

Crafting Tools of Planning Practice and Pseudo-Participation: Hegemonic Power Relations in Decision Making Process of Urban Development in Turkey

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Abstract

The development of urban areas has a strong relation with the cultural structuring and traditional praxis of a community. In planning practice, the cultural context not only affects urban spatial configurations and societal considerations embraced within, but also legislative and administrative systems and their operations dictates the process and production of those spaces. The debates that concentrated on the disappointing side of the reality of planning attempted to unfold the hegemonic relations of power in decision making process (Hiller 2002; Flyvbjerg 1998). This paper focuses on the emerging traditions of planning practice in Turkey whereby quick solutions to end daily conflicts and power relations in planning have altered planning practice. Within this context, this paper is concerned with the ever widening gap between the idealised steps of planning practice and reality, which challenge ethical planning practice and limit democratic participation, in which the lack of the former also distorts the nature of the latter. This paper argues that, the decision making process of planning in Turkey is embedded in implicit structures and relations. It also highlights that participatory and democratic ethos of planning are merely enacted in a superficial and often conditional manner. Therefore, the real practice presents vanishing of that participation and loosening of the professional ethics. The lack of professional and institutional ethics in the planning process is further revealed when it is considered how legislative structures are being crafted in favour of particular interests of powerful actors, thereby diminishing the chance of rightful participation.

Keywords: Planning Practice, Power Relations, Ethics in Planning, Participation

1. Introduction

The relations of power has become the cog-wheel that constantly applies its own rules in the reality of practice and has been in tandem with distortions contrary to the ethos of planning via decision making processes. This situation on one hand challenge ethical planning practice and on the other hand limit democratic participation, in which the lack of the former also distorts the nature of the latter. Therefore, this paper aims to unfold the planning practice in Turkey, where the context dependant conditions and quick daily solutions have become a tradition. In addition,, while the planning ethics quest for inevitable human values and higher priorities for the all members of society (Wachs 1995); the matters of process decision making, planning practice and ethics, and public interest emerges as delicate issues. It is because each brings its own ambiguities and questions that further can be answered differently in different contexts, cultures or circumstances. Who is the real decision maker? Who governs (Dahl 1961). Who makes the city? Who obtains (or should obtain) planning ethics?

Although above mentioned matters and questions can be increased in number, owing to the scope of this paper the focus will be on the ‘dark side’ of planning (Flyvbjerg 1998) that leads to distortions in practice and in ethics via non-participatory processes, dominating decision making processes that is embedded in implicit structures and relations. As planners are not the only agency of the planning practice, even in some cases they are the least authorised ones, it is important to realise the responsibility of ethics can not merely be handed on planners. There, the allied relationship between decision makers and developers; pseudo-participation of the some and non-participation of the rest of

the actors; crafting statutory tools reveal how power operates in reality and how the hypocrisy within planning practices condoned by benefit holders are uncovered.

The present research unfolds the relations of power in reality via analysing the production¹ process of two shopping malls: Armada and Kentpark in the capital of Turkey, Ankara. The main data for this research gathered via archive researches of the regarding municipalities, and from the interviews conducted with the key informants of the process. However, during the investigation new faces of practice and new actors emerged who further unfolded the above mentioned production processes and uncovered the driving forces of deformation in planning and planning ethics. Therefore, a detailed investigation for revealing all the actors and their relations within the process become prominent. Therefore, this research investigates these hegemonic relations and conditions that drives these relations, and the way that these forces operate are explored in order reveal linkages ethics in the whole process that is beyond the ethics of the merely planner. With this regard, the interviews were carried out with political, managerial, professional representatives from both the public and the private sector, some of whom can be considered to be urban elites. There, 16 interviews were conducted and all relevant municipal documents of the selected cases (plan proposals-approvals, opposing petitions, commission reports, and council decisions) and court documents, some of which are gathered from lawyers of the processes, were investigated.

In this study, the word planner is used to represent the planners with reference to the municipality in which they work in their direct quotations, and their names have not been revealed at their request. Therefore, for example they are named as Planner_MM for the planner from Metropolitan Municipality. Moreover, although a planner and the head of directorate of construction affairs of each municipality (Head_MM for Metropolitan Municipality) and Deputy Mayor of Cankaya district municipality were interviewed, due to the limitations of this short paper only some of the direct quotations were presented. However, although the head of the Chamber of Urban Planners as the other actors named above has a planning background and runs his company as a planner, he was interviewed because of his position in CUP; therefore he is referred to as Head_CUP. Finally, the expert assigned by the courts of the selected cases (is also a planner and an academic) and the lawyers of the processes (the lawyer of CUP and CCCAA – NGO named the Contemporary Capital City Ankara Association) were also interviewed.

2. Power to plan or power over planning

The urban spatial problem arose around the relations between political economy and urbanisation. However, while urban planning is being criticised for serving for the interests of the dominant classes through space production of capital accumulation and consumption (each dialectically requiring the other to survive), a constant and inevitable need emerges that keeps the operation of the process alive by producing more space by using the tools of state and local governments to attract more capital to be fixed in urban space (Harvey, 1981; Molotch and Logan, 1987; Logan and Molotch, 2010). There, the spatial fix in the local economy refers to land and property markets, investments and ownership relations reshaping the built environment and serving as a development strategy, especially after the 1980s (Healey, 2006), which ignore long-term consequences and have actually been neither a ‘placebo’ nor a ‘panacea’ in the regeneration of local economies, as they lead to land speculation and short-term growth benefits (Turok, 1992). Therefore, local governments’ structure in the decision-making processes and the approaches concentrating on space production and the role of power became an important tool, not only for revealing administrative processes but also for investigating the direct

¹ The word production is selected intentionally as will be seen in the empirical examples the process is not limited to planning nor to decision making but to a whole process starting from plan proposal (actually even before) to actual construction and operation of the structure.

and indirect roles of power, as this power became suitable to craft legitimate tools to favour the *capital*² holders.

On the other hand, planning and planner ideally appears to be as the problem solver. Therefore, urban planning is considered to be a political and a professional practice (Low, 1991), and a powerful instrument that produces and reproduces urban space, *ideally* aiming for democratic social change (Forester, 1989) and a moral praxis as well as a technical and an utopian discourse (Friedman, 1989) however that recently has become more entrepreneurial (Friedman, 1998). However, within the praxis the planners face with various challenges and dilemmas, which cannot be limited to subjective individual values nor mere preferences (Hendler 1995) and can be partially beyond the planning profession, where the participation of the planners themselves is superficially provided and instead the only effective practice is operated via various hegemonic power relations. In addition, planning as ‘the expert’s realm of true essence or idea, striving to partake of the ideal good within the physical world’ (Gunder, 2003, p.238), has a reality that ‘often disappoints’ (Hillier, 2002, p.3). This is because the practice of planning ends up serving the political economy for urban development, due to its deployment in power relations and planners ‘on the side of those with power, specifically powers of the state’ (Friedman, 1989, p.129), especially in some contexts and cultures more than others where the ethical considerations are also challenged via time honoured daily solutions to potential conflicts.

Furthermore, as the research deals with the dark side of planning that dominates the reality of the urban development, it is a prerequisite to understand the current theories of planning that directly or indirectly relates with power relations in the planning literature. There two main streams emerge. The first group briefly addresses the matter of power and attempts to review planning and planner’s role with regard to Habermasian communicative approach (Forester, 1989; Hillier, 2002; Albrechts, 2003; Healey, 2006). The other group, on the other hand, following Foucauldian approach provides a critique of planning practice (Flyvbjerg, 1998; Flyvbjerg and Richardson, 2002), even some extend their criticisms to the very nature of planning, as the agency of social control and oppression (Yiftachel, 1998; Huxley and Yiftachel, 2000).

Communication centred approaches

The first group, although acknowledging the existence of complex power relations, focuses on what should be done and what planners could do by offering the Habermasian communicative approach (1984), where common principles should be accepted to generate communicative exchange, and suggests communicative and collaborative approaches (Innes, 1995; Healey, 1996, 1998, 2003; Forester, 1989; Hillier, 2002; Albrechts, 2003; Booher and Innes, 2002). In addition, there are also researchers who focus on individualistic conditions and the position of the planner while supporting the communicative approach in planning (Tewdwr-Jones 2002; Tewdwr-Jones and Allmendinger 1998). Within this thought, the centre of attention is the moral obligation of the planner, whether s/he is a public- or private-sector planner; and the planner’s ‘thought’ (consisting of the interaction of values–behaviours and ideals) as an expert privilege prior to action (Tewdwr-Jones 2002). Similarly, while Marcuse (1976) put the emphasis on the planner as the as the median of ethics in practice; Hillier (2002) emphasised the importance of the role of planners within planning systems and practices, where the planner and the government has a primary and a fundamental power to define (redefine), to organise (reorganise) urban space in order to generate a place of their choosing. However, the communicative and collaborative approaches still give little attention to the already existing distortions generated via the traditional, cultural and contextual ways of dealing with things

² However, it is important to highlight here that the ‘capital’ refers not only to economic capital, but also various other types of capital, each of which is intertwined with the others. As Bourdieu (1986) and Coleman (1990) also suggest, networks of relationships generate and develop various types of capital (economic, political and social), each of which would have its own unique position in the power struggle of the urban context.

which become normalised through time and are even converted into planning tradition. This approach also underestimates the subtle empowerment of other actors and power plays among them which are beyond any planner and cannot simply be referred to as a non-decision process (Bachrach and Baratz 1962) (or simply as another face of power) or cannot either be defined as mere corruption. This is because this power generates itself through different types of capital and acts through the complexity of urban reality. Therefore, this research provides a realisation of context specific and authentic conditions instead of accepting what has been suggested as idealised – in a way utopian – types of solutions.

Power relations centred approaches

The communicative centred approaches are usually lacking in addressing the more veiled and informal conditions of power, as they mostly set more idealistic conditions and contexts. Therefore, they become weak in revealing the conditions where the state or its institutions themselves become the underlying apparatus for mutual interest (with capital holders) for the production of urban space (Yiftachel, 1998). Therefore, although ‘power may become the acid-test of planning theory’ as Flyvbjerg and Richardson emphasised (2002, p.44), specific factors and traditional praxis requires a better acknowledgement within the current planning practice. This is because, as this research also presents in the empirical sections, so-called public-interest representatives (some planners, some institutions and use of state tools) have themselves become the agent of the hidden exercising of power and the protection of special interests by revealing how legitimate tools and frameworks of planning ‘are crafted’ ‘in favour of particular interests’ (ibid.; Flyvbjerg 1998). This approach, using phronesis (Flyvbjerg 2012), criticises the Habermasian communicative approach for ignoring the nature of the capitalist condition and the strong structural position of the state and its institutions, and instead states that focusing only on the communicative processes would blind the approach to the non-communicative (or implicit communicative) processes in which most of the decision-making processes take place. However, in the power concerned approach analysis of real rationalities is seen as the main pillar of any power investigation as it helps to reveal the asymmetrical relations between power and rationality. There the latter is dominated by the former within the complexity of the dynamic reality, while at the same time producing that reality (Flyvbjerg, 1998–2002), in which the domination and production concurrently weakens modern democracy and planning by generating distortions; therefore, planning practice and democracy within that praxis have gone ‘astray’ (Flyvbjerg, 2002, p.357). In addition, Huxley and Yiftachel (2000) remind us of the dependence of planning on state regulations; thus, regardless of the inclusiveness of the communicative and collaborative approaches on the surface and the good intentions of the planners (Yiftachel, 1998), in the background the state and its tools will be driving the process through its interests. Thus, planning becomes the tool of the process. Hence, urban planning practice, being responsible for the production–reproduction and organisation of urban space and inherently a state apparatus, becomes vulnerable to power relations and ethical distortions while at the same time being their active partner.

Furthermore, the communicative approach is criticised by the latter group for being ‘too idealistic and often unrealistic’ (Yiftachel, 1998, p.297); while the Foucauldian approach is also criticised for not suggesting any solution but providing mere narratives (Forester, 2001). There are also others who suggest a different perspective and advocate the importance of *trust* in the planning profession and criticise the privileged use of the word ‘power’ in the planning vocabulary (Stein and Harper, 2003). They state that power-centred research undermines positive productivity and blinds us to the distinction between what should be done and what is actually being done (ibid). however, while it is important to realise that ‘obsession with power is dangerous’ (ibid:125) it is also critically relevant to not to ignore the intertwined and dynamic nature of power which is able to generate its own actors and its own strategies to by-pass potential obstacles that are initially suggested by the idealised planning approaches.

Nevertheless, it is also important to keep in mind that the gap that emerges via subtle power relations is not only between theory and the reality but also in the structures and levels of the implementation process. Therefore, in order to provide a better understanding of these constraints and driving forces of power relations, the historical and traditional ties need to be shown in relation to theory and practices (Marcuse, 1976; Fischler, 1995). Therefore, instead of adopting one of the abovementioned approaches to the existing Turkish context throughout this research, the investigation will concentrate on revealing the dimensions and the possible reasons for this theory-practice gap, to be bridged later by policy practice, providing historical and current perspectives.

3. Contextual inputs: power to plan or power over planning?

Urban development which evolves through relentless investment in the built environment and maximisation of urban land value, especially for developing countries like Turkey, is usually recognised as the main pillar of success of local and national governments; therefore, it usually has a central position in local and national agendas. However, the experience of disruption in urban development in Turkey cannot be simplified just through pointing out the maximisation of the urban land value, and thus the commodification of urban space. A distorted legislative system and administrative praxis, the power of *capital*, networking and the tacit relations between the various layers of authority and actors should also be identified. There, although urban planning, as a state apparatus, has the aim of managing land use within the city, in reality the redundant flexibility of the land use terms and lack of limitation in using them has become the mode of city management, which is left in the hands of the few.

In Turkey, urban power relations among various explicit and implicit actors have usually been the basis for the decision-making processes and production of urban space. Urban populism, through urban planning and urban development, has been perceived as a good new business with short-term profit inquiries (Ersoy, 2001; Tekeli, 2001). Moreover, electoral appeal and network relations of power have led to clientelistic relations and distortion of the system where the decisions and/or the processes of urban planning are perceived as a structure that can be ‘relaxed, modified ... in response to particularistic and individualistic demands’ (Oncu, 1988, pp.44–45). In addition, the political/economic milestones of the country (post-1980s and post-2000s as the latest two periods) altered the urban management structure, therefore the condition of planning, (from centralisation to decentralisation and later recentralisation) by using (and in some cases reshaping and crafting) the legislative tools that further manipulated public perception.

The aim of the government of the above mentioned periods has been to manage the needs of international capital and internal struggles and conflicts within the party, and to maintain public attention over forthcoming elections as well as election promises on built environment development. This led to a significant focus on metropolitan centres as the representatives of internationalism ‘and as the most likely bases of its clientelistic networks and electoral appeal’ (Keyder and Oncu, 1994, p.400). Especially after 1980s the urbanisation of capital has become more apparent. The cities became an investment arena; the ‘non-material resources which do not have immediate monetary costs’ and ‘selective implementation of regulatory powers of local government’ instilled a sense that the regulatory systems regarding the built environment might ‘be relaxed, modified ... in response to particularistic and individualistic demands’ (Oncu, 1988, pp.44–45). In this period the local administration system was revisited and the two-tier municipal system was introduced (as metropolitan and district municipality). Nevertheless, this change in the local administrative hierarchy and creation of an ‘all-powerful metropolitan mayoralty’ (Keyder and Oncu, 1994, p.405), decentralised powers over the built environment brought about additional conflicts of interest at the

local level due to different representation of interests. Moreover, the urban entrepreneurs that focus on gain through investing in the built environment due to their economic capacity also generated global networks and concurrently developed a capacity to manipulate elected officials (ibid p.415). In addition, privatisation projects through government tenders and additional financial incentives emerged; thus, real practice of the decision-making process reconfigured: '[those] who have been on good terms with cabinet ministers have benefited from speculative deals in real estate, fictitious exports and development of tourist resorts' (Helvacioğlu, 2000). As a result, from the mid-1980s, the built environment became particularly crucial for various interests and urban planning has started to be treated as municipalism instead of developing a better understanding of city-making. As also Oc and Tiesdell (1994) stated "in Turkey, planning decisions are often transparently distorted or biased in favour of powerful individuals and businesses or are expedient populist measures to engineer political support. This short-termism and partisan nature of planning decisions is actually counterproductive" (pp.108–109) and this also disturbed the 'jewels of planning' embracing reason, democratic process, community and nature (Blanco 1995) and therefore the notion of ethics within planning practice. Therefore, in practice, urban planning regenerated its meaning from the non-professionals' perspective that is dependant to quick solutions to daily conflicts and thus made the condition of urban site more vulnerable to exploitation.

Moreover, following that period the 2000s witnessed further aggressive development of built environment, where the construction sector was seen as the main pillar of the economic growth of the country more than ever. There, further changes enacted in relation to 80s decentralisation approach that was initially towards a more powerful metropolitan municipality and mayor as the city-boss. Owing to this change metropolitan municipalities were empowered to be able to overrule or to exclude the district municipalities in the planning processes if needed (mostly when the interests of these two conflict). This also promoted mayor centred approaches and fortified alliance of the private sector with public sector, as now the developers do not necessarily get approvals from both levels of municipalities and instead having a good relations with metropolitan municipality (in other words with the mayor) would be enough to get the approval. Nonetheless, in the cases of Turkey this condition may get further aggressive when the metropolitan municipality is ruled by the same party with the central government as then their demands are welcomed in terms of enacting context specific legislations via crafting the existing ones. Therefore, such metropolitan municipalities have used their ability and powers under the regulations to provide required modifications and cooperation to favour private partners, and the project returns are then shared with that authority, thus both sides benefit and achieve their goals (Uzun 2007). There on one hand the private developer would get the project done and on the other hand the municipality would promote itself based on that investment. However, recently, by 2011, the decentralisation approach reversed and the central government re-centralised the administrative hierarchy for planning, where the central government via ministries empowered with authorisation of overruling any local government (both metropolitan or district) further causing conflicts in planning practices. For instance, now two different plan proposal for the same area may be approved by both metropolitan municipality and ministry yet without being clear which one would be applied.

3.1 Planning practice given terms, idealised steps and ethical considerations

Not only enacting laws, but also using open-ended and flexible terminology, paved the way for the investors to work around the system in pursuit of their interests. For instance, the terms Urban Services Areas (SA); Urban Working Areas (WA); Central Business Districts (CBD) and Urban Regeneration areas (RA) have been given the rights to be used for the same or similar land uses and owing to their vague configuration become time honoured tradition of planning and treated as synonyms. In addition, although there are various tiers of planning with various scales in Turkey it is

usually the *plan modifications* that lead the planning practice and urban development. There, the term has become the widely used tool for urban development in most cases to change existing plan decisions and/or to generate more flexibility concerning urban land (Ersoy, 2001; Tekeli, 2001; Kilinc et al, 2009). Thus, plan modifications maintain a very important role in Turkish planning as they have become the main praxis of planning, and through them any existing plan decisions can be changed.

Nonetheless, another problem is the incompatible condition of idealised steps of planning practice with planning in real practice. Below figure³ presents the idealised steps of planning procedure provided by the Ministry. Here, the ministry presents the idealised procedural processes in accordance with the given legislative system. Here, after a plan gets approval, there is a 30-day consultation process which is usually carried out via the announcement boards within the municipality and more recently through the websites of some of the municipalities. Any objection to the approval must be presented within these 30 days. The objections are assessed by the relevant local government within 15 days and the plan decision is then finalised. In addition, after the final decision, there is a 60-day secondary consultation process, in which period opposition may be expressed through filing a lawsuit.

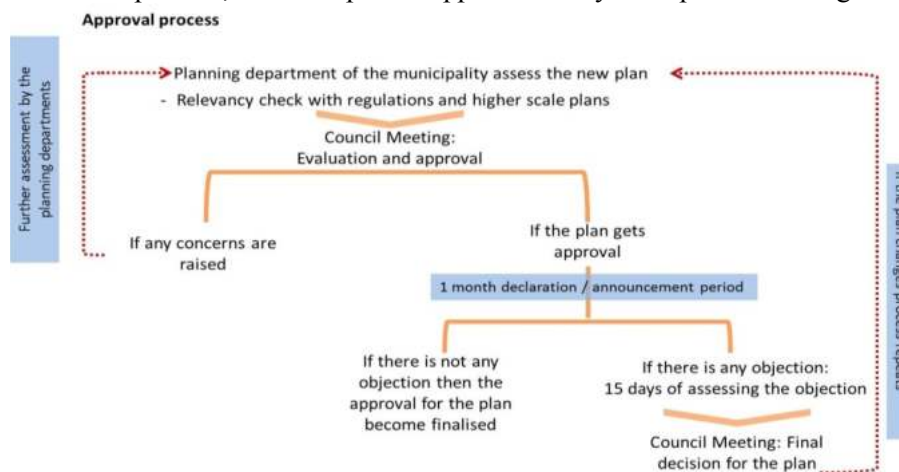


Figure 1. The approval procedure of master and implementation plans

3.2. Ethics in Turkish planning

Especially in large cities of developing countries, there has been a relentless commodification and privatisation of urban land, which on the one hand has reshaped the spatial condition of urban space and on the other hand has reformulated the urban power relations operating at each level of urban development. In this regard, the nature and relationship between the public and private sectors in the socio-spatial production and management of built environment has been altered. Consequently, the inexorable changes in urban space, driven by the ephemeral urban politics focusing on possible economic benefits have also led loosening of professional and institutional ethics. However, the researches on ethical matters are very limited. There, the research in consideration to Turkish planning system was conducted by Kilinc et al in 2009 via EU research project. According to that research urban land rents, the weakness of legal sanctions, rapid urbanisation, the mechanism of expertise (the moral character and philosophy of the ethics of regarding occupation, education, experience, place of work); moral duality; working conditions of urban planners; the lack of planned land; and the structure and profiles of the city and council members are revealed as possible sources of ethical problems in planning in local government level. In planning processes at the local level, the councils have the sole authority to give approval or to make any change, which gives them a significant ability to exercise

³ Due to the scope of this paper only the approval process is shown as the process after approval is usually prone to conflicts

power. This becomes important; especially when one considers that the council members do not necessarily have much proficiency regarding urban planning. The above mentioned research also demonstrates that the proficiencies of the council members lead the way regarding urban development, i.e. the council members may be builders, tradesmen, managers and civil engineers, and as the majority of their proficiencies are related to construction, those members ‘have a tendency to approve all the plans which accelerate the construction sector without any limitation or evaluation about whether the plan is good or bad’ (ibid, p.73). In addition, planners can also be added to the list with unethical behaviour, some of whom become active participants in power relations as some of who have tendency to accept any job for its monetary and networking benefits. Moreover, the normalisation of corruption among professional actors, as well as public perception, is also presented as the final word on the subject: here, the new motto of ‘they steal but they serve’ (ibid, p.75) for urban political figures has become the traditional perception of the public.

4. Empirical research: two different cases with similar practices

The two cases Armada and Kentpark and their planning processes have revealed the challenges and the real practices of planning for private developments in Turkish cities. For the urban development of selected cases, the common tendency is to start with a plan modification that comes from either a single investor or from a private company as the developer. Then, the process continues with the assessment of the proposal by the directorate of construction affairs of the relevant municipality, which later obtains final approval from the council by voting in their meetings and if there is any problem the proposals are then passed to the planning commission for further consultation. During this period the planning commission delivers an assessment report, although the council may decide whether to issue a final decision in parallel with the commission or not. After the approval of the plan by the council, there is a period of one month in which any objections should be raised in the format of a formal petition. However, according to the district municipal interviewees, such applications do not have any significance, as they can easily be rejected by the municipality. Therefore, the main conflicts and disputes start within the secondary objection process (a period of 60 days after the initial 30 days) where a lawsuit is entered against the approval, in order to suspend (or cancel) the project (by law NGOs or even a citizen may enter a lawsuit and therefore can become a stakeholder in the process claiming public interest). In the case of Ankara, it is usually the district municipalities, the Chamber of Urban Planners (CUP) or NGOs (e.g. Contemporary Capital City Ankara Association – CCCAA in this study) who raise objections and enter lawsuits; according to them they are the only organisations to reclaim the rights and represent the views of public and of the public interest in the city. As, in the planning process there is no direct participation by the public themselves; the power relations and planning process inherently omits them and instead continues between decision makers, developers and opposing actors. This process is also the phase in which complex power relations surface, as otherwise (without any opposition) there would not be any attention given to specific matters and the practice of the relations of power would be completed unnoticed.

Armada Shopping Mall

The Armada commenced construction in 1999 and was completed and opened to its users in 2002; and as a result of the high competitiveness of the market, a second phase of development (Armada II), was completed by October 2012. The west axis of Ankara has been significantly developed through the 1990 Ankara Master Plan and through other scales of plans where Armada and some other recent malls were located and had the land use of *S4*. The initial planning proposal for the plot of Armada in 1998 suggesting higher building rights owing to a modification plan approved by the district municipality. There was no further change in the process until 2008, when a new plan modification was suggested including the nearby plots. This was all declared to be one big urban regeneration area (*RA*) yet was not approved by the Metropolitan Municipality due to the overlapping and conflicting planning notes of the

declaration. Following that, in late 2011, the same architectural company proposed another modification plan, referring to the Armada and the adjacent plot for Armada II. There, although the same planning notes of the declined proposal were used for the new proposal the proposal was conditionally⁴ approved by the council of the metropolitan municipality in 2012 regardless of the adverse report of the planning department. However, in the meantime, the Chamber of the Urban Planners (CUP) entered a lawsuit against the approval objecting to some of the planning notes by claiming those were seeking ‘*tailor made*’ adjustments. Yet, while the lawsuit was still pending the implementation plan was quickly approved by the Metropolitan Municipality council to enable the construction. In addition, the district municipality Yenimahalle, was excluded from the recent decision making process and all the proposal-approval and negotiations were done between developer and the Metropolitan Municipality; and therefore by using strategies (either via declaration of RA or completing the approval process via 1/5000 scale plans) the participation right of the district municipality has transformed to non-participation. However, the project was completed by October 2012 and running since then regardless of the conflicts emerged.

Kentpark Shopping Mall

Kentpark started the construction in 2006 and completed in 2009 on and opened in 2010. The area had been used as the land of Agricultural Machinery and Equipment with 0.2 precedent building via parcelling plan approved in 1976; later it had been used as a showroom of Fiat – Tofas automobiles. However, the area was planned as SA like the most of the parcels on the highway and therefore got higher building rights from 0.2 to 2.00 after 1990s. Compared to Armada the conflicts and complexities were higher in the planning process of Kentpark. The planning process for the Kentpark shopping centre started in 2005 and since then until 2011 the approvals of plans for the mall subjected to 10 different lawsuits in total. Each approval for the site was faced with a lawsuit either entered by CUP or CCCAA or by the Cankaya District Municipality.

The mall proposal came first came in 2005 via two different plans both approved by the metropolitan municipality on the same day. There one proposed a gigantic statue which can also be used as commercial-cultural centre run by municipality and seek for an increased building rights and an additional residential area in the project. The second proposal on the other hand was to support the first by proposing a RA declaration in order claim the Metropolitan Municipality as the only authority. After their approval both proposals faced with different lawsuits entered by CUP, CCCAA and district municipality in the same year. However, as it becomes a usual custom while the lawsuits were in process, an implementation plan was prepared and quickly approved by the metropolitan municipality in order to start the construction in 2006. From this point on new proposals⁵ as a tactical action quickly approved, yet all faced with further lawsuits entered by the above mentioned. The process that started in 2005 with RA declaration and approving a gigantic statue allowing cultural-commercial centre in followed up with a declaration of CBD while the lawsuit on the previous approval was due. After the CBD declaration has also faced with lawsuit the site was declared as RA once more which again has been subjected to further lawsuits.

The court for each lawsuit consulting to assigned urban planning experts, first gave a decision of suspension of execution and that is usually followed by a full rejection of the approval. However in the meantime the construction continued with full flow based on the implementation plans; construction and building permits, and the mall construction was completed by late 2009 and started to run by 2010. As nearly all approvals faced with court conflicts ended with rejection or suspension, one last strategy was

⁴ Here the condition for the company was to build a school in one of the regeneration projects of Metropolitan Municipality in a different district with turn-key basis; and the turn-key basis means: until the company would complete and hand in the key as they agreed with the municipality, in this case the school of the other TA project, they will not be able to get any occupation permit for the mall.

⁵ However, each new plan proposals most of the time have either the same the planning notes or similar ones with minor changes, even though these were the main reason of objections in the lawsuits.

proposed by the developer and approved by metropolitan municipality in 2011. This time, as the construction was already finished and the mall had started to operate, therefore the main purpose of that new plan was entirely focussed on legalising the current structures on the site. This also got its ground from another ambiguous term, which has become almost a tradition in the history of Turkish planning stating: “current status of the site is the planning status of the site”, meaning: whatever structure is on the plot would be treated as the legalised planning status through a provided plan. Then, another lawsuit was entered by the CUP against that final attempt, and although once more the experts and the court were against the latest planning proposal, no sanction was issued for the completed mall and it is still continuing to serve. The situation implicitly points out many “dark sides” and “shadows” generated by some power that even become higher than the courts. Therefore, the case of Kentpark proves that, in Turkey, urban planning practice, especially for large projects that provide quick returns, lacks consistent and just authorisation, and the correct use of legislative tools; participation and monitoring have become mere rhetoric. In addition, the planning practice in reality on the land has become an apparatus that is theoretically attached to the state but is operated by the hands of a few who favour holders of capital for mutual benefit.

4.1. Echoing actors: the relations among and the pseudo or excluded participation

In Turkish legislation, it is not mandatory for municipal authorities or private developers to include an additional consultancy or seek the participation of professional representatives, NGOs or citizens. Thus, the voices of these civil actors can only be heard in the event of objections. The process in actual practice displays the pseudo-participation of external⁶ actors. It is ‘pseudo’ because it occurs only if the process includes a legal challenge, as the ordinary process does not provide any option for participation. Thus, it is vitally necessary to understand ongoing power relations because only then can the routine of the distortion of planning practice be broken (Forester, 1989). Moreover, the pseudo-participation, emerging only in the case of opposition, also makes mutual trust building and reliability of the process vulnerable, which is suggested to be central to planning (Stein and Harper, 2003). This is because the representation takes place only in the condition of opposition and thereby the purpose is synonymised with ‘to oppose’ and thus creates discontent. This also redefines the decision-makers’ perception of the representation of civil action, claiming that it is biased and is done for the sake of opposing; therefore, NGOs and particularly CUP have been criticised for that and for being ‘stubborn and raising opposition only to be obstinate’:

The CUP and other organisations should participate of course but only if they are going to give positive critiques not negative, if you are going to give a negative critique why would I invite you? The chambers are not giving up just to be obstinate (Councillor_MM).

Therefore, the process suggests the representation of the non-governmental actors is limited to two aspects: the first one is non-functional and ineffective even if realised; and the second is redundant because there is a bias held by the authorised governmental actors who also question practice-related proficiency and disregard the planning profession. Turkish planning practice assigns greater authorisation to council members and their will; even if they do not necessarily have professional expertise in urban planning, their opinions have higher status than planners’. Therefore, urban development, based on the councillors’ will, has been left to daily experiences rather than professional expertise. Supporting that the interviewed councillor expressed his content on his position and his colleagues and he rather criticised the role of planners especially the experts that are assigned by the courts and who are usually academics in well-known universities. Similarly the head of metropolitan municipality planning department also raised his criticism by putting all blame to planning academics:

⁶ Here ‘external’ refers to actors like CUP and CCCAA which are only able to participate externally through raising an objection.

You academics! You put obstacles in the way of everything, in the way of every investment (Head_MM).

Who are experts? They are academics, they are also preconditioned. Think: the municipality has 500 employees and they gave a decision, then 3 professors are appointed by the courts to challenge that decision. How many plans have these professors done in real life? What have they done throughout their life apart from being an academic? They say urbanism principles, which principles? There is no such thing. You can't think everything is for the public interest ... The experts should also investigate the daily conditions of how much money was spent for that investment, how many people will be suffering from their decision (Councillor_MM).

Since 2004 (the enactment of Law for Metropolitan Municipalities), the metropolitan municipalities have been the higher authority and have been able to overrule the district municipalities, and have right to enact new regulations or to propose new legislation as mentioned the declaration of RAs has been one of the examples, There the new situation not only widens the scope of authorisation of the metropolitan municipalities, but also eliminates possible opposition that might come from the districts. In other words, in some cases the opportunity for the district municipalities to participate democratically in the projects within their borders is further restricted and has allowed metropolitan municipalities to disregard the democratic participation of district municipalities:

I wish they wouldn't be obstinate on these things, because at the end of the day they are just a district municipalities (Councillor_MM).

Nevertheless, on the opposing side, the representatives of CUP, CCCAA and *ordinary planners*⁷ working in municipalities further uncovered the 'dark sides' within the current planning practice in Turkey. As was clear in the above explored cases, the process continued with an alliance between the approving institution and private developer (the proposing side) engaging in various tactical and strategic actions to end the conflict. Thus, the existing structures and distortions bred from the realities experienced have leveraged the already powerful in the system, while causing the powerless to lose yet more.

*Even since the beginning of the first planning experience, the rulings of plans were undermined. This might happen even more nowadays ... At the implementation of a plan, a request comes from an individual or friendship or old-boy network, such that you are not able to refuse the request. This is what usually happens (Planner_MM)
There have been many interesting incidents that we had faced on these issues, well things that you cannot even take a note of them let alone recording, mafia style with brute force, let me only tell this much (Lawyer_CCCAA).*

Furthermore, ethical considerations were also frequently brought up by the interviewees. Added to the results of Kilinc et al (2009), this present study puts forward that the lack of professional ethical considerations and aggressive yet hidden distortions are also fed by the existing relations of urban power. The legislative grounds, jurisdiction, individualistic perceptions of planning principles, actors and interactions have been changing in an interconnected mechanism while having a significant impact on the performance of the planning profession; and thus, on the ethics of the profession and values in planning. Following a similar pattern the relaxation that has happened within legislative structures and the ethos of planning has also become relaxed by the actions of some of the planners, and ethical considerations and professional morals have been reduced to a way of thinking: 'if I don't

⁷ With no decision making status therefore less authorised yet have a relaxed position in criticising the institutions even if its where they work.

do this for that company someone will do it anyway, so why would I miss that job’, as stated by some of the interviewees, revealing the ‘allegiance’ condition in professional ethics (Marcuse, 1976) yet lack of fulfilling other principles of planning ethics.

Obviously these kinds of plans are prepared by certain names. However, it is not because of the powerful economic capital relations. It is a kind of closeness to the authority. ‘Whose plans are able to get approval from this municipality without a problem?’ This question is a frequent advertisement tool for those names (Head_CUP).

5. Conclusion and discussion

This study provided further realisation of vernacular politics within the process of urban development and planning practice of shopping mall development in Ankara. There while the kinship embedded in the process with social ties built close circuit consensus between decision makers and private developer, any attempt to intervene that consensus or its decisions were defeated by the consensus itself having its power from the above mentioned driving forces. Through the analysis of the cases it became clear that the already powerful public institutions, generating their power from gaps in the legislations and the status given by that legislations, form an alliance with the capital holder while the rest of the less powerful governmental institutions or non-governmental organisations are deliberately excluded from and externalised in the process. The cases proven that the complex hegemonic power relations that are sequential are also definitive for the whole process of urban development. These hegemonic relations can be represented in two ways in the process: the institutional (internal) that is built up through the hierarchies in the authorisation added to the traditional structures; and individualistic unorganised that is built up through the interrelations of networks of external actors with internal actors. Here what is meant by institutional in practice is the governmental structures that has its own hierarchical structures (mayor, council members, departments and hierarchies within the department), whereas the unorganised refers to private companies; developers and their non-legislative relations with the authority. Therefore, using the legislative tools in favour of private investments and easing the path for the investors by the local authorities via relaxing and crafting the tools in responding individualistic demands (Oncu 1988; Flybjerg and Rirchardson 2002) can also be considered as distortion in planning and of institutional ethics that requiring mutual negotiations to benefit both sides in the end.

The cases revealed that idealised steps provided by the ministry which are confirmed by the municipalities and have been taught in the planning schools, are in reality unpractised. These steps as proven through the cases are providing an idealised structure but become invalid within the struggle of the power relations and planning praxis. In reality the planning practice continues mostly through proposal of plan modifications and through the use of recent planning trend ‘urban regeneration area declarations’. In addition, the focus of the all planning practice has become the approval process and generation of strategies to provide the approval without much of a challenge, instead of focusing and elaborating on the production of the plan, which should have been the process of participation and any possible negotiation towards a consensus building among actors. The investigation of municipal archives and interviews with key informants has revealed that the reality of planning, as Hillier (2002) emphasised is disappointing, as the idealised steps of planning. Through this investigation a new insight to define and redefine the actors came to surface, some of who were hidden within the idealised formal processes defined by legislation (see Figure 1). The additional processes and actors of planning practice for the selected cases surfaced via plan modification proposals, approvals and formal objections; each step bred antagonism among the actors engaged in various tactics. Thus, the usual flow chart of the planning process needed to be revisited with regard to the selected cases (Figure 2).

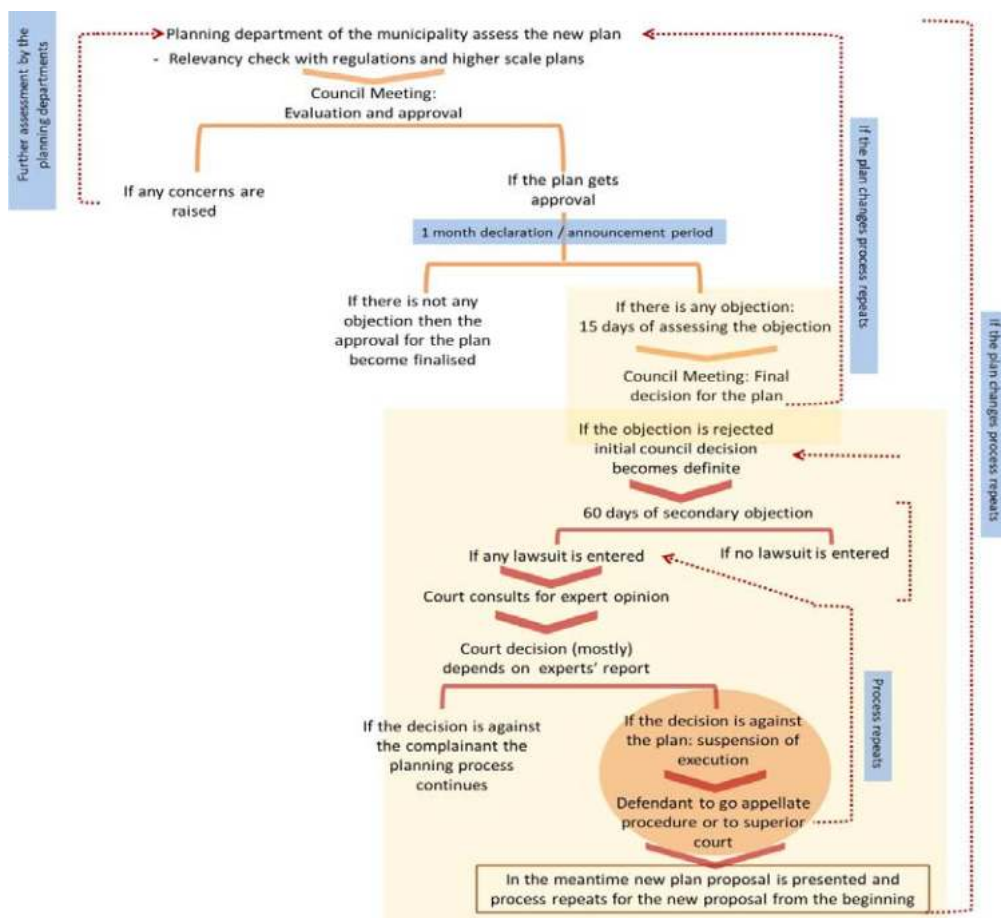


Figure 3. Redesigned flow chart of the formal processes with regard to real practices

In addition, what is noticeable here is that the metropolitan municipality is mostly subjected to lawsuits as the defendant, as they are the ultimate decision-makers on urban development by virtue of new legislation. The developers have been aiming to develop good relations with that authority and inevitably participate on its side in the courts. Thus, in those cases they act collectively, operating through various strategies with mutual interests. As seen in the cases, if the lawsuit continues by a decision to suspend proceedings by the court, then in the meantime (during the time between the suspension decision and the application of the appeal procedure) another plan proposal is prepared by the private representative and approved by the council in order to be able to continue construction and gain time. However, this new proposal can also be (and mostly is) subjected to further objections, continuing with lawsuits, and the process then repeats as happened in Kentpark. However, attending to these strategies requires an intense and a careful follow-up by the institution opposing the development, due to the lack of transparency in planning practice. Echoing that, during the interviews both the district municipalities and CUP members stated that they assign one of their members only to follow up with the new proposals approved by the metropolitan municipality, in order not to miss the objection period as defined by law.

Moreover, the perceptions of the actors for each other also contribute to the powerfulness or the powerlessness of the actors. The incisive and prejudiced thoughts of the actors for each other, as presented in the statements of the decision makers against oppositional actors, expose a clear antagonism shaped by bias; mistrust and disregard for the profession. This situation on the one hand proves the mistrust and lack of quality of dialogue leading to an emergent of antagonism; on the other hand underpins the powerless condition of the opposition.

Finally, adopting the ways which the planning is practiced in accordance with the beneficiaries' demands (i.e. using certain terminologies in the legislations which already encapsulate an indefiniteness and flexibility); the clash of the authorities and; lack of transparency are paving the way through a distortion in planning and ethics where also not having effective sanctions makes the supremacy of the legislative system to be treated nothing more than rhetoric in the practice. Overall, resultantly, the struggle in the power games of the urban space while being reshaped via interrelations of the powerful actors and their tactical actions, is also incapacitating powerless opponents consistently which also get weakened further by the degradation over the perceptions of planning principles and ethics. Thus, the representation of public interest and the essence of planning principles are silenced through manipulative and hegemonic power relations.

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