

*Full Length Research Paper*

# How Turkish universities have evolved through constitutional changes

**Mustafa Guclu**

Department of Educational Sciences, Faculty of Education, Erciyes University, Kayseri, Turkey.

Received 7 November, 2019; Accepted 3 March, 2020

**National constitutions determine the foundation and the operation of universities in a country. Constitutions are renewed to meet changing societal needs. In Turkey, universities have also been affected by constitutional changes. This study examines how universities have evolved in the history of Turkey's written constitutions and seeks to use this development to shed light on the structure and activities of today's universities. To this end, those articles in the six Turkish constitutions which have affected universities were identified and used as data sources. The work examines the first constitution written in 1876 up to the most recent 1982 constitution. The document review method was used to collect the data and the articles found were evaluated using the descriptive analysis method. The findings show that there were no articles which affected universities in the 1876, 1908 and 1921 constitutions. These were put into force in the 1924 constitution, which was introduced after the start of the Republic. It was found that universities were granted considerable powers and scientific autonomy in the 1961 constitution, but this autonomy was limited by the changes made in the 1982 constitution. In addition, it was found that military coups were responsible for some of the constitutional changes which affected the universities.**

**Key words:** Turkey, university, constitution, social change.

## INTRODUCTION

The concept of a „university“ is derived from the Latin words *universus* or *universitas*, which refer to a group of people who form a legal entity and have common interests (a guild). *Universus* and *universitas* were used to refer to a union, whole or general. Similarly, the terms *studium generale* and *collegia* were synonyms of *universitas*. Whilst *universitas* referred to a community made up of students and teachers, *studium* corresponded to religious, legal and medical schools not yet structured as universities but which have existed in many cities for

centuries (Stella, 2016).

The first universities to be established in the west were the University of Bologna in Italy (1088), the University of Paris in France (1150) and Oxford University in England (1167). Local guild organizations underlie western universities. Charle and Verger (2005) defined university as as “an autonomous society made up of teachers and students who come together to offer a higher level of education in certain disciplines; this institution is most likely to be the product of a special western civilization

E-mail: [guclu45@gmail.com](mailto:guclu45@gmail.com).

Author(s) agree that this article remain permanently open access under the terms of the [Creative Commons Attribution License 4.0 International License](https://creativecommons.org/licenses/by/4.0/)

which was born in Italy, France, and England in the early thirteenth century”.

The Oxford English Dictionary defines „university“ as a word of Latin origin referring to “a higher level of educational institution where students study and academic research is conducted”. The Turkish Language Association defines it as “an educational institution made up of faculties, institutes, colleges, units etc. which is autonomous and has a legal entity and which offers education at a higher level, and conducts and publishes scientific research” (Türk Dil Kurumu). In Turkey, „higher education“ has a similar connotation; it identifies a university as being an autonomous and a legal entity which provides higher level education and conducts research especially in the interest of the human beings (Constitution By-law 2547, Article 3, para.3, 2018).

Universities across the world have undergone considerable changes over time. Particularly after the Second World War, the functions of applied research and counseling and community service were also included alongside the traditional functions of education and scientific research (Kavak, 1990). In parallel with changes in society, universities have also gone through significant changes in Turkey.

In Turkey, universities, like many other institutions, are regulated by the country’s constitution. The constitution regulates the basic structure of the state, the governmental regime, the executive bodies of the state, their relationship with each other and the fundamental rights and liberties of individuals (Çiftçi, 1993; Gülcan, 2019). A constitution, which is also called a „social contract“ should respond to the needs of the individual and of society, and for that reason it is updated according to the needs of the individual and of society.

It is inevitable that changes occurring in a society are reflected in constitutions because amendments to constitutions are expected to maintain the social order and guide society. Up to 2019, there have been a total of six constitutional amendments in Turkey before and during the Republican period. The first written constitution was drawn up in 1876 and the most recent and current constitution in 1982. Universities tend to be affected by constitutional changes and this present study is designed to focus on the effects of the constitutional changes on universities in order to have a better understanding of the university in the Turkish context.

### **The birth and development of contemporary universities in Turkey**

It is necessary to evaluate the process of the establishment and development of universities in Turkey in two stages: one before the creation of the Republic and the other after it started. Different factors have played a role in the development of universities before and during the Republic (Korkut, 1983) and these factors

have mostly been political. For example, in both single-party and multiple-party political periods and in the aftermath of military coups, significant changes occurred in universities.

There are different views regarding the point at which the history of contemporary Turkish universities began. The general opinion is that the foundations of the university were established in 1845 and were consolidated through conferences on physics, chemistry, astronomy, geography and geology which were initiated in 1863 and were open to the public. The, 1869 National Education Regulations, the departments and the regulations of the university (then called a *darülfünun*) were introduced and it began to manage its own affairs from 1870. The fact that the institution gained scientific autonomy by a regulation issued in 1919 is considered to have been a significant development. In 1924, the institution was granted the status of a legal entity (Erdoğan, 2004). It should be noted that the Turkish university was not an institution which evolved from the *madrasahs* (Muslim theological schools), but was established by deliberately modelling western universities (Gürüz, 2003).

Universities were undergoing significant changes in the west in the nineteenth century when Turkey adopted the concept of a modern university. Universities in France were shut down after the French Revolution in 1789, and instead of operationalizing old universities, Napoleon Bonaparte, who came to power in France in 1804, established a new institutional structure called the *Université de France* by a law which he introduced on 10 May 1806. This was because he believed that education should be offered as a public service and that its basic aim should be to maintain the political stability of the state by training qualified professionals. What was established was not a university, but an educational system. The aim of the system was to educate people and leaders who would perform various services in a classless society by taking them out of the bourgeoisie by means of offering them a cultural and vocational education. The system was established with a structure in line with the understanding of a powerful central state envisaged by all the subsequent French leaders: the *Université de France* existed until 1896 (Gürüz, 2003).

Turkey took as a model Napoleon’s desire to shape the university based on the needs of the regime and controlled by the state. Turkey imitated the education and administration system of France in the nineteenth century. Just as the first university before the Republic was established with an intention of creating an Ottoman identity and world presence, the aim of the 1933 reform, which was the first university reform after the start of the Republic, was to form and sustain a national identity and ideology.

In the early nineteenth century, universities in Germany went through significant changes in terms of structure and function (Gürüz, 2003). The implementation of the

Humboldt university model, in which research and education were combined, in Berlin University in 1808 was a turning point in the world history of universities. Unlike European universities, American universities originated from an aristocratic and idealist tradition. These universities were shaped in accordance with market conditions due to both this tradition and the development of industrial capitalism (Demirtaş, 2019). In the late nineteenth century, many newly founded and reformed universities in and outside Europe were based on the German university model, which was established on the basis of a research university. For example, Greece established the University of Athens based on the German model within five years after it broke away from the Ottoman Empire in 1832 (Van Bommel, 2019). The German model was then adopted in the Turkish *darülfünun* after twenty German academics accepted posts in Turkey in 1915. These academics from Germany made significant contributions to the university reforms which took place in 1933 and 1946 in Turkey.

It is believed that the *darülfünun* maintained its autonomy for a long time after the proclamation of the Republic in 1923. Early in the Republic when revolutions were regular events, it is remarkable that there was no intervention in the curricula of the *darülfünun*. It is assumed that even though the state expected the institutions to develop and progress by their own efforts, they could not make the expected progress until the university reform in 1933. The attitudes of institutions to the changes which the state wanted to introduce, especially before 1933, and the fact that they were not able to conduct significant scientific studies were strongly criticized (Akyüz, 2018; Korkut, 1984).

In 1931, the Turkish government invited Albert Malche, a professor at Geneva University, to Turkey to oversee the reform of the *darülfünun*. On 31 May 1931, Malche prepared a report for submission to the Turkish Ministry of Education. It was stated in this report that lack of a unit to inspect the *darülfünun* broke this institution away from society. Following this report, on 18 November 1933, İstanbul University was founded by law no 2253. Under this law, 59 of the 155 people employed at the *darülfünun* were appointed as teachers in the university and the other 96 were not assigned to any positions (Ataunal, 1993; Gürüz, 2003; Hirsch, 1950).

In İstanbul University, which had been founded with four faculties, the Faculty of Theology was abolished and in its place, the Institute of Islamic Studies was opened within the Faculty of Letters. Restriction of scientific and administrative autonomy due to unfavorable political conditions was the main feature of Atatürk's 1933 university reform, in particular, because of the determination to make the revolution and the philosophy of the Republic permanent, these restrictions were seen as obligatory (Ataunal, 1993; Hatiboglu, 1998). With this reform, the word „university“ began to be used for the first time instead of *darülfünun*. Tekeli (2003) stated that, with

the 1933 reform, there was a desire to establish a university based on the Humboldt model. The two universities which opened after İstanbul University were İstanbul Technical University in 1944 and Ankara University in 1946.

After the 1933 university reform, a second radical change regarding universities took place by the Law of Universities, no 4936 dated 1946. Under this law, universities were defined as higher-level research and teaching units, they were granted scientific and administrative autonomy and they gained the status of a legal entity. Even so, it is not possible to say they gained full administrative autonomy (Gök, 1998; Ortaylı, 2001).

The 1946 law introduced a structure which focused on research as well as teaching. It removed the view that university curricula were simply bulk knowledge and supported the process of teaching with research and with the search for solutions to the prominent problems of the country. The fact that this new law required the inspection of curricula to be carried out from inside rather than from outside is considered to be better progress than the 1933 reform. The establishment of an Inter-university Board, the placing of the Ministry of Education at the very top of the administrative structure and the authorizing of the minister of education to inspect universities and affiliated bodies were among the most significant features of the 1946 reform. In order to ensure cooperation and the identification of solutions to common problems faced by universities, it was decided to establish the Inter-university Board as part of this law.

The extension of Turkey's universities to İstanbul and Ankara took place in the subsequent years. Political, social and economic changes which occurred in the years following 1946 led to the idea of spreading universities nationwide, and the notion of establishing regional universities became increasingly predominant (Korkut, 2003). The establishment of the Black Sea Technical University (1955), the Aegean University (1955) and the Atatürk University (1957) constituted the beginning of the spread of universities nationwide by taking them out of big cities such as İstanbul and Ankara (Gürüz, 2003).

Another reform which took place after the 1946 university reform began in 1960. After the 27 May 1960 military coup, some attempts were made to bring about improvements in universities by the introduction of Law no 115, put into force in 1960. One of the most important changes was the abolition of the rule that the Minister of Education was the head of the universities, and the transfer of power to administer the universities from the Ministry of Education to the individual universities themselves was considered to be a more democratic practice (Hatiboğlu, 1998). A decade later, however, a provision that the government could take over the administration of universities was introduced by Law no 1488, which came into force in 1971 following the 12 March 1971 military memorandum.

In 1967 the Hacettepe and Bosphorus universities were founded as a consequence of the transfer of the Robert College by the American Association to Turkey.

In the history of Turkish universities, another important reform was introduced by the Law of Universities no 1750, which came into force in 1973 and replaced the 1960 Law of Universities. Under Law 1750, in the definition of a university, emphasis was given to teaching, and the goal of teaching began to turn to „national“ values. The student unrest seen all around the world in 1968 affected Turkey as well and those incidents revealed a radical need for changes in universities. The inspection under the Law of Universities was regulated by the provisions of the Higher Education Council, which was a radical innovation (Timur, 2000) and a Board of University Inspection was established to inspect the universities.

After the 12 September 1980 military coup, the provisions introduced by the previous law was speeded up and a Higher Education Law no 2547 came into force on 4 November 1981. The regulation which was introduced by this law was the most radical one in the field of education after Atatürk's university reform in 1933 and the foundation of METU (the Middle East Technical University) in 1956. Under this new law, the model of continental European universities was abandoned and an interim institution called the Higher Education Council (HEC) was established, an equivalent to similar bodies which exist in northern European countries. Significant innovations which can be regarded as reforms were the appointment of university presidents and faculty deans, the organization of academic structures by departments and institutes, the title of assistant professorship, the conversion of assistants to research assistants, the abolition of the dissertation requirement for an associate professorship, and a requirement to have published internationally and to have received citations in publications for promotion to a professorship, the establishment of research funds and the creation of the idea of foundation universities (Gürüz, 2003).

Following the Law of Higher Education no 2547, under governmental decree no 41, which came into force in 1982, 28 universities were founded by affiliating faculties and colleges to these universities and a foundation university was opened which had the status of a private university.

Until the present, because there has been no consistent planning behind Turkey's higher education provision, rather than concentrating on issues such as balancing employment needs with the needs of the country in the near and distant future and on social demands, the priority given to keeping costs low and political pressures made many of the newly founded universities simply in name only (Korkut, 2002). In other words, these new universities are not upholding the established university standards. There are currently a total of 202 universities in Turkey, 129 public and 73

foundation universities.

### **The aim of the study**

The aim of this study is to analyse the regulations on universities in the Turkish constitutions of 1876 as amended in 1921, 1924, 1961 and 1982. The research questions are:

1. What were the impacts of the Turkish constitutional developments of 1876, 1921 and 1924 on universities in Turkey?
2. What were the impacts of the Turkish 1961 constitutional developments on universities in Turkey?
3. What were the impacts of the Turkish 1982 constitutional developments on universities in Turkey?

### **METHODOLOGY**

#### **Research model**

The study was conducted using a survey (descriptive) model. Karasar (2005) stated that the survey model is based on describing an existing situation as it is. Using a qualitative methodology, the study followed the five-step document analysis method: (1) accessing the documents, (2) checking their originality, (3) understanding the documents, (4) analysing the data and (5) using the data (Yıldırım and Şimşek, 2008).

#### **Data collection instrument and data analysis**

The data for the study were obtained using the document analysis technique. First, all six constitutions were accessed and reviewed, then the articles referring to universities were identified. The regulations applying to universities contained in each constitution were identified, analysed and interpreted.

The descriptive analysis method was employed for the analysis and interpretation of the data. In the descriptive analysis, direct quotations were extracted in order to show clearly the articles which applied to the universities in all of the constitutions which came into force in Turkey. A descriptive analysis requires the data obtained to be analysed and interpreted by the researcher. The data obtained were first described systematically and explicitly. Following this, the descriptions were interpreted and explained and thus the findings were generated (Yıldırım and Şimşek, 2008).

### **FINDINGS**

#### **The impacts on universities of the developments in the constitutions of 1876, 1921 and 1924**

Before the Republic was proclaimed in Turkey, three constitutions had come into force, the constitutions of 1876, 1908 and 1921. Even though there were no articles directly related to universities in the 121 articles contained in the first constitution, it was found that education was addressed. Articles 15 and 16 of the first constitution

which came into force on 23 December 1876 were related to education. It was stated in article 15, which was about the freedom of teaching, that every Ottoman citizen was entitled to receive both public and private education on condition that they act in accordance with the law. In article 16, it was stated that all schools were under the control of the state (Gözler, 1999). The next constitution which came into force in 1908 was a reinforcement of the previous constitution which had been abolished in 1877 and no changes were made in its articles.

In the constitutions of 1921 and 1924, no articles were found which referred directly to universities. The 1921 constitution was put into force by the Turkish Grand National Assembly (and is referred to as the *Teşkilatı Esasiye Law*) before the proclamation of the Republic. None of its 23 articles referred directly the *darülfünun* (which was what the university was then called).

The first constitution to be introduced after the proclamation of the Republic was the 1924 constitution, and although it contained no direct provision about universities, article 80 stated that all the kinds of education which were provided came under the supervision of the state.

#### **The impacts on universities of the developments in the 1961 constitution**

Article 20 of the 1961 constitution related specifically to universities. It was stated in this article that universities can be established by the state and by law and they were defined as institutions which have scientific and administrative autonomy. Article 20 also stated that universities should be managed and inspected by an authorized board of faculty members, and it introduced the provision that administrative bodies and faculty members and assistants of the universities could not be dismissed from their positions and that they had the right to conduct research and publish studies freely.

#### **The impacts on universities of the developments in the 1982 constitution**

The 1982 constitution was approved on 18 October 1982. Article 68 of this constitution referred to the membership of faculty members and students of political parties. The article stated that the membership of political parties of lecturers who served in higher education institutions could only be regulated by law, it did not allow them to be assigned to duties in any political party apart from those in the central bodies of political parties, and it set out the rules which those lecturers who were members of political parties had to comply with in higher education institutions. The same article stated that the rules regarding membership of political parties by students in higher education could be regulated by law.

In article 130 of the 1982 constitution, it was stated that the aim of universities was to train people in line with the needs of the country based on the rules of contemporary education. In accordance with this purpose, universities were defined as institutions which had status as a legal entity and scientific autonomy and were made up of several units in order to offer education, to conduct and publish research, to offer guidance and to serve the country and humanity, and it was also stated that universities could be established by law by the state. It was also stated that higher education institutions could be established by foundations under the supervision and inspection of the state provided that they did not operate for profit. The 1982 constitution allowed faculty members and assistants in universities to conduct and publish all kinds of research freely. However, it was also stated that this authorization did not allow them to act against the existence and independence of the state and the indivisible unity of the country. Universities and affiliated bodies were under the supervision and inspection of the state and the security service. In line with the procedures and rules set by this law, university presidents were appointed by the President of the country and deans were elected and appointed by the HEC. Under no circumstances could individuals responsible for university administration and inspection be dismissed from their positions by any official authorities other than the authorized bodies of the HEC and the universities. After the budgets of the universities had been examined and approved by the HEC, they had to be submitted to the Ministry of Education. The budgets were then put into force and inspected in accordance with the rules of the budget of the central governmental management. The law regulated the establishment, bodies and operation of higher education institutions; the appointment, duties, authorizations and liabilities of these bodies; the procedures of supervision and inspection of the universities by the state; the duties, academic titles, appointment, promotion and retirement of lecturers; the training of lecturers; the relationships of universities and lecturers with public and other institutions; the levels and duration of education; admittance to and attendance at higher education; tuition fees; the principles of financial aid provided to the universities by the state; disciplinary and criminal actions, financial issues and fringe benefits; the rules which lecturers had to obey; the assignment of lecturers based on inter-university needs; the implementation of education freely and with assurance and in line with the requirements of modern science and technology; and the correct utilisation of the financial resources allocated to the HEC and the universities by the state. For their academic studies, the supply of lecturers and security other than financial and administrative issues, the higher education institutions established by foundations were liable to the same rules on public higher education institutions as stated in the constitution.

According to article 131 of the 1982 constitution, the aim of higher education was to plan, coordinate, manage and inspect education; to direct scientific research activities; to ensure that higher education institutions were established and developed in line with the goals and principles stipulated in the law; to ensure that the resources allocated to universities were used efficiently; and to plan to train academic staff. The HEC was to be made up of members elected by universities and then appointed by the President of Turkey and members who were directly appointed by the President of Turkey. The organization, duties, powers, responsibilities and working rules of the HEC were regulated by the law.

## DISCUSSION

This section discusses the findings which emerged from the data in reference to the relevant literature.

The universities established in Turkey before and during the Republican period were affected by social, political and economic developments. The *darülfünun* were established before the Republic entirely for pragmatic reasons. In the first half of the nineteenth century, there was the idea of establishing universities to address the problems of the inadequacy of military and technical schools, of the constant import of technology and technicians, and of sending students abroad for educational purposes (Erdoğan, 2016; Demirtaş, 2019). In the early years of the Republic, the state wanted to keep education under control as it did in many areas, and these institutions were also affected by this. As the *darülfünun* did not act in accordance with the innovations of the state, its autonomy was restricted in the 1933 university reform. The Second World War brought significant transformations in Turkey as well as in many countries, and the process of transition to a multi-party political structure began. The universities were granted autonomy under the 1946 university reform.

It is believed that constitutions change in line with the needs of society in a country, so changes which occur in society are expected to be reflected in constitutions. It was found that universities, which are significantly important educational institutions, were also affected by constitutional amendments and that they went through a number of changes as well. Berdahl (1990) stated that whereas universities on the one hand fulfill their functions by being loyal to the notion which led to their emergence, on the other hand, they constantly have to change in line with the changing needs of society. Universities in Turkey had to act in accordance with the reasons for their establishment, but they have also striven to respond to social changes. It can therefore be said that in carrying out an evaluation of the universities in Turkey today, these two functions of universities must necessarily be taken into account. In order to carry out a proper evaluation of the universities in Turkey today, the

changes and the accumulation of knowledge and experience about universities in the past must necessarily be known and the future must be built by learning the lessons of history because today's universities were established based on the changes which occurred in the past.

The first written constitution in Turkey came into force in 1876 and six subsequent constitutions were introduced. Whereas the 1876, 1908 and 1921 constitutions were made before the proclamation of the Republic, the 1924, 1961 and 1982 constitutions came into force during the Republic. The 1908 constitution was a reinforcement of the 1876 constitution which had previously been abolished. These two constitutions were made in the period of the Ottoman Empire. The 1921 constitution was drawn up by the Turkish Grand National Assembly.

Developments in universities in Turkey began after the proclamation of the *Tanzimat*, which lasted from 1839 to 1876. The universities in Turkey were called *darülfünun* in 1845 for the first time. The opening of universities under the name *darülfünun* (in the sense of „house of sciences“) became possible in 1863. *Darülfünun* in the sense of university were not opened in connection with the *madrasahs*, which had served as higher education institutions in the period of the Ottoman Empire. The opening of *darülfünun* as a different institution suggests that the Turkish university model was taken from the west (Gürüz, 2003). Arslan (2011) stated that the *darülfünun* was established mostly by taking the French university model. It was found that the first written constitution was put into force in 1876 by Abdülhamit II before the establishment of the Republic. Even though no article directly related to universities was found in the 1876 constitution, it did contain articles about education more generally, in particular about who was authorized to open schools and the inspection of educational institutions. In the 1876 constitution introduced at the end of the *Tanzimat* era, it was stated that every Ottoman citizen was entitled to both public and private education on condition that the education was offered in accordance with the laws, and that all the schools were under the supervision of the state.

No article was found in the 1921 or 1924 constitutions which referred to the *darülfünun*. The 1921 constitution was the first constitution which the Turkish Grand National Assembly put into force and the provisions about the structure and duties of the Assembly were set out in the constitution. The 1924 constitution was the first after the Republic was proclaimed. Provisions about education were contained in this constitution and it was emphasized that all forms of education were free provided that they were under the supervision and inspection of the state. Hatiboğlu (1998) stated that the relevant article in the constitution allowed for the opening of universities by private enterprise, but that private universities did not exist until 1981 because there were no explicit provisions

about private universities in the constitution. The most important feature of the 1924 constitution is that it remained in force until 1961. Between 1924 and 1961, significant changes involving universities occurred in Turkey and İstanbul University, which was the first modern university, was established in 1933. After the university reform of 1933, those universities which did not have autonomy were granted autonomy only in 1946.

Throughout the world after 1950, universities began to spread to large communities; they increased in number quickly and began to react to market conditions (Chiragov, 2015). In parallel with the growing number of universities, the number of student unions began to increase. Between 1950 and 1960, the government of the period suppressed the universities' activities and students protested about being denied freedom of speech; these protests, the 1957 economic crisis and tension between the military and the government led to a military coup in 1960. After all this unrest, the 1961 constitution was drawn up. These problems which occurred between 1950 and 1960 caused the universities to be heavily involved in political acts after 1960 (Tekeli, 2010).

The next constitution after the 1924 constitution was the 1961 constitution, which was introduced after the 1960 military coup. Bingöl (2012) and Arslan (2005) stated that although the 1933 university reform, which was one of the reforms made to higher education in Turkey, stood out as a reform which coincided with the later years of Atatürk's revolutions, other deep-rooted reforms took place following radical social transformations such as the transition to a multi-party political system and military coups. The 1961 constitution introduced significant regulations on universities and contained articles concerning both the autonomy of universities and the membership by academics and their assistants of political parties. Under this constitution, universities were defined as institutions which had scientific and administrative autonomy.

Article 20 of the 1961 constitution was mostly related to universities; it stated that universities could be established by the state and by law, and it defined them as institutions which have scientific and administrative autonomy. In accordance with the articles about universities contained in the constitution, universities had to be managed and inspected by authorized bodies of the board of academics who were elected by the universities themselves. In order for academics and their assistants to serve in a free environment, the constitution assured them that they would not be dismissed from their positions by people or institutions outside the university for any reason. Hatiboğlu (2008) and Güler (1994) regarded the fact that academics and their assistants were freed from the pressure of political power to be one of the most significant developments of the 1961 constitution.

The most important positive feature of the 1961 constitution regarding universities is that it granted universities scientific and administrative autonomy

(Gürüz, 2008). When the 1961 constitution was put into force, although the top administrator and the inspector of the universities on behalf of the government was the Minister of Education, the Inter-university Board made up of people elected by the universities became the final decision-making body over specific issues for universities (Arslan, 2011). The autonomy of the universities mostly covered scientific, educational, administrative and financial issues. Universities have to be autonomous in order to fulfill their duties properly (Albornaz, 1991), but Küçükcan and Gür (2009) commented that academics in Turkey have mostly perceived the autonomy of the university as the power to elect their own administrators. From time to time, universities perceived the suggestions of the government and the Ministry of Education as interventions in their autonomy.

The autonomy granted by the 1961 constitution was restricted by law no 1488 on 20 September 1971, which stipulated that universities' autonomy would not prevent the prosecution of criminals for crimes committed on university premises. One of the significant reasons for the restriction of the autonomy granted to universities by the 1961 constitution was the worldwide student riots which broke out in 1968. Turkey was deeply affected by the 1968 student unrest and these incidents had various social, political and economic consequences (Bulut, 2011). In addition, to ensure that the freedom of education was not endangered in universities and their affiliated bodies and when this danger was not eliminated by the university authorities, law no 1488 authorised the Board of Ministers to take over universities and their units and it required such incidents to be referred to the Turkish Grand National Assembly (Hatiboğlu, 1998).

The aim of the constitutional amendments made after the military memorandum issued on 12 March 1971 was to strengthen the executive. Küçükcan and Gür (2009) stated that there was a prevalent view that the 1961 constitution entitled the people to fundamental rights and freedoms excessively and that it tied the hands of the executive. The student unrest in Turkey meant that university students with opposing political views clashed with each other, but there was no intervention in these incidents in Turkish universities because of the understanding contained in the 1961 constitution that universities were autonomous, so the view that the autonomy of the universities should be restricted was supported. Under the regulations introduced in 1971 and 1973, however, one-third of the 1961 constitution was changed and the universities were also affected by this change. The restriction of the administrative autonomy of universities formed the basis of the constitutional amendment to universities after 1971. These amendments therefore paved the way for intervention by the security forces in incidents whenever public order was threatened.

The next constitution which came into force after the 1961 constitution was the 1982 constitution which also followed a military coup. It regulated on issues such as university lecturers' and students' membership of political



parties, the establishment of foundation universities being permitted for the first time, scientific and administrative autonomy, and the formation and management of universities' administrative bodies. A significant innovation for the universities introduced by the 1982 constitution was the establishment of the HEC; it also stipulated that university lecturers' membership of political parties could only be regulated by law and it forbade lecturers to be assigned to duties other than those within the central bodies of political parties. It also stated that the rules on the membership by university students of political parties could be regulated by law. The universities were defined as legal entities which fulfilled duties such as education, scientific research and publication, and counseling, and it allowed for the establishment of universities by foundations under the supervision and inspection of the state on the condition that they did not operate for profit, which was a significant innovation for higher education. Following the permission for foundation universities, private universities eventually began to be established in Turkey.

The 1982 constitution enabled the HEC to be established for the purposes of planning, regulating, managing and inspecting education in the higher education institutions; coordinating education and scientific research; ensuring that these institutions were established and developed in accordance with the goals and principles stipulated in law; making sure that the resources allocated to the universities were utilized efficiently; and making plans for the training of lecturers. The President of the country had supreme influence over the election of the members of the HEC.

The significant issues in the 1982 constitution, in which the term „higher education“ was used in place of „university“, were the following:

- 1) Foundation universities can be established under the supervision and inspection of the state on condition that they do not operate for profit.
- 2) Academic freedoms were restricted.
- 3) The universities and their affiliated bodies were under the supervision and inspection of the state and their security services were to be provided by the state.
- 4) University presidents were appointed by the President of the country and deans were elected by the HEC.

### Suggestions

1. When Turkey's history of constitutions is examined, it is observed that university reforms were carried out without a plan, they were unscientific and were made without cooperation among the relevant parties. The reforms were implemented from a single center for a variety of political reasons. So in order for the universities in Turkey to compete with universities across the world in education and science, all parties (the government, the HEC, academics, non-governmental organizations and

industry) should act in cooperation in the planning, implementation and evaluation of reforms.

2. For the universities in Turkey to perform well and respond to the needs of society well, international standards should always be taken into account, social and economic developments in the country should be analysed and the universities should cooperate with industry and non-governmental organizations. Based on these requirements, an assessment and a needs analysis should be conducted through scientific studies, and reforms should be implemented accordingly.

3. Autonomy has a quite significant role for universities to be actively involved in the development of the country and to fulfill their expected duties. However, even though universities are granted autonomy under the law, it cannot be said that they always exercise their autonomy adequately and effectively because of their vulnerability to political influences. Political influences should therefore be totally eliminated from universities and the academic staff and students should have more say in the administration of the university.

### CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

### REFERENCES

- Akyüz Y (2018). Turkish history of education, (30<sup>th</sup> edn). Ankara: Pegem Publications.
- Albornaz O (1991). Autonomy and accountability in higher education. *Prospect* 21(2):204-213.
- Arslan M (2005). Democratization debates in our universities in the context of university reforms in the Republican period. *Journal of Social Sciences Institute* 18:23-49.
- Ataunal A (1993). Developments in higher education in the Republican period. Ankara: Ministry of Education Higher Education General Directorate Publications.
- Berdahl R (1990). Academic freedom, autonomy and accountability in British universities. *Studies in Higher Education* 15(2):169-180.
- Bingöl B (2012). The changing definition of university autonomy and the reconstruction of universities. Hacette University; *Journal of the Faculty of Law* 2(2):39-75.
- Bulut F (2011). The international dimension of the youth protests of the 68 generation and Atatürk and Kemalism understanding bringing about the 68 generation in Turkey. *ÇTTAD* 9(23):123-149.
- Chiragov E (2015). Publicity of universities: the collapse of public universities. Unpublished master's thesis. Ankara University Social Sciences Institute.
- Charle C, Verger J (2005). The history of universities. Ankara: Dost Publishing.
- Çiftçi A (1993). Turkish education law. Ankara: Meteksan Publication.
- Demirtaş A (2019). From darülfünun to university faculty members, İstanbul: Büyüyen Ay Publications.
- Erdoğan A (2016). Foreign education and modernization in the Ottoman Empire. İstanbul: Büyüyen Ay Publications.
- Erdoğan İ (2004). The Turkish education system towards the new millennium. İstanbul: Sistem Publications.
- Gök F (1998). The educational system and universities in the Republic period. *Journal of Economics* 383:75-80.
- Gözler K (1999). The Turkish constitutions. Bursa: Ekin Publishing House.
- Gülcan MG (2019). The law of education. Ankara: Pegem Publications.



- Güler A (1994). University reforms in Turkey. Ankara: Adım Publications.
- Gürüz K (2003). Turkey and the world in higher education history and current management and administration systems, (2<sup>nd</sup> edn). Ankara: OSYM Publications.
- Gürüz K (2008). The Turkish national education system at the beginning of the twenty-first century. İstanbul: İsbank Culture Publications.
- Hatiboğlu MT (1998). The history of the university in Turkey. Ankara: Selvi Publications.
- Hirsch E (1950). World universities and the development of universities in Turkey; the „autonomy of the university“. Ankara: Ankara University Publications.
- Karasar N (2005). Scientific research methods, (15<sup>th</sup> edn). Ankara: Nobel Publications.
- Kavak Y (1990). Environmental activities of higher education institutions in priority development regions. Ankara: TOBB Publications.
- Korkut H (1983). Education in the Republican era: universities. İstanbul: MEB Publications.
- Korkut H (1984). Turkish universities and university research. Ankara: Ankara University Publications.
- Korkut H (2002). Higher education questioned. Ankara: Anı Publications.
- Korkut H (2003). University reforms in the Republic period in Turkey. *Journal of National Education* 160: 23-39.
- Küçükcan T, Gür BS (2009). Higher education in Turkey: a comparative analysis. Ankara: Seta Publications.
- Ortaylı İ (2001). From tradition to future. İstanbul: Ufuk Publication.
- Oxford English Dictionary <https://www.lexico.com/en/definition/university>, accessed 9 October 2019.
- Stella F (2016). Medieval cathedrals, knights, cities; Rhetoric in universities. Prepared by Eco, U. (trans. L. Basmacı), vol. 2. İstanbul: Alfa Publications, TDK. <http://www.tdk.gov.tr/> accessed 14 September 2019.
- Tekeli İ (2003). Different ways of speaking about university in the world and Turkey. *Journal of Society and Science* 97:123-143.
- The 1921 Constitution. <https://www.tbmm.gov.tr/anayasa/anayasa21.htm>, accessed 10 September 2019.
- The 1924 Constitution. <https://www.tbmm.gov.tr/anayasa/anayasa24.htm>, accessed 10 September 2019.
- The 1961 Constitution. <https://www.tbmm.gov.tr/anayasa/anayasa61.htm>, accessed 10 September 2019.
- The 1982 Constitution. <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2709.pdf>, accessed 10 September 2019.
- Timur T (2000). Social change and universities. Ankara: İmge Publications.
- Van Bommel B (2019). Between „bildung“ and „wissenschaft“: the 19th-century German ideal of scientific education, <http://ieg-ego.eu/models-and-stereotypes/germanophilia-and-germanophobia>, accessed 18 December 2019.
- Yıldırım A, Şimşek H (2008). Qualitative research methods. Ankara: Seçkin Publishing.