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Editorial

The Basis of Planners' Legitimacy to Intervene in the City
(A Reflection on the "Pink Panther House" on Taleghani Street, Tehran)

Introduction

Urban and regional planners and designers issue binding decisions regarding how citizens may use their own land. An urban plan (for example, a city's detailed plan) may determine land use, specifying which activities are permitted on a given parcel and which are prohibited. Urban plans typically set regulations for density, building coverage ratio, number of floors, building height, dimensions, and placement of light wells, required parking spaces, and sometimes even the slope of parking ramps. The fundamental question is: who has granted planners the authority to make decisions on behalf of people? Do citizens not exercise control over their own property? If planners do possess such authority, how far may it extend? For instance, are planners allowed to determine the dimensions of bedrooms? May they specify the color of wallpaper inside a house? What about the color of the building's exterior façade? How has this right of intervention (or more precisely, this legitimacy to pass judgment on others' property) been established for planners, and what is its foundation? In September 2024, the owner of a relatively historic house (dating back to the second Pahlavi period) in Tehran decided to paint the façade of his house pink. This building, later known as the "Pink Panther House," located on Taleghani Street, sparked extensive debate within professional circles. Does the owner of a building have the right to paint its façade according to personal taste? Do others (such as pedestrians or neighbors) have any rights in relation to this house? Do planners or urban managers have the right to issue directives, or even recommendations, regarding the color of this property? Some experts argued that the municipality should compel the owner to show greater respect for the surrounding urban fabric and consider the public rights associated with this space. Changing the color of a house façade effectively alters the streetscape, and such an action, they claimed, cannot remain solely within the authority of a single property owner. Others, however, maintained that individual freedom and personal taste must be respected, and even if planners or urban managers find the building visually unpleasant or incompatible with its surroundings, no one has the right to impose obligations concerning the color of another person's house (Fig. 1).



Fig. 1. Image from EcoIran News Agency of the so-called "Pink Panther House" on Taleghani Street, Tehran.

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This example illustrates the importance of clarifying the basis of planners' legitimacy to intervene in private property. The answer appears to be shaped by the dominant worldview of society. In other words, it depends on how we conceptualize the sanctity of property ownership, the role and status of government, the rights of individuals vis-à-vis society, and the rights of society vis-à-vis individuals. The following sections briefly discuss several approaches to the foundations of planners' legitimacy to intervene in people's property.

1. Expertise

One response is that planners, by virtue of being experts, are entitled to issue decisions governing people's lives. In this view, holding an academic degree constitutes the basis of legitimacy for intervention. The implicit assumption here is that planners understand things that others do not. On this basis, even if planners propose programs that conflict with societal values or prevailing lifestyles, it is society that is expected to adjust its beliefs and ways of life. The pinnacle of this perspective can be observed in modernist urbanism—for example, when a planner from France (Le Corbusier) designs a city in India (Chandigarh) and expects Indians to adapt themselves to his plan. However, the passage of time and the consequences of such decisions have seriously challenged the notion that planners understand more than others. Cities shaped gradually by their inhabitants often appear far more livable than planner-led projects. Another issue is that university graduates do not hold uniform views, nor are they granted equal authority to intervene. Ultimately, one must ask: Is urban planning truly a "specialized" profession, or is it an interdisciplinary field? Does possession of a university diploma (or a professional license) necessarily imply the capacity for sound professional judgment?

2. Public Interest

Another common argument is that without planners' intervention, individuals would pursue only their private interests, thereby endangering the public good. For instance, without regulatory controls, everyone might build high-rise structures. A complementary argument often added is that planners may limit people's control over their property due to necessity. While individuals indeed possess the right to use their property as they wish, society is sometimes compelled to impose restrictions on this right for collective reasons. This line of reasoning is questionable, as historical patterns of indigenous settlement (when neither the profession of urban planning nor comprehensive, detailed, or strategic plans existed) often exhibited greater respect for public interests than today. In the past, for example, people generally refrained from encroaching upon qanat corridors or destroying gardens. Today, despite the existence of master plans, detailed plans, and various commissions, qanats are gradually destroyed, and gardens disappear one after another. In many cases, planners' interventions have generated land rents, fostering speculation rather than protecting the public interest. Similar to the first argument, unresolved rhetorical questions remain: Do planners understand public interest better than the people themselves? Do planners even agree among themselves on how public interest should be secured? Some address these problems by lowering planners from a position of command and advocating for planning by the people, where planners merely act as mediators.

3. Law

Some planners argue that planning decisions become legitimate once they are approved by competent institutions and transformed into law. In this view, the legitimacy of urban planning derives from the legitimacy of law itself. This is a more defensible argument, yet two issues must be raised. First, not all planning regulations are laws. Second, what grants planners the authority to draft laws in the first place? Do all members of society have this opportunity? If planners enjoy a special right in this regard, what is the basis of its legitimacy?

4. Power Structures

A fourth response suggests that among planners, those closer to centers of power enjoy greater authority to determine people's homes and lives. In reality, not all planning graduates or advocates of public interest have equal capacity to issue planning decisions. Legal institutions tend to listen more attentively to louder voices. Power may manifest through media, money, coercion, connections, or other means, but ultimately, the enforcement of planning decisions requires the approval and cooperation of those in power. In this framework, planners derive their legitimacy from power holders and are thus compelled to participate in power games and serve dominant interests. Consequently, planners—who ought to act as representatives of the people—end up aligning themselves with the powerful and legitimizing their authority.

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5. Divine Legitimacy

Can urban planning regulations be grounded in religion? If so, such regulations might produce the most just cities and enjoy the highest legitimacy. However, two fundamental questions arise. First, does religion truly provide rulings and solutions for urban planning issues, particularly in the contemporary era? Second, who is entitled to extract these rulings and act as the voice of religion? The reality is that if mistakes similar to those of modernist planning are repeated in the name of religion, people may simultaneously lose both their cities and their faith. At times, planners position themselves as spokespeople for Islam and speak of "Islamic urban planning regulations." Yet issuing religious rulings requires a specific methodology—fiqh—which is itself defined by religion. Under such circumstances, what is the role of university students and graduates of urban planning? If jurists are to define planning regulations, how detailed should these rulings be, and within what limits may academic planners modify or refine them? Do jurists possess sufficient understanding of contemporary planning challenges to enter this field? Is there even a serious intention within religious seminaries to engage with such issues? Reflecting on these questions may contribute to reforming the planning system.

Conclusion

Urban planning legitimacy has at times been justified by necessity, expertise, law, power structures, or public interest. This paper does not seek to impose a definitive answer to this fundamental question. Rather, it aims to reflect on possible answers and expose the limitations of each. One plausible conclusion, however, is that those parts of a building exposed to public view generate certain rights for society in relation to that building. In other words, planners require much stronger justification to comment on matters such as light-well dimensions or floor heights, but intervention is more defensible when it concerns features visible to the public (such as façades or skylines) or elements that affect others' lives (such as garden trees). Interestingly, current urban development practices often operate in reverse: detailed plans impose extensive regulations on the interiors of homes, while Tehran lacks clear façade regulations, leaving such matters to the discretionary judgment of façade committees. Finally, for those still following the story of the Pink Panther House, it is worth noting that the municipality ultimately persuaded the owner to abandon the pink color.

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