

Public Interest or Private Profit?

A Case Study of How Public Interest is Redefined Through Political Power And Land Commodification in Istanbul

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Abstract

This study examines how public interest is defined and applied in Turkish urban planning through the case of the Etiler Police School site in Istanbul. Using Robert K. Yin's explanatory case study method, it explores the legal and institutional processes that enabled the site's transformation from a public educational facility into a high-rise private development. The findings show that public interest was strategically invoked to justify zoning changes and shift planning authority to central government, despite no disaster risk or public input. Though legally framed, the process contradicted planning principles of equity, transparency and spatial justice. The study argues that public interest was used more as rhetorical justification than ethical guidance, highlighting the need to restore its normative function in planning systems.

Keywords: Public interest; urban planning; land transformation; spatial justice; planning law.

1. Introduction

The concept of public interest has long served as a normative and guiding principle in urban planning theory and practice. Rooted in classical democratic ideals, public interest is expected to balance individual and collective needs while legitimising spatial interventions (Mumford, 1938). Yet, in practice, particularly in contexts with centralised governance traditions, it is frequently instrumentalised to justify top-down, profit-oriented urban transformation projects. In Turkey, while public interest is repeatedly cited in legal and planning documents, it often lacks critical scrutiny in terms of whose interests it truly represents and what spatial and socio-political consequences it produces.

This paper investigates the transformation of the former Etiler Police School site in Beşiktaş, Istanbul, which was sold and redeveloped under the pretext of public interest. Despite its initial educational function and public ownership, the site was rezoned for commercial and tourism purposes, replaced by high-rise towers, and ultimately privatised. This controversial case provides a rich context to examine the shifting meaning and use of public interest in Turkish planning processes, especially within the frameworks of constitutional law, spatial planning legislation, and institutional policy dynamics.

The case is analysed through an embedded case study design, following Yin's (2018) methodology, where the macro-level discourse of public interest is examined through the micro-level planning decisions, legal instruments, and implementation strategies applied to a single site. Multiple layers of analysis are adopted: (1) the normative legal basis as defined in the Turkish Constitution and administrative court decisions; (2) the planning rationale as framed by the Spatial Plans Regulation and zoning reports; (3) the policy instruments that enabled the central government to override local planning authority (such as disaster-risk area declarations); and (4) the spatial and social outcomes, including the erosion of public services and the commodification of land.

The Etiler case was selected for its exemplary demonstration of how public land can be transformed into a speculative asset through legal and institutional manoeuvres. Moreover, the project's scale, location within a protected area, and direct contradiction with planning principles make it a compelling case to question the operational meaning of public interest in Turkey's contemporary urban planning system.

In doing so, this study aims to answer the following research question: How is the notion of public interest defined, interpreted, and operationalised in the transformation of public land in Istanbul? The study adopts a qualitative case study approach, based on document analysis, policy review, planning legislation, and media reports, using pattern-matching logic to explore the gap between declared objectives and actual outcomes.

2. Theoretical Background

Public interest has long been considered a foundational principle in urban planning, yet its definition remains fluid, context-dependent, and often politically contested. The concept is generally assumed to represent the collective needs of society, as opposed to individual or corporate interests (Mumford, 1938; Bozeman, 2007). However, despite its normative appeal, public interest is rarely neutral in practice. Instead, it frequently becomes a rhetorical and strategic tool employed by political and economic actors to legitimise decisions that may otherwise lack democratic or ethical grounding (Campbell & Marshall, 2002).

In Turkey, the term “public interest” (*kamu yararı*) is deeply embedded in legal and planning discourse, yet its invocation often lacks substantive scrutiny. Article 5 of the Turkish Constitution frames public interest as a central function of the state, while spatial planning regulations mandate adherence to public interest as one of the guiding principles in plan-making. However, the discretionary power of central government institutions, particularly in the post-2010 period, has increasingly led to top-down decision-making in which public interest is equated with state-defined priorities, often without public consultation or transparent justification. In this sense, the term functions less as an ethical commitment and more as an instrument of governance—frequently aligned with market logics and private capital flows.

Beyond legal and political frameworks, the public interest is also a key subject of debate in planning ethics. Scholars have argued that planning is no longer a purely technical domain but a profoundly normative one, requiring practitioners to make explicit value-based judgments (Upton, 2002; Taylor, 1992; Campbell, 2002). Campbell (2002) argues that planning must be seen as a “moral endeavour”, in which planners consider the long-term implications of their decisions on justice, equity and sustainability. Public interest, within this frame, is not simply a policy aim, but a moral compass guiding spatial decisions in line with social fairness and intergenerational responsibility.

Yet ethical consensus on the meaning of public interest is difficult to achieve. Diverse philosophical frameworks—such as deontological and teleological ethics—suggest different ways to evaluate planning actions (Howe, 1994). While deontological approaches emphasise rights, duties and procedural integrity, teleological perspectives are concerned with the consequences of actions, often measured in terms of social welfare or utility. The tension between these perspectives is particularly pronounced in planning decisions involving land ownership, displacement, and redevelopment—areas where outcomes can be deeply unequal despite formal procedural compliance.

Recent decades have witnessed a shift in planning rationalities towards more entrepreneurial and neoliberal modes of governance. In this context, the public interest is often reduced to fiscal efficiency or economic growth, as cities compete globally for investment and prestige (Harvey, 1989; Taşan-Kok & Oranje, 2017). The commodification of public goods—especially land and infrastructure—has become increasingly normalised, and planning has in many cases become a facilitator of speculative urban development. As noted by Allmendinger and Haughton (2012), the rise of “soft spaces” of planning and informal governance arrangements often bypass democratic processes and blur the boundaries between public and private interest.

In the Turkish context, the centralisation of planning authority and the expansion of emergency legal instruments—such as the declaration of disaster-risk areas (Law No. 6306)—have enabled the state to bypass standard planning procedures. These mechanisms are frequently justified on the grounds of public interest, yet their application often leads to the concentration of power, the weakening of local authorities, and the displacement of communities. Şengül (2002) refers to this process as the “depoliticisation of planning through technocracy”, where technocratic justifications mask underlying political and economic motivations.

A critical distinction must be made between procedural legality and substantive justice. In many cases, planning decisions are made within the bounds of formal legal frameworks but fail to deliver equitable or sustainable outcomes. Legal instruments are frequently stretched or reinterpreted to accommodate political priorities, while the language of public interest provides an aura of legitimacy. This is particularly evident in the manipulation of zoning regulations, the redefinition of land uses, and the transfer of public land to private entities.

Professional bodies such as the Union of Chambers of Turkish Engineers and Architects (TMMOB) have repeatedly contested such practices, arguing that they undermine the integrity of planning and erode public trust. Judicial rulings, including those by the Council of State, have on occasion annulled plans for failing to meet basic planning principles despite their formal legality. These tensions highlight the urgent need to evaluate public interest not merely as a legal condition, but as a multidimensional concept encompassing ethical, social and spatial considerations.

3. Methodology

This research adopts a qualitative case study methodology, following Robert K. Yin's (2018) explanatory approach to investigate how the notion of public interest is framed, interpreted and operationalised within a concrete planning case. The study is designed as a single-case inquiry, focusing on the transformation of the former Etiler Police School site in Istanbul. The site was chosen not only for its spatial and institutional complexity, but also for its significance in reflecting wider dynamics of centralised planning, legal manipulation, and the instrumentalisation of public interest discourse in Turkey.

As Yin suggests, explanatory case studies are particularly suitable for exploring causality in complex socio-political environments where the researcher does not have control over events. This approach allows for the systematic tracing of how planning decisions unfold over time, and how actors use legal and discursive tools to justify their interventions. The case is structured as an embedded design, incorporating several units of analysis—including legal decisions, planning documents, zoning changes, institutional reports, and media narratives—all of which contribute to understanding how public interest was invoked and implemented across different phases of the project.

Data collection relied primarily on document analysis, drawing from a wide range of sources. These include official spatial plans and plan modification notes, national legislation and regulations (such as Law No. 6306 on disaster-risk area transformation), court rulings, policy documents from local and central government agencies, media reports, and technical assessments such as geological surveys and planning justifications. The use of multiple sources enabled data triangulation, enhancing the reliability and construct validity of the research.

The analytical process employed pattern matching as the principal strategy, where theoretical expectations derived from planning ethics, legal norms, and professional standards were compared with the actual development trajectory of the site. Specifically, the study examined whether the justification of public interest in official documents aligned with the observed outcomes in terms of land use, institutional authority, social benefit, and spatial justice. Through this approach, the research aimed not only to reconstruct the sequence of events, but also to expose the gaps between normative principles and practical implementation.

Importantly, this case study does not seek generalisation in the statistical sense, but rather aims to contribute to analytical generalisation, where findings from a well-documented case inform theoretical understanding of how public interest is contested and negotiated in planning practice. In doing so, the study foregrounds the complex interplay between planning law, political authority, ethical judgement, and public accountability within the evolving landscape of urban governance in Turkey.

4. Case Study: The Etiler Police School Site Transformation

The Bosphorus Law No. 2960 was enacted to protect and develop the cultural and historical values and natural beauties of the Bosphorus Area of Istanbul in the public interest and to determine and regulate the zoning legislation to be applied in order to limit the construction that will increase the population density in this area. According to this law, the Bosphorus Area is divided into zones and different construction and protection categories are defined. The land of Etiler Police School is located in the Bosphorus Backsight Area within the scope of the Bosphorus Law enacted in 1983. In terms of authority, Istanbul Metropolitan Municipality's Bosphorus Zoning Directorate has the authority over the Bosphorus Foresight Zone, while district municipalities have the authority over the Bosphorus Backsight Zone.

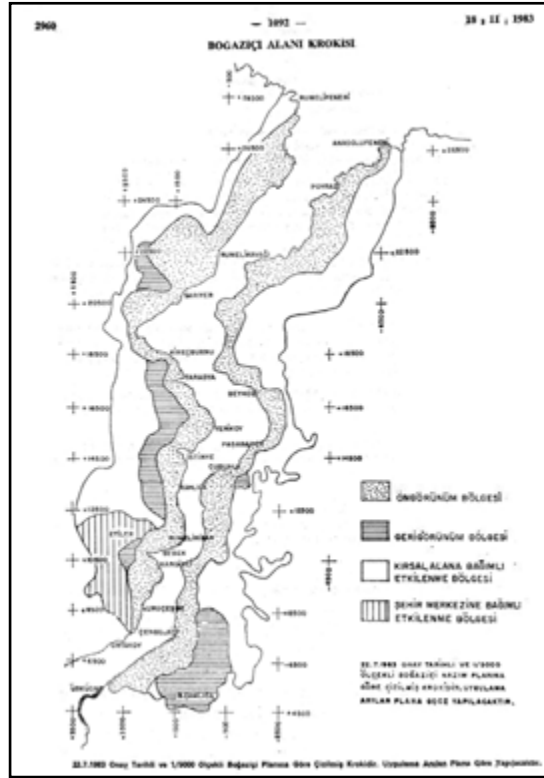


Figure 1. Bosphorus Area

In 1966, the Etiler Police School was opened in the area located in the Bosphorus Backsight Zone. In the December 10, 1993 dated Conservation Revision Implementation Zoning Plan, the parcel where the Etiler Police School is located is marked as "police college" in the plan.



Figure 2. Conservation Development Plan Approved on December 10, 1993

On January 20, 2010, the Istanbul Project Coordination Unit of the Special Provincial Administration of the Governorship of Istanbul decided to reconstruct some of the buildings belonging to the Etiler Police School as they did not meet the needs of the Istanbul Etiler Police Training Center Directorate and the Provincial Directorate of National Education and as the retrofitting of the existing buildings was not economically feasible. This reconstruction process was financed by the European Investment Bank (EIB). The value of services received from the EIB for the Etiler Police School and 40 other school buildings or dormitories was documented as EUR 4,312,900.

The decision taken in 2010, which covers reconstruction and retrofitting projects, was completed in 2012, according to the annual report of the Istanbul Seismic Risk Mitigation and Emergency Preparedness Project (ISMEP), which was established under the Governorship of Istanbul in 2006.

Again in 2012, the Etiler Police School land was transferred from the Treasury of Finance to the Istanbul Metropolitan Municipality in accordance with the protocol signed between the Istanbul Metropolitan Municipality and the General Directorate of Security on April 07, 2012. This transfer was followed by an amendment to the Implementation Zoning Plan dated December 26, 2012.

Şekil 10 : Planlama Alanının İptal Edilen 26.12.2012 t.t.'li Uygulama İmar Planındaki Durumu

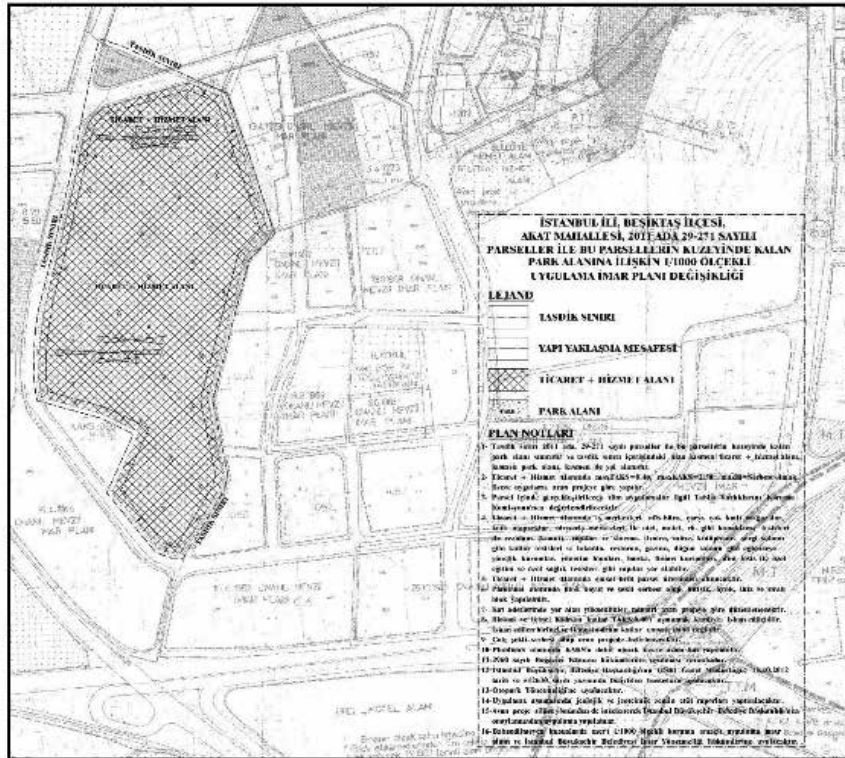


Figure 3. Zoning Plan Amendment dated 26 December 2012

According to this Implementation Zoning Plan amendment, it is seen that the area, whose function appears as an educational facility (police college) in the old plan, has been functionalized as a trade + service area in the new plan.

When the construction conditions of the Etiler Police School land, where all buildings including the administrative building, dormitory and school buildings are currently 5 storeys, are examined according to the new plan; it is seen that the maximum height is left free, the building coverage ratio is processed as 2.50, and a construction permit is given as a trade + service area and 100 thousand square meters of construction right is provided on the land.

According to the Council of Ministers' Decision No. 2013/5118, published in the Official Gazette on July 24, 2013, the area located within the boundaries of Rumeli Hisarı Neighborhood, Beşiktaş District, Istanbul Province, as

delineated by the attached map and list indicating its boundaries and coordinates, has been designated as a "risky area" pursuant to Article 2 of Law No. 6306 on the Transformation of Areas at Risk of Natural Disasters. This decision was adopted by the Council of Ministers on July 8, 2013.

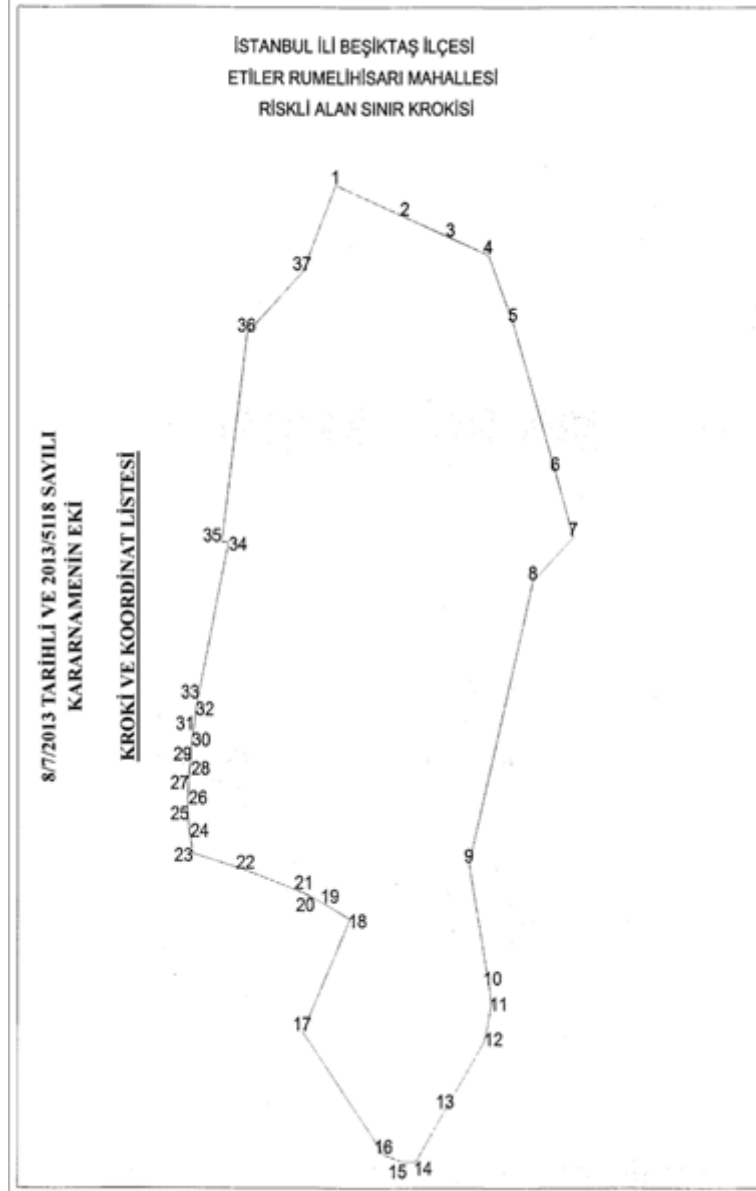


Figure 4. Etiler Rumeli Hisari Neighborhood Risky Area Boundary

Law No. 6306 on the Transformation of Areas Under Disaster Risk, in force since May 31, 2012, aims to reduce disaster risks. The law states that in order for an area to be declared a risky area, the ground structure or the building stock on it must have a risk of collapse in a possible earthquake, and the analyses to be made in determining this risk are explained step by step.

According to the data obtained from the geological-geotechnical survey report of the zoning plan prepared by the Ministry of Environment, Urbanization and Climate Change in 2022 for the study area, it has been determined that the area is located in "suitable areas" and "rock environments" and that there is no risk element that carries a disaster risk in this context. At the same time, according to the letter prepared by the Disaster and Emergency Management Presidency (AFAD), there is no "Disaster-Prone Zone" decision for the study area.

In this context, the designation of an area classified as having stable ground conditions in official Ministry reports as a “risky area” in a city like Istanbul, which is highly susceptible to earthquakes, is open to debate in terms of public interest. This is particularly significant given the existence of regions in Istanbul that are far more critical in terms of disaster risk. Moreover, the selection of this area and the fact that its building stock had already been renewed with funding from the European Investment Bank in 2012—one year prior to this decision—necessitate a thorough evaluation of the entire process from a public interest perspective.



Figure 5. Aerial Photographs of Etiler Police School in 1966, 1987, 2011 and 2021

With the declaration of the area as a disaster risk area, the authority to make all kinds of plans in the area was transferred to the Ministry of Environment, Urbanization and Climate Change.

UCTEA Chamber of Architects and UCTEA Chamber of Urban Planners filed a lawsuit against these plan amendments on May 6, 2013, and two expert reports obtained within the scope of the file found that the plans were contrary to the principles of urbanism and the law.

In 2014, Etiler Police School was closed by the Council of Ministers' Decision No. 2014/6831. In 2018, the demolition of the Etiler Police School began. In the same year, the Istanbul Metropolitan Municipality put the land up for sale, and the tender was won by Istanbul Konut İmar Plan Sanayi ve Ticaret A.Ş. (KİPTAŞ), a subsidiary of the municipality, for 1,388,520,000 TL. Subsequently, KİPTAŞ organized a selective bidding process for the construction project, which was won by the partnership of Yapı ve Yapı Sanayi Ticaret A.Ş. + ASTAŞ Gayrimenkul Yatırım A.Ş. The winning partnership developed a project consisting of three skyscrapers with a height of 36 stories. The project includes 251 residential units in two blocks, while the third block will be operated as a hotel by the renowned hotel and

residence operator, Mandarin Oriental Group. The hotel will feature 156 rooms, 16 suites, and three restaurants. Following these developments and tender processes, a retaining wall construction permit was issued on July 27, 2018, and new building permits were granted on November 1, 2018. On November 7, 2018, the establishment of floor ownership was registered, creating 536 independent units within the project.

In a 2018 court decision, the project was deemed to serve the public interest. However, the Istanbul Regional Administrative Court's 4th Administrative Litigation Chamber overturned this ruling on September 20, 2019, under Decision No. 2019/1568, annulling the zoning plan in question. This decision was definitively upheld by the 6th Chamber of the Council of State on June 28, 2021. The court's ruling emphasized that the zoning plans granted construction rights significantly exceeding the environmental building conditions.

In a joint statement, the Istanbul Branch of the Chamber of City Planners and the Istanbul Metropolitan Branch of the Chamber of Architects, affiliated with UCTEA, expressed their stance on the matter, stating, "What belongs to the public should be returned to the public without further delay." In 2021, the Istanbul Metropolitan Municipality annulled the construction permits issued in 2018. In 2022, the Ministry of Environment, Urbanization, and Climate Change, the sole authority responsible for planning the area, prepared a new plan. This plan adhered to the existing project, designating two blocks with ground floor + 32 stories and one block with ground floor + 36 stories. The land use, previously classified as commerce + service, was revised to commerce + tourism. In 2023, following the new plan, the company obtained a construction permit from the Ministry and resumed construction. That same year, professional chambers once again filed lawsuits against the plan and the construction permit.

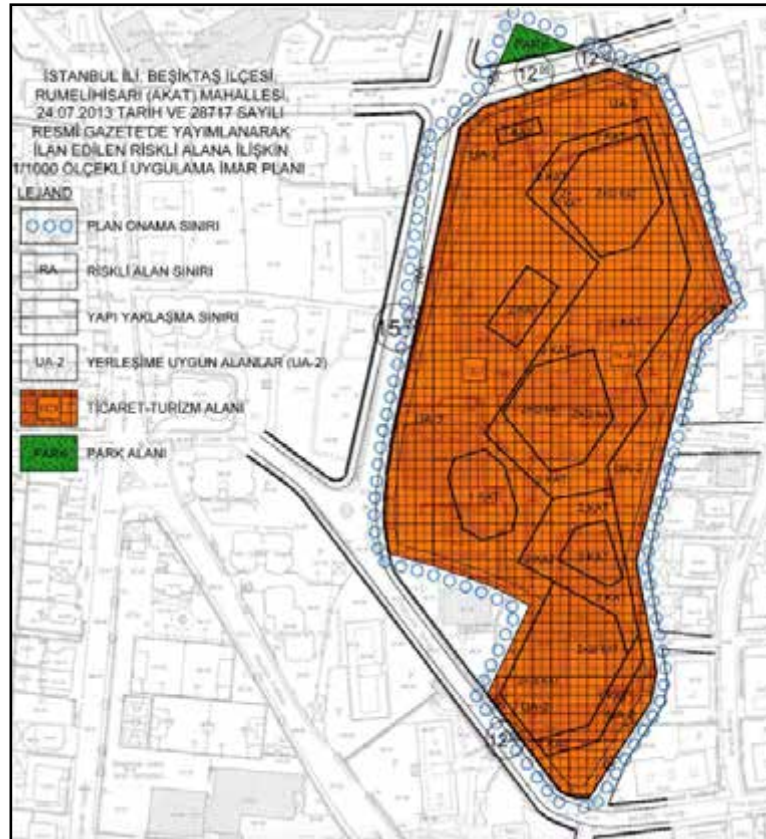


Figure 6. Zoning Plan Prepared by the Ministry of Environment, Urbanization and Climate Change

5. Findings and Discussion

The case of the Etiler Police School illustrates a complex interplay between formal planning mechanisms, legal frameworks, and political strategies that ultimately facilitated the transformation of a public educational site into a luxury mixed-use development. While each procedural step was framed within legal instruments—such as zoning amendments, disaster-risk legislation, and institutional protocols—the cumulative effect of these decisions reveals a pattern of instrumentalising the concept of public interest to legitimise a highly profit-oriented project.

One of the most striking findings concerns the strategic use of Law No. 6306, which permits central government intervention in areas designated as disaster-prone. Despite the lack of geological or structural evidence supporting such a designation, the area was declared “risky” just one year after its reconstruction was completed with international funding. This decision effectively bypassed local planning authority and transferred all regulatory power to the Ministry of Environment, Urbanisation and Climate Change. As highlighted in the theoretical framework, this shift represents a textbook case of policy-based depoliticisation, where risk is mobilised as a neutral technical category to enable centralised planning and high-density development (Allmendinger & Haughton, 2012; Şengül, 2002).

The pattern of actions observed in this case also exemplifies what Bozeman (2007) describes as the erosion of substantive public interest. While officials claimed the project would bring urban value through tourism and economic development, the outcomes contradicted fundamental planning principles such as transparency, social equity, and sustainability. The rezoning process, conducted with limited public engagement, prioritised maximum construction rights over considerations of infrastructure capacity, environmental impact, or spatial justice. This aligns with critiques in planning theory that warn of “public interest” being reduced to economic utility, thereby marginalising ethical obligations to the broader community (Campbell & Marshall, 2000; Campbell, 2002).

From a legal standpoint, the annulment of the zoning plans by the Council of State in 2021 reaffirms that the process violated not only planning ethics but also the principles enshrined in Turkish legislation. The court's recognition that the new density “exceeded surrounding urban conditions” serves as a rare but critical institutional acknowledgment of the misuse of legal tools for political-economic gain. This also reveals the fragility of procedural legitimacy: even when decisions are technically legal, they may still be overturned if they fail to fulfil the broader mandate of the planning system, which includes safeguarding public interest in a meaningful sense.

Ethically, the case further problematises the role of planners and public institutions. The transition from a publicly funded educational facility to a privatised luxury enclave raises profound questions about the ethics of land use decisions in neoliberal governance contexts. The use of public resources for reconstruction, followed by rapid reclassification and sale, underscores what many scholars term the commodification of public assets (Harvey, 1989). Here, public interest was invoked not as a moral commitment but as a discursive shield—deployed to rationalise a sequence of decisions that ultimately undermined social equity and public trust.

Finally, the resistance mounted by professional chambers, supported by expert reports and legal actions, illustrates the contested nature of public interest in practice. Their emphasis on planning integrity and social accountability signals the importance of maintaining institutional counterbalances to state-led commodification. However, their limited success in halting the project reflects the structural imbalance of power in Turkey's planning system, where central authority increasingly dominates local governance, often with limited channels for participatory input or ethical scrutiny.

In sum, the Etiler case exemplifies how public interest can be selectively interpreted, politically instrumentalised, and legally stretched to accommodate speculative urban agendas. While formally legal, the process deviated from ethical planning standards, undermined democratic oversight, and privileged private gain over public benefit. It thus calls for a critical reassessment of how public interest is defined and operationalised in planning—particularly in contexts marked by strong centralisation and market-oriented urban policy.

6. Conclusion and Recommendations

This study has examined how the notion of public interest is defined, negotiated, and operationalised in the transformation of public land within the Turkish urban planning context. Through an explanatory case study of the Etiler Police School site in Istanbul, the research has demonstrated that while public interest remains a central term in both planning law and political discourse, its meaning in practice is far from fixed. Rather, it is subject to reinterpretation by institutional actors, often in ways that align with market-oriented development agendas.

The findings indicate that the transformation process was shaped by a combination of legal mechanisms, institutional restructuring, and strategic discourse, all of which facilitated the commodification of a formerly public educational facility. Despite the procedural legality of the actions taken, the process violated substantive planning principles, undermined local governance, and prioritised private profit over collective benefit. This case illustrates a broader tendency within contemporary urban governance to instrumentalise public interest as a justificatory narrative, rather than uphold it as an ethical or constitutional obligation.

Moreover, the research contributes to planning theory by reaffirming the importance of distinguishing between formal legality and ethical legitimacy. While laws and regulations provide the procedural framework for decision-making, they do not necessarily guarantee just or equitable outcomes. In contexts of strong centralisation and limited public participation, the invocation of public interest must be critically scrutinised—particularly when used to justify the transfer of public land to private capital.

In light of these findings, several recommendations are proposed for both policy and practice:

Reconceptualising public interest: Planning authorities and practitioners must adopt a more inclusive and deliberative understanding of public interest, one that foregrounds social equity, environmental sustainability, and long-term collective well-being rather than short-term economic gains.

Reinforcing institutional checks and transparency: The roles of professional chambers, judicial review, and civil society must be strengthened to ensure accountability in plan-making processes. Legal frameworks should incorporate clearer criteria for risk designations and land use changes, supported by independent assessments.

Restoring the ethical foundation of planning: Planning education and practice must place greater emphasis on ethics, particularly in contexts where the boundaries between public and private interests are increasingly blurred. Planners should be empowered to act not only as technicians but as ethical agents responsible for upholding public values.

Rebalancing planning authority: There is a need to re-empower local governments and communities in planning decisions. Centralised interventions should be limited to exceptional circumstances and must be accompanied by transparent justification, participatory mechanisms, and rigorous impact assessments.

The transformation of the Etiler Police School is not an isolated case, but rather a manifestation of systemic shifts in the governance of urban space. As such, it serves as a cautionary example of how the language of public interest can be co-opted to enable spatial injustice. Reclaiming the integrity of this concept—both legally and ethically—is essential for building more democratic, just, and sustainable cities.

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