



## Education in Constitutions in a Globalised World (A Context Analysis)

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### **Authors' contributions**

*This work was carried out in collaboration between both authors. Author ET designed the study and supervised the work. Author AIY carried out all examination of the documentary, performed the statistical analysis, interpreted and wrote the first draft of the manuscript. Authors ET and AIY managed the literature searches and edited the manuscript. Both authors read and approved the final manuscript.*

### **Article Information**

DOI: 10.9734/BJESBS/2017/29883

#### Editor(s):

(1) Stan Weeber, Professor of Sociology, McNeese State University in Lake Charles, Louisiana, USA.

#### Reviewers:

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(3) Eugenia Iancu, Stefan cel Mare University Suceava, Romania.

Complete Peer review History: <http://www.sciencedomain.org/review-history/17715>

**Original Research Article**

**Received 1<sup>st</sup> October 2016**  
**Accepted 20<sup>th</sup> December 2016**  
**Published 4<sup>th</sup> February 2017**

### **ABSTRACT**

In the globalised world where people travel from one country to other easily and also live there, it may be crucial to know the similarity or the difference of constitutions, the basis of the whole legal regulations in the country where they will live and adopt. The aim of this study is to "find out the most emphasized educational points in countries' constitutions and whether the educational items differ or not according to the development level of countries and to compare educational items of countries in the constitutions. So educational items of 187 countries' constitutions which take place in Human Development Report are examined and analysed in terms of development level of countries. When the items in the constitutions are examined, it is seen that the most repeated item is "Equality in Education" and there is no relation between number of referring to education in constitutions and the development level of countries.

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*Keywords: Constitution; development level of countries; educational rights.*

## 1. INTRODUCTION

Different from other creatures, human beings don't usually live alone; they live in communities in order to survive with others. This new life resulted in them making rules which were needed to enable people to work and live together harmoniously and sort out any problems. Developing their first laws, these groups started to form a society; these laws helped to clarify the need for fundamental rights and responsibilities and showed how relationships between people could exist in order for them to have a healthy social life. All these regulations, or at least the first application of these, were the foundation for later ones, which were the constitutions that can be considered as social contracts.

Constitution can be identified either as "the rules governing the whole of social life" or as "the basic law which demonstrates the public rights and how the citizens can use executive and judicial power" [1]. According to Arslan [2], "Positive law norms which are operative in the specific state and at the specific time and which regulate the establishment and operation of basic organs of state and fundamental rights and freedoms are considered. The establishment and operation of these rules are mandatory for politics, and they are called as the constitution (6)." Constitutions of societies embody equity of laws which regulates the legal running of each institution in it. In other words, constitutions of states are between the fundamental documents which outline the fragment of parts and charge them. As the implication of social life, education institutions and educational politics were tried to be formed by various laws, they generated a "politic, legal and administrative culture" in education systems [3].

In a healthy functioned democratic society, education is the basic human right [4], and important for the welfare of society and people. Governments have responsibilities to provide equal rights and services to citizens. Equal education right is a subject often studied and emphasized in the previous studies [5-14]. According to Okçu, right of living, complaining, privacy of communication, immunity of domicile, proprietary, the vote and to hold office as well as education right take place on the first row of fundamental human rights [15]. Similarly Demirkasımoğlu [16] defines education which is

the basic pursuit "as an effective way of finding a place for human in society" (311). Constitutions form the basic rules of the social life and education subordinates this aim. Şişman states that "education is seen as a social institution and public service. It is evaluated in human rights and there are international documents and assignments beside national laws [17]. Regulations related to education are created by laws as the base of constitution by guidelines, directives and curricular [18,19] and differ from country to country.

Although it changes from country to country, giving attention to each other's regulations is compulsory in order to make countries closer in the global world. According to this, to attribute education to legal foundation is proved by both the countries' structures and international assignments. As an example, national and international laws and declarations on education rights and responsibilities in the Turkish education system can be discussed. Kanuni Esasi which is written in 1876 in Ottoman Empire is the first basic source of this system. In today's meaning 15, 16, 114. items of Kanuni Esasi which is accepted as the first constitution are about freedom of citizens on the education, supervision of state on schools and obligatory primary education [20]. After Ottomans, in 87.item of Teşkilat-i Esasiye, the first constitution of Turkish Republic, states compulsory and free education like today's items [21]. Another example is the difference of Letonia' constitution, kindergarden is compulsory in Letonia, but it is not in Turkey.

The studies on constitutional education are very limited. In some of these studies, researchers give different thesis about adequacy, appropriateness and effectiveness of educational items. For example Anderson says conceptions of opportunity in education should be focused on adequacy rather than equality [22] while Chambers [23] states the children of wealthy people have longer education time than the black, poor children's and this inequity has to be regulated and all citizens have to have adequate and equal rights in education. Moreover according to Ferreira and Gignoux, in some countries, boys have more education chance than girls [24]. There have also been some different ideas about the place of education in constitutions in different studies. Gonzalez [25] says usage of educational language must be

expressed in a constitution. Hubsch [26] expresses the importance of standardization in educational rights throughout the different states of America. Likewise, Maggs [27] supports the need of finding out the skills of children and guaranteeing the educational rights of children. Bitensky explicits “constitution keeps its silence about education” and evaluates the situation of education which is called as “life veins of free human” by him and crisis of education [28]. Hafizoğlu [29] emphasizes that religion replies to secularism in Turkish law and there is no inference to religion. While choosing a religion, freedom comes to the fore. Separating science and religion, he says religion mustn't be thought inside the education as the structure of society but it may be looked as an individual institution. Law [30] examined legal procedures in Hong Kong and Taiwan education system in the name of globalization and defined that giving equal rights to students would support the globalization. Çallı [31] examined place of educational rights in Turkish constitution and in other nations' and listed them. Ülker [32] refers freedom and right of education in European Convention on Human Rights and Turkish constitution.

As it appears in the researches given above, most of the studies in context with constitution and education examine the researchers' countries' constitutions or compare with just a few countries constitution instead of taking all constitutions in the world. On the other hand, in these studies, a specific subject such as religion and conscious or compulsory education is studied without examining all educational items. The importance of this study is not to be seen only a study which defines all the educational items of constitution of most of the countries in the world and which aims to find out the most important items comparing the constitutions of the countries. In the globalized world where people travel from one country to other easily and also live there, it may be crucial to the similarity or difference of the constitutions which are the basis of the whole legal regulations. If there is a big difference between them or regulations of educational rights aren't similar, living and studying in another country would be difficult. This difficulty can be understood thinking about education as the most important institution which teaches children to live abroad. In the context of global citizenship, examining how education takes place in constitutions comparatively, may help the researchers and politicians to generate a common sense while

regulating basic rights and freedoms related to education. The aim of this study is to “find out the most emphasized educational points in countries' constitutions and whether the educational items differ or not according to the development level of countries and to compare educational items of countries in their constitutions.”

## 2. METHODS

In this study “documentary analysis which involves examining the written materials” was used as a research method [33]. The documents of the study are constitutions of the countries. It contains 187 constitutions of countries in the United Nations Human Development Report. They are written in English. These constitutions were accessed from different web sites on different dates and up until January 2014. The main assumption is that the constitutions were current when they were reached. On the other hand, any alteration wasn't reflected. While analyzing the range of educational items in the constitutions, the development levels were decided to OECD [34] and classified as “very high, high, middle and low”.

### 2.1 Data Collection and Analysis

Data was collected by two ways and analyzed. Firstly, the constitutions were examined to define themes and there were 352 items about education. In this process, both titles about education and content of constitutions generally were examined. An example of an item is from Germany Constitution, “Parents decide whether children take religious education or not” ([35], item 7, 2). The other one, “State is respectful to rights of parents and parents decide to children's religious and moral education” statement is from Brundi [36], item 18.

After analyzing data by this way, content analysis was used. Content analysis is used to conceptualize data to organize these concepts to define themes and to interpret them understandingly [33]. Items which were found were collected under 23 themes and one of them is “the others” according to their relations. It can be given a sample for generating data from constitutional texts using the data above; “Parents decide whether children take religious education or not” in German Constitution and “State is respectful to rights of parents and parents decide to children's religious and moral education” in Brundi, these items support to generate “dominance of family decision on

education” theme in context with choice of parents. Matching of items with the themes were done by “experts’ views one of the way to provide reliability and validity in research” [33].

Secondly, statements related to education in 187 countries’ constitutions were listed. After listing, it was found out that there were references to education 1135 times. One of the sample statement is from Algeria is that; “the right of education is under guarantee (Item, 55) [37].

Descriptive analysis was applied for collected data. Each item was reviewed and put under its theme. Consistency review was done for reliability of item- theme relation by researchers whilst distributing items to themes. An example for descriptive analysis; “each citizen’s right of education is under guarantee” belongs to equality in education theme. As another example; “private schools, religious schools or secular schools can be opened under the control of state” (item 14) [38]. Private schools are under authority and control of state” (item 7) [39] statements are put in “supervision of state to all kinds of education” theme. After distributing items to themes, theme frequency and percentage were worked out and were compared in terms of the development levels of countries.

## 2.2 Findings and Interpretation

### 2.2.1 Educational themes according to expressions in constitutions

There have been 22 different themes which each takes place in at least two countries’ constitutions. Themes are “compulsory and free education”, “supervision of state to all kinds of education”, “autonomy of education”, “compulsory religious education”, “supporting private enterprise”, “secularism”, “freedom of choosing education language”, “equality in education”, “independency of education from every kind of philosophical thought”, “rights of minority”, “state support to special education”, “education governed by state”, “education given by private institutions”, “leaving education to private education by need”, “free higher education”, “dominance of family decision”, “science based education”, “monolinguality in education”, “nationalism in education”, “rights of children in education”. This result may mean a serious theme distribution or diversity. And so, that quality can be said not to contribute to globalization. In the past differences between

constitutions was not a vital problem in states but today, in the context of globalisation, it requires an urgent attention of constitutional partnership [40].

The themes seen only in one constitution were put under “the others” theme. This theme includes statements which don’t take place in the other 22 themes. Some statements from this theme is; “every citizen, if he has ability and no legal limitations, has the right of choosing his education, experience and vocation [41] item 48(1).

### 2.2.2 Comparison of distribution and sorts of themes in countries’ constitutions

In Table 1, there have been frequencies of references which take place in constitutions and which are related to education and distribution of themes. It can be seen in Table 1, on the first nine rows with 201 frequency (17.71%) equality in education, with 167 repetition (14.71%) compulsory and free education, with 153 frequency (13.48%) state support to all kinds of education, with 61 frequency (5.37 %) freedom to choosing religious education, with 57 frequency (5.02%) rights of children in education, with 51 frequency (4.49%) education governed by state, with 38 frequency (3.35%) supervision of state to every kind of education, with 36 frequency (3.17%) secularism in education and with 27 repetition (2.38%) dominancy of parents’ decision in education take place. When it is looked these nine themes, it is seen that they support the universal values of the world. In the global world, in any country, every person has to be able to have equal right of education supported by state and free for choosing religion. In the other situation, education can cause inequality so “it should be protected by states via constitutions” [42].

14 themes which are in other row are nationalism in education with 24 repetition (2.11%), education given by private institutions with 23 (2.03%), autonomy in education with 20 frequency (1.76%), rights of minority in education with 16 frequency (1.41%), compulsory religious education 15 frequency (1.32%), freedom to choosing education language with 13 frequency (1.15%), monolinguality in education with 12 frequency (1.06 %), state support to special education and independency from every kind of philosophical thought with 8 frequency (0.70%), leaving education to private institutions by need has 4 (0.35 %) frequency. Having chance of

choosing education language is rarely repeated with the percentage of 1.15 %. It can be the sign of not being practical in real life applying multilingualism in the state of having people from various kinds of mother tongue. According to this, we can reach the result of that; taking an education in the native language of the country is the most important tool for living in that society.

In countries' constitution, equality in education is the most repeated theme and "compulsory and free education" "support of state to every kind of education" follow this theme. 113 constitutions of 187 constitutions include compulsory and free education. This result matches with that expression in International Covenant on Economic, Social and Cultural Rights in item 13 "states which signed this agreement accept that everybody has the right of education [15].

The last three themes in the list are "free higher education with 4 frequencies (0.35%), science based education with 4 frequencies (0.35%) and supporting private enterprise with 2 (0.18%). Since these themes are related to expectations which come after basic education in constitutions, firstly basic and compulsory

education are noticed and scientific, academic studies may follow them.

There has been a certain relation among education curriculums of European Union countries founded as a result of globalization. Generating innovative links between programs from different fields such as Socrates -General education, Leonardo Da Vinci- Vocational education, Youth and Erasmus + are especially supported. The target of all European Union education program is to reach a European Identity which has a common culture and qualified education [43]. EU is the most important part of this globalized world. In that meaning, while a person, the member of EU goes to another EU country temporarily or perpetually, he/she doesn't have trouble. But in a non-secular country, a person from different religion can have difficulties during education time, because of the role of religion, so the rights on education should be known not to have trouble. In addition to this, the study gives differences between educational items in constitution as a finding. Because of un-similar items, researchers get 16.74% percentage of "others" theme. In other words, countries in the world talk the same language by 83.16% percentage but 16.74% of their view of education differs from each other.

**Table 1. Theme distribution and sorts of educational items in constitutions**

Line	Themes	F	%
1.	Equality in education	201	17,71
2.	Compulsory and free education	167	14,71
3.	State support to all kinds of education	153	13,48
4.	Freedom of choosing religious education	61	5,37
5.	Rights of children in education	57	5,02
6.	Education governed by state	51	4,49
7.	Supervision of state to all kinds of education	38	3,35
8.	Secularism	36	3,17
9.	Dominancy of parents' decision in education	27	2,38
10.	Nationalism in education	24	2,11
11.	Education given by private institutions	23	2,03
12.	Autonomy in education	20	1,76
13.	Rights of minority in education	16	1,41
14.	Compulsory religious education	15	1,32
15.	Freedom of choosing education language	13	1,15
16.	Mono-linguality in education	12	1,06
17.	State support to special education	9	0,79
18.	Independency from every kind of philosophical thought	8	0,70
19.	Leaving education to private institutions by need	4	0,35
20.	Free higher education	4	0,35
21.	Science based education	4	0,35
22.	Supporting private enterprise	2	0,18
23.	Others	190	16,74
<b>Total</b>		<b>1135</b>	<b>100</b>

### **2.2.3 Theme distributions and comparisons of educational items in constitutions according to development level**

#### *2.2.3.1 Theme distributions and comparisons of educational items of very high developed countries*

As it can be seen in Table 2, the most repeated theme in very high developed countries' constitution is "compulsory and free education". There are 47 very high developed countries and 27 countries refer it 37 times. For example Portugal constitution expresses "state takes global, compulsory and free basic education under guarantee (Item 74:2-a) [44]." The other repeated 31 times is "equality in education". 23 countries' constitutions include this theme. Holland and Germany, from very high developed countries, refer mostly to "state supports every kind of education" theme, Japan from the same group impresses "secularism in education". It is seen that, the theme which the most impressed can be changed even in the same development level. "Free higher education" and "science based education" themes don't take place in these level countries.

When we compare Tables 1 and 2, very high developed countries feature compulsory and free education theme. On the other hand, state supervision of every kind of education is on the top line in very high developed countries although it is on the bottom rows in the world list amazingly. Its reason can be rising importance of education supervision. Recently, the process of supervision have being investigated and reported in many areas since it takes a significant place in education [45].

#### *2.2.3.2 Theme distributions and comparisons of educational items of very high developed countries*

The most referred theme in this level is compulsory and free education with 49 times. Peru constitution includes that statements "education is free in state and state takes person's right of education under guarantee who has economic troubles (item 17) [46]. Nobody can be prevented from having educational rights, because of his physical or mental limitations (item 16). With 48 repetition number, equality in education follows this theme. There is no reference to "leaving education to private institutions by need" and "independency of education from every kind of philosophical thought" themes.

It is a pleasure to see compulsory and free education theme as the most repeated one because of its harmony with Universal Declaration of Human Rights. The role of international human rights law is seen as a source of constitutional values [47]. Also, while regulating education, taking right of education and compulsory education under guarantee is a principle for international texts and contemporary constitutions [31]. It needs to accept states' authority to identify details of compulsory education. When the constitutions are examined, it is seen that duration and age of compulsory education are regulated differently as a result of compulsory education and free education comes to stage. If the states want to increase the level of education, it must provide education to citizens from every economic situation; this can only be achieved by compulsory and free education. On the contrary, poorly educated face the likely prospect of circumscribed earning power and they may be politically ineffectual. Just as egregious, they are bereft of their heritage, of mankind's greatest intellectual and artistic achievements [47].

When we compare Table 1 and Table 3, "compulsory and free education" is on the top of list similarly to Table 2. The themes which are on the top five are common in the World except "right of children in education". It is amazing that this theme is on the eleventh order in high developed countries' constitutions although it is on the fifth in the World order. It can be the result of old population and low birth rate [48] and parallel with it, giving place to right of children in constitutions is out of the point. There may be no need to give place children rights on constitution. If there is no trouble on this area, it may not be required.

#### *2.2.3.3 Distribution and comparison of themes in middle developed countries' constitutions*

Equality in education is impressed mostly in the middle development level. 65 times repeated theme was followed by "state support to every kind of education" with 51 times. "Compulsory and free education" takes place in the third order with 45 frequency. "Leaving education to private institutions by need", "supporting private enterprise" "free higher education" and "science based education" aren't cited in these level countries' constitutions. Republic of Lao expresses equality with "all citizenship has the right of education and improvement yourself" (Item, 38) [49].

**Table 2. Theme distributions of educational items in very high developed countries**

Line	Themes	F	%
1.	Compulsory and free education	37	3,26
2.	Equality in education	31	2,73
3.	State support to all kinds of education	20	1,76
4.	Supervision of state to all kinds of education	11	0,97
5.	Rights of children in education	10	0,88
6.	Secularism	10	0,88
7.	Dominancy of parents' decision in education	9	0,79
8.	Education given by private institutions	8	0,70
9.	Freedom of choosing religious education	7	0,62
10.	Education governed by state	7	0,62
11.	Nationalism in education	4	0,35
12.	Autonomy in education	4	0,35
13.	Rights of minority in education	4	0,35
14.	Compulsory religious education	3	0,26
15.	State support to special education	3	0,26
16.	Freedom of choosing education language	2	0,18
17.	Monolinguality in education	1	0,09
18.	Independency from every kind of philosophical thought	1	0,09
19.	Leaving education to private institutions by need	1	0,09
20.	Supporting private enterprise	1	0,09
21.	Free higher education	0	0,00
22.	Science based education	0	0,00
23.	Others	29	2,58
<b>Total</b>		203	17,9

**Table 3. Theme distribution of educational items in high developed countries' constitutions**

Line	Themes	F	%
1.	Compulsory and free education	49	4,32
2.	Equality in education	48	4,23
3.	State support to all kinds of education	40	3,52
4.	Freedom of choosing religious education	20	1,76
5.	Education governed by state	12	1,06
6.	Supervision of state to all kinds of education	9	0,79
7.	Dominancy of parents' decision in education	9	0,79
8.	Autonomy in education	9	0,79
9.	Secularism	8	0,70
10.	Nationalism in education	8	0,70
11.	Rights of children in education	7	0,62
12.	Rights of minority in education	7	0,62
13.	Education given by private institutions	6	0,53
14.	Compulsory religious education	6	0,53
15.	Freedom of choosing education language	6	0,53
16.	Monolinguality in education	4	0,35
17.	Science based education	4	0,35
18.	State support to special education	3	0,26
19.	Free higher education	1	0,09
20.	Supporting private enterprise	1	0,09
21.	Independency from every kind of philosophical thought	0	0,00
22.	Leaving education to private institutions by need	0	0,00
23.	Others	71	6,27
<b>Total</b>		328	28,9

As it is seen in Table 4, in middle developed countries “freedom for choosing religion in education” goes down to 6. row. And “compulsory free education regresses 3. row. “State support to every kind of education” goes one step up. “Giving education by state” takes

place of “freedom for choosing religion during education”. More attention is desirable even now in the evolution of religious education the qualities considered desirable as educational outcomes in the making of value judgements and the exercising religious discernment [50]. This case can be defined with that the need for supporting education is much more parallel to decreasing of development level.

*2.2.3.4 Theme distributions and comparisons of educational items of low developed countries' constitutions*

When the frequency is compared, the most impressed theme is “equality in education” with 57 repetitions in low developed countries' constitutions. “State support to every kind of education” is repeated 42 times. “Support for private enterprise” “autonomy of education” “science based education” are themes which don't take place in constitutions of this level. Constitution of Gambia from low developed countries contributes this theme of equality with those statements; “all people have equal opportunity and rights. Compulsory free primary

education, following secondary school and higher education complete that right of people” (Item 30) [51].

It is seen that, the least repeated theme is similar in low, middle and high developed countries. There has been no reference to themes “support for private enterprise” and “leaving education to private institutions by need” in three development levels. When it was compared with items in Table 1, which shows general world results, it results in low developed countries show similarities with the results in Table 4. When the development levels are near each other, educational items become similar to each other also.

*2.2.3.5 Comparisons of educational items in constitutions totally according to development levels*

After examining constitutions of all countries, 352 education expressions are found out and these expressions are mentioned 1135 times. Distribution percentages of refers are given in Table 6 according to development level.

**Table 4. Theme distribution of educational items in middle developed countries' constitutions**

Line	Themes	F	%
1.	Equality in education	65	5,73
2.	State support to all kinds of education	51	4,49
3.	Compulsory and free education	46	4,05
4.	Rights of children in education	23	2,03
5.	Education governed by state	17	1,50
6.	Freedom of choosing religious education	13	1,15
7.	Supervision of state to all kinds of education	13	1,15
8.	Secularism	11	0,97
9.	Nationalism in education	11	0,97
10.	Autonomy in education	7	0,62
11.	Dominancy of parents' decision in education	6	0,53
12.	Education given by private institutions	5	0,44
13.	Monolinguality in education	5	0,44
14.	Freedom of choosing education language	4	0,35
15.	Rights of minority in education	3	0,26
16.	Compulsory religious education	3	0,26
17.	Independency from every kind of philosophical thought	3	0,26
18.	State support to special education	2	0,18
19.	Leaving education to private institutions by need	0	0,00
20.	Free higher education	0	0,00
21.	Science based education	0	0,00
22.	Supporting private enterprise	0	0,00
23.	Others	44	3,88
<b>Total</b>		<b>332</b>	<b>29,2</b>



**Table 5. Theme distributions of educational items in low developed countries' constitutions**

Line	Themes	F	%
1.	Equality in education	57	5,02
2.	State support to all kinds of education	42	3,70
3.	Compulsory and free education	35	3,08
4.	Freedom of choosing religious education	21	1,85
5.	Rights of children in education	17	1,50
6.	Education governed by state	15	1,32
7.	Secularism	7	0,62
8.	Supervision of state to all kinds of education	5	0,44
9.	Education given by private institutions	4	0,35
10.	Independency from every kind of philosophical thought	4	0,35
11.	Dominancy of parents' decision in education	3	0,26
12.	Compulsory religious education	3	0,26
13.	Leaving education to private institutions by need	3	0,26
14.	Free higher education	3	0,26
15.	Rights of minority in education	2	0,18
16.	Monolinguality in education	2	0,18
17.	Nationalism in education	1	0,09
18.	Freedom of choosing education language	1	0,09
19.	State support to special education	1	0,09
20.	Autonomy in education	0	0,00
21.	Science based education	0	0,00
22.	Supporting private enterprise	0	0,00
23.	Others	46	4,10
<b>Total</b>		<b>272</b>	<b>24,0</b>

**Table 6. Numbers of all items related to education in constitutions according to development levels**

Classification of countries	Item repetition number	Distribution range (%)
Very high development level	203	17,9
High development level	328	28,9
Middle development level	332	29,2
Low development level	272	24,0

It is seen that the countries in very high development level have the least educational item and they have only 17,9% of the distribution. Low developed countries follow it with 272 total frequencies. Middle developed countries are defined as countries which include most educational items in their constitutions with 332 frequencies and 24.2% percentage. Using these findings, it can be said that there is no relationship between development level and educational item frequency in the constitutions. The explanation of the decrease from middle developed countries to very high developed countries is that; constitutions of very high developed countries are very short and this shortness overpowers percentage of giving place to educational items. So, the societies which behave respectfully to rights and which turn it into a habit don't need to have written rules in order to show respect for the rights of others. This situation brings decrease in item numbers. Reason of having dense constitutions of middle

developed countries can be the try of having social consciousness. Relating to this, they have more educational items. Kuzu who has examined a lot of countries' constitutions and said oriental countries have many more items in their constitutions. He states that "If a country is developed, it has a short constitution. If it is non-developed, its constitution is long. There is no easy way like this. Let's write shortly and develop. When you develop, you write shortly [52]."

#### 2.2.3.6 The countries which include the least and the most items in their constitutions according to development level

In Table 7 there are some countries which include the least or most items. As it is understood, Portugal from the very high developed countries has the most educational item with 12 and is on the 45th development level in the list. Argentina and Germany follow it impressing 10 items.

**Table 7. The countries which have the least and most items in their constitutions**

Development level	Least referred country	Development level	Reference F	Reference %	Most referred country	Devepolment level	Reference number	Reference %
Very high level	Brunei Darüsselam	30	0	0	Portugal	43	12	1,06
High level	Kazakistan İran Tunus	69 76 94	1 1 1	0,11 0,11 0,11	Ecuador	89	31	2,73
Middle level	Tonga	95	0	0	Honduras	120	17	1,49
Low level	Cibuti	164	0	0	Congo	142	15	1,32

Ecuador has 31 educational items and is at 89th level in high developed countries list. Venezuela with 19 items and Turkey with 17 items follow it. In the middle developed level, Honduras is on the first line with 17 items. China, Egypt, Philippines, Vietnam and India impress education with 14 items and sit the second step. When we look the low developed countries, Congo with 13 educational items impresses education mostly.

It is found out Ecuador is the country which has the most item among 187 countries. Ecuador leaves very high developed countries behind. This can be the display of that; frequency of educational items are depends on the national dynamics and countries move depending on their needs and internal dynamics while defining their constitutions.

U.S.A., Australia, New Zealand, Austria, Brunei Darussalam, Tonga and Cibuti refer none of 352 educational items. U.S.A., Australia, New Zealand, Austria and Brunei Darussalam are from very high development level. Tonga is middle developed and Cibuti is low developed country. Kazakhstan, Iran and Tunus which are from high developed countries refer to only one theme. Having no educational item can be related to be governed federally, to have states and to have different constitutions in each state in U.S.A. and in other very high developed countries.

When we think about the effect of education on generating a society, the countries which don't provide the unity in constitutions would have decreasing in their quality of being a unique society. The decreasing can destroy the globalization, because the country which hasn't regulated the rights and opportunities of its own citizens can have difficulty to provide educational adaptation of foreign people in the country.

### 3. CONCLUSION AND SUGGESTIONS

When the items in the constitutions are examined, the most repeated item is "Equality in Education". "Compulsory and free education" follows this theme. Increasing percentage for the other themes could support world citizenship. Likely, there have been equal education rights and free primary education in Universal Declaration of Human Rights. The foundation of these bases passing the democratic regimes which include equality and freedom instead of aristocratic society with the French Declaration Rights of Man and the Citizen [53]. Since XVIII.

Century, state has started to feel the need for education, and accepted compulsory and free education. This has been guaranteed by international treaties [15]. So, legal regulations for giving education to every citizen are done all over the world. As it is said in this study, making education compulsory to guarantee educational rights is a principle which takes places in international texts and contemporary constitutions.

While identifying details and age of compulsory education, states can make different decisions in parallel with country realities. While 180 countries regulate education with their constitutions, 7 countries don't give any place to education in their constitutions. Common characteristic of these 7 countries are being high developed and governing federally. Governing federally can create problems while they are generating standards in education. Considering this situation can be a trouble for both citizens and foreigners in these countries, not only global but also societal standards have to be generated in their education systems.

Countries which mentioned to education rights mostly in their constitutions are Ecuador, Venezuela, Honduras and Turkey. These countries are from different development level. This result may show that there is no relation between number of referring to education in constitutions and development level of countries. Then, having certain rules of law about increasing quality of education may not mean having high level standards in education. From this point of view, it can be reached the result that, the quality of education is more important than quantity of it. The demonstration of it is that, highly developed countries have the fewest educational items when we look at the total frequency of them. For example; although experts of laws say that Turkey, which is the one of the country having most items, has an adequate constitution in terms of democracy and science [54], it is not a high developed country.

With the scope of the United Nations, to talk about having educational rights there has been not only the absence of discrimination but also accessibility for economic and physical conditions. In other words, people have to have equality of opportunity [55]. Phenomena of secularism in education is a theme which supports the equality of opportunity and which saves the rights of people who travel from one country to another in global world. Equality in

educational outcomes is a crucial determinant of the extent of equality of opportunity and intergenerational mobility achieved by societies [56]. When we considered all the findings, the results can be that generally the right of education is provided and constitutional items take notice of global needs in terms of law of education.

It can be suggested to jurists of constitution whose constitutions have more or less educational item that; they should add items which provide equal rights to everybody and which discriminate nobody because of their language and religion to their constitution considering realities of the world while writing constitutions. Because any student can have trouble by the reason of legal holes like items related to compulsory religion education. Therefore, urging secularism in constitutional items can enable foreign students in the globalization process. Though religion continues to enjoy a global significance for humankind, any justification of the compulsory status of religious education must be made on the basis of reason rather than public consensus since we live in a pluralistic world in which contrasting world views [57].

It can be proposed to researchers who want to study the place of education in constitution that they can study only one countries' constitution deeply and discuss the validity of items applying expert views. Or, they can examine and compare constitutions of two countries, for example one from high development level and other from low level. The results of these researches can contribute to the legists of constitution and writers of it. For legists making articles in constitutions more similar to each other may be suggested to provide standardization of education in the global world such as Bologna process. Moreover researchers may investigate the obstacles in constitutions to reach global standards in the world for world citizenship. Because education is a birth right and anyone from any country should have the same education rights with the other.

### COMPETING INTERESTS

Authors have declared that no competing interests exist.

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