The young urologists' academic problems in the context of law and ethics

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ABSTRACT

The European Association of Urology defines a young urologist as an urologist under the age of 40 or the urologist who has completed their residency within the last 5 years, irrespective of their current academic position. The time interval between the residency and higher specialization in urology is an important time period for them to learn how to stand on their feet and realize their plans of academic career. Young urologists who want academic transition have encountered various problems nowadays in Turkey. The aim of this review is to raise awareness about the problems of young urologists during academic life in the context of law and medical ethics.

Key words: Academic life; ethics; jurisprudence; young urologist.

Introduction

The specialists younger than 40 years of age, or those working in our country without searching for an academic title during 5 years after termination of his/her residency or subspecialty training are termed as 'Young Specialists'.^[1] The period of young specialty between residency, and senior specialty is a very important slice of time where young specialists learn how to stand on their feet in their field of specialty, and actualize their planning of their academic career. In our country, period of so-called young specialty constitutes the most troublesome, and distressful years of their medical profession. Most of the young specialists can not use the most important period of their medical profession optimally because of many restrictions as requirement for obligatory military, and civil services.

Important investigations have been made to improve, and use this time span more efficiently. To actualize activities which might contribute to professional, and educational demands of the residents, and young specialists Working Group of Residents, and Young Specialists established by Specialty Associations Coordination Committee of Turkish Medical Association in 2010 has been realizing important activities, and plannings. When compared with associations of other specialties, Turkish Urological Association

imposes utmost importance to demands, and representation of residents, and young specialists. For the first time under the leadership of Turkish Urological Association, Turkish Association of Urology Residents was founded in 1996, and representatives of Turkish urology residents were sent to ESRU (European Society of Residents in Urology). In the year 2008 Turkish Society of Residents in Urology was established which represents residents, and young urologists. Since then this so called 'Turkish ESRU' is evaluating problems of residents, and young urologists, and ways to solve them. Since European Urological Association, defined 'Young Urologists' as urologists younger than 40 years of age irrespective of their academic position or those who completed their urology training within the previous 5 years, and Turkish ESRU has a formation which can represent only residents, and urologists who completed their training within only previous two years, a new establishment was required which would represent young urologists with resultant foundation of International Young Urologists Association (IYYUA) in our country in the year 2010.

However despite all of these well-intended efforts, many problems experienced by young specialists have not been resolved yet. Our aim is to raise awareness about the legal, and ethical problems encountered through this period by young urologists who want to become academicians.

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Military service, and obligatory public service

The first problem anticipated by young urologists is obligatory public service, and military service valid only for male population. In compliance with the relevant Article #1111 of the Law each male citizen of the Turkish Republic should complete their military service. In compliance with Fundamental Law on the Health Services, medical students who completed their medical, specialty, or subspecialty training, and licensed to practice medicine as a physician, specialist, or a branch specialist, have the obligation to complete their obligatory public services at the termination each of their training. The diplomas of medicine, specialty, and subspecialty of those who do not perform these obligatory services are not approved by the ministry of health and social welfare, and they are not allowed to practice their medical profession in any region of Turkey using these titles.

The most important inequity with this respect is that not every physician is obliged to perform these services. Even though scarce in number, women urologists, and other female specialists are exempt from military service, and most recently in 2011, under exceptional conditions, against some remuneration, this service can be considered to be fulfilled without actually completing one's military service. Besides with a provisional clause which was added to the Article 6514 published in the *Official Gazette* on January 18, 2014 and took effect since then, Fundamental Law on the Health Services states that physicians who perform professional activities in a foreign country before 1/1/2013, and specialists who hold a PhD degree in medicine according to relevant regulations concerning specialists in medicine, and those who completed their training before the implementation of this article will be exempted from obligatory public service provided that they return to Turkey within six weeks after this article came into force, and practice their medical profession for at least 3 years in Turkey..” Therefore, in cases cited above, some young urologists do not lose their precious time before they enter into academic life, and gain a time advantage when compared with other urologists.

The physicians liable to these obligatory services are subjected to inequality of opportunities for the second time with respect to place, and duration of these compulsory services. For example military service can be realized in an infirmary which lacks any urological equipment or it can be completed in Gülhane Military Medical Academy. Similarly, obligatory public service can be realized in a state hospital with a weak or even absent urological infrastructure or it can be fulfilled in a training and research hospital or even university hospitals. Besides, public service obligation is completed in a period varying between 350, and 600 days based on the socioeconomical status of the city/county which is randomly allocated by lot. In conclusion, physicians who are liable to these public services can fulfill these services in two or more than three years.

During these periods of time where professional, economical, and personal difficulties are experienced, burnout syndromes, and depressive moods are frequently seen in these young specialists.^[2,3] And whatever the working conditions can be, the academic training becomes a remote possibility for the physician. Especially with the performance system within the context of Health Care Reform and Household Welfare: Health Transformation Programme in Turkey which has been in effect by the Ministry of Health, and Social Reform from the year 2004 on, an important part of the physician's income constitutes of additional payments distributed from the working capital determined based on the performance status of the physician which imposes a working pressure on physicians. However, the basic parametre used for the calculation of performance status is graded interventional procedure system which enforces the physicians to examine higher number of patients, and perform increased number of operations in a limited time frame, ie. they are compelled to work mainly as a personnel of a service sector. However academic activities take a minor place in the calculation of the performance status.

Young urologists who overcome all of these difficulties, and plan to build an academic carrier without any discouragement, passes through some phases of academic life as appointment to the position of chief residency, and assistant professorship, and they should be successful in the examination of associate professorship. However, in climbing these steps, they confront many obstacles mainly inequal opportunities.

Appointment to the position of chief residency

Appointment to the chief residency position is realized in compliance with the regulations published in the *Official Gazette* dated April 7, 2012 (issue #28257) concerning the appointment to the Training and Research Hospitals of the Ministry of Health, and Social Welfare. After announcement of vacant positions to be filled by the Ministry of Health, and Social Welfare, the candidates who fulfill the terms of application stipulated in the relevant regulation, should priorly take the written occupational scientific examination. Then those who passed this examination successfully, are called for oral examination. Overall examination success grade of the candidates who are successful in both examinations is calculated together with the order of candidate's preference, and then the appointment of the applicant is made. The required specifications for the application to written professional science examination related to the announced vacant positions are indicated in Table 1.

The most important problem in this process appears to be the oral professional science examination. In compliance with the relevant legislation, oral professional science examination should be proceeded as follows: Three jury members determined by lot among those appointed by The General Directorate

Table 1. Qualifications required for the application to the written examination on scientific professional knowledge for the appointment to the chief residency position

i.	To be a specialist in the declared discipline
ii.	For external appointments to these positions, absence of any disability precluding his/her appointment in compliance with Article #657 concerning State Personnel Law
iii.	For public officials: To be exempt from any disability preventing his/her promotion
iv.	Getting 60 or higher marks from a total of 100 points in English, German, and French language examinations within the five years from the submission of relevant documents to the Foreign Language Placement Examination for State Employees (KPDS) or Foreign Language Examination organized by Interuniversity Council (UDS). In addition, getting marks equal or higher than the minimum passing grade (≥ 60 points) in the examinations of other language(s) considered to be valid by the Council of Higher education on an international basis
v.	As of the date of application, less than 180 days till completion of Obligatory State Service should be left
vi.	At least one of the following conditions related to scientific studies, and achievements should be ensured; <ol style="list-style-type: none"> To have participated in least three original research articles with the applicant being the first name in two of them published in the journals registered in the Turkish Medical Index To have at least one original research article published in the medical journals registered in SCI (Science Citation Index), SCI-E (Science Citation Index-Expanded), SSCI (Social Science Citation Index) or AHCI (Arts and Humanities Citation Index) with the applicant being the first name To have at least three research articles published in the medical journals registered in SCI, SCI-E, SSCI or AHCI, two of them being original research articles

of Health Services, perform an oral examination concerning subject matters of the specialty fields of the candidate, and evaluate, rate, and record in detail candidate's professional knowledge, training, research, and teaching capability, and skill. in their reports. If the average of individual evaluation points of each jury member is ≥ 60 pts, then the candidate should be considered to be successful. However oral examinations have not objective evaluation criteria in that the questions are incompletely structured, and the candidates are not requested to answer similar or the same questions.

The candidates who think that they were eliminated unfairly during oral examination can resort to administrative jurisdiction. The supplementary oral examinations are not against the law, as is the case with all other administrative procedures, possibility of potential illegalities exist concerning competency, authorization, design, aim, subject matter, and intention inherent to oral examinations which are open to judicial auditing. Currently the methods of auditing, and whether decisions especially taken by the Council of State related to some oral examinations are valid for all oral examinations are an important subject of debate in the literature of the Turkish Administrative Law.^[4] Previous decisions of the Council of State about oral examination results were based on the compliance of design/method of the examination with laws, and inability of auditing oral examinations with various justifications including "... since in oral examinations a relevant written evidence is not available, there is no way to audit by expert review whether or not the candidate passed the examination ...",^[5] "... by its very nature of oral examination, performance of the candidate can be evaluated only during the examination. It is obvious that if

detailed audiovisual or written records are not kept, candidate's performance during oral examination can not be assessed later or sent for expert review",^[6] "... since the subject of evaluation is the performance of the claimant during oral examination, it can not be adjudicated at a later date ..."^[7]

Two decisions issued by the fifth, and twelfth chamber of the Council of State in the year 2008, represented a serious breaking point in the case-law of Council of State, and its jurisprudence which was not in compliance with previous constitutional requirements changed, and came to a point which should be.^[8-10] The decisions which determine new jurisprudence protocol of the Council of State are summarized as follows; "The Administration can not pretend to perform procedures, and activities which annul or make the principles of the state of law impossible to implement.", for judicial auditing some inherent characteristics of oral examination should be recorded, issues related to the inadequacies, and failures should be clearly stated...", "...in compliance with the assessment and evaluation criteria, the questions, and answer keys prepared and recorded beforehand by relevant administration, and examination board, and grades given by each member of the examination committee should be explicitly stated (in case of a failing grade, its justifications should be recorded)....", "...it is an obvious fact that audiovisual recording of responses given during oral examination with the aid of technological facilities is an important, and appropriate procedure which allows objective judicial auditing, and realization of principles of state of law", "...besides consideration of the responses given by the claimant as inaccurate, and inadequate because lack of audiovisual recording with the aid of the technological facilities has been found to be incompliant with the relevant laws."^[9-11] With these decisions,

Table 2. Application to the assistant professorship, and appointment process

- i. The rectorship announces vacant positions in assistant professorship in advertisement page of one of the five newspapers with the highest circulation all over Turkey. The vacant positions are announced to relevant units of all universities, and higher technology institutes to be advertised. In these advertisements a period of at least fifteen days is allowed for the application of the candidates, and the deadline of the application is indicated
- ii. The applicants for the vacant positions of assistant professorship are subjected to foreign language examination organized by the administrative board of the faculty in the presence of three selected jury members. The candidates translate bi-directionally a Turkish, and an English text each containing 150-200 words concerning the discipline of the applicant
- iii. Applicants who succeed in the foreign language examination submit their CVs, scientific investigations, and if available their publications to the relevant dean's office within three days of announcement of the results of the foreign language examination
- iv. Dean ascertains three professors or associate professors related to the discipline applied by the candidate(s) within 15 days to evaluate the academic status of the candidate(s). This jury comprise of the director of the unit which requests candidate(s) for the vacant position and other jury members selected from other university or institute of higher technology Dean, sends documents of each candidate to these academicians, and requests them to express their written opinions within a month
- v. After receival of written opinions of the jury members, dean discusses the subject in the first executive meeting, and takes individual opinions of the members. In case of more than one applications for one vacant position, steering committee express its preference with its justifications. Dean submits the relevant file to the rector with his/her opinions, and comments
- vi. Rector makes a decision in favour or against the appointment, and performs necessary procedures

Council of State can be said to target clarity, objectivity, impartiality, more effective judicial control, and decrease in the doubtful attitude towards these types of examinations.^[8]

Since any case submitted to the court related to the appointment to the chief residency, and relevant adjudication have not been encountered, and in consideration of different decisions of the Council of State about two similar examinations, it is impossible to predict the decree given by the administrative justice in similar cases. However in cases noncompliant with the legal procedure the solutions to the problems are pregnant with uncertainties, and controversial issues. For example: "Will the examination be annulled?" "Will the candidate who passed the exam be replaced by an unsuccessful applicant?" "Will both candidates be appointed to the vacant positions?"

Appointment to the position of assistant professorship

Appointment to the position of assistant professorship is realized in accordance with the legal provisions of the Article #2547 of the Higher Education Law and Article #17588 related to the Regulations concerning Appointment and Promotion to Teaching, and Research Posts issued in the *Official Gazette* dated 01.28.1982 (issue #17588). For the application to the position of Assistant Professorship, the applicants should have a PhD degree in his/her specialty of medicine or they should be qualified in a branch of art specified by the Council of Higher Education upon recommendation by Interuniversity Council. In accordance with the relevant regulations this process follows the steps indicated in Table 2.

However as can be seen, significant difficulties are experienced in the reflection of this process on actual life. First of all, in all

announcements of the vacant positions for assistant professorships, additional qualifications are required. Universities have a right to demand additional qualifications for the position of assistant professorship. However in compliance with Article #2547 of the relevant law, these additional qualifications should exclusively aim to increase scientific quality, and be objective, and auditable in consideration of the differences among disciplines of science. It is not possible to say that stipulations of this article are implemented in daily practice as they should be. Whether many additional qualifications requested from the candidates aim to increase scientific quality or describe the person to be appointed to the position is a debatable issue. For example, the candidates have been requested to perform studies on many diverse subjects including: "Investigation of the impact of anastrozole on rat testis in an experimental rat model", "CLAVIEN grading in percutaneous nephrolithotomy complications.", "The effect of cold stress on bladder." "To have studies on micropercutaneous nephrolithotomy." "Medical prophylaxis in cases with retrograde intrarenal surgery, and pediatric urolithiasis." If a case is opened against these requested qualifications, inclusion of these additional specifications within the frame of the relevant law is audited by judicial bodies. Besides, in accordance with the current legislation, it is possible to consult an ombudsman before resorting to the jurisdiction Any condition and stipulation in the advertisements which might define a certain person or a staff is a cause of annulment of the relevant announcement for vacant positions.^[12] Critically important judicial decisions are available on this subject. For example 8. Chamber of the Council of State has brought in a verdict in a disputable issue stating "In this disputable issue, dissertation on *The History of the Fatimid Empire* which is requested for appointment to the vacant position somewhat describes a certain identifiable person, and justifications of

such a request for this post could not be advocated by the defendant in administration. Since the procedure in question is not in compliance with relevant articles of the law, the advertisement should be cancelled, and administrative court should approve this decree with the cited justification.”^[13]

Even candidates who apply for the vacant positions which do not require highly specific additional qualifications or those requesting qualifications which more than one candidate may possess as “Experienced in andrology, cystectomy or laparoscopy” document their passing grades in central language proficiency examinations in English performed in accordance with the regulations of YÖK (The Council of Higher Education), it is compulsory for them to enter, and pass foreign language proficiency examination realized by the faculty. In this examination, the candidates should translate a Turkish, and an English text each containing 150-200 words from Turkish into English, and *vice versa*. However this procedure can be used for bad. A graduate of a medical faculty which gave education in English, resorted to the administrative court when he got failing grades in the foreign language examination organized by the faculty. The experts detected the same erroneous key translations in some answer forms, and unanimously concluded that the examination was not exempt from any doubt, and it is not based on scientific, and objective criteria which resulted in cancellation of the procedure in dispute.^[14]

As is clearly seen from the legal regulation, another one of the most important stages of placement in an academic post, is related to impanel a jury, and jury members' fulfillment of their duties, and judicial discretion. The most frequently encountered problems during this process is to impanel a jury against the conventions of the legislation, and violation of discretionary power in the reports of the jury members.^[12] Dean should be extremely attentive during selection process of jury members. A relationship of any kind should not exist between the applicants, and jury members. As academic members of the faculty, both spouses should not be in the same jury. The dean should consider the decrees of the Council of State which states that jury member should not collaborate with the applicant in preparation of an article or a presentation, otherwise jury members will be unduly appointed, and cast a shadow on objectivity, and impartiality of the assessment of the jury. Appointment of an academician who previously indicated a negative opinion about the candidate in a jury is deemed to be illegitimate in that such an approach will impair objectivity of evaluations.^[15-17] Indeed, as a first step of judicial auditing of the jury decisions, jury is assessed as for its formal organization. In fact a decision of Council of State indicated that the decisions taken by the jury which is formed according to conventions can be subjected to judicial auditing as for their contents, and basic concepts.^[18]

The objectivity of the assessments of the jury members about candidates during reporting process is another subject of debate in the literature of Turkish Administrative Law.^[19] Although scarce number of people have advocated that such an evaluation is left to the discretion of the assessors, many legal experts, and as understood from its decisions, Turkish Council of State entertained the following opinion “whether a jury members consider a work success or failure seems to be a matter of appreciation, however these are also technical evaluations, and appreciation has no place in a technical issue.”^[19,20] Jury members responsible for the appointments to the vacant academic positions have the duties to prepare objective, and auditable reports, and declare the order of preference among candidates in consideration of auditable justifications including applicants' academical publications, originality of studies, referenced, and cited studies, contributions to national and international scientific activities, and current, and previous assignments.^[12] In academic appointments, in cases opened against assessments of jury, administrative judiciary bodies audit, and inquire the case by their experts.^[20] Experts are responsible to determine whether the report of the jury is impartial, and auditable, and in case of discrepancies they openly demonstrate contradictory issues with relevant justifications. Besides they are obliged to make objective, and auditable evaluations, and if applicants are more than one, then they list the candidates from top to bottom based on their qualifications.^[12] If the panel of experts assigned by the judiciary body arrives at a different conclusion than the jury, the judiciary body generally cancels the procedure with justifications of violation of rating, and evaluation criteria and/or contrariety to law.^[20] However, during judicial auditing generally, quantitative, rather than qualitative assessments are made. Academic impact factor determined by the number of publications, studies, and citations is used as the only criterion, while the format, value of the studies, and the journal they are published are not taken into consideration, and subsequently universities obey the decisions of the court.

Examination for associate professorship

In our country associate professorship has been accepted as an academic title-university lecturer- in compliance with Article 4936 of the Law on Universities dated 06.18.1946 which indicated that candidates are licensed to use this academic title if they pass the examination specified in the relevant article of the law. Regulations for the terms of application to the examination, and format of the examination for the associate professorship have been modified many times, and the last modification entitled *Regulations for The Examination to the Position of Associate Professorship* was published in the Official Gazette (issue #27127) dated 01.30.2009. According to the provisions of this regulation, the qualifications indicated in Table 3 are required for the application to the examination for the appointment to the position of associate professorship.

Table 3. Qualifications required for application to the associate professorship

- i. To complete one's training in a medical specialty or a discipline
- ii. To submit the document that he/she got at least 65 points in language proficiency placement test in a national level university entrance examination by OSYM (Measuring, Selection and Placement Center) or in another language proficiency placement test whose equivalency is accepted by Executive Committee of Higher Education
- iii. After assumption of the title of specialist in medicine, the candidate's original scientific article(s) should be accepted by a journal for publication, and he/she should perform original studies in the specialty to be applied for vacant associate professorship;
 - ✓ At least three original research articles should be published about the studies performed by the candidate after he/she gained a PhD degree or a title of medical specialist. These articles, and studies should not be derived or cited from the postgraduate studies and/or dissertations (excepting subspecialty thesis) published in journals registered in SCI-E, SSCI or AHCI, and the candidate should be the first name in at least one of these three original research articles

This examination is realized in two stages as examination of the candidate's achievements, and oral examination.

Upon recommendation of Board of Examination for Associate Professorship, the jury of seven professors (five permanent, and two substitute members) from the applicant's discipline assigned by the Interuniversity Council evaluate each of the academic works of the candidate. The candidates found to be successful in the evaluation of academic works by absolute majority of jurors' reports are subjected to oral examination. The candidate who passes the oral examination is endowed the Certificate of Associate Professorship by the Interuniversity Council.

The first problematic issue is encountered during determination of minimum scientific proficiency required for the application to the examination. For years, evaluation of scientific proficiency of the candidate was left to the mercy of jury with a general requirement of 'to perform original scientific research, and publications'. However in the year 2005 'Regulation of the Examination for Associate Professorship' was modified, and application criteria were partially standardized and changed to 'minimum academic requirements. 'However adequacy of the criteria in question is an important subject of debate as Kalyoncu stated' ... thanks to this new regulation a publication burst occurred in our country. However when publications were analyzed in detail, quality of publications is not as satisfactory as the quantity of them. The works of the candidate have been published in journals indexed in The Science Citation Index (SCI) or extended- SCI. However, many journals with equivocal quality published abroad are included in these lists, and almost every article which meets minimum criteria is accepted for publication. Every year journals indexed in these lists are increasing in number. The problem starts from this point, and unfortunately some researchers submit their manuscripts to these journals which readily accept them for publication. The author's recommended solution to this problem is that the articles should have a prospective design, and they should be published in journals with a higher impact factor, and active in this discipline.^[21]

Overwhelming stress of the necessity of increasing publications has led to increase in cases of ethical violations. Firstly in the year 2000, with modifications in the Regulations of the Examination for Associate Professorship, jury members was obliged to critically review the works of the candidates from ethical perspective. Besides, an organization of an ethics committee was required to evaluate ethical violations. As an outcome of this development awareness was raised about 'Research, and Publication Ethics', and academic community has become more attentive on these issues. However in the year 2009, Regulations for The Examination of Associate Professorship were reorganized, and ethics committee was abolished. As Ruacan put it "...rules, and applications derived from years of experience has been erased. With this regulations, contrary to concepts, and conventions in all developed countries, ethical violations were evaluated from a legal perspective rather than academic point of view. The authorization of investigation, and evaluation had been taken from Interuniversity Council, and transferred to Council of Higher Education. Ethical violations have been reduced only to "plagiarism", and the candidate was refrained from entering the examination. However the most critical point of the new regulation is emphasized in Clause #6 of the Article 7. "If the claim is unfounded, then the process of promotion to associate professorship restarts, and the responsible jury member is subjected to legal, and administrative investigation if the same condition persists.."I think that the wording of this clause aims to discourage teaching staff from evaluating, and declaring ethical violation.^[22]

Even though application criteria for the examination of associate professorship are relatively impartial, it can not be said to be valid for the jury, and phases of oral examinations. Other problematic issues during the process of associate professorship are related to the biased decisions during phases of critical analysis of achievements, and oral professional scientific examination. Since the phases of selection of jury members, and judicial auditing of the oral examinations have been previously described in detail in relevant sections, so we haven't dealt with them again.

Let's remember two tragic examples experienced in our country in the year 2013 which demonstrated, and confirmed illegalities

in the assignment of jury members, and examination committee for associate professorship, nonscientific attitudes/behaviours required from the candidates, and political opinions. Auditing Board of Higher Education investigated the claims of illegalities made in many examination for appointment to the posts of associate professorship and concluded that. The Examination Committee for Associate Professorship, discriminated between candidates with the same qualifications without expressing clear-cut, and acceptable justifications. Besides, the Committee assigned a jury with three members for the examination of the candidates for whom the jurists express their favourable or unfavourable intentions beforehand..." These jury members thus facilitates passing or failing of the candidates Even in some cases, in juries with 3 permanent, and 2 substitute members, 2 permanent, 1 substitute or 1 permanent, and 2 substitute members come from the same university or even jurists, and the candidate can be from the same university. Consequently, results of the examination to be performed are known (favorable or unfavorable) beforehand..." "Then the Auditing Board prepared a report about members of The Examination Committee for Associate Professorship which included rectors of various universities, and in compliance with relevant articles of Turkish Criminal Law (TCK) demanded trial for professional misconduct.^[23]

In the second example a faculty member of a jury sends an e-mail to the other member of the examination jury about a candidate to be evaluated in the examination of associate professorship stating: "Dear Professor... How do you do? I hope you are OK, and all is going well. As we have talked before, this candidate is a dear friend of mine. I hope the attached file will help you." This electronic mail was mistakenly sent to e-mail group of The Coordination Committee of... Engineers. Then some committee members claimed that this e-mail was not ethical, and sent for preferential treatment. Finally, the subject was communicated to the Directorate of the Council for Higher Education, and made public.^[24]

The process of becoming an academician, and academic ethics

Sine qua non of an ideal academic life includes academic freedom, autonomy, ethics, merit, and activity. Academic ethics is a subbranch of ethics, and deals with all ethical issues related to all academic activities. In other words, "Academic ethics encompasses all issues known, and witnessed by all academicians, but some of the academicians pretend ignorance or overlook these virtues, while the others keep their silence so as to maintain *status quo*".^[25] Young urologists are confronted by two major ethical issues which are related to administrative affairs, and themselves, namely academic qualification, research, and publication ethics.

Prioritization of academic qualification is a prerequisite for the scientific development, and one of the important subject matters of academic ethics. Indeed as Örnek Büken stated, "All people sharing academic life, work systematically for years, create, and publish their achievements for the benefit of science, and community. Then in line with fundamental criteria designed based on predetermined principles, and rules, they apply to institutions to attain their desired posts. In all these stages, they fulfil certain obligatory performances that fall to their share, and anticipate appreciation of their performances based on these criteria. In a sense, this process involves inquiry, and assessment of an academician's life-consuming services, and labor. As a result of this self-control mechanism, academic qualification is evaluated. Therefore all of these processes, and tasks require a critically important concept of responsibility."^[25] In accordance with these fundamental values, Turkish Academy of Sciences has drawn the borders of the ethical frame which a scientist should comply with as follows: "A scientist accepts academic qualification as a fundamental criteria in all phases of academic life, and in tasks involving teaching, management, and academic assessments. He/she never violates fundamental ethical principles, and do not tolerate their violation. Provision of inadequate education, copying, trespassing the scientific merit rating criteria in academic promotion, and award juries, favoring certain candidates, and similar conducts can not be tolerated".^[26]

Nowadays, one of the most fundamental problems of Turkish higher education is lack of serious criteria about the academicians who will produce scientific knowledge in the universities. In parallel with this issue, most of the administrative bodies resort to unethical attitudes, and behaviors in appointments, and promotions of academicians including arbitrary behaviours, disregarding candidate's merits, favoritism-promoting his/her team/intimates-, and stand in one's way. Unfortunately, from their establishment up to now, in the strict sense of the word, universities have never had gained their independency, and autonomy, and they were exposed to the despotism of ideological, political, and administrative power groups. Complex, and intriguing relationship between politics, and the academic world seems to be the underlying basic cause of unethical attitudes, and behaviours displayed during the appointment, and promotion process of academicians.^[25,27]

Within the context of relationships among academic, ethical, and political issues, Lysenkoism is a historical example not to be forgotten. As an argonomist, Lysenko who conducted so-called 'scientific studies' in compliance with (!) economical, cultural, and political conjuncture of that era, and introduced a simple agricultural technique which was used by many farmers, and described it as 'vernelization.' He rejected genetic principles of Mendelism, and advocated Neo-Lamarckism which lived out its scientific life long before. Neo-Lamarckism asserted the concept

Table 4. Types of scientific deceptions.^[30]

i.	The right of authorship
ii.	Piracy, Purloin, Plagiarism
iii.	Fabrication
iv.	Duplication
v.	Salamization
vi.	Disrespect to human-animal ethics
vii.	Biased selection of references
viii.	Conflict of interest

that environmental changes cause permanent genetic modifications, and Lysenko described the genetics as 'Bourgeois science'. His viewpoints were popularized, and received a serious political support by Marxist-Leninist government of that time which was ready to adopt any miracle which might increase agricultural crop, and eager to prove superiority of Russian scientific development against 'capitalist-bourgeois science' Besides Russian statesmen had a desire to promote scientific activities of the common people rather than bourgeois, and a prospect to change the genetic makeup of the current, and thus future generations with their efforts to 'create' a new mankind. With his political power Lysenko intimidated all scientists who were against his opinions under an overwhelming pressure, and externalized them 'in the name of science.' This personality became a national hero in the United Soviet Socialist Republics between the years 1935-64. This is an important example demonstrating how science supported by political power can design scientific policy with nonethical methods.^[28]

One of the most fundamental problems of higher education in Turkey is to evaluate scientific quality in consideration of the number of publications, and especially articles published in international medical journals with the thought that 'level of contemporary civilization can be attained' by increasing number of publications.^[29] Though recently with a striking increase in the number of publications, Turkey has climbed to upper rows, our universities do not rank among the best universities of the world, and our standards of living lagging behind most of the countries which are below the list of scientific publications, apparently reveals the invalidity of this prevailing viewpoint. Unfortunately, this perspective is still dominant in our academic life which generates a serious pressure on our young scientists forcing them to increase their number of publications.^[29]

Under the overwhelming thought of increasing his/her publications, since any sanction is not implemented in case of violation of ethical codes, young specialists who want to climb the steps of the academic career rapidly can disregard some ethical principles deliberately or unintentionally. Frequently seen significant types of scientific deceptions are presented in Table 4.^[30]

Conclusion, and recommendations

Obligatory military service, and public services are not required from every young urologist, besides varying periods, and conditions of these services create an opportunity gap among young urologists who want to be an academician. Therefore with required legal regulations this inequities should be eliminated. Under current circumstances, working conditions of the young urologists who are obliged to perform their military, and public services should be improved, institutions providing academical consultancy services should be established, and postgraduate education should be generalized. It is possible to remodel universities adhering more strictly to autonomy, freedom, ethical values. Universal principles, and regulations should be observed so as to evaluate not the number of publications, but also academic activities as the criteria of objective appointment/promotion. Besides with construction of multifaceted academical performance systems, arbitrary/volitional oral examinations, and organization of juries can become auditable, and impartial. Examinations testing language, and professional proficiency should be conducted from a central examination system as far as possible so as to allow more objective evaluation.

Our country possesses academicians with international reputation. Opinions of these scientists can be taken to solve all of these problems, and necessary improvements can be made. Although solution methods of the problems are very simple, and accepted by many academicians, under current circumstances solution of these problems seems to be impossible. Indeed in today's Turkey, feudal relationships rather than competency are used as criteria of appointment, and promotion. As expressed in Uzbay's own words" "Whoever says whatever, irrespective of the criteria used, in our country in gaining a scientific title fidelity comes before the competency."^[29]

Finally, violin virtuoso Lico Amar of Hungarian descent decided to leave the university which he had been serving for nearly for 15 years. When his fellow lecturers asked the reason, his meaningful response which also reflects reality of our country was" Well, I couldn't do what I want... I submitted numerous reports. Many officials with whom I discussed the problems, agreed with me without any objection, but did nothing at the end. You put someone in jail. Even the walls are made of steel, the prisoner uses his/her hands, nails, and every possible means to escape. Even he/she can not make a hole, he succeeds in carving the wall. In Turkey walls are made of rubber. When you press your fist, it enters into the wall, and when you withdraw the wall takes its original shape. How can you fight with this attitude. If the wall shows resistance, you make every effort to make a hole. However it does not resist... How can you struggle with those who come into terms with you?"^[31]

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