professional areas where they are competent only; to carry out the planning service in an attentive manner; comply with the confidentiality of the values and information specified by the employer or the client as long as they do not conflict with the established general standards; when there is a conflict of ethical principles, the employer or the client should be indicated this in due time; not accept any incentives or proposals which may affect the course of the planning process; as a planner working in the public not to offer proposals in the form of investment advice to any private person or organization are determined.

In the title planner's responsibility to occupation and colleagues, principles such as to improve the level of knowledge related to planning philosophy, practices and theories; not being involved in professional activities or occupations that would harm him or herself; avoid giving false information about the profession; to evaluate the professional practices of other colleagues fairly and accurately, consciously and impartially; not signing the plan documents prepared by others; reporting to a CIP when a colleague is found not to comply with established ethical principles; and respect for any disciplinary decisions that affect the member are determined.

With regard to planners who do not comply with the prescribed ethical principles and codes of conduct, the Disciplinary Committee imposes sanctions such as warnings, fines, suspension of professional activities, and being ostracized from profession.

### **3.5.2 India**

In 1951, to promote the planned development of rural and urban areas, to increase the quality of urban and regional planning education, to develop solutions for the problems of planning profession; Basic Professional Ethics Principles and Professional Practice Principles were set up by the Institute of Town Planner in India (ITPI), which was set up to monitor legal and managerial developments in planning and to guide them in the public interest context.

In title of basic ethics principles; to establish public interest; to consider social justice and equality without any discrimination; having professional knowledge and sufficiency; target products with excellent results in professional practice; to protect the natural and built environmental heritage and to make efforts for the future are determined.

Through the occupational codes of ethics determined by the regulation; ITPI members are expected to comply with the following principles;

It needs to be emphasized that the main purpose of planning is to improve the welfare level and to provide public interest; the regulation for the benefit of any small group or employer does not mean the same for the whole of the society, so the prosperity of the community and the holistic public interest must be prioritized.

Although land ownership is in some persons or organizations, it ultimately belongs to the whole collection of this property right. Therefore, the savings to be developed in these areas should not cause to the consequences that would damage public interest. In any case, the priority should be for the public, not for the individual or for a specific group.

ITPI members must share their knowledge to contribute to the development of the profession. They are responsible for this profession.

Members of the institute should direct their colleagues with a fair and helpful spirit; should not damage the reputation of any colleague. Members must comply with the pricing policy set by the professional organization and shall not engage in any behavior that would lead to unfair competition. It should not distort the fair competition environment with possible employment proposals or any material demand.

No one who is a member or student of the Institute should participate in any competition not approved by the institute.

In the planning process, the planners can not be directly involved in any income increase practice, either directly or indirectly through their acquaintances, other than the legal remuneration of the service to which the planner is entitled.

The Institute members will consider the material, moral and professional well-being of its employees. They will encourage them to work, progress and achieve success.

Members have a special responsibility for transferring their knowledge and experience to the students for the future of the profession.

Within the scope of Professional Practices, the requirements to be followed in planners' occupational activity stages are defined as;

-To provide stakeholders with sufficient, accurate and correct information when requested during professional activity; to act with impartial, independent, honest professional judgments on the professional scene; not to produce services in matters known to be illegal or contrary to the applicable professional legislation; to be careful

and meticulous when performing their duties to students, colleagues, employers, customers or other stakeholders; avoiding acts that harm the profession.

The relevant council of the Institute has the authority to suspend the professional activities of members who do not comply with the code of ethics and code of conduct, to penalize, warn them or defrock from professional activity.

### **3.5.3 USA**

Professional ethics codes and codes of conduct have been developed for planners who are engaged in professional activities by the American Institute of Certified Planners, a professional institute of the American Planning Association (APA).

In the text produced by the AICP, the expected sensitivities of the planners in the first part and the rules expected in the second part are defined. If the sensitivities defined in the first chapter are not followed directly there is no penalty, if the rules described in the second chapter are not observed, they are subject to an inquiry directly and penalties can be applied for canceling the planner's certificate.

The expectations that are defined in the first part and has no power of sanction if they are not followed; are divided into three subheadings. In the title of responsibilities for public, there are basic principles of planning such as advocacy of the public interest, consideration of the long-term effects of given decisions, respect for the rights of others, consideration of the consequences of multi-faceted decisions, promotion of the participation of affected people in the production process of the plans, promotion of participation in the planning processes of excluded or disadvantaged groups, preservation of the heritage and integrity of the built environment.

In the first chapter, as the second sub-heading "responsibilities towards customers and employees"; there are advices such as to produce creative and competent planning services with an impartial professional knowledge of the employer; and to produce properly the employer's requests which do not contradict the basic criteria determined by the public interest, legal and professional organization. In the first chapter, as the third sub-heading "responsibilities to the profession and colleagues" there are advices such as contributing to the integrity of the profession, clarifying the public about the

professional issues, to help for students and new professionals that need to develop themselves.

As mentioned above, in the case where these items in the first section are not followed, no disciplinary process is carried out, there are like professional ideal.

But if the rules in the second part are not followed, a number of disciplinary processes will be implemented. These are the rules of individual conduct rather than historical accumulation of the planning profession, such as; not to provide false or incomplete information to persons or organizations with regard to the planning processes undertaken; not to undertake planning services known to be illegal or unethical; not to accept any wages in addition to the legal fee to be undertaken from family members or any other people, not to provide material income to provide advantages to anyone; staying true to the confidential information about the client and the business contract; not being found in misleading statements about ourselves; to reject the employer's claims beyond his or her professional competence; not undertake the work whose fee is not appropriate; complying with the procedures established when a violation of the ethical issues is involved.

Penalties such as reproaching, restricting the license or suspending the license can be applied to planners who do not comply with the rules in the second part and who commit "felonies" such as fraud or tax evasion.

### **3.5.4 Cuba**

The ethical principles set by the National Association of Cuban Architects and Civil Engineers (UNAICC) relate to various specialist areas, architects and planners, as well as professionals in the field of civil engineers, restorations and many other built environment productions. These principles apply to all UNAICC members. The fact that the ethics of professionalism in the text is absolutely based on the principles of morality and ethics (moral science) in the broadest sense; it is emphasized that this ethic and the fundamental basis of this morality is the socialist character of the Cuban society. Cuban architects, city planners and engineers, with the help of ethical rules,

have had the honesty and dignity of the profession, knowing how to fulfill their duties in the light of the Revolution's teachings.

In the title of "Public Duties" ethical principles can be summarized as consciously taking on its duties and staying true to the principles of Socialism; to show an uncompromising attitude towards any phenomenon or form that harms the interests of society, to keep public interest in front of individual interests; struggling with a disgruntled, pessimistic soul; to be an invincible warrior against bureaucratic, incompetent, technocratic, irresponsible and individualistic attitudes; in title of "Personal and Professional Integration" principles such as to maintain honesty, impartiality, humility, honor, responsibility and integrity in both workplace and personal and family life; combat corruption, the manifestations of illegality, and those who are tolerant of such behavior; to undertake the responsibilities of tasks that will provide high profits to the profession without their own interests; not supporting the activities of other unauthorized persons by signature or other means in accordance with the practice of the profession; to develop himself constantly in technical, cultural and political terms; to contribute to the ongoing debate to mature ideas are determined and in the title of Under the heading "Functionality" the principles such as to apply profession in accordance with all legal and regulatory documents governing profession; request that the implementation phase of the products not begin before all the technical and economic studies necessary for the proper implementation of the professional service have been completed; promote approaches and measures that contribute to reaffirming sustainable development concepts in ongoing activities to mitigate climate change and other serious consequences; to respect the preservation of local identity, cultural heritage, traditions and lifestyles of communities exposed to environmental impacts; encourage measures to protect human, financial and natural resources; encourage the use of renewable energy resources and technological processes through science and technology; encourage the training of new professionals and actively participate in these activities in the sense of specialization are determined and finally in the title of "Solidarity and Social Discipline" principles such as to have collective reasoning and decision-making ability to provide labor discipline in work and social life are determined.

Failure to comply with ethical rules, disobedience or violation will be assessed by ethical committees at all levels in relation to this issue, and the necessary sanctions will be applied.

### **3.5.5 United Kingdom**

The Royal Town Planning Institute (RTPI), which had memberships in Wales, Ireland, Scotland, and England and was established in 1906, has issued a text entitled The Code of Occupational Conduct. The text consists of five subheadings, all of which describe the behavioral rules of planners.

- Competence, Integrity and Honesty
- Independent Professional Approach
- Attention and Care
- Equality and Respect
- Professional Behavior

In the five identified sub-sections, the behavioral rules that planners should have in carrying out their professional activities are detailed. It is stated that these five principles are at the basis of all other determinations, such as ethical principles and professional standards for planners.

In addition, the Royal Charter, which was published in 1959, designated the purpose of RTPI as the development of planning art and art on behalf of the public good. The following definition of public interest is used.

“Historically acting in the public interest has been defined in terms of protecting public health, public amenity and the environment from ‘harm’. However RTPI Members serve a range of interests. Acting in the public interest involves having regard to the expectations of clients, employers, the local community and politicians as well as future generations. Tensions can often arise when trying to reconcile these different interests and challenges”

In the text "Ethics and Professional Standards," which is intended to give "advice" to city planners, it is seen to refer to the historical ethical principles of the planning profession as in below:

RTPI Members can fulfil their 'public interest' duty by having regard to: Long term consequences of the planning proposal or issue in question and their professional involvement, Inter-related and cumulative effect of decisions, Use of accurate and relevant technical information, Views of stakeholders and public agencies and representations made by local residents and businesses, Protection of natural and historic environments or any features of special interest, Public amenity, safety, design and accessibility.

### **3.5.6 China**

There are no ethical principles or code of conduct guidelines set by the China Mainland Professional Urban Planners operating at the national level, but it may be suggestive to refer to the text set by the Hong Kong Institute of Planners, one of the most important planning agencies in the country.

In the title of Responsibility to Society there are principles such as to base on public interest in professional activities, to raise awareness of the community about the planning profession; to make relevant contributions to the related information when it is applied to the information, to make necessary information to both the affected and the decision-makers while faithfully carrying out the planned activity; to avoid misleading public information in the advertising process of a specific planning task undertaken; defend equality by not discriminating between race, language, sex, religion;

In the title of Responsibility to the Profession there are principles such as to fulfill professional responsibilities in honesty, dignity and fairness; to continuously improve vocational competence; not to undertake work in matters that are not competent; respecting the ethics of that professional group while working with close professional groups; not undertaking tasks that would be in conflict with personal interests with professional principles;

In the title of Responsibility to the Clients/ Employers there are principles such as not to carry out any commercial activity in the form of property purchase as long as the competent position is maintained in the areas where the plan is prepared or may affect the decision of the site selection; to accept any financial responsibility on behalf of its clients or employers; to check the compliance with the ethical principles and legislation of the planning work demanded by the employer or the client; not to accept any income, bribe, or incentive other than the legal provision of professional service; not to share the trade secrets of the client and the employer with any other person for any reason;

In the title of Responsibility to fellow Members, there are principles such as not to harm another person's occupational dignity for no reason; to inform the Institute when an ethical problem is identified; not to cause another colleague's dismissal from his/her work with unfair ways.

**3.5.7 Evaluation**

In countries with different political regimes, governance systems and planning processes, when we compare texts of ethical principles and codes of conduct published in professional organizations, we see that almost all of the historically produced values of planning take place in. However, it appears that there are serious differences in the sanctions to be imposed if these values are not followed in the form of description or in accordance with the rules.

The table below shows that the items marked with red color do not refer to the ethical principle in the text published by the profession of the country concerned. The materials with the green and the red color refer that they are mentioned in the text but they do not define any sanctions if they are not followed. The items scanned with green color indicate that they are included in the text and supportive sanctions are defined.

In the case of an evaluation by means of a table, first of all, according to the texts published in the United States and the United Kingdom, we can see that there are not enough principles to establish public interest and protect natural resources for a long time; it is understood that these principles are recommendations.

**Table 1:** Comparisons of Different Countries' Urban Planning Professional Ethics Principles

Code Of Conduct	CANADA	INDIA	USA	CUBA	UK	CHINA
Content of Public Interest	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in the text but there is no sanction in case not complied	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Superiority of Public Interest	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in the text but there is no sanction in case not complied	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Participation	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Conservation	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text
Long-Term Results	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text
Discriminaton/Equality	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Honesty/ Self-Dependence	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Confidentiality	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text
Non-Contracted Income	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text
Complying With Price Policy	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text
Contrubution to Professional Dev.	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text
Legality Control for Demands	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles that are not in The Text	Occupational Ethics Principles in The Text

  

	Occupational Ethics Principles in The Text
	Occupational Ethics Principles that are not in The Text
	Occupational Ethics Principles in the text but there is no sanction in case not complied

In other words, it has been speculated that no sanctions will be imposed if the principles such as the protection of the public good and publicity that build the legitimacy of the planning on the social level are not complied with, these principles have been left unsupported. Therefore, the fact that the most important purposes of planning are merely advisory, shows that these principles are not considered enough.

The absence of any criminal sanctions if they are not followed indicates that planning activities in these countries are aimed at protecting private rights rather than public property. However, when we look at the principles that are subject to sanctions in the texts, it can be seen that the rules of behavior that the planner must comply with are determined from the contents of the planning process such as relations with more

customers or employers, unfair competition, objectivity, producing misleading information. Unless these rules of conduct are followed, the sanctions to be implemented indicate that planning processes and material relationships in these processes are of top priority, as opposed to result-oriented approaches such as establishing public interest.

In the case of Cuba, China and India, it was emphasized that the public interest is above the individual interests, and it is clearly stated that the main priority is public interest when there is any conflict of interest. In the same way, social justice, protection of the natural environment and transfer to the future, transferring the right information throughout the planning process to all stakeholders, including those affected by the planning effort, and the lack of any material relationship other than legal income, both in terms of the content and process of the planning action, seems to be supported. In these cases, the Cuban approach to public interest due to its socialist governance structure is expected, while in India and Cuba, the importance of the planning profession and planning institutions that prioritize public interest is understood and gives an idea of planning in these countries.

In the case of Canada, it appears that there is a distinctive situation in the public domain while many ethical principles are historically produced in the planning profession. In the text, it has been stated that a balance must be established between the public interest and the individual interest, and thus the public interest principle is basically weakened. In other words, the Canadian understanding is located somewhere between the United Kingdom and the United States, which do not implement any sanctions in the event of inappropriate activity to public interest, and the understanding of Cuba, China and India, which emphasize the core values of planning and support them through legal disciplines and internal disciplinary processes. But as a result, the first group is closer because the superiority of the public interest is not clearly defined.

As a result, there appears to be fundamental differences in the texts conveyed, in the form of the description of the public interest, in relation to individual interests, and in the course of subjecting the case to violations of the principle. In this context, particularly in the United States and the United Kingdom, the fact that the principles

as quoted above is just advisory for the basic values of planning together with the public interest, we can suggest that these countries are linked to their historical, economic and political positions and the planning conception was shaped in this way.

Especially, it should be pointed out that USA is the most backward point in the texts of city planning professional ethics of 6 different countries quoted, with respect to the basic values of planning. Likewise, the strong emphasis on public interest in Cuba is directly related to the socialist character of the country. In India and China, we see that the planning profession is less influenced by the ideological transformations of the countries they are in, that the planning profession ethics maintains its own value system against these transformations, and that the strong emphasis on issues such as public interest and protection of public resources is still ongoing.

It should be noted, however, that the codes of professional ethics of planning and the rules of behavior expected to be obeyed by planners are addressed in the texts of all countries except minor differences. This reinforces the argument that the principles of planning professional ethics are formed by historical accumulation and are universal. The main difference in the texts published by the planning organizations of the countries is that the order of priority of these principles and rules, such as the attitude to be exhibited when it is not followed. On the basis of this difference, it is related to the extent of protection of the planning institutions' historical perspectives and planning values in the country.

## **CHAPTER 4**

### **ECONOMIC AND LEGISLATIVE REGULATIONS IN URBANIZATION PROCESS OF TURKEY AND PLANNING PROFESSIONAL ETHICS**

After the theoretical framework presented for ethics, professional ethics, public interest and planning professional ethics, the context of the study area in this section will be addressed. This thesis study suggests that legal and economic changes in the field of urban planning have transformed the planning professional ethics. In this context, the purpose of this section, researching the effects changes in legal and economic areas in Turkey to urbanization process; and to examine the reflections of these changes in the planning profession and professional ethics.

In this framework, the urbanization processes in the country will be evaluated in three different periods. First, the period between 1950 and 1980 will be examined when the one-party regime ended and left its place in a multi-party system; rural development-oriented economic approaches have turned into a development paradigm based on the import substitution industrialization and when the rapid urbanization process began.

Then, second period between 1980 and 2000 will be examined when import substitution industrialization-based development model and welfare state applications were replaced by the market economy.

The third period is considered as the period when the economic policy based on the urban built environment production becomes dominant with the JDP (Justice and Development Party) government.

## **4.1 Economic Paradigm Shifts and Transformations of Government's Role in Urban Areas**

### **4.1.1 Import-Substitution Industrialization Period**

This period, after the global crisis of 1929, was first implemented in some Latin American countries and started to be implemented in our country after the second world war; which mainly aims to reduce the external dependency of developing countries and to improve the national economy through industrialization (Balaban, 2008).

This period can be described as a period aimed at protecting domestic producers from international competition environment with legal changes such as high customs duties applied to primary consumption goods to be imported and pay quota practices, and also it would be appropriate to consider this period when there was intense government intervention that promoted the provision of low interest loans and at the same time encourages the import of production means and technology to increase the productivity of domestic industrial production. In addition, practices that provide the domestic market to survive by procuring consumption goods, which produced by domestic entrepreneurs and offered to the market by means of high wage policies, to be bought by the working class, show the state efficiency in this period (Pamuk, 1984).

When we examine this period's reflections on the urban areas, it is seen that the activity of the state in the field of production is not experienced in areas such as urban built environment, infrastructure presentation. Şengül (2004) refers this period as "The reproduction of labor". The Keynesian accumulation strategies implemented in the developed countries after the Second World War were shaped as an import substitution development model in underdeveloped countries. According to the author, the most important common feature of the two models is the effective role of the state, and the most important difference is that in the developed countries the excessive accumulation is directed by the state itself, whereas in the underdeveloped countries the state is confronted with the problem of making with limited accumulation of capital.

Hence, while the capital accumulation created is directed to urban investments by the state itself in developed countries, investment in urban areas is limited due to limited capital accumulation in developing countries. Due to the fact that the government resources are being directed to industrial investments in large scale, the problems that are experienced are solved by the local communities themselves, due to the management understanding that does not adequately address urban built environment production and infrastructure problems in urban areas. According to Balamir's definition, the people who migrated from rural areas to the city did not have the option of getting housing or renting by legal means, so they decided to build a slum on the public lands of the city based on the usage value (Appropriation).

Later on, the need for housing through the purchase of land with private property was made by these communities themselves, without any intervention by the state (Apportionment). The middle class solves the problem of housing by means of structures such as cooperative housing or by means of residences which are produced with the agreement that is between landowners and contractors in return for flat. (Appurtenance) (Balamir, 2002).

The fact that the state's capital accumulation, mostly directed to industrial investments, did not exist in areas such as urban service delivery, resulted in the formation of reactions. To overcome this, which led to the crisis of legitimacy, central governments have made legal arrangements to allow the right of property in this period towards the slum dwelling type structures, which the people migrating from the village to the city find themselves on their own initiative for the problem of housing.

In a sense, they have offered the city lands free of charge to the public. At the same time, residential areas built through cooperative or contractors have been legalized in accordance with legal regulations such as the Law of Property Ownership. Thus, the state has solved the problem of work force's housing without making any investment in a conjuncture in which there is limited capital accumulation.

Despite the ineffective management approach in urban areas such as housing presentation and provision of infrastructure services, it is necessary to mention that planned development thinking and planning institutions are effective in this period.

The main reason for this is the effort of the state transferring capital accumulation to the production areas to plan and control the urban areas as a regulatory administrative process. It is possible to define this period that state intervened in the production of urban built environment through planning.

This approach has begun to lose its effect towards the end of the 1970s. By 1977, industrial production was at a standstill, especially due to the rising oil prices and the global economic crisis. As a result of these factors, the state can not supply foreign currency and is unable to pay the short-term debts it receives. As a result, production activities in the local market have decreased due to decreasing profit rates (Balaban, 2008). The crisis has triggered a transition to a new paradigm.

#### **4.1.2 Export-Oriented Growth Period**

On January 24, 1980, a "stabilization package" was published, which contained radical changes in the economic environment and was outlined by the IMF in order to overcome the problems experienced.

Basically, an understanding, aiming to close the foreign exchange deficit by exporting the products produced in the internal market, trying to integrate the country's economy into the international market, and thus to pay off foreign debts, was started to be implemented. One of the most critical decisions in order to compete with the international market has been the reduction of labor salaries, which are considered as production costs (Işık, 1991).

As a consequence of this wage policy that reduces the purchasing power of the citizens in the domestic market, it has become more rational for the producers to sell products to the domestic market. The low wage policy for the working class is supported by policies such as tax reduction and incentive for export products (Balaban, 2008, 79). Thus, the import substitute has left it to an economic concept that aims to be included in the international market instead of the development model through industrialization.

But due to the government's salary policy, class reactions have begun to rise and the 1989 local elections have resulted in the defeat of the ruling party, under the influence of the actions of the working class. For this reason, 1989 marked a major change in

the export-based economic policy supported by low labor salaries in the second period. With the electoral victory of the Social Democratic People's Party, salaries increased by 142% and this increase also reflected in the private sector (Boratav, 2003).

Another important development in 1989 was the liberalization of foreign capital circulation. Thus, in terms of foreign capital in Turkey it has become an area of investment can be made. Although the government predicts that foreign investors will invest in the producer sectors, investors generally prefer speculative, short-term investments. Therefore, the economy has become more unstable and external dependency has increased steadily, as attempts have been made to alleviate the effects of the external debt and economic crisis environment. Especially in the period between 1989 and 2000, the lowest rates of growth in the history of the country were exhibited. That is, the main argument of this period as the target of paying foreign debts through exports could not be implemented (Boratav, 2003).

Considering the effects of the economic changes mentioned above on the macro scale to the urban areas and the understanding of urban governance, the neoliberal approach tried to be built instead of the cities which are in a functional division of labor in accordance with the nation state ideology as a fundamental paradigm shift, it can be said that the understanding of the city administration, which is trying to attract investment in the conditions, has been started to be implemented. Nevertheless, there has been a period when the state was further withdrawn as a result of the privatization of investment areas for urban service delivery and built environment production, which are already at a low level, leaving these areas to tenders and private companies or public-private partnerships. In the field of urban management, capital groups also emerged as an actor and the limits of the distinction between public and private began to become flexible. Regulations on urban space have also been gradually loosened and planning institutions have lost their power in this process (Şengül, 2004).

However, there has been a significant change in the government's policy on urban areas, which transferred capital accumulation to industrial investments during the period of import substitution. Especially with the establishment of HDA (Housing Development Administration) and the legal regulations supporting it, the state has

become an important actor especially in the middle class housing production. At the same time, the construction sector period, which included more small-scale capitalists in the first period, changed and became a period in which large capitalists wanted to transfer their accumulated experience in industrial production to profit with urban built environment.

For this reason, Balaban (2008, 125) emphasizes that it is possible to separate this period into three sub-periods in terms of construction sector and built environment production. It is possible to define the 1980-89 period as a period in which the state has invested in infrastructure, and thus the built environment has developed, under the influence of the changes in the law, which prescribe 2981 and 3290 town planning amnesty regulations, and the HDA and Mass Housing Fund. It can be described as a period of stagnation due to the increase of interest rates and the liberation of foreign capital circulation along with the 1989-94 period local elections and changing salary policy. Finally, it can be said that the period between 1994-2003 is the period of decline due to high interest rates, reduction in the expenditures of the state for the urban areas, or due to the effects of the earthquakes.

The period has been a period where the effects of the economic paradigm shift, which began with the coup d'état, were felt in in the field of planning profession. In this period, the government, which was regarded as an obstacle because of the decisions of January 24, began to lose power with the intervention in the economic field and thus planning as an intervention tool of the state began to lose power, too.

Thus, there has been unequal growth and development among the cities that "compete" to attract capital investments, and there have been major problems in accessing services in urban areas. Public service understanding, which is supposed to carry out activities for the public interest, has been replaced to a profit-oriented, managerial power by transferring the provision of urban services to public private partnership or private enterprises.

On the other side, unplanned urbanization was brought into legalization by putting town planning amnesties into force with a populist understanding, and thus the reaction of the poor people was tried to be relieved. The opening of important public and natural

areas in the periphery of big cities has been encouraged in a sense. The shanty settlements which the public finds as a solution to the problem of housing is periodically made legal with the town planning amnesties and the planning institutions operate by plotting the areas already opened to construction.

#### **4.1.3 Built Environment Production Oriented Growth Period**

For the reasons given above, the "Inflation Reduction Structural Reform Program" was implemented in 2000, mainly due to high inflation rates and economic instability, which started to take effects especially in the mid-1990s. The structural reform program, which mainly provides macroeconomic regulation, aims to provide economic growth based on foreign trade, with low inflation and interest rates, financed by international capital and reduced domestic borrowing requirement (Balaban, 2008, 173).

In addition, the main motivation for the reform program was the introduction of some state-owned economic enterprises to international capital groups in search of a speculative new investment area. With the help of cheap foreign exchange and high real interest rate policy, foreign capital has been directed to these areas. (Yeldan, 2001)

This program, which started to be implemented in the macro-economic area, also affected the urban areas and the production of urban built environment at the beginning of 2000's. First of all, it was mentioned that the construction industry was stagnant and suffered a kind of crisis due to the loss of life and property in 1999 earthquakes. Due to the earthquakes that occurred, the legislation regulating planning and urban intervention tools was also revisited.

Following the earthquakes, the Ministry of Public Works and Settlement published that all construction activities have been stopped in all the provinces affected by the earthquake including İstanbul, Bursa and Eskişehir. Subsequently, it published new guidelines for the re-examination of all geological-geotechnical surveys of areas under threat of earthquakes, including the cancellation of plans when necessary, the reduction of building density and the reduction of peers. These decisions taken by the

government after the earthquake have led to the withdrawal of entrepreneurs operating in the construction sector and hence the stagnation of the industry. (Can, 2001)

As a consequence of the stagnation of investments in urban areas that continued until 2003 due to the earthquakes that started in the mid-90s, there was a demand for excessive accumulation of housing, especially due to the rapid population growth. This has made the construction industry attractive from scratch. Nevertheless, the passive role of the state on investments in the urban built environment has also begun to change in this period, and has become an active actor in the market as interventionist, and regulatory by itself.

In the process from 2000 until the present day, in particular when JDP came to power alone, numerous legislative and administrative changes has been made that aimed to destroy control mechanisms of built environment production, to give town planning amnesties to slum areas, to present urban and public areas to national and international capital.

#### **4.1.4 Evaluation and Conclusion**

When we examine the paradigm changes that the country has experienced at the macroeconomic level since 1950, it is seen that the decisions about the economic area on the upper scale constantly affect the urbanization, urban service provision and built environment production, although the shape and intensity of the interventions and regulations for the urban areas have changed in all three periods.

In other words, the policies determined on the macro-scale economic field have directly affected spatial development. The state has concentrated capital accumulation intensively on industrial investments during the period of 1950-1980 when the development model through import substitution industrialization was implemented. As the table below shows, this decision has led urban communities to meet their urban needs illegally, and urban areas have been unplanned in this direction.

The population migrating from the rural areas formed the dominant spatial form of the slum-type settlement in that period, on the condition that the need to meet the demand for housing in publicly owned areas close to the city center was not provided as equal

access to public services. In this period, it seems that the government tried to control the urban areas not directly by investing, but with planning as a tool for intervention.

It is seen that the state is aiming to control the building in the urban areas through the public institutions such as İller Bank and State Planning Organization which make planning studies at the regional and local scale especially during the period's early years in which the concept of planned development is active in the policy level. With the failure of the import-substitution industrial investments and development thinking, the economic program has changed and this has influenced the concept of planning, the concept of planned development and the urban-public spaces.

As a result of the paradigm shifts in the macro-scale economic environment with the 24 January decisions, an understanding was started to be implemented aimed at closing foreign exchange deficits through the export of products produced in the domestic market, which are trying to integrate the country's economy into the international market and thus paying foreign debts. Parallel to this paradigm, cities that are part of a solidarity and functional work within the nation state ideology have become competitive to attract investments.

This has triggered unequal development on the national scale and led to the continuation of migration movements for large cities. The reconstruction plans in these areas have been made legal by means of the town planning amnesties for the slum areas built by the immigrant population on the city areas. In addition, the state began to invest in this period especially in the infrastructure and housing production areas for urban areas with the help of the establishment of HDA and the amended law changes.

This has led to large capital groups, which have accumulated capital in the first period, to turn towards urban built environment production. In 1989, this situation began to change with the law that provided free movement of foreign capital, and the state began to pass through a relatively passive position. Profit-based, fragmented urban interventions have begun to intensify with extensive projects involving large capital groups. As an important feature of the period, the concept of planning based on the public interest has begun to change and the planning institutions have largely lost their influence in the previous period.

With the privatization practices, the sale of SEEs (State Economic Enterprises), as will be discussed in detail in the next section, has been provided in this period to open up the shores, forests and public spaces in the city to be destroyed in order to attract private capital by means of legal changes. The first legal regulations on these areas were first made in this period in line with the economic program.

In the third period beginning in 2000, investments in urban areas have been the main determinant of the economy. As a result of the economic program, which is based on foreign trade, inflation and interest rates are low, financed by international capital and targeted to provide economic growth by reducing the domestic borrowing requirement, privatization practices have followed legal amendments that have started profit-focused urban transformation applications as well as construction of natural and historical values. With the changes made in the legislation issued in the previous period, the obstacles in front of the capital were removed and the investment processes became easier.

The economic program aimed at acquiring savings through the privatization of many public-owned areas along with many state-owned enterprises established since the first years of the Republic brought together the total disregard of public service. The management understanding of trying to maximize the profit of the capital groups rather than the public interest has dominated the urbanization process based on mega - crazy projects.

In this period when the holistic planning approach has been abandoned, the planning institutions have been evacuated, and numerous legal regulations have been made to destroy public and natural values, urban inequalities as well as inequalities in the provision of public services have reached highest levels. On the one hand, especially HDA and large construction firms started to construct houses based on the value of change far beyond the need and on the other hand, there was a significant increase in the number of citizens who could not provide their sheltering need.

**Table 2:** Economic Policies and Their Affects on Urban Planning

Period	Economic Policies	Affects on Planning Occupational Area
1950-1980	<ul style="list-style-type: none"> <li>* Development model centered on Industry Investments</li> <li>* Disregard planned development in urban areas</li> <li>* Do not transfer resources to built environment production</li> </ul>	<ul style="list-style-type: none"> <li>* Uncontrolled urbanization</li> <li>* Permit construction in natural areas and areas that are not suitable for construction</li> <li>* Unequal access to urban services</li> <li>* Loss of public land</li> <li>* Implementing Regional Planning</li> <li>* State intervention through planning</li> <li>* Effective, central planning institutions</li> </ul>
1980-2000	<ul style="list-style-type: none"> <li>* Development model aimed at integration with free trade activities and international capital</li> <li>* Activation of capital groups as an important actor in the provision of urban services</li> <li>* Implementing neoliberal - competitive urban management understanding</li> </ul>	<ul style="list-style-type: none"> <li>* Legalization of unplanned areas with town planning amnesties</li> <li>* Realization of rent-based urban development with big projects including capital groups</li> <li>* Uneven development on national scale and migration movements made to big cities</li> <li>* Wear of public interest understanding</li> <li>* Losing power of planning institutions</li> </ul>
After 2000	<ul style="list-style-type: none"> <li>* Economic growth model based on urban built environment production</li> <li>* Mega projects and brand city understanding</li> <li>* Policy of obtaining accumulation through privatization of public values</li> </ul>	<ul style="list-style-type: none"> <li>* Destruction of public spaces, natural areas</li> <li>* Construction beyond requirements</li> <li>* Deepening inequalities in the social areas</li> <li>* Loss of small-medium size settlements</li> <li>* Abandonment of integrated planning</li> </ul>

As a result, the state has constantly directed the production of urban built environment through means such as law changes, incentives, interest and loan applications. This has led to the transformation of planning practices because it affected the agenda of the planning profession and the legal framework under which the profession has been

based, due to legal and economic changes. Law amendments that are relevant to the urban environment and made in line with the economic program in effect, transformed planning processes, occupational content and intervention tools. Often there are situations where the legal and historically produced ethical values conflict.

In this section, paradigm shifts in the macro-scale economic environment and how these changes affect the understanding of urban areas, urban management and built environment are explained. In addition, this thesis study argues that as well as a number of economic policies affect planning field, planning field strengthen, direct and influence the economic policies, too.

Therefore, it is argued that there is a bilateral and reciprocal process of influence between the economic processes and the planning profession rather than unilateral influence.

In the next part of the thesis work, the legal changes affecting the urban environment and their effects will be examined in accordance with the periodization mentioned in this chapter and these changes will be evaluated within the framework of the planning professional ethics.

## **4.2 Affects of Legislative Regulations for Urban Areas to Planning Professional Ethics**

In the process starting from 1950, as mentioned earlier, the economic policies applied in three different periods affected the state's approach to planning and urban areas. In keeping with the economic paradigm shifts that have taken place, the state has had significant impacts on both legal and institutional arrangements and urban areas.

In this chapter the effects of legislative amendments and institutional arrangements on the planning profession and professional ethics will be discussed in accordance with the previous section evaluating the economic paradigm shifts and the effects on urban areas in the upper scale.

Within the framework of economic amendments made during these periods on the basis of periodization, evaluating legislative changes will allow an integrated framework for the study of thesis.

#### **4.2.1 Important Legislative Regulations for Urban Areas between 1950 and 1980**

##### **4.2.1.1 Construction Law Dated on 1956 and Numbered as 6785**

In the period covering 1950-1980, the first major legal amendment to town planning and urbanism was the Construction Law No. 6785 dated on 1956. The main rationale for this law is to control the interventions for urban areas through planning, to create discipline for planning and to strengthen the planning institutions, as the state directs capital accumulation to large industrial investments.

Law No. 6785 was prepared in a period when urbanization rate reached 80.2% (1950-1960), and despite the fact that some town planning, road direction plans and main arteries were regulated, there were debates whether they were appropriate for the regulation or not in reality, considering that a solution for urban problems could be found through the holistic town planning process. Keynesian view, based on the fact that in order to raise the quality of life of the impoverished people, it is necessary to establish regular and healthy areas such as work, education, health and housing and necessary to create employment by emphasizing public works, and such benefits are created under state control, supports the Law No. 6785. (Özcan, 2000, 46)

Hence, it appears that the provisions regulated by the law are compatible with the economic policies quoted in the previous section and approaches to the urban area shaped by them.

Firstly, according to the Building Code No. 6785, municipalities with a population of less than 5,000 have a planning obligation limited to the road direction plans and, according to a holistic planning concept of municipalities with populations of 5,000 and above, which are defined as urban centers where they can function as attraction centers for the rural population, "a town plan obligation" has been introduced.

According to this understanding of planning, after 1/5000 scale master plan which is the first stage of planning to be done in the settlements with a population over 5,000 and which is an integral part of the plan report, 1/1000 integrated with a report and 1/5000 scale as needed is envisaged by law to make zoning plans that will enable the municipalities to use their financial resources effectively in a long period of time by dividing the execution plans (implementation development plans) and the implementation stages of these plans into four-year periods. In a sense, the plan is mandatory.

Moreover, in Law No: 6785, "zoning planning border" is no longer related to the planned area border, but it is limited to the municipal boundaries at least, and it covers functions, instead of urban functions, such as housing, commerce, industry etc. in this area as they are required to be decided. The idea that the "urban" areas should be carried out beyond the municipal boundaries and that these areas should be included within the boundaries of the zoning plan is for the first time envisaged by Law No. 6785.

In other words, the planning area where the municipalities are authorized by this law was expanded to include the adjacent areas near to these borders in addition to the areas within the municipal boundaries, and plan discipline could be provided in these areas (Ersoy, 2017, 212). A holistic approach to planning is emphasized.

Within the framework of this law, the legislation enacted on May 15, 1969 is enforced with the approval of the municipal planning process, the municipality's proper opinion and the approval of the Ministry of Public Works.

In the sense that the plans are approved by the Ministry of Public Works who has the authority to approve and change the plans, it can be regarded as administrative tutelage. It is possible to see this as a product of the centralized structure of the planning processes, which was conveyed in the previous section, which forced the municipalities to consult the center even in their simplest decisions. The planning processes are, in a sense, controlled by the central government itself.

Another important regulation that was enacted by Law No. 6785 is to increase the amount of land to be abandoned for public use to 25% with zoning regulation for the immovable owners, thus reducing the expropriation expenses for the municipalities to use for such use. (Ersoy, 2017, 212) Therefore, the state that does not invest in urban areas, in line with the economic policy determined at the national scale, can be said to be able to provide expenditures on these areas by plan.

Another provision redefined by Law No. 6785 is to give all necessary costs for the construction of roads and sewerage networks, which have been determined as a priority need in terms of urban infrastructure in the development areas, to parcel owners in the development areas. This can also be seen as a manifestation of the idea that the state, as mentioned in the previous section, shifted capital accumulation to productive industrial investments and put urban infrastructure investments on the initiative of local communities.

The most important problem about the Treasury properties partake of public property is the shanty houses. According to the Construction Law No. 6785, while the construction of the slum area on the land subject to private property was intervened promptly, the slum area on the public land which is considered to be "ownerless" were not treated very strictly. Therefore, despite the text of the law, which contains the provision that unlicensed buildings are not to benefit from municipal services, there is a situation in which buildings without a license or against the license are welcomed and actually benefited from all municipal services.

In a similar vein, it is thought that this flexibility is provided to facilitate for the mass of people to solve their problems in an environment where the government does not have a policy of meeting the need for housing. For this reason, it has been encouraged in a sense that treasury properties belong to the public sector should be opened to construction by law.

#### **4.2.1.2 Foundation of the Ministry of Development and Housing with the Law Numbered as 7116**

In 1958, the Ministry of Development and Housing was established with the Law No. 7116 to prepare maps and development plans of the regions, towns, cities and villages,

to shape the housing policy, to take measures related to the development works and to implement them; to carry out joint research with other ministries for regional planning and to take necessary legal and administrative measures for their implementation. As can be clearly seen from the above-mentioned establishment objectives, the Ministry is authorized not only to make the settlement scale but also to carry out planning studies in the area scale.

The emphasis on the housing problem and regional planning in this context can be seen as a part of the effort to solve the problems experienced in the urban areas in this period, undoubtedly, due to the immigration movements from the countryside to the urban areas intensively as a result of the economic program being implemented. It is also aimed at controlling the developments in urban areas with integrated regional plans and master plans starting from national scale.

#### **4.2.1.3 1961 Constitution Act**

One of the most important legal regulations shaping the understanding of planning and occupation in the history of the country has been the 1961 Constitution. According to this Constitution's second article as "The Republic of Turkey is a Social Law State", we can say that principles directly related to the planning profession field such as the right to housing and public interest became basic rules and provisions protection forests, pastures and other provisions about community health and education were guaranteed by the Constitution.

The period beginning with the 1961 Constitution points to a new social phase in which it was accepted that the concept of welfare state can be realized only through planning. In Article 129 of the 1961 Constitution, it says that economic, social and cultural development will be connected to the plan and development will be realized according to this plan.

Article 115 of the Constitution contains the provision that "entities having the authority for some public services can be brought to the market in the surrounding area covering more than one province for the purpose of seeing these certain public services". This provision spontaneously created the necessary legal environment for the construction

of regional plans. For this purpose, the State Planning Organization was established with the law numbered 91 in the same year.

In addition to regional planning, regional development policies have gained importance in the planned period. Especially the problem of regional development disparities, expressed as "imbalance between regions", has taken a wide place in development plans. With this in mind, in 1971, the Department of Priority Regions for Development within the SPO, was established with the aim of establishing policies and measures necessary to promote the development of underdeveloped regions.

The priority given to planning by the 1961 Constitution also manifested itself in metropolitan area planning. The establishment of the Metropolitan Planning Bureaus affiliated to the Ministry of Development and Housing in Ankara, Istanbul and İzmir was concluded with the decision of the Council of Ministers in 1965 based on the realization of the zoning and development plans of the three big cities in which the urbanization intensified.

As mentioned before, the constitutional amendment and the new provisions should be examined with the thought that the intervention of the state in the urban areas not directly invested aimed to control them by the plan in accordance with the ideology of the nation-state and aimed to eliminate the interregional inequalities.

#### **4.2.1.4 Law of Property Ownership Dated on 1965 and Numbered as 634**

As mentioned briefly in the previous section, middle-class communities implemented a similarity of the slum-type construction that immigrant poor masses put into practice as a solution to the problem of housing, through housing acquisitions from apartment buildings constructed by the so-called build-and-sell. An agreement between the owner of the land and the contractor, who has not enough financial power to make housing within himself/herself, has developed a housing production model, in which the built houses are shared and offered to third parties. In 1965, the Law of Property Ownership numbered as 674 was published in order to legalize this form of housing which is intensifying in urban areas and to determine the rights and responsibilities for the common areas of use.

This law, which is peculiar to our country, aims at providing the land register by being defined in the form of "property ownership" in the legal area already existing in there.

This is a typical example of the state's legalization of the solutions people find for their own need for sheltering, as is often seen during the period 1950-1980.

#### **4.2.1.5 Anti-squatting Law Dated on 1966 and Numbered as 775**

Law No. 775 for the first time puts its own name in "Squatter Houses", while the definition of the unlicensed building made by someone else in the previous laws is developed as "unauthorized constructions made without the consent of the owner on land or grounds without being subject to the legislation and general provisions regulating zoning and building works"

It is seen that the slum concept as a model of social solution for the problem of housing is entered into legal texts by this Law. The definition of "without the owner's consent" is also remarkable. This phrase is legitimate when the receipt of the owner's consent is received. Therefore, in the second half of the period of 1950-1980, it can be said that the effect of this construction is on the value of change rather than the use value of the slums. Because of this, it is legal to make illegal or unlicensed buildings with the consent of the landowner.

However, Article 24 of the Law No. 775 stipulates that all the expenditures of public services and facilities to be provided to the shantytown prevention and shantytown breeding areas shall be included and that these participation shares shall be paid in equal installments from the shantytowns in 10 years. In this way, the state has started to take back the infrastructural investments made in these areas from the poor. Therefore, in accordance with this law and the economic policy of the period referred to in the previous section, the state has not taken any responsibility in the process of meeting the need for housing.

#### **4.2.1.6 Building Land Office Law Dated on 1969 and Numbered as 1164**

Land Office established on the basis of prevention of urban land speculation; was granted authority to provide land and buildings necessary for housing, industry and

tourism areas and various public services and facilities, to make land sales by making land plots, to plan the construction of the buildings so that they can be determined by ministry, or to sell, rent or change the infrastructure facilities partially or completely or the right to easement.

Despite the aim of eliminating the deprivation from the financial resources that can be expropriated to realize the public service provision, it has not been possible to achieve these objectives for various reasons, although it is aimed to go into an institutionalization equipped with the authority to construct the urban land stocks.

In essence, regulation can be said to be aimed at accumulating capital for urban built environment production, at a time when the state had limited invests in urban areas.

#### **4.2.1.7 Changes in the Law Numbered as 6785 with the Law Numbered as 1605 in 1972**

The general characteristic of the regulations introduced by Law 1605 is that it has strict centralized provisions. This law aims to provide the technical staff support for the fields given to the governor's supervision by organizing the Ministry of Development and Public Works at 67 provincial level besides the metropolitan plan bureau while the zoning inspection is carried out for the first time outside the borders of the municipality and the urban area and at the same time, it provides to inspect municipality practices directly or indirectly via field service.

However, with Article 16 of the Law, it is envisaged that the permission to use the building may be given with the Decision of the Municipal Board for the parts which do not harm the building and which do not prevent the use of the building during the elimination of the irregularities of the constructions which have been made unlicensed, made against the license or accumulated. This provision is like an implicit and constant permission in terms of unlicensed constructions in the commercial lands.

Because, according to the law, it is forbidden to utilize road, water, electricity and municipal services without the permission of use. Thus, according to article 16, it is possible to obtain permission to use even the buildings which have not applied for the

construction permit, so that it is possible to get rid of prohibitions and penal sanctions for using municipal services.

According to the regulation in the field of planning with the Law No. 1605, the obligation to have a zoning plan is imposed for municipalities whose population exceeds 10.000 or which determines that they need the plan of the Ministry of Development and Public Works and whose municipality has a population between 5,000-10,0000, the obligation of making a road route plan is imposed.

The municipalities with a population below 5000 are excluded from the zoning plan. In this case, as many as 80% of the municipalities do not have to have a zoning plan. In 1971, 1003 out of 1367 municipalities were under ten thousand inhabitants. The number of municipalities between 5 and 10 thousand is 225 and it corresponds to 16.5% of all municipalities. In this case, 64% of the municipalities have neither plan nor road plan (Geray, 1973). Therefore, planned urban development is limited by this law.

According to the relevant law, green areas will not be less than 7 square meters per person is governed. In this way, the reinforcement standard for urban areas is defined.

In accordance with Law No. 1605, Article 42 is rearranged in parallel with Article 18 of our present day, and the facilities related to public services such as roads, squares, parking, parking lots, children's parks and green areas will be made by the municipalities through parceling plans; and, it can be reduced to "regulatory partnership share" for up to 25% of the stocks received in order to "regulate the value increases due to regulation".

The Law No. 1605 centralizes almost all the authorities related to the municipalities, and states that "The municipal governors who act contrary to the provisions of this law and do not comply with the zoning plan and building permit and its annexes and cause their misapplication, will pay 500 to 5,000 liras for each incident ". Such an arrangement has been a regulation that strengthens the binding of the plan because it stipulates that sanctions will be imposed on the persons concerned in the case of non-compliance with the plan.

With the Additional Article 6, an obligation, to expropriate the ancient monuments and the streets and squares that constitute the whole of the monuments that have historical and architectural value, is imposed with the view of the Supreme Council of Real Estate Antiquities and Monuments and relevant ministries when there is a need. This provision is unique in terms of the designation and planning of historical sites.

With additional Article 7, coastal regulation has been made. According to this article that causes the private property to exist and continue on the coast, the 10-meter strip from the sea, river and lake sides has been allocated only for the utilization of the public, and it has been decided that the buildings subject to private property can only be registered by being open to the use of the public.

By limiting the shoreline to 10 meters, it is stated that such protected areas will be planned primarily by the Ministry of Development and the Public Works. It should be noted that this provision, which states that buildings subject to private property can be made on the coast, is not subject to any structural change and does not interfere with existing construction on the coast. Rather, it can be said that it has the purpose of controlling the construction process that has already started on the coast. Therefore, planning has a characteristic that violates the principle of long-term preservation of public resources and natural values in terms of professional ethics.

Additional Article 8 forms the basis for the "environmental management plans" to be carried out in industrial and touristic areas with the exception of municipal and contiguous area boundaries. It is stipulated that a regulation on how to implement the application should be prepared with this article and that the supervision of the application should be carried out by the governorships in accordance with this regulation. As a result, the boundaries of the audit through the plan increased.

The legislative amendments made in this period can be said to be a structure that reinforces planning institutions in general and is based on planned development. The legislative amendments, including the legislative amendment of the territorial plans and the imposition of the necessity to make plans in the settlements during the period, are related to the importance given to planning.

Nevertheless, provisions such as the reduction of the number of settlements that are required to make plans with the amendment made by the Law No. 1605 and the efforts to bring legalization to the construction of the coastal areas do not comply with the general policy of the period. For this reason, it is useful to evaluate these provisions separately from the period based on holistic planning and planned development.

## **4.2.2 Important Legislative Regulations for Urban Areas Between 1980 and 2000**

### **4.2.2.1 1982 Constitution Act**

With the 1961 Constitution, we have stated that while the concepts such as the right to shelter and public interest, which directly concern the planning profession, are became status of the basic rights, the protection of the pastures and forests, the education and health of the people are guaranteed by the Constitution.

While the 1961 Constitution pointed to a new social stage in which development could only be considered through planning, the 1982 Constitution reshaped the progressive legislative arrangements introduced in the field of planning parallel to the paradigm shifts. Judging by the provisions introduced by the new Constitution, it is seen that the transformation of the 24 January Decisions mentioned in the previous section and the development policies of the state largely reflected.

First of all, in the 169th article of the 1982 Constitution, it says that; "It can not be narrowed at the forest boundaries except the places where the city, town and village constructions are collectively located and in forests are found to have no benefit in terms of science and technique but on the contrary are found to be of definite benefit in transforming them into husbandry and agricultural areas such as fields, vineyards, orchards and olive groves because they have lost their forest quality in science and technique before 31.12.1981."

On the basis of this provision, the country's forests have been raided and the process of narrowing the forest borders has begun. In terms of planning professional ethics, this item, which means a long-term protection of public resources and a violation of

the principles of establishing public interest, constituted the basis for many subsequent legislative changes.

Article 168 of the Constitution, which allows the legal and corporate persons to use the rights related to the search and the operation of natural resources and fortifications under the control of the state, allows the privatization of natural resources with the provision of the Constitution.

This transformation of the Constitutional provisions has led to a radical change in the legislation that deals with the planning profession, while at the same time the state has shown the change in its approach to public spaces and natural resources.

#### **4.2.2.2 Construction Amnesties Laws Implemented in Different Dates**

##### **4.2.2.2.1 Law Dated on 1983 and Numbered as 2805;**

By this Law, amnesties have been taken to the buildings that made in lands or grounds against town planning regulation and the buildings that made in the lands or grounds belonging to other people with their owner's consent and all of these buildings have been licensed.

Likewise, the regulations on the land and grounds belonging to the public legal entities are also included in the compulsory sale and the licenses started to be an obligation. Thus, only the constructions made on the lands belonging to someone else, without the owner's consent, will be destroyed. This will ensure that all illegal structures outside of the state are licensed with a sense of tolerance.

It should also be noted that; the management concept which is very sensitive to the construction of a real person or a private legal entity takes these areas into the scope of compulsory sale if the same situation occurs in an area which is a common property of the whole society. This can be regarded as a direct example of the reflection of neo-liberal and privatization policies of the period on the city scene with the law amendments.

The law includes the buildings and slums in the municipal and urban area boundaries which are included in the environmental planning schemes (which generally cover

coastal areas) and also includes all of the industrial, storage, touristic and agricultural structures outside these boundaries.

In short, this law is a general amnesty, including those that are contrary to the zoning legislation built in the city center, along with the slums around the cities.

Law No. 2805 also stipulates re-evaluation and re-announcement of the areas declared as the Disaster Area and the protection areas related to ancient monuments whether the borders of the protected areas need to be protected within one year at the latest.

As it can be seen, Law No. 2805 has been taken with an extremely broad scope and an understanding that can narrow even the areas exposed to the disasters and declared as archeological sites, and it is an arrangement which has a wide tolerance in contradiction with the zoning legislation. (Özcan, 2000, 73)

#### **4.2.2.2 Law Dated on 1984 and Numbered as 2981**

Approximately one year after the Law No. 2805, Law No. 2981 entered into force. It is useful to talk briefly about the two major changes, along with the same basic rationale. The first is in the classification made in the law no. 2805 and it says that the related group has been redefined as "constructions not covered by amnesty" in the article of this law to avoid the use of the demolition clause, while it is stated that the constructions made to the territory of someone else without the consent of the owner are being demolished. In a sense, it is said that this construction will be tolerated.

Unlike 2981, 2805 is the product of a government that aims to reduce bureaucracy, to shrink the state, and to achieve privatization at all costs and at any cost. For this reason, the works such as the determination and evaluation procedures to be carried out by the governorship and the municipalities such as the improvement zoning plan etc. in accordance with the Law No. 2805, have been transferred to the "Certified Private Technical Bureaus" with the Law No. 2981.

#### **4.2.2.3 Mass Housing Law Dated on 1984 and Numbered as 2985**

As mentioned before, in order to rapidly overcome the economic recession experienced in the 1980s, the proposals for solutions found in the Turgut Özal

Government came at the beginning of the elimination of public deficits and the mobilization of the market through "privatizations". The sector, which may be the driving force in terms of market, is defined as the construction sector. In line with this general economic decision, the establishment of the "Public Housing and Public Partnership Administration" was concluded in late 1983.

On March 2, 1984, the Law No. 2985 on Mass Housing entered into force. As of this date, the state has become an important actor in the housing sector. Resources from the Mass Housing Fund, which was created with the additional taxes charged by all sections of the society, were started to be transferred to the construction sector through residential demands. This fund was provided not only for the housing producers but also for the citizens who want to buy housing (Balaban, 2008, 100). Thus, between 1984 and 1995, 95296 individuals and 836975 mass housing loans were provided through this fund (Türel, 1996). As a result of these policies, for the first time in the history of the country, houses with building licenses were built above the need for housing (Özcan, 2000, 78).

It is seen that the role of the state in the built environment productions has gained serious activity in this period with cheap credit facilities offered by the government, private entrepreneurs and cooperatives through the incentives directing them to the construction sector and with HDA itself that started to produce houses. It would be appropriate to state that the transformation of economic paradigms in the macro-scale, which was quoted in the previous chapter, has changed the course of urban areas with the legal regulation in question.

#### **4.2.2.4 Construciton Law Dated on 1985 and Numbered as 3194**

First of all, it is necessary to see this law as a result of the January 24th Decisions, and then of the neoliberal understanding that Özal tried to institutionalize in the coup period, or in the post-coup period. It is the basic motivation behind this law to obey the requirements of the free market economy in the light of discourse such as the return of the state to its primary duty and the reduction of the bureaucracy.

The Law No. 3194, supported by neo-liberal discourses, is the localization of the centralized general structure of the development legislation, which is emphasized in all related works, with the authority to transfer plan approval authority to municipalities and governorships. However, it is worth noting that the Ministry has the authority to approve the ruling of the local authorities in order to take measures against the local administrations which are in conflict with the understanding of the central government and to apply all the decisions taken on the upper scale at the local units. In other words, an arrangement has been drawn up that the central government can direct the urban investments by making plans as a means to localize the development legislation and reduce the bureaucracy.

Law No. 3194 defines the area for which the law is to be applied for the first time as country borders and covers the whole of the structures in all settlement places. Therefore, the first regulation that covers the whole of the rural area is the Law No. 3194.

Despite the fact that the historical purpose of the planning is to provide public interests, the primary objective of the Plan is to provide "person and family happiness" in the purpose part of the "Regulation on the Principles of Construction and Modification of the Construction Plan" which regulates the planning issue of Law No. 3194. At the same time, it is well suited to the economic paradigm of the period and the understanding of the city. The individualistic attitude, which is based on the happiness of the society and the individual and the family happiness, is the basic rationale of this law still in force today.

Also in the aim part of the same Regulation, "Directing the choice of investments and trends in development" also shows how the planning profession is structured as a tool. This article is also the basis of planning decisions, such as profit-based development practices, where public resources are presented to the capital. For this reason, this law has played a very important role in the transformation of planning profession and professional ethics principles.

#### **4.2.2.5 Coastal Law Dated on 1990 and Numbered as 3621**

Prior to the adoption of Law No. 3194, the Coastal Law No. 3086 entered into force in 1984. It has all the features of the law period. The law, which opens the coast to profit in large extent and deals with private property with flexible conditions as much as possible under the terms and conditions of the state, has been totally canceled by the decision of the Constitutional Court.

Upon this decision of cancellation, a circular was issued by the Ministry of Public Works and Settlement to determine the practices to be carried out in coastal areas until the establishment of a new law in 1987, and all coastal areas were directed through a circular for three years.

The general principles regarding the coast brought by this Circular can be summarized as follows; coasts are under the jurisdiction and discretion of the state and are open to the equal and free use of all. In benefiting from coastal strips, public interest is the priority. Unless proved otherwise about the property, the property right to the expropriation is reserved in places which are within the definition of the coastal line.

In the article that defines the buildings that can be done with the decision of the plan in the coast, buildings, are considered as tourism facilities that are suitable for the regulation of tourism and investment enterprises, are appropriate.

The Coastal Law No. 3621 entered into force in 1990 as a text that made the provisions specified in the circular as a matter of law. This law, which permit the property of the coastline and legalizes private property on the coast in accordance with the spirit of the era with the definition of flexible coastal line that it specifies, has been canceled altogether in the Constitutional Court. But it is worth mentioning in terms of conveying the general conception of the period.

#### **4.2.2.6 Implementations of Privatization Law Dated on 1994 and Numbered as 4046**

Another legislative regulation concerning the field of planning in the period between 1980-2000 is the Law No. 4046 on Implementations of Privatization. Since 1983, a number of legislative and statutory decrees have been implemented within the

framework of the privatization program on the country's policy agenda. With the Law No. 4046 on Customization Practices approved on 27.11.1994, the legal regulations related to privatization practices have been collected under a single law. While privatization in the 1990s, when the law entered into force, was seen as economic-based applications such as the privatization of SEEs, privatization in 1999 entered into the Constitution and privatization applications after 2000 gained another dimension to come along with mega-projects which began.

However, with the Law on Implementations of Privatization, the privatization of public lands was allowed, but the urban practices that constituted the legal basis of this law started to appear first in 2000.

The period between 1980 and 2000 is a period when the government is structurally transforming, reducing market bureaucracy, increasing productivity, and market orientation. In this period in connection with economic policies, practices such as presenting public spaces to capital owners, bringing in natural values to capital owners, raising inequalities by passing contestant city fiction to attract investment, passing on illusions of rent-based urban interventions and eliminating the resources that the public has had by privatization practices have been observed.

In addition, the process of plan construction and approval has been changed and the understanding of holistic planning has been abandoned through plan changes. The planning processes under public supervision have been replaced to plan construction processes that are carried out by dispersed, unsupervised and private institutions. For this reason, due to the changes made in the legal regulations made in this period, it caused the destruction of the principles that were created historically by the planning profession and institutionalized in the previous period legal texts.

These changes transformed both the planning profession and the planners' practices. The legal amendments made in this period were continued with the JDP's coming to power. With the amendments made on the related law items in this period, the institutionalization of the management concept excluding the development model and plan based on the construction period was ensured. For this reason, this period

represents an important distinction, due to the application of context less planning understanding, the legal regulations and abandonment of the planning understanding.

### **4.2.3 Important Legislative Regulations for Urban Areas after 2000**

With Justice and Development Party (JDP)'s coming to power alone, regulations on planning laws and increase in number and quality of urban intervention, has caused Turkey's post-2000 period's evaluation as a new break point. When the 58th Government Program and the 59th Government Program with similar expressions are examined, Özalp and Erkut (2016) reported that statements such as "public participation and inspection will be ensured for citizen rights, control of urban crimes against the city and the right of the environment" and the problem of "structural unemployment" the country faces are important.

In this context, it shows that the revitalization of the construction industry is taking place in the basis of economic policies as in the 1980s, with the statement of "a labor-intensive sector and with more than one hundred sub-sectors actively taking action". It is criticized that the economic programs carried out in the past periods and therefore the privatization practices are not done as required, and it is committed that the policies to accelerate the privatization process and its implementation will be formed and necessary steps will be taken in this direction. In addition, it is stated that "tourism investments will be considered as one of the important instruments to be applied in attracting foreign capital, and legal arrangements will be made regarding the sale of property to foreigners" (Justice and Development Party, 2002; 2003)

The legislative arrangements directly relating to the built environment production in a manner appropriate to the statements in the party program have been brought to the agenda at a high speed. Because examining the full range of all legal regulations in this period is not within the scope of this thesis, it is necessary to consider the legal changes that regulate the privatization practices based on the effects on the urban areas, the legal amendments to the Mass Housing practices, the changes related to the public-natural values together with the Tourism Promotion Law.

It is also worth noting that the legislative texts that are intended to present urban areas and public values to capital such as the Zoning Law, Coastal Law, Tourism Promotion Law and the Privatization Act, which were examined in the previous periods, are also effectively applied by the changes made during the JDP government period. These laws, which were issued before the JDP, caused the illegal violation of the law by the JDP itself, even though they were criticized on the dates they were declared. In the period of the JDP, it will not be mentioned once again about the changes in the law, but it is important to note that today the "legal" grounds for attacks on public resources and problems in urban areas are made with significant changes in the law.

**Table 3:** Numbers of Law Amendments that Determines the Process of Interventions to Urban Areas

<b>Name of the Law</b>	<b>Date</b>	<b>Before 2000</b>	<b>After 2000</b>
2634 - Tourism Promotion Law	16.03.1982	7	47
2985 - Mass Housing Law	17.03.1984	6	44
3194 - Construciton Law	09.05.1985	10	35
4046 - Privatization Law	27.11.1994	8	47
5366 - Renewal Law	05.07.2005	----	8
6306 - Transformation Law	31.05.2012	----	5

The table clearly shows that the legislation that shapes the urban areas and the content of the urban planning profession has been changed dozens of times, resulting in the loss of importance of planning institutions and planning profession in accordance with the economic policy of the period.

#### **4.2.3.1 Mass Housing Law Dated on 2003 and Numbered as 2985**

One of the most important legal amendments concerning the planning legislation in the framework of the concept of urban regeneration, especially in the case of major earthquakes in 1999, is the extension of the duty area of the Public Housing Administration with the Law No. 2985.

HDA, which is established for the purpose of "producing mass housing" and who has power on public land, has implemented projects for profit purposes in villages, slum areas, places with historical and local architectural value, areas exposed to natural disasters and have been made one of the most authoritative institutions of planning

applications doing or making profit-based projects domestically or abroad to provide fund to administration.

With the amendments made in 2004 and 2008 HDA has been authorized to develop transformation projects on earthquake areas and other projects aimed at reclamation or refinement of slum areas. Plans were made in the said areas or in the places where the property belongs to them or in places designated as residential areas for the governorships, and when necessary, approval was given (if not approved to the competent administration within three months), and after 2000 the first steps of urban transformation took place at the center of urbanization policies.

HDA, which has wide authority with the amendments made, in many cities, with the help of the legislation lead up the applications on the parcel / area scale by disfunctioning the planning by privatization (Law No. 4046), renewal (Law No. 5366) and transformation because of disaster (Law No. 6306) (Özalp and Erkut, 2016).

In JDP period, HDA has become an institution which opens agricultural areas to public works with fragmented regulations against holistic city plans, affects the development direction of the city, and develop private sector area with extraordinary speculative place selection decisions in the public interest. Thus, it has become an institution that violates planning professional ethics principles with law.

#### **4.2.3.2 Law for Urban Transformation Dated on 2012 and Numbered as 6306**

With the determination of "risky areas" and "risky buildings" with the related law, authorities are generally given to the Ministry of Environment and Urbanization in the areas of "improvement", "liquidation" and "renewal" of structures existing in all disaster risk areas of the country so local administrations who are the real responsible are deactivated. According to the law, local administrations (municipalities and special provincial administrations), or HDA, in case they are appointed by the Ministry can use these authorities. In other words, the use of the authorities granted by the laws of the local governments is connected to the Ministry and the local administrations is under direct custody of the Ministry in an unlimited manner.

According to this law, it is punishment to defend the right to shelter, which is one of the most fundamental human rights, and to oppose the imposed agreement. In addition, with this arrangement, risky structures as well as non-risky structures can be destroyed if they remain within the limits that the Ministry will set. It therefore removes the juridical safeguards, residence rights and immunity of residents of safe, risk-free structures. Nevertheless, all of the structures in the risky areas, the provision of electricity, water and natural gas services, and the provision of services to be stopped, cause significant health and safety problems in terms of the poor people who have to live in such structures.

On the basis of this law, fragmental changes are made on the parcel scale from the holistic plans, and areas where the urban rent is high are transformed by declaring the urban transformation area within the scope of this law. Today, urban transformation practices continue to be at the scale of buildings or structures with risky buildings as well as large-scale projects where risky areas are declared. The law, which is an important instrument in the hands of the state in the production of urban built environment, has become a point that restricts the rights of citizens and weakens them against the shareholders. Based on this law, countless urban transformation areas have been declared, and residential buildings such as luxury residences have been built by major construction companies in these areas. Thus, the transfer of capital to the built environment production has been provided by the legal support of the state.

#### **4.2.3.3 Changes in Tourism Promotion Law Numbered as 2634**

The Tourism Promotion Law No. 2634 dated 16.03.1982, which was accepted during the coup era, can be regarded as one of the first regulations related to the planning area put into effect for the purpose of integrating the country with the global capital. This law has been criticized extensively (Ekinçi, 1994, 1995, TMMOB, İstanbul Chamber of Architects İstanbul Metropolitan Office, 2000, Madran, 2006, Ankara Bar Association, 2009), as it is a law that prejudices the application of fragmented plans and plan modifications and applications, since the date of its entry into force; until now, many applications based on the Tourism Promotion Law have been contested because they are contrary to public interest. In many parts of the country, urban

interventions contrary to the public interest have been realized with the privileged development conditions provided by the Tourism Promotion Law.

Have an important impact of destruction of Turkey's the natural values, Tourism Promotion Law, is one of the acts taken to reorganize the capital in favor of the JDP government. The law, which was enacted in the period of 12 September, envisages the allocation of land for investors and appropriate loans in the forests and coastal areas to be protected, taking the planning authorities in these areas from the local administrations and transferring them to the central administration.

The JDP's involvement in this legislation is as follows: With the amendment in 2003, tourism in forest and pasture lands has been started more widely; all the lands and buildings belong to the public organizations will be transferred to the ministry that has authority to transfer the whole of the zone to a single investor, if necessary, With the regulation issued in 2006, it was possible to allocate these areas to the main investors in culture and tourism protection and development areas (as in its new name) for 75 years.

With the amendments made during the JDP period, it has become a more concrete legal text that directly destroys public interest and offers capital by commodifying natural and historical values. In this way, the Chamber of City Planners, which will be mentioned in the next section, has become the legal basis of some of the files sent to the Discipline Committee.

In the JDP period, urban public spaces have been converted into construction sites, with new legislative arrangements and amendments to existing legislation. With the amendments made in line with the economic program based on the built environment production carried out, destruction has been made possible by privatizing places that should be in the conservation of the public, especially pastures, forest areas, agricultural areas, interfered to natural areas with large mega projects and the right to shelter of poor in city centers is deemed negligent.

Many legal arrangements which are not covered in the thesis have made it possible to gain a sense of planning that is profit based contrary to the interests of the public

interest by means of the elimination of obstacles to the presentation of capital not only in urban areas but also in rural areas through planning agencies operating in the private sector. Uncontrolled planning processes have been started on by the law itself, via political decision makers, and the ethical values created by the historical accumulation of planning have been destroyed.

This will be tried to be showed in the next section through the file contents which are sent to the Chamber of City Planners Discipline Committee and numerical data.

## **CHAPTER 5**

### **CHAMBER OF CITY PLANNERS DISCIPLINE COMMITTEE AND PLANNING ETHICS**

The Chamber of City Planners, as a public office, is a chamber of expertise with the authority granted by Article 135 of the Constitution and Law No. 6235 and it carries the activities as in below:

- a) To organize the duties and powers of profession and colleagues in all matters relating to the profession of city and regional planning within the framework of national and public interests,
- b) To protect the discipline and morality of the members of the chamber in order to ensure the integrity and trust in relations with each other and with the public, to protect the rights of profession, to develop urban planning and science,
- c) To cooperate with all official and private institutions both inside and outside the country to conduct all kinds of activities to ensure that the profession develops in the field of practice and theory,
- d) To protect and develop natural resources and public assets in the field of occupation in line with the protection of the interests of the country and the public and to take all the initiatives and activities that the country considers necessary for the artistic and technical development of the country.

The Discipline Committee is the disciplinary body whose duties and authorities have been defined in the Chamber Regulations. It has the authority to apply the profession and duty of the Discipline Committee in a manner contrary to the legislation, the informed and the profession technique for the benefit of the individual or for the benefit of a group; to issue penalties such as written warning, penalty, dismissal from the profession, or issuance from the chamber by examining the files that sent because of damaging the public, community or third parties.

It is necessary to state that the files referred to the which will be examined in this part of the thesis work, do not cover all the violations of professional ethics in the country. In addition to the files referred to the Discipline Committee, there are more than 1000 lawsuits filed by the Chamber of City Planners for violating ethical principles. However, the content and frequency of the issues raised by the Discipline Committee, which assesses the ethical principles of the planning profession, present important information. For this reason, the Discipline Committee files are used as data.

The Decisions of the Discipline Committee provide important contributions in ethical decision-making on the field of profession, making justified decisions and providing guidance on what city planners should do when they face similar situations, and the process to be followed in the implementation of the profession and the quality of the results.

For this reason, examination of the files referred to the Discipline Committee, which carry out activities to punish the activates against occupational ethical principles and rules in the field of profession and to punish possible contravened acts or professional activities in this respect, in order to support the basic argument about the ethics of the planning profession and also the argument that legal and economic processes affect the profession put forward in the thesis study. In this section, information will first be provided about the contents of the files presented to the Chamber of City Planners Discipline Committee. Subsequently, the contents of the file will be examined and evaluated in connection with the economic and legal changes pointed in the previous chapters.

## **5.1 Cases Sent to Chamber of City Planners Discipline Committee in Historical Process**

### **5.1.1 The Period Before 1980**

The main feature of the files referred to the Chamber of Discipline Committee before 1980 was that it did not contain any justification for the content of the profession. One reason for this is that, in the period, city planners are operating in the public with the vast majority.

In 1961, together with the Department of City and Regional Planning, which was first established in METU, the City and Region Planning education started to be given and it continued to operate as the only university giving city planning education in the country until 1979. With the establishment of City and Regional Planning Department in Dokuz Eylül University in 1979, in Yıldız Technical University, Mimar Sinan Fine Arts University and Istanbul Technical University in 1982, the number of new graduates started to increase in 1987. Until the mid-1990s, only 6 universities in our country gave urban planning training.

Therefore, one of the reasons for the limitation of the files referred to the Discipline Committee during the period between 1969 and 1980 is that when the Chamber of City Planners was established, the first period planners who graduated from METU were operating in the public sector at large.

Secondly, as mentioned in the previous sections of the thesis, the fact that the planning institutions are in a strong state due to the policy of not funding the urban areas due to the development model through the economically import-substitution industrial investments during the period but the policy of controlling the urban development through planning as a regulatory administrative transaction can be put forward as another important reason.

Central planning agencies with significant competence are subject to public scrutiny prior to the approval of the plans of the settlements, and therefore plan studies with problems from the professional ethics framework are not enforceable. With the effort of the state to intervene in urban areas through planning, the urban planner in the public has increased its employment. For this reason, it can be said that the planners working in the public sector and private bureaus that undertake public tenders are prevented from probable violations in terms of professional ethics in planning due to the fact that the works done are audited and entered into force.

In the bulletin of the Chamber of City Planners dated 1978, numbered as 13, it said that the Board of Directors met with Ministry of Development and Public Works and in this meeting, it said that it believes all the works of ministry should be done by the public tools and in this way public sector is more attractive in terms of city planners.

This confirms the above-mentioned theses on the limitation of the number of files referred to the Discipline Committee in the first period.

In the first period, it is useful in terms of information production to keep track of the discussions of planning profession field in the news bulletins because the number of the files referred to the Discipline Committee is limited and the existing files are largely missing from the content of the big planning activity. For example, in the early period news bulletins, in which the Chamber had been issued, in 1977 bulletin, No. 4, it was stated that it began to loot surrounding areas and coastal areas contrary to planning decisions, especially in the late 1970s. In fact, it was said that apart from the plan decisions, there was a situation that was shaped through legal processes.

Similarly, in the news bulletin dated 1977 and numbered as 3, it was stated that the plan and the market dilemma emerged in our country and that the planning mechanism and planned development thought should be defended against the market mechanism becoming dominant.

It was previously stated that the content of almost all of the limited file submitted to the Discipline Committee during the period was in the form of a low wage offer. This situation has been discussed in the bulletin no. 26 dated 1979 and it is criticized that Iller Bank's tendering procedure was suitable for breaking the price.

At this point, it is worth mentioning the Iller Bank as another reason why the ethical violations related to the content of planning professional practices were not concentrated in this period. As it is known, Iller Bank was one of the most important planning institutions at that time. As a result of the Municipal Assembly Decisions and the authorization given to the Iller Bank, the Bank can produce plans in 3 different ways.

The first was deposit procedure, the second was the tender procedure and the third was the contest procedure. The deposit procedure was that the bank generated plans through its own city planners. The competition procedure was for the bank to organize the competition for the area to be planned and to select the most appropriate plan in this way. The tender procedure was for Iller Bank to assign the tender for the related

settlement and to transfer the plan construction process to the special office that won the bid.

In the three methods that İller Bank applied, the prepared plans were audited with the help of a commission and the plan process could not be completed if a decision was made against the public interest. This means that the most effective institution in the field of planning profession was to take care of the profession ethics. As mentioned above, one of the important reasons for not having files containing content problems for a long period of time is was strong supervision processes mentioned above.

In the Chamber Bulletin of the 1980, numbered as 32, the above-mentioned positive attitude is found to be unraveling. In the first place, a memorandum has been received on the ground that these ideas should be criticized in an effective manner, since in the process of the demolition and reconstruction of the city centers there is a possibility that the opinions which advocate the "uninterrupted intervention of the state"

Another article in the same issue stated that "The tourism resources of our country are being shaped in order to consolidate the economic interests in our region of imperialism. Projects made after the succession are an indication of this. However, the country's tourism policy should aim primarily at responding to the needs of the working and working masses for rest and recreation. "

In the same number, Teoman Öztürk, Chairman of The Union of Chambers of Turkish Engineers and Architects (UCTEA), says in line with the periodicalization logic of his thesis work, "From the import substitutions policy that has been pursued for years, the division of labor imperialist metropolis has been directed towards a production aimed at final exports. Relations revitalized by the EEC are also pushing for such a development. With the economic policies; making the country more attractive for foreign capital investments with the amendments made in the legislation, the SEEs are aiming to transfer the private sector in the process ". In a sense, the signs of the state are going to change to a structurally rooted paradigm.

Another article, which points out that the development model based on import-substitution industrial investments has left its place in the new paradigm, is on the 33rd

place of 1980. In the related article, in the explanations made for the Town Planning Amnesty, it is stated that "today, especially in the big cities, the masses of the people are sheltered in environments and houses which are not suitable for human life, and while these constitutional rights of millions are ignored in the state, those who build illegal industrial structures want to be protected on the wings of the state.

The aim is clear: big capital circles, construction companies and deceitful deeds of the land on behalf of the state will be protected and the gains and plunders will be legitimized. It is declared that the public that we will be opposed to these initiatives under the zoning forgiveness program, which we consider to be totally contrary to the public interest and serve the interests of the ruling classes in particular. "

In the article entitled "About New Economic Measures Taken", it is stated as follows. The Demirel minority government, which came to work at the end of 1979, took measures such as lifting the subsidies of the SEEs and raising interest rates in order to overcome the capitalist crisis. It is not acceptable for the central government to move towards privatization, to submit state property to private persons and institutions, to make legal arrangements in the interests of mass housing conglomerates, rather than to protect publicity ".

Similarly, in a news bulletin no. 44 of 1981, an article was published on the criticism of the Mass Housing Law, which states that it was a law published as a consequence of the direction created by the January 24th Decisions, in order to overcome compromise in the free market. It is stated in the article that the law, which was published as an extension of the decisions of January 24 basically, was aimed at disabling the urban planning tool.

Moreover, in the news bulletin of 1984 and 59, parallel to this subject, criticized Law No. 2981, which was mentioned in the previous section of the thesis study, stated that the state is in charge of the social law states to protect the weaker in economic terms and to provide social justice in this way. It also states that squatters are a marginal solution to the needs of citizens with economic inadequacy and that the main reason for the amendment is to affect the voting decisions of the poor before the local elections and the main goal is to legislate illegal activities in the coastal and industrial areas.

It should be pointed out that, as mentioned earlier, interventions against the public interest have been prevented in the context of professional practice due to the fact that professional practices in planning are in the control of the public, especially Iller Bank, until the mid 80s. This situation has been concluded with the above-mentioned Law No. 2981. With the Law No. 2981 dated 1984, it is envisaged for the first time in our country that municipalities and special provincial administrations can make sworn private technical buildings and improvement development plans. Thus, violations of planning professional ethics have begun to come to an increasing extent as the relevant law enters into force. Locally, requests from landowners or local power centers on the basis of a certain person or group's rent expectation have begun to be processed by local authorities. Urban planners have begun to harbor ethical violations as well as professional practices and content where they can not direct these claims for public good.

As a result, as a result of the fact that the number of Urban Planners is low due to the fact that there is only one school providing planning education in the period up to 1980 and the necessity of the state to control the interventions in the urban area by plan, the urban planners are heavily employed in the public, there have been no violations of professional ethical principles regarding the content of planning practices, as institutions have made strong checks on the content of planning services. Later on, especially with the economic paradigm shift that began in the late 70s, it seems that the deregulation policies have laid the groundwork for practices that neglect the public interest, which the government itself has introduced in its interventions to destroy urban areas and public values by means of legal regulations. Therefore, these regulations, which are closely related to the field of planning profession, have been criticized in the planning profession and have been on the agenda of the media.

### **5.1.2 The Period Between 1980 and 2000**

In terms of the processes of the Chamber Discipline Committee, the number of members increased due to new planning departments that began to graduate in the middle of the 80s, the economic policies applied in the macro-scale mentioned in the previous chapters and due to legal changes compatible with them, professional

practices began to decline, the whole planning concept started to be abandoned, it is the period in which the increase in the number of files referred to the Discipline Committee begins to take place.

In particular, violations of planning professional ethics have begun intensively in this period, for example, when planning and launching special planning offices to local governments, as well as the abduction of plans from public control under the pretext of reducing bureaucracy.

In this period, if the files referred to the Discipline Committee are considered to be files containing content such as professional supervision and non-compliance with the minimum wage rules, these files will not be able to contribute to the production of information on the content of the professional practice. However, in the files referred to the Discipline Committee due to the content of the professional practice, the contents of the file will be mentioned first, then the evaluations will be presented in terms of planning professional ethics.

In this period, the issue of not complying with the minimum wage table determined by Chamber intensively in the files referred to the Discipline Committee is striking. During this period, 8 City Planners were referred to the Discipline Committee for this reason. The first reason for this is that Chamber's Free City Planning Services, Office Registration, Professional Auditing and Minimum Wage Regulations are in effect at this time. Another reason is that the Ministry changes the tender procedure for planning works.

With the Ministry's communiqué dated 17 February 1993, the tender procedure has changed; it was brought to the planning commission with the lowest cost. This situation has come to the agenda at the meeting of the Discipline Committee dated 08.07.1993 and it has been a topic of discussion. While some of the members of the Discipline Committee argue that the disciplinary processes of Chamber need to be updated according to the changing tender law and the members of the Discipline Committee agree that the tender price can not be applied to the planning works at the lowest price and this will reduce the quality of the planning works, the Chamber should

insist on the implementation of its own discipline regulation in order to protect the quality of the planning activity.

This is an indicator that when judged within the period, the legal and the ethical meet at some level. With the legal amendment, in the face of the legal regulation affecting the field of the profession, which threatens to compromise the quality of the produced planning service, which requires the colleagues to compete with one another, the professional law has a conflict in the sense of the future of the profession and the concern of protecting the rights and interests of colleagues. This situation is compatible with the policy of the period's planning understanding and the weakening of the planning institutions.

In this period, if the punishment for the members who do not conform to the minimum wage control is examined, it is seen that punishments vary between written warning and 6 months from self-employment to dismissal. This is an indication that heavy penalties have been imposed during the period, notably in the later periods, in order to prevent misconduct, which may be caused by legal changes and which may cause problems in the profession. In order to prevent this situation, which is regarded as a priority problem within the period, and to deter the members, it is seen that severe penalties were imposed in the future periods in a similar manner.

In the first part of the thesis study, we see that the intensification of professional ethics debates, conveyed from Pieper (1999), impose itself as a necessity in the periods when the distinction between professional practice and the ethical principle that defines the vocational ideal begins to increase. In this period, due to legal and economic changes, practices that did not fit the occupational discipline were intensified and it was observed that the course was tried to be prevented by the Regulation and the Discipline Committee issued severe and dissuasive penalties in order to protect the discipline of the profession.

This attitude towards city planners, who do not comply with the minimum wage regulation of the Chamber Discipline Committee, and which hurts the trust environment based on solidarity in the field of unfair competition and profession, does not take into account the professional ethics principles, the profession's entirety of the

professions mentioned in the first part of the thesis work, (Durkheim, 1949) is about protection of qualities in the profession and the integrity and discipline of the profession.

The file decided on 04.03.1997; In this file, the planning work done by the Urban Planner causes significant irregularities in the planning work related to the profession, causes irreparable damage to the lake ecosystem and its surroundings in the planning work, the long term protection of public resources and natural values, and it has been decided that planner will be detained for one month from the practice of self-employment.

In this file, the Discipline Committee, taking the decisions about the city planner with the contents of the urban service, said even if it becomes a legal text approved by a city planner's approval institution, the planner is not exempted from the problems caused by the itself, because the natural values in urban services should be preserved and transferred to future generations and the public interest should be targeted in this way. Since this did not comply with ethical principles, it decided to remove the planner for one month from self-employment.

In the literature part of the thesis study, the ethical codes of professional ethics, which are quoted under the heading of "Content and Functions of Ethical Codes," overlap with the feature of profession practice and function as a legal regulator of the field of profession by defining sanctions when this framework is not followed (Demirci, 1999).

In this file, the relevant city planner has been removed from the framework identified in the ethical level of planning practices and penalized by the disciplinary body of the professional organization, moving away from the principle of establishing the public interest, which is historically regarded as the basic legitimacy tool of the planning profession.

Thus, It can be said from the discussion in the second part of the thesis, sanctions have been imposed on the basis of the historical accumulation of vocational organization planning, although there are different planning approaches and depending on them the positions in which planners take place. In this period when the negative effects of the

legislative and economic processes in the country are beginning to concentrate on the planning practices mentioned in the previous sections the occupational organization is related with the opening of the difference between the practical and ethical principle which is basically put forward as a basis for the thesis study, based on professional ethical principles, to hear the need for discipline in the professional environment

Professional practices have been influenced by the legal and economic changes implemented in this period and the professional organization has tried to prevent this trend in the guideline of professional ethics principles through the Discipline Committee as a legal regulation tool.

### **5.1.3 The Period After 2000**

At the national level, especially with the power of the JDP, the economic politics of urban built environment production has been misinterpreted, along with the numerous legislative amendments and new legislative developments in this direction, that the demands of political power and capital owners are largely determined by the public interest in the planning profession , there was a period in which the concept of planning was lost and the city planner had graduated much more than needed with new sections that were constantly opened. It will be illuminating within the scope of the thesis study to reflect the reflections of the Chamber Discipline Committee in this period in which urban rant production based on parcel rather than holistic plan approach, continuous plan changes and unplanned domination are dominant with the legislative amendments.

During the said period, 29 files were sent to the Discipline Committee. Of these files, 6 of them include the necessity of violating the conditions of equal competition and professional discipline by carrying out free city planning activity without registering in the Chamber. 2 of them are in violation of the contracts concluded, the grounds for material and moral damage, and 3 of them are the reason to submit misleading information and documents to the chambers during the Occupational Audit Practice. Other than the 15 files referenced for the content of professional practice, the files are as follows; 1 violation of trust and honesty, 1 mobbing to a colleague at work, and 1

plagiarism crime during academic publication. The file that determines the behavior rules of the planner rather than the content of the planning practice will not be evaluated in detail at this stage.

The file decided on 16.01.2003; The City Planner was interviewed on grounds that it had violated its responsibilities to the community and the profession by exploiting a disadvantageous area of settlement. In the Discipline Committee decision text, it says "Urban Planning is a process in which information and decisions produced in different areas of expertise are examined and related to each other in terms of settlement problems. Regardless of these basic planning inputs, or to produce a plan decision without reaching the knowledge of these subjects, does not comply with the ethical and legal rules of the planning profession. Whether it is the application, the master building plan, the name of the plan change, the planning work of all kinds and measures, the development decisions of the planned area including the place selection decisions based on the local plans, the problem areas and the possibilities of development are handled and examined in a comprehensive framework it requires. These require the determination of the conservation decisions and potentials of the natural and historical environment that concern the planned area, the possibilities and limitations of the planning area in terms of settle ability and at the same time the identification of disaster risk areas. Undoubtedly, these data are not generated by the planner but produced by the relevant fields of expertise, but are the only ones to be examined in the framework of the planning work. However, it is contrary to the professional ethics of the plan and the legal rules that the planner does not consider these data, trivialize it or make a planning decision without being correlated with other data, or that it is not necessary to have access to this information during planning studies for any reason." So, we can say that it guides and informs the professional practice of the city planner with expressions, and the principles that constitute the planning profession with historical accumulation.

In addition, in the file, the planner's report that there is no risk in the settlement covering the planning area is defended by the relevant profession group, not by itself; the research and evaluation of information and documents related to planning studies

is expected from an office belonging to another profession group and that this research is deemed to be sufficient and direct plan decision making harms the honor of profession and makes the planner's role and effectiveness to a pointless position; has been punished for one month's prohibition of self-employment for a month due to neglect of the legal requirements of the planning and to the contrary of the legal rules.

In its decision text, the Discipline Committee can first identify Banks' (2003) ethical principles, defining professionally guiding rules for colleagues in professional practice and legitimately ordering profession members. However, it seems that the behavior of the planner on the basis of the data that the planner has taken from another professional group on the content of the file has not been accepted by the Discipline Committee and has been criticized.

This seems to be consistent with the technician planner position, which was conveyed in the first part of the thesis work. Planner has produced a contrary plan to the public interest without considering the information presented before him, regardless of the planner's values and critical thinking processes, and therefore he has been punished by the Discipline Committee. This proves that although the thesis work has different planning approaches and that the planner positions described by these approaches differ, the professional ethics principles formed by historical accumulation function as a binding framework.

The file decided on 07.01.2006; In this file, the Urban Planner referred to the Discipline Committee states that all the information and documents related to the site are collected by the approval body, but the Discipline Committee has found that the information requested from the related institutions is not sufficient or that the whole answer is not taken.

On the other hand, it was not convincing by the Discipline Committee that the plan's low density decisions in housing areas were presented as a reason for not making a speculative plan. For these reasons, it was decided that the Discipline Committee would be given fines by taking into consideration the difficulty of the market-planning practice for the profession which creates the sloppy attitude and the negative

consequences that the city has shown about the most basic subjects of planning while carrying out the plan covering the important valley system.

It seems to be a mitigating cause of the challenging conditions of the market-planning practice in the decision text. Therefore, despite the fact that the conditions are challenging, the violation of the professional ethics principle is fixed; but in the sentence these conditions are taken into account and a lighter penalty is given if necessary, and the result can be removed. This can be argued as a proof that the ethical principles of the planning profession advocated in the previous sections of the thesis work are not a structure that can be easily revised according to changing circumstances (Scully, 2000) as a result of historical accumulation. In other words, violation of the ethical principle is fixed, but the punishment varies according to the circumstances.

The file decided on 07.01.2006; it has been referred to the Discipline Committee because of the fact that the reconstructed data related to the construction work of the Environmental plan was used by the city planner for the construction of a 1: 5000 scale development plan. In the Discipline Committee decision text, it says "The plans are prepared according to the acceptance and decisions according to the conclusions obtained from the examination of the information and the document based on the research, examination and evaluation subjects required by their types and scales. As a matter of fact, according to the data obtained following the construction of the plan, the planned area is the second class agricultural land and the existence of the protected areas is the expected result of the construction of the plan with adequate and inappropriate information and data. Inadequate and inadequate data and preparation of the plan is an important violation of professional ethics in itself "and it has decided to punish planner with heavy penalties for the existence of inland farms and site area.

With the identification of ethical violations of research and evaluations made for different scales, the Discipline Committee emphasized the gradual cohesion of the plans and the authenticity of each scale within its scope. In a sense, the basic rules for the functioning of the professional practice are specified, and the tasks and responsibilities that are not sufficiently recognized by the society in normal conditions

are determined; (Durkheim, 1949), was punished for failing to fulfill this responsibility.

The file decided on 07.01.2006; The decision of the Discipline Committee regarding the planning work, which includes the arrangements for the establishment area of a public institution referred to the Discipline Committee, states that: "The formation of the plan decisions for the area implies that necessary studies, reviews and evaluations regarding the whole city and the planning area have not been made. Therefore, the plan change is not based on the high-scale plan decisions. It is understood that it is a process that do not evaluate density increase, its effects to the area and the whole city. There is no valid reason for granting a high right of settlement to the area on the parcel scale. Demand has been put forward as the sole determinant in the formation of the plan decision, as it is created with a distance from the technical reasons such as the plan change, the relation with the environment, the function, the structure density, the effects on the transportation-circulation system.

With this plan decision, the urban population, density and transportation balances have deteriorated in the city's southwestern development corridor and one of the most important development axes. The pressure and effects created in this and around the point density have not been researched or ignored, areas have not been created and solutions have not been produced for the burdens that this function will create for the urban population-labor balance and transportation texture.

However, the planner explains that he/she is based on the usage form demanded by the public institution and works as precedent increase. It is not correct that public institutions and organizations and publicly owned institutions should be considered as privileged in the planning process and that they should be accepted irrespective of the planning rules and requirements that are unfavorable to the public interest which will adversely affect the whole city. A procedure that provides legal qualifications to all kinds of demands of city planning profession persons or organizations; the city planner is not in the position of an officer who prepares any plan without any scientific, moral and technical criteria. Because of neglecting to fulfill the legal requirements of planning commission, he/she have been ordered to forbidden for one month. "

In the decision of the Discipline Committee, the basic point that should be emphasized in accordance with the thesis study is a procedure which gives legal qualifications to all kinds of demands of the person or institutions of the city planning profession, and the city planner is an officer who prepares all kinds of plans without any scientific, moral and technical criteria. It is stressed that it is not. In the previous sections of the thesis, it is mentioned that although the planner positions are described according to the planning approaches, the basic principles of planning remain valid in all cases.

In this respect, the quoted position is close to the technician planner position and is criticized severely by the Discipline Committee. The criticism and punishment made by the Discipline Committee reveal the binding of the profession's historical accumulation. However, the introduction of basic guiding principles on the practical working process, such as the adaptation of the sub-scale plans to the upper scale plans, the protection of the social facilities areas, the change around the city rather than the parcel-based change, the ethical principles mentioned in the chapter are closely related to the protection of professional ideals.

The file decided on 23.09.2006; It is decided that the planning work which is undertaken by the planner is accompanied by an increase of the floor and precedent in accordance with the legislation and that this increase decision is not based on the technical and scientific data and that the necessary additional equipment requirements are not met despite the structure and population density and the drawing technique of the plans are not appropriate for the regulations of Town Planning Law; therefore, it has been decided to restrain the planner from the occupation for 1 month.

In the text of the decision submitted by the Discipline Committee on the file, it is seen that there is a guiding effect on the practical working process as well as the penalty effect of not complying with the relevant legislation defining the planning processes in the legal framework. In the third part of the thesis study, it was mentioned that the evaluation of the legitimate suitability of the incoming requests was generally regarded as an obligation, considering the legislative legislation defining the field of planning profession in the part where the detailed evaluations of codes of planning vocational ethics of different countries were made.

It is understandable that the Discipline Committee, as autonomous disciplinary committees, have referenced legal regulations in their decision texts, if necessary, even though legislation sometimes creates controversial management conventions that sometimes weaken professional ethical principles.

The file decided on 19.02.2008: The plan prepared for the city is based on the analysis of the city as a whole, the relationship between urban and regional transportation, employment industry and sectorial election policy, transportation modeling, center analysis, close environment and other urban parts and functions, possible pressure on environmental natural values and resources, scientific analysis, modeling, problems of the whole urban high-scale approach points, the city's water resources in the water collecting basins are divided into large industrial areas and settled, planning decisions are made without planning, planning studies are done without adequate research.

In the text of the decision document, it is seen that the emphasis is placed on the basic principle that the urban planning profession should be made in the plan construction process and that public utility is to be established as a result of the planning process. This is in line with the basic approach presented in the second part of the thesis study, apart from teleological and deontological theories of ethics, which suggest that planning processes require an organic relationship between process and outcome.

In the file dated 22.02.2008: As a member of the conservation council, it is understood that planner is involved in the decision to destroy one of the country's most important industrial heritages. It is clear that the fact that the resolution of the destruction was signed by a city planner is an act which is contrary to the public interest because it is a very important industrial heritage item and it is necessary to propose solutions to enable the city people to use it and to investigate methods of its realization.

The most important role of city planners in such moments of decision is to present the referrals and recommendations mentioned. Urban planning is an occupational field based on public interest. For this reason, as a matter for which the member has signed as a member of the board again, the decision which causes the breaking of the connection of an important urban public space with the people of the city and the city

is not compatible with public interest and planning professional ethics in signing as a member of the board. It was decided to be warned in writing for all these reasons.

The statement that the city planner of the member of the relevant conservation committee should be guided by the public interest in the decision-making process of the planning profession is important to indicate that the planner is responsible for targeting the public interest, even if he or she approves the plan prepared. Although it has approved legal interventions that are contrary to the public interest, it has been decided to punish the planning based on historical accumulation and the values produced by it.

The file decided on 15.09.2008: In the work of planning, because of the current situation and the historical meaning of the building groups that constitute the space that represents the period in which the city's memory and the cultural and historical heritage which constitute the city's memory and which are required to be transferred to future generations, plagiarism of the existing constructions and that the planning decisions concerning construction and use did not match the existing settlement pattern and the general texture of the region and that the occupation independence was not protected against demands and that plagiarism had been made in the plan report, the file referred to committee to be examined.

Although the member specifies that the approach to the issue is based on "differences in professional opinion", the Discipline Committee has stated that the issue of personal professional differences of opinion on issues such as public interests, protection principles, competence of research and analysis required by professional discipline and the level of implementation of planning principles can not be discussed.

As documented in the previous sections of this thesis, the binding and inclusiveness of professional ethics principles arise at this point. As a result of historical accumulation, the basic values that are formed in the professional community are becoming subjective and scientific rather than subjective. The principles that the Discipline Committee put forward can be considered in this direction in the ethical plane of the planning field and become scientific and objectively evaluable subjects. It is therefore

important to state in the decision text that the basic principles of planning can not be subject to differences in professional opinion.

In addition, if it comes back to the file content, the Discipline Committee will be able to proactively plan projects that the political decision making community has to publicly announce before the planning work, that it can not protect its professional independence in accordance with the professional ethics required by a professional city planner while performing the occupation, therefore, it was decided to expel the planner for one month from the practice of self-employment on the grounds that he /she did not obey the principle of long-term protection.

At this point, the notion that the political decision-making environment should be subjected to a planner role that reflects the demands of the environment in terms of the basic ethical principles of planning, and that the planner must be independent of the value judgments of the apolitical planning process is not valid at the ethical level.

It is also clear that in the text of the file, the statement "transferring the demands of the political decision-making circle to the plan" for the first time in the Discipline Committee processes is directly related to the concept of management that instrumentalizes and deconstructs the planning in accordance with the periodicalization made in the fourth part of the thesis.

The file decided on 05.03.2008: The planner was referred to the Discipline Committee on the grounds that the planning process had to be carried out at the relevant settlement that should continue. It has been determined that the planning service undertaken by the City Planner has been granted one land within the scope of the tender and one when the planning process is continuing, and that it has obtained a plot of land of approximately 1 hectare and has produced special plan decisions on parcel basis for the immovable property belonging to itself or its partner and some privileged properties; it has been understood that it has provided personal benefit by raising the value of various parcels by abusing the regulatory duty it undertakes in the name of the public.

The Chamber has stated in its decision that it will not be possible to reach an agreement on the sharing of value increase in the field of planning according to the principles of legislation and professional ethics, although the planning process does not claim that the properties received are provided for the offered planning service. In addition, it was decided that the planner should be removed for 6 months from the practice of self-employment as it was seen that the plan violated the professional ethics, planning profession ethics and principles by carrying out a professional activity based on personal interest.

At this point, it is necessary to state that this file with the content of the property acquisition in planned area was the first with this topic referred to the Discipline Committee. It also means that in a very short period of time in the decision text of the Discipline Committee, the number of plan changes is also contrary to the public interest. One of the most important problems of the process is the fragmented planning activity based on personal interest on a parcel-based basis, rather than the interest of the public through continuous plan changes. It can be said that the ethical evaluation of this situation is the effect of the extremely common practice in the period.

File decided on 22.04.2011; In the same way as the previous file, it was referred to the Discipline Committee due to the determination that permanent plan changes were made in the settlement area. As to the changes in the plan, it is said that "the urban planning profession is not to be foreseen for building through partial changes in the occupations, but rather on the basis of consistent, rational, scientific and artistic foundations of the settlements, areas and social facilities. Needless to say, it may arise in the course of time that a planning decision on the parts of the city be made as a result of new requirements or in order to overcome certain shortcomings of urban plans or an inconsistency in their own master plan constructions. Even in this case, however, it is necessary to produce an analysis of the relation of the individual arrangements to the planning framework for the entire settlement and the technical reasons. If these are not done, they will result in a plan of changes in the plans, which are carried out in parts of the settlements, in a way that is healthy between the areas of social and

technical infrastructures associated with the construction and that the plan will be destroyed. "

The Discipline Committee decided to warn planners in writing because they made fragmented changes to destroy holistic system that settlement foresees.

In this period, when the fourth part of the thesis study is considered with a periodical correspondence in which economic and legal changes were made, we can say that the demands of the private sector was priority rather than the state intervention by the plan, the total planning was abandoned, the continuous plan changes were supported by the law; and the Decision of the Discipline Committee in such a frame shows that the economic and legal changes in the country directly affect the content of the planning practice and that some violations intensify and mingle with these changes; however, it is seen that professional principles are tried to be protected by sanction decisions given on the basis of professional ideals in the ethical level.

The file decided on 27.04.2013; Related city planner was referred to the Discipline Committee for making sub-scale plan decisions that do not comply with the applicable upper-scale plan decisions. Since the 1/5000 scale development plan prepared by the Urban Planner is canceled because it is contrary to 1/25000 scale plan covering the same settlement, there is no public damage; but it is decided that it is important to remind that the upper echelon plan decisions of the same campus are not applied in the subordinate plans and that it is an important professional ethical principle to be sensitive about the planning stratification.

As a principle of professional ethics, it has been warned that the plan decisions taken on the subscales should be in line with the higher-level plan decisions. This warning of the gradual unity of the plans suggests that the Discipline Committee has an educational guideline on the shape and content of the professional practice.

The file decided on 11.04.2014; planners were referred to the Discipline Committee because planners, who are the proponents of a mega-project procured by state organs, were found to have lost important natural values in the project, and that the requests of political power produced sub-scale plan decisions that did not comply with the

upper-scale plan decisions to process the plan. In the decision text, it said "The fact that the project has been tendered by state organs can be shown as proof of the legality of the matter, but that does not mean that the profession is right in advance of the project in terms of ethical rules. There is always a direct and inevitably a sense of caution between legal and ethical. Responsibilities and sensitivities for the conservation of the natural environment are developing historically and accumulating the field of urban planning profession. This accumulation should be much more binding than the decisions of the executive in any period of political power. That is why the members who are referred to the Discipline Committee do not remove their professional responsibilities from expressing the fact that the tenderer has been appointed by the state organs and has undertaken only part of the work and that there is no responsibility for determining the route. It is stated that the project where the members referred to the Discipline Committee are located to destroy the forest areas and water basins of the city where millions of people live. No professional has the right to escape from professional and social responsibilities by taking refuge in the sanctions of political power. Occupation members in the proposed project have become a member of a society committed to the principles and rules of the city planning profession. They produced a subscale plan study that destroyed the protection-development predictions identified in the upper scale plans. By transferring a project that does not comply with the principles and rules of urbanism to the plan, our members have used it in a project contrary to their professional knowledge and experience. For all these reasons, we have been given a penalty of expulsion from our practice of self-employment for 3 months."

The emphasis between the legal and the ethical in the decision text of the Discipline Committee is important in terms of thesis work. As mentioned in previous chapters, while legal regulations can change very quickly in accordance with political power and ongoing economic programme, ethical values are formed by historical accumulation, and therefore they are more binding. For this reason, judgments involving the penalties imposed by the Discipline Committee on the grounds of ethical violation of city planners producing planning services with legal status are overlapping in this framework. Just because an act is legal does not mean it is ethical. Moreover,

as detailed in the previous section, professional ethics principles can be destroyed by legal regulations themselves.

The file decided on 11.04.2014; the planners were referred to the Discipline Committee because of the professional ethical problem contained in the contract prepared for the settlement in which they built the zoning plan. The planning activity to be carried out in the public interest, with a price contract to be determined according to the conditions at the time of paying the upper limit, with the lower limit as work compensation in the zoning plan work performed by the related city planners; has been turned into rent-to-pay commission resulting from the planning work. For this reason, it was decided that planners should be removed from self-employment for 3 months.

The controversial contract, which directly contradicts the basic principles of planning, has led to the exclusion of planners from professional activity and disclosure to all the approval bodies in the country. In this way, as the professional disciplinary body, the Discipline Committee aims to define the contractual processes which have the potential to directly protect the professional ideals and influence the content of the planning activity.

In the file dated 11.04.2014, it is stated that the area indicated as the use of the city planner by the low intensity exhibition area increased the planned change and intensity by about 6 times and that the created road system was not taken into consideration when determining the new examples. As a result of these interventions, it has been decided in writing to warn of the irregularities, in spite of the fact that the amendment has been canceled by a decision of the judiciary, that it insisted on continuing these contradictions and did not go ahead, ignoring the judicial process.

#### **5.1.4 Evaluation**

Certain issues come to the fore when the files referred to the Chamber of City Planners Discipline Committee are examined periodically. It is seen that the frequency of confrontation of some subjects, which some subjects have been leading at certain periods and some subjects which are continuing, has been seen to decrease in a certain

way in connection with the legal and economic processes mentioned in the previous sections.

**Table 4:** Distribution of Discipline Committee Files (x): File Number

CONTENT	BEFORE 1980	1980- 2000	AFTER 2000
Professional Service Without Chamber License			(13) (15) (17) (18) (22) (25) (27)
Violating Fair Competition Rules in Occupation	(1) (2) (3)	(4) (5) (6) (7) (8) (9) (10) (11)	
Not Protecting Public Spaces with Long Term Reach		(12)	(19) (21) (25) (26) (28) (35)
Violating Public Interest		(12)	(14) (19) (20) (23) (25) (26) (28) (29) (30) (31) (35) (37) (38)
Violating Contracts			(16) (24)
Violating Legal Planning Principles		(12)	(14) (19) (20) (21) (23) (25) (28)
Non-Compliant Income for the Legislation			(29)
Frequent Plan Amendments			(29) (30) (31) (37)
Presenting Misleading Information or Document			(32) (33) (36)
Violating Upper Scale Plan Decisions			(20) (34) (35) (38)
Violating Judicial Decisions			(38)
Plagiarism			(28) (40)
Violation of Occupational Independence			(20) (28) (35)
Mobbing			(39)

As Table clearly shows, violations of the planning professional ethics referred to the Discipline Committee seem to carry the content of disrupting the profession discipline for the first time simply because of not complying with the price policy, not observing the decisions taken by the Chamber. As previously stated, it is predictable that the number of planners is relatively small because of the fact that planning training is given only in METU from 1969, the foundation year of the Chamber of City Planners, to the mid-1980s.

The fact that most of the graduated planners were working in the public sector due to the fact that the planning institutions were active due to the economic policies of the period was effective in the absence of ethical violations related to the content of planning practices. In this period, the activities of İller Bank, which was the most effective public institution in the field of planning, confirmed this assumption. Between 1960 and 1980, İller Bank carried out a total of 1497 integrated planning activities. During this period, it is seen that the related ministry had 12 and the municipalities carried out 16 zoning plan studies. (Yanaşık, 2017)

Therefore, İller Bank has secured the quality of its planning activities in terms of planning profession ethics in all of its plans, whether it is undertaken by the tender or in the form of a tender or in the form of a contest. As a result of the rapid urbanization experienced in the mentioned period, the applications such as zoning forgiveness and the opening of natural areas and public resources should be regarded as the effects of the legal and economic regulations on urban space, rather than a process driven by the city planner. Therefore, in this period, it is expected that the city planners have not been referred to the Discipline Committee due to the contents of their professional activities.

However, since the mid-1980s, large scale decisions that have transformed economic policies like the January 24th decisions, the Construction Law No.3194, the Law for Privatization Implementations, Coastal Law and the legislative amendments such as the coastal planning and planning institutions have gradually lost power, began to transform the content of planners' activities.

It is seen that in the period in question, especially during the period when the effects of the military coup were felt in the Chamber of City Planners, the legal and economic changes related to the planning area of Chamber publications were criticized and examined. By the end of the 1980s, the increasing number of urban planners who graduated due to the increase in the number of departments that provided planning training, the planning institutions in the country started to lose power and the contents of planning practices began to change due to the effect of legal changes. Moreover, as already mentioned, the start of the reform plans by the sworn technical bureau under

the law numbered 2981 as of 1984 caused the planning profession, which was carried out under the control of Iller Bank in the previous period, to become uncontrolled.

Looking at the files of the Discipline Committee in this period, it appears that most of the files of the city planners who did not comply with the minimum wage control by the influence of the Free City Planning Services, Office Registration, Professional Audit and Minimum Wage Regulations which took place especially in 1993 are seen. In this period, it is seen that 8 of the 9 files that the Discipline Committee reports are not in conformity with the relevant Regulation, disrupting the equal competition environment and acting contrary to the discipline of the profession.

In this period, it was aimed to keep the existing planning services in a fair way by avoiding the competition of the bureaucrats who produce free city planning service by the help of the Work Distribution Commission which was put into operation by the Chamber. It can be seen as a consequence of Chamber's attempt to take a deterrent against this situation, as the behavior of the Chamber to try to make the continuity of this regulation intensify in this period.

In this period, the reason why the punishments given to the city planners who do not comply with the minimum wage control is not seen in the following periods can be considered as the widespread use of this situation due to the change of the tender method after a while. In other words, it is a matter of the planning process to become unsustainable due to the legal change of an occupational ethic principle concerning the price policy.

The other file referred to the Discipline Committee is the first file feature which is punished due to the content of the planning practice according to the records of Chamber. This file of 1997, which violates principles such as the long-term protection of public values and the establishment of public interest, is the pivotal point of violations that will intensify in the next period.

The period that started in 2000 is a period of significant break with the number of files sent to the Discipline Committee, as well as the differentiation in the contents. In this period, besides violations such as mobbing and plagiarism, basic planning principles

such as executing activities against the public interest, causing applications destroying public resources, and failing to protect professional independence against the employer have been intensively violated.

In this period, it is important to mention the points that Demirdizen (1999) has transferred within the scope of a thesis study on planning professional ethics. During the 2000s, the country's planning practices and the role of planners, Demirdizen claims that urban planning profession is under political and social pressures. According to him, the political and technical phases of the planning process are quite interwoven and consequently it is confusing to decide who, in fact, is responsible of the planning decisions. For instance, he conveys that large-scale planning decisions are made at level of central political and bureaucratic bodies but do not become a topic for city planning. These arguments, while entering the 2000s, it is important to understand the position of the planners of the plan-making process in Turkey.

As can be seen from the table, it requires a separate assessment because there is so many files referred to the Discipline Committee due to the reasons such as the destruction of public resources, against public interest activities, and the failure to comply with the legal requirements of planning.

In the period covering the period after 2000, the principle which is the most intensely violated in terms of the content of planning practice is to carry out activities contrary to public interest with 13 files. This infringement is followed by the failure to comply with the legal requirements of planning 7 files and violating the principle of long-term protection of public resources and natural values with 6 files. In addition to the 4 files that have the content of producing subscale plan by ignoring the upper scale plan decisions, 4 files related to income incompatible with the planning profession ethics were discussed by the Discipline Committee in this period besides the issues about income out of defined sources in the related legislation.

Because of the economic program based on built environment production intensified during the JDP period, instead of the concept of long-term, planned urbanization, fragmented, project-based plan applications were emphasized in the previous sections of the thesis study. It should be said that the notion of management which was

dominated by legislative amendments was influenced by the tendency of the employer or the political decision making circles to submit to the plan without the legal requirements of the planning, ignoring the protection of the public values.

The main characteristic of the violations in this period was to abandon the public interest principle and to keep the personal interests of the planner and the employer in the foreground. This was undoubtedly closely related to the understanding of the capitalist urbanization and individualistic-beneficial tendencies that hold the pre-plan of the private ownership of the country.

## CHAPTER 6

### CONCLUSION

As stated earlier, this thesis aims to examine the relationship between professional practice and ethical principles of the city planning area that are built with the historical knowledge of the profession and economic and legal transformations that Turkey experienced.

In this thesis, the ethics are examined as the values that constitute the basis of individual and social relations established by human beings, the right and wrong, the morality and the quality of good or bad behavior, trying to determine the boundary between good and evil; as a critical inquiry activity which is a logical foundation that seeks to produce solutions with well-behaved actions and behaviors. In a sense, it is regarded as a practical philosophy that deals with the actions of everyday life rather than a discipline of purely theoretical and informative.

It is important to study the theory of deontological ethics, which advocates that correct action is about to choose the right tool and possibilities, to follow correct rules and principles and which prioritize intention of the actor, and the theory of teleological ethics, which defines the moral level of behavior as the attainment of the desired outcomes or the favorable results because it presents a theoretical discussion ground. The framework presented for ethical theories offers a useful perspective to understand professional ethics debates as ethics is used not only to assess the practice of everyday life of ordinary people but at the same time to refer to the morality of the communities in which they belong.

The debate in the first part of the thesis on occupational ethical principles that guided colleagues to act in this framework, which defines the practice of internal workings of the profession which is not sufficiently politicized by the society and which aims to protect the professional ideals that are formed by historical accumulation makes it

possible to examine city planning ethics which is a profession aiming at public interest and planning organizations' professional ethics in this similar perspective.

In the city planning profession, which institutionalizes legitimacy as a profession field aimed at establishing public interest on the social level, there may be a dilemma between city planners' ideals of the profession and their individual interests, and ethical discussions are on the agenda for the planning profession.

Therefore, the establishment of public interest plays an important role in planning ethics debates and in the ethical level of professional practice. For this reason, the theoretical framework of the public interest, planning theories and city planner positions described in it are addressed. When we look at the four different planning perspectives presented, it is observed that there are differences in basic issues such as the way of defining the public interest, the view of the planning profession and the role of the planner.

This presents the need for the functioning of the field of planning profession, which is an ethical system of values, a product of reconciliation, or professional ethical principles historically produced in the common criteria. In line with this need, the occupational ethical principles and rules in six different countries, which have different forms of economic and political governance, have been studied, and although there are differences in emphasis on the sanctions applied or basic vocational values, it has been observed that the basic principles of planning in all texts take place. This confirms the argument that city planning professional ethics principles are factual.

According to the fact that the planning profession is not ethically ambiguous, uncertain within the framework of different approaches but it is a historically produced framework for the professional practice, economic paradigm shifts and legal regulations experienced in Turkey and their effects on the planning profession field are examined. The subject developments are discussed in three different periods as 1950-1980, 1980-2000, and 2000-today; in summary, it can be said that all these changes affected planning profession, professional practice and ethical violations.

In the first period when the import substitution development model was dominant, it was seen that with the great immigration wave towards the cities, the state was inadequate in the provision of urban services and transferred the investments to the industrial sector in large scale. This has forced the poor people to meet their own needs in basic matters such as housing and employment. The main role of the state in this period has been the control of developments observed in big cities with plans. For this reason, central planning institutions have been equipped with important authorities and the planned development approach has been dominant.

The legislative amendments to the law, which are in line with the economic paradigm, require the planning of all settlements with over 5000 inhabitants, bringing illegal construction permits to publicly owned areas, leaving infrastructure costs in these areas to slum dwellers within the economic program, which envisages that the public should leave 25% of the land free of charge, and thus directs the state's investments to large-scale industrial investments; and also the Urban Development Law No. 6785, which reduces expropriation expenditures, entered into force.

Subsequently, the planned development at regional and local level was made a constitutional provision in the 1961 Constitution; and when The Ministry of Development and Public Works and the State Planning Organization was established, the central planning institutions became powerful to control all the plans in country in accordance with the economic program carried out on the basis of having national authority. Regulations such as the Property Ownership Law, the Land Office Law and the Slum Law, which were declared during the period, also reflect the aim of controlling the developments experienced with the help of the law changes in a period when there is no investment in the urban built environment production in the same way.

Decisions of the Discipline Committee on this period were in the lowest density that was seen historically. The files referred to the Discipline Committee were mostly files for maintaining occupational discipline at a time when the Chamber was attempting to build institutionalization. These files were the files discussed in the context of the

planning practice, in accordance with the decisions that Chamber has taken in various matters that not to comply with the discipline of the profession.

In this period, there was no file which was about a violation of an ethical principle in terms of content because the planning graduates were employed in the public sector during the period; such as the Iller Bank, which had strong authorities, to conduct content auditing in the public interest in the plan approval process.

In summary, we can say that in the period between 1950 and 1980, the government has chosen to invest in large-scale industrial sector with the aim of controlling the development of urban areas through the plan within in an economic program; for this purpose, it defended the idea of planned development by giving important authorities to the planning institutions; because the publicly oriented planning approach has been taken, the practices that violate the planning professional ethics in terms of content have not been exhibited.

In the period between 1980 and 2000, a "Export-Based Development" model was adopted, aiming at bringing foreign exchange through the export of products produced in the domestic market, basically integrating the country's economy into the international market. In this direction, the salaries of workers, which are seen as cost, have been reduced and foreign capital circulation has been completely liberalized. Foreign capital groups, which the government hoped to turn to the producer sectors, preferred investments for more speculative, short-term urban service provision and the targeted economic program failed to achieve success.

In parallel with the economic program being implemented, the cooperating cities within the previous national development model have left their place to competing cities, and the understanding of urban management was broken. In the first years of this period, with the establishment of the Mass Housing Administration, the state became an important actor in the housing production especially for the middle class.

Moreover, in order to transfer the accumulation of industrial investments during the import-substitution period to the construction sector, there was a period in which large capital groups were also active. Within the economic program, with the privatization

practices, the state has been pulled out of the provision of urban services, capital groups in urban management, become an important actor and the distinction between public and private has become very flexible.

In accordance with the economic paradigms prevailing in this period, starting from the 1982 Constitution, there has been a period in which basic planning principles such as public interest and protection of public values have been weakened by the law itself. With the law numbered 2981, the planning activities were made possible by special technical bureaus, and the construction which was built contrary to the plan was permitted via amnesties.

Understanding the plan to control urban development has begun to change. However, with the Construction Law no. 3194, the planning authorities were transferred to the local government and the control of the plans from the public interest perspective was largely eliminated. The legislation such as the Coastal Law and the Privatization Act and the values belonging to the public sector by law are presented to the capital, and the planning practices are shaped accordingly.

When the documents referred to the Discipline Committee are examined in the said period; especially after the publication of the Regulation, in which the Chamber determines the principles of professional supervision for the planning activities carried out in the free market, it is observed that sanctions have been applied to planners for the reason of not complying with the minimum wage rules in large scale. Due to the increase in the number of city planners who graduated due to the increase in the departments that provide planning training, the contents of the planning practices began to change due to the fact that the planning institutions in the public started to lose power and were affected by the legal changes.

Especially, as already mentioned, the initiation of the breeding development plans by the sworn technical bureau under the law numbered 2981 caused the planning profession, which was executed under the leadership of Iller Bank and controlled in the previous period, to become uncontrolled.

In this period, for the first time, a file has been referred to the Discipline Committee for the content of the planning practice and a penalty for removing the planner from the self-employment was given. This period was considered as a significant break in terms of planning professional field.

This period was mainly due to the legislative changes that transformed the forms of urban intervention in this period, especially due to the formation of class reactions due to the reduction of the workers' salaries and the result of the local government elections against the parties adopting neoliberal policies, the foreign capital turning to the speculative areas instead of the producer sectors, has made a major contribution to the period of development focused on the built environment production which became dominant in the next period.

In the period covering the year 2000 and later, the production of urban built environment was adopted as the economic paradigm. Numerous changes have been made in the legislative changes made in the previous period in which the government aimed to direct the production of urban built environment via the economic policies such as incentives, interest and credits. It was during this period that the changes in the legal regulations such as rent-focused transformation of residential areas in the city center, privatization of publicly owned areas, Tourism Promotion Law and Forestry Law and the opening of public and natural values to capital and the spreading of project-based plans instead of holistic planning approach.

Violations of planning professional ethics were facilitated by the law itself. Often, the ethical principles that have become institutionalized after the historical accumulation, and the legal regulations were crossed.

Legal regulations in line with the economic program were also directly reflected in the file referred to the Discipline Committee and professional ethics violations were shaped by such an understanding.

This period was a period of significant break in terms of the transformation of professional ethics violations in planning practice. In this period, besides violations such as mobbing and plagiarism, basic planning principles such as executing activities

against the public interest, causing applications destroying public resources, and failing to protect professional independence against the employer have been intensively violated.

In the period covering the time after 2000, the principle which was the most intensely violated in terms of the content of planning practice was to carry out activities contrary to public interest with 13 files. This infringement was followed by the failure to comply with the legal requirements of planning 7 files and violating the principle of long-term protection of public resources and natural values with 6 files. In addition to the 4 files that have the content of producing subscale plan by ignoring the upper scale plan decisions, 4 files related to income incompatible with the planning profession ethics were discussed by the Discipline Committee in this period besides the issues about acquiring income out of defined sources in the related legislation.

Due to the economic program based on built environment production intensified during the JDP period, instead of long-term and planned urbanization, fragmented and project-based plan applications became dominant; so, it seems that the legislation and the economic program in question were influential on the basis of the tendencies of the employer or political decision-making circles to the plan.

Within the scope of the thesis study, I would like to summarize the following results at this point. It should be argued that urban planners should necessarily take into account the organic relationship of the two theories while continuing their professional activities, rather than a discussion about which one of the teleological and deontological ethics theories is closer to the planning profession. In other words, the urban planner should evaluate the process and the result as much as possible and aim at achieving it in such a way, rather than seeing every way to behave in accordance with the rules or produce only good results in professional activity.

Secondly, it appears that the issue of planning professional ethics has come to the agenda from an increasing degree of discrimination between occupational ideals and practices. For this reason, as an occupational field with a basic legitimacy tool in the form of public interest, the practices exhibited in the urban planning profession have

brought about professional ethical principles with supervisory, regulatory and punitive work.

Moreover, it is suggested that, in spite of different planning approaches and each one having different planner type definitions, urban planning should be acted on in line with the historically generated principles, and that evaluations should be made in this direction.

Similarly, some principles, such as the establishment of public interest, the long-term conservation of publicity, and the protection of professional independence, appear to take place in the professional ethics texts of all countries under review, despite their different planning conception and their economic and political mode of governance. Although the priorities have changed according to the characteristics of the administrations in terms of economy and politics, the observed common concepts show the historical characteristic of the principles of planning professional ethics.

In summary, as the management structure changes, the content and function of the planning profession is changing and, accordingly, the priorities of the occupational organization are transformed in accordance with the position of the macroeconomic decision makers in the country. These actors shape professional practices and have a role in the implementation or violation of ethical principles.

Looking at Table 1 of the thesis study, it is seen that the planner's responsibilities towards the employer are emphasized in private property-based systems such as the USA and the UK, while the planner's responsibilities towards the society are highlighted in the countries such as Cuba where the economy is based on public. Thus, when we look at the economic paradigm shift is taking place in Turkey, we can see that both the authorization of the planning institutions in national scale and the authorization of the planning institutions given by legal regulations are similar with Cuba example that emphasizes the planners' responsibilities towards the society in the periods that prioritizes public interest with high levels of import substitutions. When we look at the Chamber of City Planners' Discipline Committee file referred to in this period, we see that contrary to public interest activities, there are wage policies and violations. The absence of the referenced file due to the content of the planning

activities is directly related to the economic paradigm of this period, the legal arrangements that were made and the function that are given to the planning at the macro scale.

When we look at the files submitted to the City Planners Discipline Committee in the period after 2000, we see that about 70% of the contents are ethical violations. Together with the development paradigm for the built environment production in Turkey, we can see that all the files submitted to the City Planners' Discipline Committee were not about planning activities against public interest or destruction of natural sources; namely, they were not about planners' responsibility towards the society in the period when legal regulations were made to abolish planning process, abandon the holistic planning approach and disable the competent authorities at national level. This is closely related to the fact that occupational organizations in countries such as the USA and the UK offer their planners' responsibilities towards public interest as a recommendation in the text of ethical principles. Because there are no identified sanctions to be applied when urban planners' do not fulfill their responsibilities to the public in these countries, that are the actual origin of neoliberal programs carried out in Turkey in recent years, this is directly related to the last 20 years focused on the public interest violations in Turkey. Because, planning's function is transformed with the economic program and the legislative arrangements; planning occupation is drove apart from the public interest principle and the violations of the ethical principle are transformed into this direction.

For this reason, the centralized power perspective that is determinative at the national scale must not be overlooked in order to shape the historically generated principles of urban planning in favor of professional practices. However, macro-level arrangements and changes directly affect the function and content of the urban planning profession. For this reason, it is necessary that the city planners who produce services in academia, private sector, public institutions and other fields should struggle together for the ideals of the profession in addition to the activities carried out by the occupational organization in the line of duty. As a result of both being involved in the social struggle that sets the political power perspective as the target and prioritizing the public interest,

and as our colleagues work together with the awareness of organization about the profession, the difference between ethical principles and professional practices will be reduced and planning can be carried out in line with the principles produced with historical experience.

## REFERENCES

- Akarsu, B. (1982). *Ahlak Öğretileri*. İstanbul: Remzi.
- Akıllıoğlu, T. (1991). Kamu Yararı Kavramı Üzerine Düşünceler. *Amme İdaresi Dergisi*, 24(2), 3-15.
- Alexander, E. (2002). The Public Interest in Planning: From Legitimation to Substantive Plan Evaluation. *Planning Theory*, 1(3), 226-249.
- Altun, A. (1995). *Türkiye'de Gazetecilik ve Gazeteler*. Ankara: Çağdaş Gazeteciler Derneği.
- Ankara Barosu. (2009). *Kent ve Çevre Davalarında Kamu Yararı Kavramı ve Uygulanmayan Mahkeme Kararları*. Ankara: Ankara Barosu Yayınları.
- Ashby, W. (1950). Teleology and Deontology in Ethics. *The Journal Of Philosophy*, 765-773.
- Aydın, İ. (2012). *Yöneltil, Mesleki ve Örgütsel Etik*. Ankara: Pegem Akademi.
- Bal, E. (2006). İdari Yargının Üç Temel Bileşeni Olarak; Kamu Yararı, Planlama Esasları ve Şehircilik İlkeleri. *Planlama*, 2006(3), 27-33.
- Balaban, O. (2008). *The State and The Production of Built Environment: The Case of Turkey*. Unpublished PhDThesis, Middle East Technical University, Ankara.
- Balamir, M. (2002). Legality and Legitimacy of Tenure in Turkey. In G. Payne (Ed.), *Land, Rights and Innovation: Improving Tenure Security for the Urban Poor* (pp. 158-177). London: ITDG Publishing.

- Balamir, M. (2007). Küresel Gelişmeler, Neoliberal Politikalar, Risk Toplumu ve Planlama Alanı. *Dünya Şehircilik Günü 31. Kolokiyumu, Planlama Meslek Alanı: Geçmişten Geleceğe* (s. 167-194). içinde Ankara.
- Banks, S. (2003). From Oaths to Rulebooks: A Critical Examination of Code of Ethics for the Social Professions. *European Journal of Social Work*, 6(2), 133-144.
- Bentham, J. (2000). *An Introduction to the Principles of Morals and Legislation*. Kitchener: Batoche Books.
- Bettelheim, C. (1975). *Sosyalist Planlama*. (K. Somer, Çev.) İstanbul: Evren.
- Boratav, K. (2016). *Türkiye İktisat Tarihi, 1908-2009* (22 ed.). Ankara: Imge.
- Campbell, H., & Marshall, R. (2002). Utilitarianism's Bad Breath? A Reevaluation of the Public Interest Justification for Planning. *1*(2), 163-187.
- Can, N. (2001). Doğu Marmara Depremi Sonrası Đmara Yönelik Hukuki Düzenlemeler. *Planlama*, 40-49.
- Cevizci, A. (2005). *Felsefe Sözlüğü*. İstanbul: Paradigma.
- Chandler, R. C. (2001). Deontological Dimensions of Administrative Ethics Revisited. In T. Cooper, *Handbook of Administrative Ethics* (pp. 105-129). New York: Marcel Dekker.
- Çalışlar, A. (1983). *Ansiklopedik Kültür Sözlüğü*. İstanbul: Altın Kitaplar.
- Davidoff, P. (1965). Advocacy and Pluralism in Planning. *Journal of the American Institute of Planners*, 31(4), 331-338.

- Demirci, M. (2005). Şehir Planlamasında Etik Kodları Bağlamında Etik Davranış İlkeleri ve Standartlar. 2. *Siyasette ve Yönetimde Etik Sempozyum*, (s. 285-296). Sakarya.
- Demirdizen, E. (2000). *An evaluation of the debates on professional ethics in city planning*. Unpublished master's thesis. METU, Ankara.
- Doğanay, Ü. (1974). Toplum Yararı ve Kamu Yararı Kavramları. *Mimarlık*, 5-6.
- Durkheim, E. (1949). *Meslek Ahlakı*. (M. Karasan, Çev.) Ankara: Milli Eğitim Basımevi.
- Duvarcı, Y. (2004). Planlama Mesleğine ve Planlama İlkelerine Etik Açısından Eleştirel Bir Bakış. *Planlama*, 2004(2), 14-27.
- Ekinci, O. (1994). *İstanbul'u Sarsan On Yıl: 1983-1993*. İstanbul: Anahtar Kitaplar Yayınevi.
- Ersoy, M. (1995). Planlama Kuramları ve Etik. I. *Planlama Kongresi: Planlamanın Meşrutiyeti ve Plancılarının Konumu* (s. 119-124). içinde Ankara: TMMOB Şehir Plancıları Odası.
- Ersoy, M. (2008). Planlamada Etik Değerler: Eşitlik ve Sosyal Adalet. In *31. Dünya Şehircilik Günü Kolokyumu: Planlama Meslek Alanı: Geçmişten, Geleceğe* (pp. 73-86). Ankara: TMMOB Şehir Plancıları Odası.
- Ersoy, M. (2012). *Kentsel Planlama Kuramları*. Ankara: İmge.
- Ersoy, M. (2017). *Osmanlıdan Günümüze İmar ve Yasalar*. Ankara: Ninova.
- Forester, J. (1980). Critical Theory and Planning Practice. *Journal of American Planning Association*, 46.

- Friedman, J. (1987). *Planning in the Public Domain: From Knowledge to Action*. New Jersey: Princeton University.
- Geray, C. (1973). Kent Planlaması Konusunda Merkez ve Yerinden Yönetim İlişkileri. *Amme İdaresi Dergisi*, 6(4), 48-58.
- Hasgür, İ. (1997). *Türk ve Alman Kamulaştırma Hukukunda Kamu Yararı*. İzmir: Dokuz Eylül Üniversitesi SBE.
- Held, V. (1970). *The Public Interest and Individual Interests*. New York: Basic Books.
- Hobbes, T. (1999). *Leviathan or The Matter, Forme, and Power of a Common Wealth, Ecclesiasticall and Civill*. Hamilton: McMaster University.
- Howe, E. (1945). *Acting On Ethics in City Planning*. New Brunswick, NJ: Center For Urban Urban Policy Research.
- Howe, E. (1980). Public Professions and the Private Model of Professionalism. *Social Work*, 25(3), 179-186.
- Howe, E., & Kaufman, J. (1979). The Ethics of Contemporary American Planners. *Journal of the American Planning Association*, 45(3), 243-255.
- İnal, K. (1996). Sosyalist Etik. *Gelecek*, 43.
- Işık, O. (1991). *The Penetration of Capitalism into Housing Production: Speculative Housebuilding in Turkey, 1950-1980*. Unpublished PhD Thesis, University College London.
- Kant, I. (1982). *Ahlak Metafiziğinin Temellendirilmesi*. (I. Kuçuradi, Çev.) Ankara: Hacettepe University Press.

- Kayaer, M. (2013). Çevre ve Etik Yaklaşımlar. *Siyaset, Ekonomi ve Yönetim Araştırmaları*, 63-75.
- Keleş, R. (1975). Kentleşme ve Kamu Yararı. *Ekonomi ve Hukuk Kongresi Bildiriler Kitabı* (s. 3-40). içinde Ankara: TBB Yayınları.
- Keleş, R. (1989). Kıyıların Korunması ve Toplum Yararı. *SBF*, 44(1), 39-62.
- Keleş, R. (2000). Kent ve Çevre Değerleri Bağlamında Kamu Yararı Kavramı. In M. Ersoy, & H. Ç. Keskinok, *Mekan Planlama ve Yargı Denetimi* (pp. 1-14). Ankara: Yargı.
- Keskinok, H. Ç. (2000). Kent Planlama ve Uygulamasında Menfaat İhlali ve Dava Açma Ehliyeti. In *Mekan Planlama ve Yargı Denetimi* (pp. 15-35). Ankara: Yargı.
- Klosterman, R. (1978). Foundations for normative planning. *Journal of the American Planning Association*, 44(1), 37-46.
- Levent, Y. S. (2011). Kültür Mirasına İlişkin Koruma Politikaları ve Uygulamalarında Kamu Yararı İlkesi. *Toplum ve Demokrasi*, 115-132.
- Macit, M. H. (2009). Teleolojik Etik Anlayışın Deontolojik Eleştirisi. *Kaygı*(13), 83-91.
- Madran, E. (2006). . Kıyı Kanunu Değişiyor: “Koruma”, “Kamu Yararı”, “Meşruiyet” Kavramlarına Yeni Yorumlar. *Mimarlık*(331).
- McHugh, F. (1992). *İş Ahlakı*. İstanbul: Tusiad.
- Özalp, S., & Erkut, G. (2016). Kamu Yararı Perspektifinden İstanbul’da Kentsel Müdahaleler. *Planlama*, 26(3), 234-250.

- Özcan, Ü. (2000). *İmar mevzuatının ve kentsel toprak mülkiyetinin irdelenmesi*. Ankara: Todaie Yerel Yönetimler Araştırma ve Eğitim Merkezi.
- Pamuk, Ş. (1984). "İthal İkamesi, Döviz Darboğazı ve Türkiye: 1947-1979. In K. Boratav, Ş. Pamuk, & Ç. Keyder, *Krizin Gelişimi ve Türkiye'nin Alternatif Sorunu*. Ankara: Kaynak Yayınları.
- Parsa, F., & Lankford, W. (1999). Business Students' Views of Ethics: A Situational Analysis. *Journal of Applied Social Psychology*, 29(5), 1045-1057.
- Pieper, A. (1999). *Etiğe Giriş*. (V. Ataman, & G. Sezer, Trans.) İstanbul: Ayrıntı.
- Ploger, J. (2004). Ethics in Norwegian Planning: Legitimacy, Ambivalence, Rhetoric. *Planning, Practice and Research*, 19(1), 49-66.
- Pops, G. (2001). A Teleological Approach to Administrative Ethics. T. Cooper (Dü.) içinde, *Handbook of Administrative Ethics* (2. b., s. 671-693). New York: Marcel Dekker.
- Sancaklı, Ö. (2004). *Kamu Yararı" Sorunsalının Kent Planlama Disiplinindeki Rolü ve Vezneciler-Sultançiftliği Raylı Sistem Hattının Değerlendirilmesi*. Phd. Thesis. İstanbul: MSGSÜ.
- Singer, P. (2015). *Pratik Etik*. (N. Çatlı, Trans.) İthaki.
- Şengül, H. T. (2001). *Kentsel Çelişki ve Siyaset: Kapitalist Kentleşme Süreçleri Üzerine Yazılar*. İstanbul: WALD Yayınları.
- Şengül, T. (2002). Devlet ve Kent Mekanı. *İktisat Dergisi*(404), 45-57.
- Şengül, T. (2002). Planlama Paradigmalarının Dönüşümü Üzerine Eleştirel Bir Değerlendirme. *Planlama*, 2(3), 8-30.

- Tekeli, İ. (2008). Kent Planlama Mesleği Etiğini Nasıl Oluşturuyor? In *Dünya Şehircilik Günü 31. Kolokiyumu Bildiriler Kitabı: Planlama Meslek Alanı - Geçmişten Geleceğe* (pp. 55-72). Ankara: TMMOB Şehir Plancıları Odası.
- Tezcan, A. M., & Poyraz, U. (2013). Kamu Yararı Kavramının ve Türkiye'deki Yasal Dayanaklarının Kentsel Politikalar Açısından Değerlendirilmesi. *Çağdaş Yerel Yönetimler*, 22(1), 1-21.
- TMMOB Mimarlar Odası İstanbul Büyükşehir Şubesi. (2000). *Tarihi ve Doğal Çevrenin Korunması Davalarında Birlikte Raporları, Gökkafes-Park Otel-Taşkışla*. İstanbul: Özdil Basımevi.
- Türel, A. (1996). Toplu Konut İdaresi. *Yüzyıl Biterken* (Cilt 3, s. 796-797). içinde İstanbul: İletişim.
- Usta, A. (2010). Kamu Görevlisini Etik Amaç ve Ahlaki Yükümlülüğüne Yönelik Bir Değerlendirme. *Türk İdare Dergisi*(468), 159-181.
- Vitruvius, P. (1993). *Mimarlık Üzerine On Kitap*. Şevki Vanlı Mimarlık Vakfı.
- White, J. (1991). From Modernity to Postmodernity: Two Views of Planning and Public Administration. *Public Administration Review*, 51(6), 564-568.
- Yanaşık, E. (2017). *İller Bankası'nın Türkiye Planlama ve Kentleşme Tarihi İçindeki Yeri Ve Önemi (1933-1980)*. Ankara: İller Bankası A.Ş.
- Yeldan, E. (2001). *Küreselleşme Sürecinde Türkiye Ekonomisi: Bölüşüm, Birikim ve Büyüme*. İstanbul: İletişim Yayınları.
- Retrieved from Canadian Institute of Planners: <https://www.cip-icu.ca/Careers-in-Planning/Codes-of-Professional-Conduct>

Retrieved from American Institute of Certified Planners:  
<https://www.planning.org/ethics/ethicscode/>

Retrieved from Royal Town Planning Institute:  
<http://www.rtpi.org.uk/membership/professional-standards/>

Retrieved from The Hong Kong Institute of Planners: <https://www.hkip.org.hk/code-of-professional-conduct/>

Retrieved from Institute of Town Planners India:  
[http://www.itpsl.lk/code\\_of\\_conduct/](http://www.itpsl.lk/code_of_conduct/). (2017).

Retrieved from Adalet ve Kalkınma Partisi. (2002). 58. Hükümet Programı:  
<https://www.akparti.org.tr/upload/documents/58inci-hukumet-programi.pdf>

Retrieved From *Unión Nacional de Arquitectos e Ingenieros de la Construcción de Cuba*. (2017). <http://www.unaicc.cu/quienes-somos/acerca-de-la-unaicc/codigo-de-etica>

## APPENDICES

### A. TURKISH SUMMARY/TÜRKÇE ÖZET

Bu tez çalışması, şehir planlama alanına dair mesleki pratiklerin ve bu meslek alanının tarihsel birikim ile inşa edilmiş olan etik ilkelerinin, Türkiye'nin yaşadığı iktisadi ve yasal dönüşümler ile ilişkisini incelemeyi hedeflemektedir.

Tez çalışmasında etik, insanların kurduğu bireysel ve toplumsal ilişkilerin temelini oluşturan değerleri, doğru ya da yanlış, iyi veya kötü davranışların niteliğini ve dayanağını ahlaki açıdan araştıran; iyi ile kötü arasındaki sınırı belirlemeye çalışan; iyiye yönelen eylem ve davranışlarla çözüm üretmeye çalışan, mantıksal temelleri olan eleştirel sorgulama etkinliği olarak ele alınmıştır. Bir anlamda etik, salt kuramsal ve enformasyon niteliği taşıyan bir disiplin olmaktan ziyade, gündelik hayata dair eylemleri konu alan ve onlardan beslenen pratik felsefesi olarak değerlendirilmektedir.

Doğru eylemin, doğru araç ve olanakları seçmek, doğru kural ve ilkeleri izlemekle olası olduğunu savunan, eyleme geçen kişinin niyetini önceleyen deontolojik etik kuramı ile, davranışın ahlaki düzeyini sonuçların iyiliği veya arzu edilen amaçlara ulaşılması olarak tanımlayan teleolojik etik kuramını ele almak tez çalışması açısından önem arz eden bir kuramsal tartışma zemini sunmuştur. Etiğe sadece sıradan insanın gündelik hayat pratiklerini değerlendirmek için değil, aynı zamanda insanın ait olduğu zümreler ve içinde yer aldığı toplulukların ahlakını tariflemek için başvurulduğu için, etik kuramlarına yönelik sunulan çerçeve, mesleki etik tartışmalarını anlamlandırmada yararlı bir perspektif sunmuştur.

Tarihsel birikim ile oluşan mesleki idealleri korumayı amaçlayan, toplum tarafından yeterince politikleşmemiş mesleğin iç işleyişine yönelik pratikleri tanımlayan, meslektaşları bu çerçevede davranmaya yönelterek klavuz işlevi gören mesleki etik ilkelere yönelik tez çalışmasının ilk bölümünde aktarılan tartışma, kamu yararını tesis etme amacıyla yürütülen bir meslek alanı olarak şehir planlamanın etiğini; planlama kuramlarının planlama meslek etiği açısından incelenmesini mümkün kılmıştır.

Toplumsal düzlemde kamu yararını tesis etmeyi hedefleyen bir meslek alanı olarak meşruiyetini kurumsallaştıran şehir planlama mesleğinde, şehir plancıları mesleğin idealleri ile bireysel çıkarları arasında ikileme düşebilmekte ve bu nedenle planlama mesleğinde etik tartışmaları gündeme gelmektedir. Dolayısıyla kamu yararının tesis edilmesi, planlama meslek etiği tartışmalarında ve mesleki pratiğin etik düzlemde değerlendirilmesinde önemli bir rol üstlenmektedir. Bu nedenle, kamu yararına yönelik sunulan kuramsal çerçeveden hareketle, planlama kuramları ve kendi içinde tariflenen şehir plancısı pozisyonları ele alınmıştır. Sunulan dört farklı planlama perspektifine bakıldığında, temelde kamu yararını tanımlama biçimleri, planlama mesleğine bakış ve plancının rolü gibi temel konularda farklılıklar olduğu gözlenmiştir. Bu durum, planlama meslek alanının işleyişine yönelik, bir üst değerler sistemi, uzlaşma ürünü veya ortak ölçüt niteliğinde tarihsel olarak üretilmiş olan mesleki etik ilkelere olan ihtiyacı ortaya koymaktadır. Bu ihtiyaç doğrultusunda, birbirinden farklı iktisadi ve siyasi yönetim biçimlerine sahip olan, farklı planlama ekollerinin hakim olduğu altı farklı ülkedeki mesleki etik ilke ve kurallar metni incelenmiş ve yapılan değerlendirmede, her ne kadar uygulanan yaptırımlar veya temel mesleki değerlere yönelik yapılan vurguda farklılıklar gözlenirse de, alıntılanan tüm metinlerde planlamanın temel ilkelerinin yer aldığı gözlenmiştir. Bu durum, şehir planlama mesleki etik ilkelerinin olgusal bir nitelik kazandığı yönündeki savı doğrulamıştır.

Planlama meslek etiğinin müphem, belirsiz, farklı yaklaşımlara göre farklı biçim alan bir yapıda olmaktan ziyade tarihsel olarak üretilen ve mesleki pratiklere dair çerçevesi belirli ölçülerde belirlenmiş olan bir faaliyet alanı olduğu yönündeki düşünceden hareketle, Türkiye’de yaşanan iktisadi paradigma değişiklikleri ve yasal düzenlemelerin planlama meslek alanına etkileri ele alınmıştır. 1950-1980, 1980-2000 ve 2000’den günümüze şeklinde üç farklı dönemde ele alınan söz konusu gelişmelerin, özet olarak planlama meslek alanını ve mesleki pratikleri etkilediğini; etik ihlal biçimlerini dönüştürdüğünü göstermiştir.

İthal ikameci kalkınma modelinin hakim olduğu ilk dönemde, kentlere yönelik büyük göç dalgası ile birlikte, devletin kentsel hizmet sunumunda yetersiz kaldığı, yatırımları

büyük oranda sanayi sektörüne aktardığı görülmüştür. Bu durum, yoksul halk kitlelerinin barınma, istihdam gibi temel konularda kendi ihtiyaçlarını karşılamaya itmiştir. Devletin bu dönemdeki temel rolü, büyük kentlerde gözlenen gelişmeleri plan ile kontrol altına alma şeklinde olmuştur. Bu nedenle, merkezi planlama kurumları önemli yetkiler ile donatılmış ve planlı kalkınma yaklaşımı hakim olmuştur.

Döneme dair yasal değişiklikler, iktisadi paradigma ile uyumlu olarak, 5000'in üzerinde nüfusa sahip olan tüm yerleşimlere plan yapma zorunluluğu getiren, kamu mülkiyetindeki alanlara yapılan kaçak yapılara imar affı getiren, bu alanlardaki alt yapı maliyetlerini gecekondulara sakınlarına bırakan, imar düzenlemesi sonucunda taşınmaz sahiplerinin mülklerinin %25'ini kamuya bedelsiz terk etmesini öngören ve böylelikle devletin yatırımlarını büyük oranda sanayi yatırımlarına yönlendirdiği bir iktisadi program içerisinde, kamulaştırma harcamalarını düşüren 6785 sayılı İmar Kanunu yürürlüğe girmiştir. Akabinde, 1961 Anayasasında bölgesel ve yerel ölçekte planlı kalkınmanın anayasa hükmü haline getirilmesi; İmar ve İskan Bakanlığı'nın ve DPT'nin kuruluşu ile birlikte merkezi planlama kurumlarının güç kazanması ve ülke çapında yetkiye sahip olmaları temelinde yürütülen iktisadi programa uyumlu, planla kontrol etme amacını taşımaktadır. Dönem içerisinde ilan edilen Kat Mülkiyeti Kanunu, Arsa Ofisi Kanunu, Gecekondular Kanunu gibi düzenlemeler de, benzer şekilde kentsel yapıyı çevre üretimine yatırımın yapılmadığı bir dönemde, yasa değişiklikleri yardımıyla yaşanan gelişmeleri kontrol altında tutma amacını yansıtmaktadır.

Bu döneme dair Onur Kurulu kararları ise, tarihsel olarak en düşük yoğunluğun görüldüğü dönemdir. Onur Kurulu'na sevk edilen dosyalar daha çok, Oda'nın kurumsallaşması inşa etmeye çalıştığı bir dönemde, meslek disiplini sağlamaya yönelik dosyalardır. Söz konusu dosyalar, planlama pratiğinin içeriğinden ziyade, Odanın çeşitli konularda almış olduğu kararlara uymayarak meslek disiplinine uyma gerekçesiyle görüşülen dosyalardır. Bu dönemde, içerik yönünden bir etik ilke ihlalini konu edinen dosyanın bulunmaması, dönem içerisinde planlama mezunlarının büyük oranda kamuda istihdam edilmesi; güçlü yetkileri bulunan İller Bankası gibi merkezi planlama kurumlarının plan onama sürecinde kamu yararı yönünden içerik denetimi yapmasına bağlanmıştır.

Özet olarak 1950 ve 1980 yılları arasındaki dönemde, devletin büyük oranda sanayi sektörüne yatırım yapmayı seçtiği iktisadi bir program dahilinde, kentsel alanlardaki gelişmeyi plan eliyle kontrol etme amacı taşıdığı; bu amaç doğrultusunda planlama kurumlarına önemli yetkilere vererek planlı kalkınma düşüncesini savunduğu; bu nedenlerle de kamu yararı odaklı bir planlama yaklaşımının sonucu olarak planlama meslek etiğini içerik yönünden ihlal eden pratiklerin sergilenmediği sonucuna varılmıştır.

1980 ve 2000 yılları arasındaki dönemde, temel olarak ülke ekonomisini uluslararası piyasaya entegre etmeye çalışan, iç piyasada üretilen ürünlerin ihracı yoluyla döviz getirisi amaçlayan bir “İhracata Dayalı Kalkınma” modeli benimsenmiştir. Bu doğrultuda, maaliyet olarak görülen işçi maaşları düşürülmüş, yabancı sermaye dolaşımı tamamen serbest hale getirilmiştir. Hükümetin üretici sektörler yöneldiği yabancı sermaye grupları, daha çok spekülasyon, kısa vadeli kentsel hizmet sunumuna yönelik yatırımları tercih etmiş ve hedeflenen iktisadi program başarıya ulaşamamıştır.

Yürütülen iktisadi programla paralel bir biçimde, bir önceki dönem etkin olan ulusal kalkınma modeli dahilindeki işbirliği içerisinde olan kentler yerini yarışan kentlere bırakmış, kent yönetimi anlayışı büyük bir kırılma yaşamıştır. Bu dönemin ilk yıllarında, Toplu Konut İdaresi'nin kurulması ile devlet özellikle orta sınıfa yönelik konut üretimi konusunda önemli bir aktör haline gelmiştir. Ayrıca, ithal ikameci dönemde sanayi yatırımlarından elde ettiği birikimi inşaat sektörüne aktarmak amacıyla, büyük sermaye gruplarının da etkin olduğu bir dönem yaşanmıştır. İktisadi program dahilinde, özelleştirme uygulamaları ile devlet kentsel hizmet sunumundan iyice çekilmiş, kent yönetiminde sermaye grupları önemli bir aktör haline gelerek kamu-özel arasındaki ayrım oldukça esnek bir hale gelmiştir.

Bu dönemde hakim olan iktisadi paradigmlar ile uyumlu olarak, özellikle 1982 Anayasası'ndan başlayarak, kamu yararı, kamusal değerlerin korunması gibi temel planlama ilkelerinin bizzat yasa eliyle zayıflatıldığı bir dönem yaşanmıştır. 2981 sayılı kanun ile, planlama faaliyetlerinin özel teknik bürolar tarafından yapılmasının önü açılmış, plana aykırı olarak inşa edilen yapılara af getirilmiştir. Planla kentsel

gelişmeyi kontrol altında tutmaya çalışan anlayış değişmeye başlamıştır. Bununla birlikte, 3194 sayılı İmar Kanunu ile, planlama yetkileri yerele devredilmiş, planların kamu yararı yönünden denetimi büyük ölçüde ortadan kalkmıştır. Kıyı Kanunu, Özelleştirme Kanunu gibi yasal düzenlemeler ile bizzat yasa eliyle kamuya ait olan değerler sermayeye sunulmuş, planlama pratikleri de bu doğrultuda şekillenmiştir.

Söz konusu dönemde Onur Kurulu'na sevk edilen dosyalar incelendiğinde ise; özellikle Oda'nın serbest piyasada yürütülen planlama faaliyetlerine yönelik mesleki denetim esaslarını belirlediği Yönetmelik'in yayımlanması sonrasında, büyük oranda en az ücret kurallarına uymama gibi sebeplerle planlılara yaptırım uygulandığı görülmektedir. Planlama eğitimi veren bölümlerin artması sebebiyle mezun olan şehir plancısı sayısının artması, bununla birlikte kamudaki planlama kurumlarının güç kaybetmeye başlaması ve yasal değişikliklerin etkisiyle planlama pratiklerinin içerikleri dönüşmeye başlamıştır. Özellikle, daha önce değinildiği üzere, 2981 sayılı yasa marifetiyle, ıslah imar planlarının yeminli teknik bürolar tarafından yapılmaya başlanması, önceki dönemde İller Bankası öncülüğünde ve kontrolünde icra edilen planlama mesleğinin git gide denetimsiz bir hal almasına sebep olmuştur. Bu dönemde, ilk defa planlama pratiğinin içeriği itibariyle bir dosya Onur Kurulu'na sevk edilmiş ve planlıya serbest meslekten uzaklaştırma cezası verilmiştir. Söz konusu dönem, planlama meslek alanı açısından önemli bir kırılma olarak değerlendirilmiştir.

Bu dönem, özellikle işçi maaşlarının düşürülmesi nedeniyle sınıfsal tepkilerin oluşması ve yerel yönetim seçimlerinin neoliberal politikaları benimseyen partilerin aleyhine sonuçlanması, yabancı sermayenin üretici sektörler yerine spekülasyon alanlarına yönelmesi ve yaşanan depremler nedeniyle hedeflerin sekteye uğraması ile sonuçlansa da, bu dönemde kentsel müdahale biçimlerini dönüştüren yasal değişiklikler nedeniyle bir sonraki dönemde baskın hale gelen yapılı çevre üretimi odaklı kalkınma dönemine büyük katkı sunmuştur.

2000 yılı ve sonrasını kapsayan dönemde, iktisadi paradigma olarak, kentsel yapılı çevre üretimini benimsenmiştir. Sağlanan teşvikler, faiz ve kredi gibi iktisadi politikalar ile devletin kentsel yapılı çevre üretimini yönlendirmeyi hedeflediği bu dönemde, bir önceki dönemde yapılan yasal düzenlemelerde sayısız değişiklik

yapılmıştır. Kent merkezinde kalan konut alanlarının rant odaklı dönüşümü, kamu mülkiyetinde olan alanların özelleştirilmesi, Turizm Teşvik Kanunu, Orman Kanunu gibi yasal düzenlemelerde yapılan değişiklikler ile kamusal ve doğal değerlerin yapılaşmaya açılması, bütüncül planlama yaklaşımı yerine proje bazlı parçacıl plan değişikliklerinin yaygınlaşması bu dönemde yaşanmıştır. Yasa marifetiyle, planlama meslek etiğine yönelik ihlaller kolaylaştırılmıştır. Çoğu kez, tarihsel birikim sonucu kurumsallaşmış olan etik ilkeler, yasal düzenlemeler çakışmıştır.

İktisadi programla uyumlu yasal düzenlemeler, Onur Kurulu'na sevk edilen dosyalara da doğrudan yansımış ve mesleki etik ilke ihlalleri söz konusu anlayış ile şekillenmiştir.

Bu dönem, planlama pratiklerindeki mesleki etik ihlallerinin dönüşümü açısından önemli bir kırılma dönemidir. Bu dönemde, mobbing, intihal gibi ihlallerin yanında, kamu yararına aykırı faaliyet yürütme, kamusal kaynakları tahrip eden uygulamalara sebep olma, işverene karşı mesleki bağımsızlığı koruyamama gibi temel planlama ilkelerinin yoğun olarak ihlal edildiği bir dönem olmuştur.

2000 yılı sonrasını kapsayan dönemde, planlama pratiğinin içeriği itibariyle en yoğun ihlal edilen ilke, 13 adet dosya ile kamu yararına aykırı faaliyet yürütmektir. Bu ihlali sırasıyla, 7 adet dosya ile planlamanın yasal gereklerine uymama ve 6 adet dosya ile kamusal kaynakların ve doğal değerlerin uzun erimli korunması ilkesini ihlal etme izlemektedir. Üst ölçek plan kararlarını göz ardı ederek alt ölçekli plan üretme içeriğine sahip 4 dosyanın yanında, ilgili mevzuatta tanımlı gelirler dışında planlama meslek etiğine aykırı gelir elde etme ile ilgili de 4 dosya bu dönemde Onur Kurulu tarafından görüşülmüştür.

AKP döneminde yoğunlaşan yapılı çevre üretimine dayalı iktisadi program nedeniyle uzun erimli, planlı kentleşme anlayışının yerine parçacıl, proje bazlı plan uygulamalarının baskın hale gelmesi, Üst ölçek plan kararlarına uymaksızın, kamu yararından ziyade kişisel menfaati öne çıkararak, kamusal değerlerin korunmasını göz ardı eden, planlamanın yasal gereklerine uymayarak, işverenin veya siyasi karar çevresinin taleplerini plana aktaran yönelimlerin temelinde, söz konusu yasal düzenleme ve iktisadi programın etkili olduğu görülmektedir.

Sonuç olarak, tez çalışması kapsamında şu sonuçları bu noktada tekrardan özetlemek yerinde olacaktır. Öncelikle teleolojik ve deontolojik etik kuramlarından hangisinin planlama meslek alanına yakın olduğuna ilişkin bir tartışma yerine, şehir plancılarının mesleki faaliyetlerini sürdürürken zorunlu olarak iki kuramın organik ilişkisini göz önüne almaları gerektiği savunulmalıdır. Bir başka deyişle, şehir plancısı mesleki faaliyetinde salt kurallara uygun davranmak veya salt iyi sonuçlar üretmek için her yolu mübah görmek yerine, süreci ve sonucu mümkün olduğu ölçüde bir arada değerlendirmeli ve ideal sonucu böyle bir yöntemle ulaşmayı hedeflemelidir.

İkinci olarak, planlama meslek etiği konusunun gündeme gelmesinin, mesleki idealler ile pratiklerin arasında artan ölçüde bir ayırmadan kaynaklandığı görülmektedir. Bu nedenle, kamu yararı tesis etme şeklinde temel meşruiyet aracına sahip bir meslek alanı olarak, şehir planlama mesleğinde sergilenen pratikler, denetleyici, düzenleyici ve cezalandırıcı bir işleve sahip olan mesleki etik ilkeleri gündeme getirmiştir.

Bununla birlikte, farklı planlama yaklaşımları bulunmasına ve her birinin kendi içinde farklı plancı tipi tanımları yapılmış olmasına rağmen, şehir planlamanın tarihsel olarak üretilen ilkeleri doğrultusunda hareket edilmesi gerektiği, bu doğrultuda değerlendirmelerin yapılması gerektiği öne sürülmektedir.

Benzer şekilde, farklı planlama anlayışına ve iktisadi ve siyasi yönetim tarzlarına sahip olmalarına rağmen, kamu yararının tesis edilmesi, kamusalılıkların uzun erimli korunması, mesleki bağımsızlığın korunması gibi birtakım ilkelerin, inceleme kapsamındaki tüm ülkelerdeki mesleki etik metinlerinde yer aldığı görülmektedir. İktisadi ve siyasi açıdan yönetimlerin sahip olduğu özelliklere göre öncelikler değişmesine rağmen, gözlenen ortak kavramlar planlama meslek etiği ilkelerinin tarihsel özelliğini göstermektedir.

Özet olarak, yönetim yapısı değiştikçe, planlama mesleğinin içeriği ve fonksiyonu değişmekte ve buna paralel olarak meslek örgütünün öncelikleri ülkedeki makro düzeydeki karar vericiler karşısındaki pozisyonuna göre dönüşmektedir. Bu etmenler mesleki pratikleri şekillendirmekte, etik ilkelerin uygulanmasında veya ihlal edilmesinde rol sahibi olmaktadır.

Tez çalışması kapsamında üretilen Tablo 1'e bakıldığında, ABD ve İngiltere gibi özel mülkiyete dayalı sistemlerde, plancının işverene karşı sorumlulukları vurgulanırken, kamucu ekonomiye sahip Küba gibi ülkelerde ise, plancının topluma karşı sorumlulukları öne çıktığı görülmektedir. Buradan hareketle, Türkiye'de yaşanan iktisadi paradigma dönüşümlerine bakıldığında, ithal ikameci sanayi yatırımlarının yoğunlaştığı kamu yararını önceleyen dönemlerde, gerek ulusal ölçekteki planlama kurumlarına verilen yetkiler, gerekse yasal düzenlemeler ile planlamaya yüklenen işlev, Küba örneğinde olduğu gibi, plancının topluma karşı sorumluluklarının ön planda olduğu dönemdir. Şehir Plancıları Odası Onur Kurulu'na bu dönemde sevk edilen dosyalara baktığımızda, kamu yararına aykırı faaliyetlerinin aksine, ücret politikası ile ihlallerin olduğunu görmekteyiz. Planlama faaliyetlerinin içeriği nedeniyle sevk edilen dosya bulunmaması, bu dönemin iktisadi paradigması, yapılan yasal düzenlemeler ve planlamaya makro ölçekte üstlenen işlev ile doğrudan ilgilidir.

Şehir Plancıları Onur Kurulu'na 2000 yılı sonrasındaki dönemde sevk edilen dosyalar incelendiğinde ise, içerik yönünden yaklaşık %70'nin etik ilke ihlali içerdiğini görmekteyiz. Türkiye'de yapılı çevre üretimine yönelik kalkınma paradigması ile birlikte, planlama süreçlerini bir engel olmaktan çıkarmak üzere yasal düzenlemeler çıkaran, bütüncül planlama anlayışının terk edilerek, ulusal ölçekte yetkili kurumların devre dışı bırakıldığı bu dönemde, Şehir Plancıları Odası Onur Kurulu'na sevk edilen dosyalarda, kamu yararına aykırı planlama faaliyetleri, doğal kaynakların tahrip edilmesi gibi plancının topluma karşı sorumluluklarına uymadığı gözlenmektedir. Bu durum, ABD ve İngiltere gibi ülkelerdeki, meslek örgütlerinin plancının topluma karşı sorumluluklarına, etik ilke metninde tavsiye niteliğinde yer vermesi ile yakından ilgilidir. Türkiye'nin son yıllarında yürütülen neoliberal programların menşei konumundaki bu ülkelerde, şehir plancısının kamuya karşı sorumluluklarını yerine getirmediğinde uygulanacak bir yaptırımın tanımlanmamış olması, Türkiye'de son 20 yılda yoğunlaşan kamu yararı ihlalleri ile doğrudan ilgilidir. Çünkü, uygulanan iktisadi program ve yapılan yasal düzenlemeler ile planlamanın işlevi dönüştürülmekte, kamu yararı ilkesinden uzaklaşmakta ve etik ilke ihlalleri bu doğrultuda dönüşmektedir.

Bu nedenle, şehir planlamanın tarihsel olarak üretilen ilkelerinin mesleki pratikleri olumlu yönde şekillendirmesi için, ulusal ölçekte belirleyici olan merkezi iktidar perspektifi göz ardı edilmemelidir. Bununla birlikte, makro düzeyde yapılan düzenleme ve değişiklikler şehir planlama mesleğinin işlevini ve içeriğini doğrudan etkilemektedir. Bu nedenle, yapılması gereken, meslek örgütünün görevi gereği yürüttüğü faaliyetlerin yanında, akademide, özel sektörde, kamu kurumlarında ve diğer alanlarda hizmet üreten şehir plancılarının birlikte, mesleğin idealleri için mücadele etmesidir. Hem siyasi iktidar perspektifini hedef olarak belirleyen, kamu yararını önceleyen toplumsal mücadeleye dahil olmak, hem de meslektaşlarımızın meslek alanı ile ilgili örgütlülük bilinciyle birlikte hareket etmesi sonucunda, etik ilkeler ile mesleki pratikler arasındaki fark azalacak ve planlama tarihsel bir birikimle üretilmiş olan ilkeleri doğrultusunda icra edilebilecektir.

## B. TEZ FOTOKOPİSİ İZİN FORMU

### ENSTİTÜ

Fen Bilimleri Enstitüsü	<input type="checkbox"/>
Sosyal Bilimler Enstitüsü	<input checked="" type="checkbox"/>
Uygulamalı Matematik Enstitüsü	<input type="checkbox"/>
Enformatik Enstitüsü	<input type="checkbox"/>
Deniz Bilimleri Enstitüsü	<input type="checkbox"/>

### YAZARIN

Soyadı : Erdoğan  
Adı : Ayhan  
Bölümü : Kentsel Politika Planlaması ve Yerel Yönetimler

**TEZİN ADI** (İngilizce) : The Effect Of Economic Policies and Legislative Regulations to Urban Planning Professional Ethics in Turkey

**TEZİN TÜRÜ** : Yüksek Lisans  Doktora

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.
3. Tezimden bir bir (1) yıl süreyle fotokopi alınamaz.

**TEZİN KÜTÜPHANEYE TESLİM TARİHİ:**