

ANALYSIS

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FROM PAST TO PRESENT  
**ACADEMIC FREEDOM  
IN TURKEY**

FATMA NEVRA SEGGIE • VEYSEL GÖKBEL





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*Translated by* HANDAN ÖZ

*Original Title:*

GEÇMİŞTEN GÜNÜMÜZE TÜRKİYE'DE AKADEMİK ÖZGÜRLÜK

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## **CONTENTS**

<b>INTRODUCTION</b>	<b>9</b>
<b>ACADEMIC FREEDOM</b>	<b>10</b>
<b>ACADEMIC FREEDOM</b>	<b>16</b>
<b>IN TURKEY</b>	<b>16</b>
<b>RESTRICTIONS OF ACADEMIC FREEDOM</b>	<b>22</b>
<b>THE EXPANSION OF ACADEMIC FREEDOM</b>	<b>28</b>
<b>CONCLUSION AND POLICY RECOMMENDATIONS</b>	<b>30</b>

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## EXECUTIVE SUMMARY

This study offers a chronological account of the historical development of academic freedom in the world and in Turkey. Following a definition of academic freedom and an explanation of the reasons why it is necessary, the study analyzes how academic freedom in the field of higher education has been restricted and extended at different times in Turkey.

Although academic freedom emerged as a new concept in the last century, it continues to evolve and develop. Academic freedom is a concept closely intertwined with freedom of expression and university autonomy. Both in the world and in Turkey, it is an idiosyncratic aspect of freedom that needs to be supported, protected, and improved. Universities are the principal venues where ideas are born, advanced, and discussed as part of the greater development and transformation of societies; faculty members are the representatives and spokespersons of universities who declare and discuss opposing ideas and nourish their development and elaboration.

Although a universal definition of academic freedom does not exist, both in national and international literature it is discussed as a necessary right of faculty members and students in order to function most effectively without being exposed to any restrictions or pressures in the fields of research, publication, teaching, and learning. In this regard, universities are the primary locations of academic freedom and must grant faculty members and students the freedom that has come to be one of the requirements of the academic world. However, universities not only are engaged in research, teaching, and learning; they also engage in cultural activities, in the arts, and in sports events. Social responsibility projects and service to society are among each university's responsibilities and, therefore, the inclusion of these areas in the definition and scope of academic freedom is critical.

As the historical development of academic freedom is examined, it becomes obvious that it has not yet become universally accepted, nor has it reached a satisfactory level because of the internal dynamics of each country, and in Turkey,



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specifically, the impact of politically sensitive periods. The culture of academic freedom in Turkey is not yet on a par with that of universities in the U.S. and Europe. If we look into our recent history, we see a country trying to survive while its democracy constantly struggles in the face of coups. The past of Turkish universities has naturally been directly affected by these interruptions and is, therefore, full of violations and restrictions. In this context, the history of academic freedom in the field of higher education in Turkey teems with restrictions.

Academic freedom has not yet been offered legal protection, although it has been positively affected by political, economic, and social developments in recent years. The absence of a legal framework poses a risk for potential violations and restrictions in the future and leaves faculty members vulnerable to restrictions both in practical and theoretical terms. Of course, faculty members might remain hopeful and encouraged regarding academic freedom by the “Academic Freedom Declaration” heralded in 2013 by then President of Turkey’s Higher Education Board (HEC), Gökhan Çetinsaya. However, any proclamation or declaration of freedom not given a legal standing cannot bring about the expected impact and faces the risk of individual arbitrariness. In this framework, debate has been sparked both from the change in HEC regulation (dated January 29, 2014) and the HEC article that denies faculty members the right to issue statements on official matters other than on issues of scientific research.

Discussions on the limits of academic freedom should be evaluated by a grand delegation of academics, and these discussions should be based on legal grounds. Studies of the legal underpinning of academic freedom must be conducted as soon as possible with the aim of removing any and all obstacles on freedoms of research, learning, and teaching. Otherwise, academic freedom in Turkey will remain under threat, and this will become an important problem for the country that has set the goal of becoming an information society and of being among the world’s most significant economies by 2023. Along with legal issues, academic freedom should also be internalized as a culture and a behavior in universities, public institutions, and society as a whole. Turkey should try to learn from the experience of the U.S. and Europe, which have overcome severe violations of freedom of expression and academic freedom in the past, and have made serious efforts to cement this culture. Turkey should also seek to establish academic freedom institutionally, making it part of its academic culture.

Turkey’s highest policy priority must be the creation of university campuses where sustainable academic freedom permits more effective and productive scientific research. This will elevate Turkish universities’ ranking in the academic world and, therefore, will help achieve Turkey’s goals for 2023.

One should not forget that only those universities that enjoy academic freedom can accomplish the mission of higher education to nurture and improve its institutions and society at large. In the opposite case, universities transform into hollow and obsolete institutions, offering minimal contributions to academia and the society they purport to serve.

## INTRODUCTION

Although the issue of academic freedom in Turkey has always been on the agenda of freedoms relating to individuals and universities, debates on academic platforms regarding academic freedom have been inadequate. Academic freedom in universities in modern Turkey has made the agenda through pressures and restrictions not through good experiences; academic freedom has been on the agenda as part of political conflict rather than in and of itself and the issue of its expansion. The reform movements launched with the establishment of Istanbul University in 1933 as a replacement for İstanbul *Dar-ül Fünûn* barely expanded academic freedom – they mostly restricted it. University reforms during single party periods were inadequate; laws and amendments during the coup periods restricted these freedoms even more (Gür and Çelik, 2011). Due to pressures and political manipulations - particularly from outside of universities - academic freedom is generally defined as institutional autonomy, i.e., the university's right to self-government (Okyanus, 1970, p. 2253).

The university reforms in 1946, 1961, and 1973 were made during periods of political and economic turmoil. Similarly, HEC was established in 1981 according to Law 2547 after the

1980 military coup d'état. Debates over academic freedom since then have focused on HEC's extreme centralization. During periods of reform in universities, academic freedom was discussed as part of the following issues: individual rights and freedoms and university self-governance; coordination and the issue of authority between governments and universities; and arbitrary ideological implementations/approaches (for a detailed discussion, see Gür and Çelik, 2011). Without a doubt, however, the self-governance of universities, which is a precondition of academic freedom, has always taken precedence over individual rights and freedoms, which are also prerequisites of academic freedom. It should be noted that periods of restrictions on the right to teach were, at the same time, periods of restrictions on the right to learn. In this sense, restrictions or violations of academic freedom in Turkey have always been a topic of discussion. As far as academic freedom is concerned, however, it is difficult to say that international academic principles and standards have been followed in debates.

Recent economic, political and social gains in Turkey have pushed the issue of violations of academic freedom down on the agenda. Nonetheless, violations of academic freedom, and the structures, systems and laws comprising the bases for these violations still remain. Although the violations of rights that dramatically restricted the right to learn in our recent past (such as the headscarf ban in universities and the application of different weighting factors for students in the university entrance exams) have been removed, the HEC Law that was passed in 1981 is still in force. This law, which ranks free and scientific thinking as fifth among the objectives of higher education, forms one of the most critical obstructions to academic freedom. Considering that academic freedom is also a mentality and a matter of perception, it can be asserted that the problem is due not only to legal issues but is also closely related to the internalization of freedoms in individual and institutional terms. The need for studies that will lead to a change in mentality is urgent.

One of the most critical ways for Turkey to achieve international standards in higher education is to improve academic freedom in universities. The liberalization of laws concerning the freedom to learn and to teach in universities is of great importance, as is the internalization of academic freedom as an individual right and a *sine qua non* for scientific progress. The aim should be the transformation of this right into a universally accepted behavior. Today in Turkey, the freedom of academicians is legally and practically restricted in many areas. For this reason, research on the legal and practical inadequacies and problems of academic freedom in Turkey and assessments of its historical development are greatly needed. This research must include international comparisons and showcase the best examples of academic freedom exercised across the world so as to better understand the weaknesses of universities in Turkey.

The present study includes an assessment of the development of academic freedom and the problems inhibiting the achievement of academic freedom as Turkey has developed and changed as a country. The study aims to pave the way towards a re-discussion of academic freedom. The analysis begins with the definition of academic freedom and then examines the development of academic freedom in the world and in Turkey.

Academic freedom is discussed in the framework of the freedoms of expression, research, studying, and teaching as well as the efforts for its expansion as a right. Finally, this study presents policy recommendations for the improvement of these freedoms.

## ACADEMIC FREEDOM

In this section, academic freedom will be analyzed primarily from a conceptual perspective. First, the limits and content of academic freedom will be discussed, and then the reasons academic freedom is necessary and important will be presented. Subsequently, the emergence of academic

freedom and its historical development will be examined, followed by a short discussion on academic freedom today.

### The Definition of Academic Freedom

The term “academic freedom” in English is a general concept; its Turkish translation, however, reveals conflicting use of the phrase. Many authors do not pay attention to nuances and arbitrarily use the terms “academic self-governance”, “scientific self-governing” and “academic freedoms” as synonyms. In addition, knowingly or unknowingly, they never offer any justification for their choice of term. Although nuances originate from the general structure of the Turkish language, they also indicate that the definition, limits, and conceptualization of the term “academic freedom” have not been discussed satisfactorily in Turkey thus far. In other words, the use of the term “academic freedom” interchangeably with the terms “academic self-governance” and “scientific self-governing” has not been adequately analyzed and discussed, with the exception of a limited number of studies (e.g., Erdem, 2013; Örnek-Büken, 2006). As a result, the authors of this study prefer to use the term “academic freedom” throughout the article and accept this term to include all the aforementioned ones. For this reason, the term “academic freedom” is used in the entire text for the sake of conceptual consistency.

Although academic freedom is regarded as a *sine qua non* for scientific studies in the world, its definition, perception, and application vary. However, in the most simplistic and general sense, academic freedom refers to the freedom of members of the academic community, comprising scholars, teachers, and students, who pursue their scholarly activities within a framework determined by that particular from the outside (UNESCO-IAU, 1998). In this context, academic freedom includes freedom of expression, learning, teaching, and research; university autonomy and the individual rights and freedoms that come along with it; job security and eco-

conomic freedom; and the right for equal participation in decision-making processes. University autonomy is the institutional form of academic freedom and is set as a necessary precondition of academic freedom in UNESCO's 1997 Recommendation (UNESCO, 2008). In this respect, academic freedom refers not only to the freedom of faculty members but also to the freedom of all members of the academic community. Students are considered a group within the academic community and have an inherent right to academic freedom. In brief, academic freedom refers to the freedom for all members of the academic community to exercise their academic functions in comfort, without pressure, and as a consequence of all individual rights and freedoms (such as institutional autonomy; tenure guarantee; freedom of thought, conscience, expression, assembly, organization, and travel). The concept of academic freedom, however, has been employed differently in various countries and although it has been in use for a long time, there is no widely agreed-upon definition, which, in turn, has prevented the practice of academic freedom in any real sense. Many faculty members have underlined the necessity of reaching a common definition that will be acceptable to everyone, so that the university as an institution, its faculty members and students can experience academic freedom in real terms (Albatch, 2001; Byrne, 1989; Gedikoğlu, 2013; Karran, 2009; Olson, 2009; Tierney, 1993).

Nevertheless, to agree on a clear definition of academic freedom is not as easy as many might think; certain authors have discussed the difficulties and obstacles. Tierney (1993) argues that the steps of defining academic freedom are based on the presumption that "academic freedom does not exist." Authors usually highlight past negative examples while trying to define academic freedom. In other words, defining academic freedom is attempted through discussing its absence, which prevents objectivity in the handling of the matter. In fact, according to Tierney, this is why an international definition of academic freedom

is necessary. It is believed that extremely liberal or conservative interpretations will harm objectivity since definitions are likely to be biased when academic freedom is under serious threats. Similarly, Karran (2009) emphasizes the difficulty of reaching a consensus over a common definition in a society where academic freedom is ill-handled. On the other hand, Tierney views the absence of consensus as a product of the capitalist world order and views it positively. In this respect, all definitions are generated by humans who are social beings and every individual may introduce a definition of academic freedom in accordance with his/her own social, psychological, and political way of life. In other words, all definitions should be analyzed along their social, psychological, historical, and political dimensions in order to reveal their unique points of origin. Byrne (1989) points out that non-university actors (courts, governments) perceive the concept of academic freedom differently from faculty members; a fact that he considers to be the source of the problem.

The significance of the meaning, definition, and limits of academic freedom becomes apparent when considering all the difficulties, obstacles, and reasons for finding a generally accepted and detailed definition. Put another way, the borders of academic freedom are quite complex and controversial. For example one might examine the link and borders between the fidelity and loyalty required of a civil servant and the academic freedom required by a scholar – a serious issue in countries such as Turkey, where faculty members are also regarded as civil servants. Accordingly, the issue of whether or not a scholar, as a civil servant, is bound to the official ideology of the state; or the degree of the bond between the scholar and the official ideology or the dominant paradigm in the presence of certain political and social events -- these are important questions that should be answered in regard to the borders of academic freedom. By the same token, controversial areas and limits exist between social ethics

and academic staff in terms of academic freedom. Such issues include, for instance, whether or not an academic considers the moral values of the society s/he lives in during academic activities, or in courses s/he teaches; whether or not a scholar acts in a disorderly way and selects an unscrupulous thesis, course, or conference subject; or the limits thereof if s/he makes such a selection and the determination of the social boundaries of the relevant discussions. Consequently, when scientific freedom matters in societies, where society and politics are intertwined with the university, to determine what is political and what is academic, along with what is ethical in society and what is free in academia, entails prospective limits and controversial areas of academic freedom (Dinler, 2013).

In conclusion, perhaps one must begin to define academic freedom by first drawing a *de facto* framework of its limits. Determining this framework is a difficult process, but it may eventually lead the academic world to a concrete and clear definition. As will be discussed below, however, despite the debates regarding its definition, there is an overwhelming consensus concerning the significance and necessity of academic freedom.

### **The Necessity of Academic Freedom**

As has been explained above in detail, the necessity of academic freedom is incontestable even though a compromise over its universal definition has not yet been reached. One of the most important reasons behind this consensus is that scientific activities cannot operate fully in the absence of academic freedom. Furthermore, academic freedom is a requirement of democracy and is directly linked to its development. According to Summak (1998), academic freedom may be exercised and implemented fully only in environments that have internalized democracy. In this connection, academic freedom contributes to the development of democracy while concurrently being influenced by the development of democracy. Without doubt, only in democratic

milieus can academic stakeholders freely express their views and conduct their research, even on the most controversial subjects, without facing any pressure or obstacle in their endeavors. In weak democracies the ideas and works of the academic world are perceived as a threat to the system and the regime; in strong democracies, on the other hand, ideas and criticisms are considered as additions and new perspectives on topics of discussion and as contributions to the quest for “the truth.” This is one of the most important factors paving the way for progress. Since academic freedom is a reflection of the freedom of civilian, political, and individual rights onto the university, its existence is critical and necessary. When the exercise of human rights and freedoms is most treasured as an individual right, then, in turn, the level of academic freedom increases (UNESCO-IAU, 1998).

Another reason for the necessity of academic freedom is its contribution to the role of universities and the development and growth of each university’s competitive power in the international arena. The generation and spread of knowledge are among the obligations of a university, and, at the same time, they are vital criteria in the competition between universities. Researchers must not have any reservations while they research, share, and disseminate their findings. Academic freedom nurtures and guarantees the existence and protection of such a scientific atmosphere (UNESCO, 1992).

In brief, academic freedom is necessary for the progress of knowledge and, therefore, of civilization. Academic freedom is indispensable because it enables the people who unearth and disseminate knowledge to learn, teach, and research independently and without pressure. On account of academic freedom, members of the academic community freely use channels of research, discussion, learning, and teaching without feeling pressure from any authority, and without facing any censorship, or giving in to any kind of power (Öztürk, 2011). Thus, scientists can put forth

open-ended, debatable, and approachable information – instead of absolute truths – and this process becomes the greatest gateway for progress (Dinler, 2013). After analyzing the historical development of academic freedom, it becomes obvious that it goes hand in hand with the development of science.

### **The Progress of Academic Freedom in the World**

According to Makdisi (1999), known for his in-depth research on the medieval Islamic world, academic freedom was born in the medieval Islamic *Madrasah* (an institution for the study of Islamic theology and religious law), which was an institute where an autonomous, self-governing academic system was employed. In fact, academic freedom, since olden times, was proposed by individuals either in universities or similar institutions or by members of society, as a critical condition for “inquiring into truth.” In this regard, universities, professors, philosophers, and thinkers in every historical period have always demanded more freedom; their demands, however, were not sufficiently granted due to the control and influence of administrators and religious authorities, particularly in Europe. In medieval Europe, the Church in particular controlled and close-guarded the subjects to be taught and researched in universities (Albatch, 2001). Hence, universities became a societal tool for transferring the information endorsed by the Church and postulated as the “absolute truth” to younger generations. Still, universities have survived as facilities where wider freedoms have always been exercised in contrast with other institutions in society. Despite its long history, academic freedom gained its current meaning with the establishment of modern universities in the 19<sup>th</sup> century (Hofstadter, 1955).

The first modern definition of academic freedom was given by von Humboldt, the founder of Berlin University, in 19<sup>th</sup> century Germany. According to von Humboldt, freedom

of teaching (*Lehrfreiheit*) and freedom of learning (*Lernfreiheit*) are the two key components of academic freedom (Metzger, 1987; Poch, 1993). These two concepts were interpreted and applied as the unlimited freedom to teach for professors in classes and laboratories and for students the right to learn without being exposed to any pressure from faculty members (Albatch, 2001). Although there were some problems during the implementation phase, Germany became the first country in Europe and the world to define academic freedom in the broadest sense and in its modern meaning as the freedom of learning and teaching, and first to apply these concepts in a university environment. In addition to this, universities in Germany also made a difference by implementing university autonomy, a critical requisite for academic freedom, through the election of administrators and faculty members (Albatch, 2001). Defined in Germany as the freedom of learning and teaching, academic freedom affected academic work in the U.S. as well, as scholars who had graduated from European universities settled there and made critical contributions to these efforts (Poch, 1993).

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**Academic freedom means the freedom of all members of the academic community to execute their academic activities without any pressure.**

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The initial and critical studies of academic freedom in the U.S. were conducted by the American Association of University Professors (AAUP). A delegation of academics formed by the AAUP’s first president John Dewey, a renowned philosopher and educator, formulated and released the *Declaration of Principles on Academic Freedom and Tenure* in 1915. The declaration emphasized three main principles of

academic freedom: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action. In the declaration, the ends of academic freedom were underlined as the following: to safeguard freedom of inquiry and teaching; to guarantee the reasonable security of tenure; to secure that the grounds for the dismissal of members of faculty are formulated with reasonable definiteness and that clear definitions of criteria for reappointments and refusals of reappointment are offered (AAUP, 1915). Another riveting point in this declaration was that faculty members were granted freedom of speech and writing on any subject not only in classrooms and in laboratories but also outside their institutions, since their thoughts are considered to be a contribution to the development of society as a whole (Albatch, 2001).

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### Another reason academic freedom is necessary is that it contributes to the university's role and improves its competitive power in the international arena.

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The first declaration of academic freedom to be officially endorsed by the AAUP was used as a reference in discussions on violations of academic freedom in the country. The declaration in subsequent years, as we will mention below, was broadened under the title of "1940 Statement" and transformed into one of the most prominent documents on academic freedom. The 1915 Declaration contained many statements on freedom of teaching; it did not, however, emphasize anything about freedom of learning, differing from the first definition of academic freedom made in Germany. Therefore, adoption of a more restrictive approach is noted regarding freedom of learning yet a more progressive one with respect to freedom of teaching.

Undoubtedly, Latin America has made remarkable contributions to the development of the concept of academic freedom and culture in the world. The concepts of autonomy and autonomous university were included in the academic freedom literature as a consequence of the reform movements in Latin American universities in 1918. According to these reforms, no individual, civilian or military, will be allowed to enter the university without the permission of faculty members (Albatch, 2001, p. 207). In fact, the Latin American emphasis on university autonomy aims to keep universities that were already under political pressure away from political discussions and to direct them towards generating knowledge. To this end, it was stressed that faculty members were entitled to have political views and positions, but universities should remain impartial. The expectation of neutrality from universities is considered to protect and encourage the free discussion of views and to safeguard universities against external pressures. Another reason academic freedom is necessary is that it contributes to the university's role and improves its competitive power in the international arena. Thus, university autonomy, the first modern incisive application of which was observed in Latin America, is deemed a key component of academic freedom.

Quite a few violations of academic freedom were observed across the world despite the academic freedom declaration released by AAUP in 1915 and the university reforms in Latin America. Violations have occurred quite often, in the U.S. in particular, since the beginning of the 20<sup>th</sup> century. Especially during and after World War II, many American scholars were accused of being pro-Russian or communists and were subjected to investigations (De George, 1997). Universities were forced to cooperate with the investigative units conducting anti-communist probes; likewise, faculty members were sternly pressured. Schrecker (1986) in her book entitled *No Ivory Tower* wrote about "black lists" in which

academics were recorded according to whether they were communists or not. Pressures in this period seriously harmed universities and academic freedom. These violations of freedom in the U.S. marked the beginning of new scandals in the 1950s known as the McCarthy Period. Consequently, academic freedom, which was already developing quite slowly due to pressures and manipulations by the Church and administrators, was further harmed in the U.S. and in the world by wars in the 19<sup>th</sup> and the 20<sup>th</sup> centuries. However, the situation raised expectations and societal perceptions of the necessity for academic freedom.

In the periods of violations of academic freedom, the idea of having stronger and greater academic freedom flourished in universities. Hence, since the 1930s in particular, private and public universities have tried to institutionalize academic freedom and have acknowledged the significance of the fundamental principles of teaching, research, and publication (O’Neil et al., 2009). In addition, the AAUP organized meetings and talks with scholars and university presidents in the U.S. and developed strategies to defend academic freedom (AAUP, 1940). *The Statement of Principles on Academic Freedom and Tenure* was published by the AAUP and the Association of American Colleges and Universities (AACU) in 1940. This declaration is still one of the key references on academic freedom; many universities and institutions, particularly in the U.S., have adopted its principles.

In the *Statement* of 1940, freedom of research, teaching, and learning are stressed as key components of academic freedom. The application of the tenure system, as a guarantee of academic freedom, is also underlined. Not only freedom of inquiry and teaching, but also economic security for faculty members and freedom in pursuit of extramural activities are included among the rights of tenure. Thus, the *Statement* aimed to make academics feel secure by providing economic and academic freedom. Another

critical point is the emphasis on the limitations of academic freedom: teachers are urged to be careful not to introduce into their teaching controversial matters that are unrelated to their subject (AAUP, 1940).

Many international institutions have, either directly or indirectly, also given importance to the subject of academic freedom, discussed thus far through the examples of Germany, the U.S., and Latin America, and have published various statements and recommendations on the matter. One such statement is the *International Covenant on Civil and Political Rights* endorsed by the United Nations (UN) in 1966 and put into force in 1976 by the party states. The covenant undertakes freedom of expression, assembly, religion, and life; suffrage and running for office; and expression of the civilian and political rights of individuals (Türkiye Büyük Millet Meclisi, tarihsiz). It also puts a strong but indirect emphasis on academic freedom. These efforts have been made by the European Union and the UN in particular, and the end-results have been shared with the public. In addition, articles, reports, and recommendations have been published by the Council of Europe and UNESCO. The *Lima Declaration* (1988) and the *UNESCO Recommendation* (1997) are two of the most noteworthy documents.

The World University Service (WUS) that gathered in Lima for the 40<sup>th</sup> anniversary of the Universal Declaration of Human Rights, published the *Lima Declaration* in 1988 under the title of *The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education*. The declaration, referring to the UN Agreements on Human Rights, stressed that each member of the academic community is entitled to freedom of thought, conscience, religion, expression, assembly, organization, individual rights, and travel. Academic freedom in the *Lima Declaration* is defined as the right of all members of the academic community “to fulfill their functions without discrimination of any kind and without fear of interference or repression from the State or any

other source” (p. 89). The document also emphasizes freedom of expression, travel, and participation (Dünya Üniversiteler Servisi, 2003).

The *UNESCO Recommendation* is a report on academic freedom prepared by UNESCO’s education committee and endorsed by the UN member states. The document, published in 1997, is entitled *Recommendations Concerning the Status of Higher-Education Teaching Personnel*. It analyzes academic freedom under four categories: administrative autonomy; individual rights and freedoms; scientific autonomy; and tenure. The Report recommended that ensuring these four rights is critical to the achievement of wider academic freedom (UNESCO, 2008).

Hence, the *Lima Declaration* and the 1997 *UNESCO Recommendation* made important international contributions to academic freedom and called for the safeguarding of freedoms. A special value is attributed to these two texts today, for they have set and declared common and basic standards of academic freedom.

### Academic Freedom Today

The absence of a universal definition and any means of enforcement of academic freedom today have led to violations in many countries. For instance, academic freedom in Africa is under serious threat for political reasons; while recent political and economic developments in China, as well as the highly centralized structure of Chinese universities, prevent the development of academic freedom in that country. In Brazil, academic freedom strives to achieve a sensitive balance following pressures created by military coups (Bawa, 2009). These three examples showcase the different levels of academic freedom experienced in different environments, how the practice of academic freedom varies, the differences in implementations, and how rapidly academic freedom is affected by the social, economic, and political life of each society.

On the other hand, although academic freedom is often violated in developed countries, the

relevant discussions are not so much about the relationship between politics and the university or freedom of thought, but more about sponsor companies and their impact on university affairs (Albatch, 2001). Thus companies sponsoring academic research are perceived as a new threat to academic freedom. Another threat comes from the inside, from fellow academics or associates. (De George, 1997). Although research on the matter is very sparse, self-censorship has also triggered new debates on academic freedom (Bowen, 2005). Self-censorship appears in cases when faculty members restrict themselves in situations such as the following: their unwillingness to conduct research on a subject that they find unsatisfactory in political and/or economic terms; their reluctance to directly publish the result of their research; their unwillingness to express an opinion and to accurately reflect their research results in the hope of conducting more projects with their sponsoring companies. Examples vary from one country to another and are experienced at different levels depending on political, economic, and social turmoil.

## ACADEMIC FREEDOM IN TURKEY

In this section, a general assessment of academic freedom in Turkey will be presented along with a chronological examination of higher education laws regarding academic freedom.

### An Overview of Academic Freedom in Turkey

Turkey does not have a pleasant past with regard to academic freedom. Turkey’s modern university experience has suffered many violations of academic freedom. Violations dating back to the 1930s have persisted until today. Despite many reforms, liquidations and violations in every period have revealed that academic freedom, in fact, is an issue of ethics and mentality (Özipek,

2008). Considering that severe infringements of academic freedom have generally occurred in extraordinary periods, recent political, economic and social stability have contributed to the decrease of such breaches.

It is possible to say that the normalization trend in universities along with the democratic and economic developments of the last decade have contributed towards the partial elimination of critical issues encountered in the previous decades. Despite these developments, however, it is difficult to say that academic freedom in Turkey is guaranteed, since universities, faculty members, and students are still trying to learn, teach, and conduct research under the shadow of a law passed during a military coup period. The failure to have a more liberal and innovative legal regulation on freedom of learning and teaching makes academia vulnerable to possible interventions, pressures, and impediments, and poses a threat against academic freedom.

It is also difficult to say that academic freedom in Turkey is discussed soundly and adequately despite its importance and vulnerability. Debates on academic freedom have taken place in the context of “university autonomy” in Turkey: it is assumed that when university autonomy has been attained, academic freedom will follow. One of the main reasons, however, for this strong association between university autonomy and the concept of academic freedom, and for its advocacy by many researchers, is that universities in Turkey have been part of political conflicts, both past and present. Without doubt, the unlimited authority granted by the 1960 Constitution to universities has played a role in this. The developments brought about by the 1960 Constitution were later transformed into an extremely central structure with the establishment of HEC, reinforcing the perception that university autonomy is by default equal to academic freedom.

Without doubt, institutional autonomy is one of the sine qua nons for the realization of academic freedom (UNESCO, 2008). However, au-

tonomy by itself cannot guarantee or achieve academic freedom. Examination of our recent history reveals that restrictions on academic freedom have not only been imposed on the university from outside but also from within. Many university presidents, deans, and department chairs have not only commented in favor of restrictions on academic freedom, but have actually themselves applied such restrictions. In the periods of dominating military tutelage, HEC increased pressures on universities. Both the martial law and HEC’s pressures led to dismissals; prosecutions were brought against faculty members for ideological reasons; and students were inhibited, via the headscarf ban, from exercising their right to education. Universities, in the end, were transformed into social and political battlefields. Unfortunately, universities in Turkey could not become representatives and advocates of civil and democratic rights, but instead became a party to violations of laws committed during military coups in the past (Özipek, 2008). University reforms mostly resulted in restrictions and only on rare occasions in the extension of academic freedom.

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### **Faculty members and students in Turkey have struggled for their rights to teach, learn and conduct research under the shadow of a law prepared in the coup period.**

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Academic freedom in Turkey is an issue that has been discussed from the 1930s to the present. Regulations under the name of “university reforms” have been made in 1933, 1946, 1960, 1973, and 1981. According to Arslan (2005), three of these reforms (1933, 1946, and 1981) are considered the most critical, and each coincided with socially and politically critical periods. The reform of 1933, for instance, took place in the Single Party Period; the 1946 reform coincid-

ed with the transition to the Multi-Party Period; and the others – 1960, 1973, and 1981 – were in military coup periods. However, the 1981 regulations that resulted in the establishment of HEC are still in force, and the debates on academic freedom today take place in the context of Higher Education Law 2547. Discussion of the current state of academic freedom should be conducted in a historical fashion, starting from 1923, the year of the establishment of the Republic of Turkey. Outlines of higher education laws in Turkey will be examined below in chronological order and an assessment of academic freedom, both in legal and practical terms, will follow.

### **A Chronological Analysis of Higher Education Laws**

After the proclamation of the Republic in 1923, the only university which had institutional autonomy for a decade was *İstanbul Dar-ül Fünûn* (*School of Higher Education in the Ottoman Era*). It was, however, subject to severe criticisms for not being open to innovation and for failing to meet the needs of the time (Doğramacı, 2007). Professor Albert Malche from Switzerland was invited by Mustafa Kemal Atatürk, the founder of Modern Turkey, to thoroughly examine the school and make suggestions accordingly. In addition to his other suggestions, at the end of his review Malche suggested a model developed by Humboldtian University concerning academic freedom. Malche's report was taken into consideration and a university reform followed in 1933 in accordance with Law 2252. As a result, *İstanbul Dar-ül Fünûn* was closed and Istanbul University was founded in its place. During this process, many faculty members were dismissed for failure to adapt to the new system (Günay, 2004; Balyer, 2011). Only 59 out of 151 professors were re-employed and vacant positions were filled with foreign professors who had escaped Nazi Germany (Weiker, 1962). In the same period, the president of Istanbul University was appointed by the President of the Republic with

the recommendation of the Education Minister, while deans were appointed by the Minister with the recommendation of the University President. Again, for faculty positions, appointments were made by the Minister who considered two or three candidates recommended by faculty committees (Doğramacı, 2007).

Authors cannot agree on whether the reforms of this particular period harmed academic freedom. Some argue that the interventions of the Education Ministry resulted in restrictions on academic freedom, while others assert that the Ministry did not pave the way for restrictions on academic freedom (Balyer, 2011). Although Weiker (1962) asserted that the new university regulation concentrated on the issue of "academic freedom," opposing criticism claimed that the 1933 reform was, in fact, a liquidation operation. Arbitrary dismissals of scholars on the basis of their ideological views are, after all, considered a violation of academic freedom. Furthermore, institutional autonomy, a pre-condition of academic freedom, was superseded when the Education Ministry took an effective role in decision-making.

The year 1946, which was the year of transition to the Multi-Party Period in Turkey, was a new turning point in aspects of social-political and academic freedom (Arslan, 2005). Universities and faculties were granted both administrative and academic autonomy and the status of legal entities. Law 4936 granted faculty members the right to select their own deans and university presidents, and to set up university senates and an Inter-University Council (TBMM, 1946). Universities were, thus, given the right of decision-making in selected bodies of committees and senates. In addition, Ankara University was founded in the same year, and other universities (Istanbul University and Istanbul Technical University) were also subjected to the same law; the "multi-university" period thus began in Turkey. As a result of reform in 1946, universities were re-designed according to the German higher education system as institutions with

academic and administrative autonomy. They began to be administered by their own committees, and faculty members were given the right to join these committees. These developments were considered a legal amendment contributing to the development of academic freedom. However, there were criticisms that such an understanding of autonomy handed an “artificial immunity” to universities, weakened their accountability, and prevented effective state supervision (Doğramacı, 2007, p. 16).

Another critical point in the 1946 university reform was the formation of the Inter-University Council. University presidents, deans, and representatives selected by university senates, one from each university, participate in this council, and the presidents chair the meetings in rotation (TBMM, 1946: Article 13). In light of *UNESCO 1997 Recommendation* and other international documents on academic freedom, the Inter-University Council can be considered to make contributions to academic freedom by empowering faculty members and universities in legal terms (though problems exist in practice) to participate in authorization and decision procedures, thus letting them have equal rights in decision-making processes.

The university reform of 1946 also stated that university senates must report their decisions to the Education Ministry. Moreover, the Ministry was appointed as the office in sole charge of universities and was granted supervisory authority on behalf of the government. According to this law, the Education Ministry also holds the right to return decisions (if not endorsed) to university senates or to the Inter-University Council for revision – although the Minister lacks the authority to approve or disapprove of these decisions (TBMM, 1946: Article 14). The law stated that the relevant provisions were included in order to facilitate contact between universities and the government, but instead they contributed to the authority problem that existed between universities and the government in the following

years. In this regard, this law resulted in harming academic freedom. In the same period, academicians had to resign because of political pressures stemming from the friction between universities and the government (Balyer, 2011).

Meanwhile discussions took place claiming that universities enjoyed their self-government freely and widely, but that this was a result of the expansion of institutional and administrative autonomy rather than of academic freedom. The autonomy of universities harmed the government’s coordination with other institutions in that period and university senates made decisions to dismiss faculty members with opposing views. Undoubtedly such dismissals harmed the institutional integrity of universities and represented a violation of the dismissed scholars’ academic freedom. Nevertheless, considering international criteria, it may be said that the academic and administrative autonomy that was legally granted to universities was a big step in the direction of academic freedom. Briefly, the limits of university autonomy were opened to discussion thanks to the academic and administrative rights that were granted. After 1946, academic freedom was discussed in the context of institutional autonomy rather than individual and academic freedom; the development of individual rights and freedoms was barely given a chance in the following period.

On the heels of the military coup on May 27, 1960, the National Unity Committee, formed by the junta, dismissed 147 faculty members from six universities on the grounds that they opposed the regime, according to Law 114 (Weiker, 1962). Not long after the coup, a few amendments were made to Law 115 regarding universities, and the authorities granted to the Education Ministry were revoked. Subsequently, Article 120 in the 1961 Constitution was amended by the following two expressions: “Universities shall be administered and supervised by organs consisting of qualified members of the teaching staff elected from among themselves” and “Universities are

public corporate bodies enjoying academic and administrative autonomy.” Thus the administrative autonomy of universities was secured constitutionally (Türkiye Büyük Millet Meclisi, 1961). As a result, universities gained academic and administrative autonomy in legal terms. Although students have boycotted classes at times, campus borders have been considered as part of university autonomy and student freedom (Çelik and Gür, 2012). Without the permission of university presidents, the police have mostly failed to intervene in incidents involving students.

Following several modifications in Article 120 of the 1973 Constitution, Law 1750 regarding universities was published. The most significant amendment produced by this law was the establishment of the Higher Education Council (HEC), also known as the “First HEC.” Through this regulation, partial restrictions were imposed on the administrative autonomy of universities (Günay, 2004). However, Article 120 was abrogated at a later time by a court order resulting from litigation instigated by a university. Student upheavals and clashes escalated in the same period. With respect to academic freedom, there was nothing new in Law 1750, and the article pertaining to HEC’s formation was annulled by the Constitutional Court (Doğramacı, 2007). As a consequence, from the perspective of academic freedom, the years between 1960 and 1973 became a period of faculty members’ dismissals on illegitimate grounds, student upheavals, a marked absence of legal coordination between universities and governments, and at the same time the constitutional guarantee of universities’ administrative autonomy. The firing of scholars was a direct violation of academic freedom, while the administrative autonomy granted by the law expanded the sphere of academic freedom in the direction of “institutional autonomy” rather than “scientific autonomy.” Despite the expansion of administrative autonomy, pressures that were previously exerted from the outside, this

time came from the inside; academic freedom neither had the opportunity nor the chance to develop properly. Turkey experienced another military coup in 1980, and Higher Education Law 2547 came into force in 1981. With this law, the intended authorities of the First HEC, which would have been established in 1973 if Article 120 had not been abrogated by court order, as mentioned above, were granted and increased. The establishment of HEC with critical new responsibilities, such as the coordination and planning of universities, followed. Positions of university presidents and deans were filled via elections in the past; with the foundation of HEC, however, the referred positions were filled by appointment (Doğramacı, 2007; Gürüz, 2008). According to the law, universities remained public corporate bodies in service of higher education, teaching, learning, scientific research, publication, and consultation (YÖK, 1981). Previously, appointments of professors were under the control of the Education Ministry, but with the approval of Law 2547, the “HEC Law” in short, appointments were left to the discretion of universities and HEC.

In regard to university autonomy, a key component of academic freedom, it might be argued that this change in the appointment procedure contributed to academic freedom. However, the autonomy granted to universities in this particular period was solely orchestrated by HEC with its centralist structure and this, in turn, created new violations of freedom down the line. The political, economic, and social issues that paved the way for military coups in Turkey failed to create the desired democratic atmosphere necessary for the development of academic freedom in Turkish universities between 1973 and 1981.

Meanwhile Higher Education Law 2547, which was published in 1981, along with the addition of Articles 130, 131, and 132 in the 1982 Constitution, changed the procedure for filling administrative positions from “by election” to “by appointment criteria,” thus revoking universities’

rights to select their own administrators. Accordingly, appointment criteria were determined in a more hierarchical order; HEC appointed deans from among candidates nominated by university presidents, and the President of the Republic appointed presidents from among four candidates nominated by HEC. In 1992, however, Higher Education Law 3826 brought back the election system in universities, thus granting universities partial rights to determine their own administrators. Accordingly, the six university presidential candidates receiving the highest number of votes in elections were short-listed to three candidates by HEC, and these three were presented by HEC to the President of the Republic, who then appointed the president of a university. This system saw disputes over the appointment of university presidents; ideological polarization among faculty members, especially during presidential elections; and efforts by elected presidents to subjugate their rivals following their appointments (Doğramacı, 2007). In the end, faculty members felt increasing pressure, personal disputes outpaced science and research, and academic freedom was ultimately harmed.

Higher Education Law 2547 holds an understanding that excludes universal values that all universities should have, and, therefore, restricts academic freedom. For instance, Articles 4 and 5 refer to the main principles and goals of higher education and specifically to the principles and values that universities should instill in students. Never after 1919 had the goals and main principles of universities been described so narrowly, in terms so incompatible with the spirit of university thinking (Hatiboğlu, 2000, p. 351). Instead of being described as free and creative institutions that support original thinking, universities were transformed into bodies concentrating on a certain value, a certain frame of mind, and a certain ideology. The university law reflected the September 12 (military coup) mentality by equating the university with the state while intrinsically excluding foreign faculty members and students.

Furthermore, compulsory history and language courses for all students were introduced by the 1991 law, which assigned ideological responsibilities to faculty members, students, and universities. Added to this, science and research were set aside, both directly and indirectly restricting academic freedom (Hatiboğlu, 2000).

The promulgation of the National Security Council decisions on February 28, 1997 commenced another period when academic freedom was severely restricted. In this period, the Higher Education Council strictly imposed the headscarf ban in universities and brought the “weighting assignment to applicants” into effect, thus making university entrance more difficult for vocational high school graduates. A portion of university graduates who were sent abroad for master’s degrees were forced to cut their education short and return home, their achievements devaluated for ideological reasons. Many faculty members were either dismissed from office or suffered disciplinary punishment, and a few university presidents were forced to resign (Tunç et al., 2001; Özoğlu, 2011).

Consequently, the higher education law, which entered into force during this period, was directly affected by military tutelage. Following the approval of the law and the establishment of HEC, academic freedom suffered multiple violations. Several instances of dismissals of academics occurred following the military intervention periods, after 1980 and 1997 in particular. In addition, the ideological approaches during the HEC period forestalled academic freedom, since freedoms of learning and teaching were harmed tremendously. In terms of the criteria for academic freedom endorsed by international institutions, the higher education law failed to sufficiently safeguard academic freedom. More recently, a normalization process has been observed in higher education, but these recent regulations are not adequate to guarantee academic freedom. Obviously, a change of mentality and culture, which would permit and encourage the practice of aca-

democratic freedom instead of words written on paper, is desperately needed (Özipek, 2008). Comprehensive legal change has not been made since the foundation of HEC, but a mentality change is in the making, albeit limited. Such a change should be supported by legal reforms that will improve academic freedom and carry it further.

## RESTRICTIONS OF ACADEMIC FREEDOM

Academic freedom in Turkey has undergone changes depending on historical conditions and individuals and has suffered from various types of restrictions. Scholars have been the most affected by restrictions on academic freedom. For instance, a survey conducted by Summak in 1997 with the participation of 400 faculty members from 14 state universities revealed that most of the participants did not have sufficient academic freedom, and they expressed their displeasure with the status quo. Another critical finding in the same survey exposed the ignorance of participants regarding their rights and freedoms. Such confessions were an indication of how disturbed scholars were about current restrictions, how they avoided speaking clearly, and how much they were affected by the current academic and political atmosphere (Summak, 1998).

A similar survey on academic freedom made by Balyer in 2011, with the participation of 30 faculty members from state and foundation universities, revealed that faculty members emphasized the lack of a clear-cut definition of academic freedom in the current system and that the lack of resources, and inequalities in the use of resources, restricted their work and production. They stressed the fact that academic freedom did not effectively exist in universities. When asked how they define academic freedom, the majority of respondents answered that academic freedom was about being able to do academic work without any pressure and intervention - a direct reference to an environment conducive to free research.

Article 130 of the 1981 Constitution states: "Universities, members of the teaching staff and their assistants may freely engage in all kinds of scientific research and publication. However, this shall not include the liberty to engage in activities against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country." The article clearly underlines the existence of academic freedom while emphasizing its legal limits in higher education. The Higher Education Law and other regulations do not provide sufficient safeguarding of academic freedom. The education ministers of 45 European countries (including Turkey) met in the Norwegian city of Bergen in 2005 for the Conference of European Ministers Responsible for Higher Education for the evaluation of European Higher Education. During the meeting, the need to increase and extend academic freedom in Turkish universities was discussed (Sağlamer, 2005).

### Freedom of Expression

Academic staff in Turkey cannot freely express or defend their thoughts in academic and scientific studies; their ideas on sensitive issues are subject to censorship or self-censorship. On account of their written or spoken thoughts many faculty members and students have faced disciplinary punishments or inquiries, have not been granted the appointments or promotions they deserve, or have been suspended from the university (Değirmencioğlu, 2013; Hatiboğlu, 2000; Hatiboğlu, 2007; Küçükcan and Gür, 2009; Tunç et al., 2001; Türkiye'de Araştırma ve Öğretim Özgürlüğü Uluslararası Çalışma Grubu, 2012). For instance, by decision of the senate in 1948, Ankara University fired many leftist scholars for engaging in communist propaganda. Over 100 faculty members were dismissed from universities after the military coups of 1960 and 1980 for their political views and for publishing unacceptable research results (Arslan, 2004; Tunçay, 1984). In the 2000s, many academic con-

ferences and campaigns were deemed politically motivated or declared non-scientific by HEC, and tremendous effort was exerted to prevent them from taking place (Şimşek and Mersin, 2010). On January 29, 2014, clause “O” was appended to Article 6 of the Disciplinary Procedure for Administrators, Faculty, and Academic Staff in Higher Education Institutions; it reads, “With the exception of academic discussions and remarks, giving information or issuing statements by faculty members to the press, news agencies or radio and televisions on official matters without permission requires a disciplinary punishment.” This amendment is an example of on-going restrictions to academic freedom in Turkey.

During various periods, written texts and books have been scrutinized for ideological reasons. In 2000, the Office of the President of İnönü University launched a probe against both the department of history and the university library for disseminating anti-regime propaganda, and a notice was issued to the Office of the President asking for an inspection of the book *Sophie's World* for its alleged religious reactionary propaganda. In the end, the allegations were determined to be unfounded and it was decided there was nothing objectionable about keeping the book in the library's inventory (MAZLUMDER İnsan Hakları İhlallerini İzleme Komisyonu, 2001).

Another area of restrictions against academic freedom in Turkey is the ideological and political behavior of students. According to the Disciplinary Procedure for Administrators, Faculty, and Academic Staff in Higher Education Institutions, ideological and political behaviors constitute a crime and students are asked to behave in an apolitical manner (Küçükcan and Gür, 2009). Based on this Procedure, restrictions of academic freedom continue by means of investigations and punishments brought against students by university administrations. For instance, the report entitled *Disciplinary Investigations in Universities: An Assessment on Freedoms of Expression and As-*

*sembly of Students in the Framework of the ECHR* reveals that investigations are launched against many students each year. According to this report, a total of 2,601 university students were subjected to inquiries in the 2000-2001 academic year. In other words, 0.16% percent of the total number of students in higher education were exposed to academic probes. In the 2009-2010 academic year, the number of students subjected to investigations rose to 6,001 and the percentage of the investigated students then stood at around 0.17%. However, there are no data showing how many of the investigations were about freedom of expression or were concerned with acts of violence or with academic violations (cheating, plagiarism, etc.). More in-depth studies are needed to systematically expose all improvements in the area of freedom of expression in universities.

**Political, economic and social problems between 1973 and 1981 paved the way for the military coup in Turkey and inhibited the formation of a democratic environment necessary for the development of academic freedom in universities.**

### **Freedom of Research**

Restrictions on academic freedom are observed in various ways in the academic community. We see university presidents replacing the heads of research projects (Sağlamer, 2005) while some faculty members are subjected to disciplinary investigations or dismissals from office for conducting research on “sensitive” or “objectionable” subjects and sharing their research results (Değirmencioglu, 2013). In the same vein, academicians have been fired by their universities not only for conducting “objectionable” research but for giving credit to students for research-

ing “objectionable” subjects. In the 1980s and 90s scholars and students were removed from universities, faced investigations, and were even imprisoned for studying certain subjects (Kentel, 2013). Similar cases persisted in the 2000s. For instance, Professor Bülent Tanör of Istanbul University was removed from office in 2001 for his work on Turkey’s democratization process; Associate Professor Turgay Ünalán faced an investigation by Hacettepe University in 2005 for his research on forced Kurdish migration (The International Work Group/Groupe international de travail: Academic Liberty and Freedom of Research in Turkey [GIT Türkiye], 2012).

Again, pressures on Ph.D. students, such as “Couldn’t you find any other subject?” or directives such as “Work on something else now; you can work on this in the future after you get promoted” have been, and are, often heard in the academic community. On the other hand, the predicament surrounding freedom of research and its limits is that faculty members in state universities are regarded as both academics and civil servants and in foundation universities as academics and employees. It is always likely that a faculty member working in a state university will hear, “You are a civil servant, so you cannot do research on a subject in conflict with your position,” or, in a foundation university, “You cannot do research on a subject that could possibly put our university in a difficult position” (Dinler, 2013).

### Freedom of Teaching

Restrictions on freedom of teaching have come in the form of cancellations of conferences and panels; textbooks, syllabi, and exams have been branded “objectionable.” Examples from the past are repeated to this day. For instance, at the end of an inquiry and inspection, HEC labeled the textbook entitled *Turkish Revolution History*, published by Afyon Kocatepe University (“İnkılap Tarihi’ne...”, 1998), as “objectionable” and “unsuitable” for being taught in universities. Certain university presidents have eliminated

courses from curricula without any committee decisions (Sağlamer, 2005). A conference entitled “The Ottoman Armenians in the Collapse Period of the Empire” that was planned by Boğaziçi University in 2005 was canceled upon a court order after the filing of a complaint (“Gün boyu eylem”, 2005; “Mahkeme katılımcıları...”, 2005). Contents of exams have also been a matter of investigation (Çınar, 2012). A law professor at Akdeniz University faced an investigation after an inquiry into the appearance of an exam question on homosexuality (Çınar, 2012). Another case concerns the content of a homework assignment: HEC received a complaint about a faculty member who had assigned the reading of *The Communist Manifesto* as homework at Kocaeli University (Gülalp, 2013).

As Dinler (2013) claims, faculty members mostly concentrate on theory and the transmission of information in classrooms to avoid revealing their personal views, disturbing students, or appearing to be involved in politics. As a result, no discussions or debates are held and no critical approaches are adopted. An example of such pressures on freedom of teaching and self-control can be found in research conducted by Seggie and Mabokela (2006). They interviewed five faculty members and seven students in relation to a course called “The History of Atatürk Principles and Revolutions.” Some of the results revealed restrictions on freedom of teaching. To begin with, the faculty members said HEC determines the curriculum after close scrutiny. According to a faculty member, the concept of secularism and its relations with democracy and Islam require special attention while teaching the course. However, neither faculty members nor students were willing to discuss the concepts because of the sensitivity of the issue and the uncomfortable atmosphere in the lessons; as one student put it, “The course is taught aridly.” Both faculty members and students commented that some teachers quickly go over course subjects that are regarded as complex, taboo, or a source of tension

in society, as well as subjects that are considered objectionable, sensitive, and political. Since our education system is based on theory rather than on practice or application in general, interaction through presentations of critical perspectives, discussions, and debates in the classroom is not possible in this particular course. This is a clear case where freedom of teaching is being restricted, where neither faculty members nor students feel comfortable or secure to discuss certain subjects, and where the atmosphere in the class does not allow critical and open discussions.

As a result of direct and indirect obstructions and pressures regarding research areas, faculty members and students were removed from universities in the 1980s and 90s for their studies or research on certain subjects.

### Freedom of Learning

There have been many examples of restrictions imposed on the freedom to learn in higher education in Turkey. The main issues that have made the agenda in Turkey in the last fifteen years are the headscarf ban, the practice of “weighting assignment to applicants” that began after the post-modern coup of February 28, 1997, and the recall, for purely ideological reasons, of graduate students who were sent abroad on scholarships, thus depriving them of the right to complete their education (Özoğlu, 2011). Although these issues are now resolved, restrictions on freedom of learning still persist in different ways. For instance, the interference of higher education administrators in the selection of students for master’s programs restrict certain students’ freedom of learning (Değirmencioğlu, 2013).

The restriction on freedom of teaching was manifested in the cancelation of conferences and panels, the removal of textbooks, curricula, and exams thought to be “objectionable.”

Research on the headscarf ban and the practice of “weighting assignment to applicants” (Seggie, 2011; Gümüş, Mabokela, and Seggie, 2012) has yielded the following results regard-

ing how students were affected by the timeline of the political processes, and the restriction of their freedom to learn.

**As a result of direct and indirect obstructions and pressures regarding research areas, faculty members and students were removed from universities in the 1980s and 90s for their studies or research on certain subjects.**

HEC imposed the headscarf ban in the 1980s by issuing a mandatory dress code. It required faculty members and students to wear modest and plain clothes and banned the wearing of headscarves in classrooms, with the justification that the wearing of a headscarf for traditional and religious reasons had become a political and ideological symbol targeting the secular nature of the state. As part of the policy, Muslim female students were allowed to cover their heads only in courses about the Quran (Hatiboğlu, 2000).

With the February 28, 1997, resolutions, the headscarf ban was tightened. Government officials of the time asserted that the headscarf ban in higher education aimed at keeping universities in Turkey out of politics and maintaining a stable society with an appropriate role for youth (Metz, 1995). Along with the troubles that it caused for female students who wore headscarves, the ban also met with problems of implementation, because its application varied from one university to another, creating inequalities in the freedom of learning in higher education.

The headscarf ban caused tension in education and politics in Turkey for many years (Human Rights Watch, undated). On the one side, policy-makers asserted that the headscarf was a symbol of extreme political Islam threatening the secular nature of Turkey and that those female students covering their heads were attempting to

communicate political messages. On the other side, female students wearing headscarves claimed that they were fulfilling the tenets of Islam. Those who refused to comply with the ban claimed that they had lost all expectations of a career because they were excluded from higher education.

Universities are obligated to provide students with an environment that will nurture their positive educational and cultural lives. Fulfillment of such ends is achieved only if students have a comprehensive, supportive, attractive campus life where they can occupy themselves intellectually and socially as they learn; where they can form, or restructure, their thinking habits and personalities, feel comfortable, and create their own identities and sphere of influence. However, forcing female students who wear headscarves in their daily lives to take them off in order to attend institutions of higher education, forcing them, therefore, to live in opposition to their religious beliefs and cultural values, caused great difficulties in these students' educational and cultural lives.

To this extent, Seggie's doctoral dissertation (2007), also published as a book (2011), analyzed the educational and cultural lives of part-time unweaver students attending state universities in Turkey. The term "part-time unweaver" was coined to refer to undergraduate female students who covered their hair in their private lives in line with the tenets of Islam, but who removed their headscarves to comply with the headscarf ban.

Enforcement of the headscarf ban curbed thousands of Muslim women's hopes of higher education and forced them out of academia. Faced with a choice between their religious beliefs and their education, these female students either uncovered their heads and continued their education or insisted on wearing headscarves and ended their education. Many, finding themselves between a rock and a hard place, adhered to their beliefs and refused to comply with the ban (Human Rights Watch, undated). Furthermore, many faculty members who declined to enforce

the ban were either suspended or dismissed from office (Human Rights Watch, undated).

Some female students who refused to comply continued their education abroad, while others who were financially less fortunate lost the opportunity to attend university. Others chose to follow instructions; they uncovered their heads, or wore a wig or a hat instead, so that they could take advantage of higher education in Turkey.

In brief, the headscarf ban in Turkey restricted freedom of learning in two ways. Firstly, the ban took away the right of higher education from female students who insisted on keeping their heads covered. Secondly, freedom of learning for those female students who chose to uncover their heads for the sake of education was severely restricted.

The findings in Seggie's research (2011) capture the participants' perceptions that their freedom of learning in higher education – one of their fundamental rights – was violated. The ban was an open-ended and long-term obstacle for their future. They saw their decision to wear or not to wear a headscarf as a turning point in their lives. The participants who complied indicated that they preferred the opportunities provided by education over the difficulties stemming from removing the headscarf. This is a clear sign that the part-time unweavers regarded higher education as a means to make themselves stronger, to equip themselves with the necessary tools to challenge the headscarf ban.

Considering the difficulties experienced by the participants in Seggie's research (2011), the limited time they spent on campuses and the manner in which this time was spent, it was evident that female students who wore headscarves off-campus were not completely involved on-campus. Another study regarding undergraduate female students' experiences during their university education (Astin, 1975, 1977, 1997), reveals that the university atmosphere plays a critical role in the regular presence of a student on campus. Positive factors such as extracurricular activities,

student-faculty interaction, and participation in student groups increase students' involvement in campus life. It was also revealed that withdrawal from such behaviors and activities is one of the reasons students drop out of university.

The participants in Seggie (2011)'s research did not go to campus for reasons other than study. This partial withdrawal might have been because (a) campuses did not offer a healthy environment or (b) the growth, improvement, and learning that is expected throughout university education was not fully realized by the participants. In other words, the headscarf ban for part-time unveilers seemingly put them in a "cold," uncomfortable, and insecure atmosphere, which caused them to spend as little time as possible on campus and lent them insufficient support from their classmates, faculty members, and administrators. All these negative experiences may also have been caused by institutional discontent. Both the cold atmosphere and institutional displeasure may have left a long-term negative impact on the part-time unveilers' restricted life in higher education.

The results of Seggie (2011)'s research on the educational and cultural lives of the respondents reveal that their university did not provide an environment in which they could progress, improve themselves, and increase their developmental capacities (Evans et al., 1998). An environment characterized by such restrictions on freedom of learning cannot result in the educational improvement, development of intelligence, and emotional and behavioral changes that are expected of universities. For this reason, it is important to consider that even if the participants did not drop out, they eventually would become university graduates who did not become as emotionally and academically mature as they should have had in a university environment, nor were they intellectually equipped to the extent they could have been. An added consequence of this situation is that the country will not benefit from the full capabilities of these women.

As a conclusion, according to the findings of Seggie's research, the life choices of the part-time unveilers resulted in their spending time and energy on the consequences of taking off their headscarves rather than concentrating on studying, enjoying school, benefiting from academic opportunities, and becoming active citizens and professionals. That is to say, they missed out on many experiences in terms of personal development and could not completely take advantage of the higher education opportunities that Turkey can provide. Their freedom of learning was restricted in almost every aspect.

The headscarf ban was virtually lifted in 2010. A female student attending a state university petitioned HEC after having been forced out of a classroom because of her headscarf. In response to her complaint, HEC issued a statement that students cannot be forced to leave a class even if they are not abiding by the disciplinary regulations and that only an official record of the incident regarding such students may be kept. This statement by HEC set female students free to attend classes while wearing headscarves; the ban, therefore, was finally lifted in the 2010-2011 academic year.

Another example of restrictions on freedom of learning was the practice of "weighting assignment to applicants" enacted in 1999. According to this policy, the university entry exam scores of vocational high school graduates were reduced if they wished to attend an undergraduate program different from their vocational choice at high school. In other words, this score reduction hindered vocational high school graduates from entering a professional field that was different from their vocational program in high school. One of the most critical reasons behind this score reduction practice was allegedly an effort to prevent the graduates of religious high schools from having a university education in a discipline other than religious studies (Gorvett, 2004). After taking the university entrance exam, if a vocational high school student chose to apply to a university

program aligned with his/her vocational area of study in high school, his/her secondary education success score was weighted (multiplied) by a factor of 0.5; if the application for entry was in a different discipline (non-aligned with the high school program), the success score was weighted by a factor of 0.2. What is more, in 2003, these weighting factors for application to enter aligned and non-aligned fields of study were changed to 0.8 and 0.3 respectively, reducing the entry application scores of vocational high school graduates even further (Gümüş, Mabokela and Seggie, 2012). Even if vocational high school students had remarkable success in the university entrance exams, their chances of attending university programs different from their vocational areas of study in high school were seriously curtailed (Günay and Gür, 2009).

The research conducted by Gümüş, Mabokela and Seggie (2012) analyzed how eight graduates from religious high schools in 1999 or 2000 were affected by the practice of “weighting assignment to applicants.” These students, who had excelled in their classes, were deprived of a chance to transfer to other schools in the year that the “weighting practice” went into effect; they had to graduate from a religious high school because “religion” was their vocational choice. These students struggled with many difficulties throughout the following years because of the weighting implementation. Although one of them had been very successful in the university entrance exam and was admitted to a university, the assigned program was not the student’s first choice. Another of the students wished to study medicine, but once the lower weighting factor was applied, she barely made it into the Department of Zoology. This student failed in several classes and never adapted to university life, but eventually did graduate in Zoology; the dream of studying medicine, however, persisted. The same research records the case of a woman who had prepared for the entrance exam for years by improving her skills in mathematics, chemistry, and

physics because she wished to become a mathematics teacher. However, she decided to apply to the Department of Divinity because of the higher weighting factor she would receive if she stayed in her former vocational field. Even so, she failed in the entrance exam for three consecutive years, because entrance to the Department of Divinity required that she be successful in the Turkish, literature, and social sciences segments of the entry exam, for which she had not sufficiently prepared. Yet another female student dreamed of becoming a lawyer, but after the lower weighting factor was applied, she barely managed to enter a two-year associate-degree program that she did not even like. She experienced psychological problems and in the end dropped out of the school, got married, and continued her life as a housewife. All eight participants in the research said that they had no desire to be imams, or preachers, or to have anything to do with religion when they had entered a religious high school. They came from conservative families who wished their children to have a strong religious background along with a good education. Due to the practice of “weighting factors,” the respondents and, for that matter, other students who graduated from religious high schools, were divested of their freedom of learning in university programs that demanded high entry scores and were instead directed to different disciplines. The “weighting” practice was ended in 2012 by the adoption of Law 6287, known as the “4+4+4 education reform act.”

## THE EXPANSION OF ACADEMIC FREEDOM

History has seen some modest efforts in the expansion of academic freedom in Turkish universities, but for the most part the emphasis has been on restriction. Other than the de facto removal of the headscarf ban in 2010 by HEC and the legal abolition of the weighting factors practice in 2012, all efforts have been exerted in the field

of legislation. However, because integration and harmony in higher education and across institutions are hard to accomplish, implications of the laws vary from one university to another. One of the possible reasons for this disunity is the lack of a common definition of academic freedom and the limited effort devoted to finding such a definition.

As stressed above, in the chronological analysis of laws regarding higher education, universities gained academic and administrative autonomy and the legal status of an entity in 1946, as a result of Law 4936. Faculty members were subsequently granted the right to elect their own deans, presidents, and form university senates; also, the Inter-University Council was established. Universities in Turkey were redesigned according to the German higher education system. The exercise of academic freedom was expanded through the academic and administrative autonomy granted to universities. Taking into account international criteria, the introduction of academic and administrative autonomy is a critical step toward academic freedom, although it should be noted that the expansion of administrative and institutional autonomy was emphasized in preference to the development of academic freedom.

This was followed by the proclamation of universities as legal entities with academic and administrative autonomy for the first time in Article 120 of the 1961 Constitution (Türkiye Büyük Millet Meclisi, 1961). Article 120 may be interpreted as an indirect referral to the existence of academic freedom together with academic and administrative autonomy.

The existence and limits of academic freedom were most clearly defined in the 1982 Constitution. Article 130 of the Constitution states:

Universities, members of the teaching staff, and their assistants may freely engage in all kinds of scientific research and publication. However, this shall not include the liberty to engage in activities against the existence and independence of

the State and against the integrity and indivisibility of the nation and the country.

Freedom of expression as part of academic freedom is guaranteed in the 1982 Constitution by Articles 25 and 26, which state:

Everyone has the right to freedom of thought and opinion. No one shall be compelled to reveal his thoughts and opinions for any reason or purpose, nor shall anyone be blamed or accused on account of his thoughts and opinions. ... Everyone has the right to express and disseminate his thoughts and opinion by speech, in writing or in pictures or through other media, individually or collectively (see Gedikoğlu, 2013).

### Another restriction on freedom of learning in the recent past, namely the decision for the practice of “weighting assignment to applicants”, went into effect in 1999.

As mentioned above, however, the legal guarantees provided by these constitutional rights are not always translated into practice.

The lack of awareness concerning academic freedom in Turkey apparently became a departure point for the *Academic Freedom Declaration* announced on November 6, 2013 – the anniversary of HEC’s establishment – by former HEC President Professor Gökhan Çetinsaya. This is the most comprehensive expression on academic freedom made by an official institution so far. Çetinsaya points out that HEC was founded under the auspices of a military regime and that it had exercised anti-democratic policies during the September 12, 1980, military coup and the February 28, 1997, post-modern coup periods. He stressed that HEC presidents and members have openly criticized these anti-democratic practices since 2007 and that they have placed great importance on the expansion of academic freedom.

He maintained that academic freedom is necessary in order to continue the valuable academic activities of research, teaching, and learning. The *Academic Freedom Declaration* includes nine articles on the definition, meaning, significance, and limits of academic freedom and the kind of academic freedom that is needed in Turkish higher education. It briefly emphasizes that universities are the places where freedom of expression, discussion, research, publication, and learning must exist; where faculty members - under no pressure or force - have the right to conduct research, investigate, and teach; and where students have freedom of self-expression. Academic freedom should be enjoyed by everyone in a university; both students and scholars have the right to protest and to criticize without having to resort to violence (Çetinsaya, 2013).

Evidently, the declaration was prepared after serious consideration of the common principles of academic freedom and its implementation elsewhere in the world.

## CONCLUSION AND POLICY RECOMMENDATIONS

Academic freedom is a notion at the core of economic and social development, not only of concern to universities, students, and faculty members, but also to the society at large. The guarantee of freedom for all universities and everyone in them is one of the sine qua nons of an information society. However, the definition and limits of academic freedom have become a subject of debate despite universal agreement on its necessity. Many scholars have emphasized the need for a clear, comprehensive, and authoritative statement on the subject

From 1933 to date, Turkey has made many changes under the name of “university reforms,” affecting academic freedom both directly and indirectly. Restrictions and pressures resulting from social, economic, and political imbalances have

resumed from inside and outside the university. Towards the end of the 2000s, the headscarf ban and the weighting assignment practice virtually ceased to exist. Nonetheless, there are plenty of issues that still need to be addressed. Such issues include the status of faculty members as civil servants; their freedom and limitations in relation to political and social ethics; their right to participate in decision-making procedures; their freedom to design their courses and select the materials they will use; their economic independence and job security; the individual and social rights they share with all citizens; the HEC procedures relevant to all these matters; and the laws of the Republic of Turkey, which grant freedoms yet also impose restrictions on universities, faculty members, and students.

It is difficult to say that today universities in Turkey enjoy academic freedom in accord with international standards. Academic freedom has been discussed and defended in terms of university autonomy, but there is a prevalent misconception that once university autonomy is settled, academic freedom will follow by default. Meanwhile, the aspect of academic freedom that involves individual rights and freedoms has been totally neglected in Turkey. Academic freedom in an institutional sense refers to the financial and administrative autonomy of a university, but in an individual sense it refers to the freedom of thought, conscience, expression, job security, and a role in decision making (UNESCO, 2008). The absence of any one of these is a violation of academic freedom.

These policy recommendations are intended to address the broad scope of academic freedom:

Higher Education Law 2547 must be opened for discussion by all stakeholders and must be transformed into a world-class law concerning university autonomy, individual freedom, and the expansion of academic freedom.

Universities, civil organizations, and think-tanks must organize panels, initiate projects and academic studies of academic freedom, and share

the results with the public in order to stimulate relevant debate.

To identify obstacles in the way of academic freedom and improve the means to deal with them, more empirical research must be conducted on the matter.

As stakeholders, the government, HEC, and university senates must undertake ad hoc studies to ensure that legislation and its implementation fulfill the academic freedom criteria set out in international documents such as *The UNESCO Recommendation* and *The Lima Declaration*.

Documents similar to the *Declaration of Academic Freedom* released in 2013 by former HEC President Çetinsaya must be published and discussed, and faculty members must be encouraged

to create an academic atmosphere in which everyone can freely express opinions on the matter.

Hiring and firing conditions of teaching staff in universities must be based on objective criteria and re-regulated in a manner that will protect the personal rights and freedoms of faculty members; work must be done to set up a system that will ease concerns regarding possible dismissals of faculty members working in state and in foundation universities.

In the “Disciplinary Procedure for Administrators and Civil Servants in Higher Education Institutions” obscure phrases that are likely to restrict academic freedom must be removed; articles that expand freedom of expression, research, learning, and teaching must be added.

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**A**cademic freedom in Turkey, as in the rest of the world, has made the agenda through its restrictions rather than by virtue of its expansion. Most often academic freedom has been reduced to university autonomy and elections of university presidents. Important issues have been neglected as discussions focus on political conflicts rather than on academic freedom. Although the violations of academic freedom in the recent past are now behind us, many legal and practical issues causing restriction of academic freedom persist.

In order for Turkish universities to deservedly claim their place in the world of the 21st century, all parties involved in the academic community must enjoy freedom of learning, teaching, and research without pressure or the need for self-censorship. Turkey's highest priority policy objective must be the creation of university campuses where sustainable academic freedom flourishes and facilitates effective and productive scientific research. This will contribute to elevating Turkish universities in world university ranking and, therefore, help Turkey achieve its national achievement goals by the year 2023.



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