



The legal rights of child workers in the working life from Ottomans to the Republic¹

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Abstract

The economic structure of the Ottoman Empire was consisted of agricultural production and craft enterprises based on agriculture. As a natural consequence of the production structure that is far away from industrial production, the proletariat that was occurred in Europe was not form in the Ottoman Empire. Not forming of the proletariat prevented the formation of the social policies that influence the working life in the country. In fact, after the industrial revolution, production in Europe started in factories. The process that started using the steam power in machines changed the structure of production and gave factories prominence. Besides the factories were conducting production in a way that meet the needs of the region where they are established, offered significant job possibilities in the cities. Industry that slowly developed as of the middle of the 19th Century in the Ottoman Empire continued at some enterprises established in several large cities, but social policies for the working life could not developed. However, also the child workers were taken place in this restructuring. But, the social policies for child workers who establish the part of the working life were not developed due to the same reasons. After demolition of the Ottoman Empire and with the proclamation of the republic, positive developments were observed in social policies, but these developments were not reflected to child workers properly. The first regulation in Turkey in real terms for child workers was started establishing only in 1930ies. Although the first policies for the working life in the industrialized countries of Europe were directed to child workers, in the Ottoman Empire and in the first years of the republic in Turkey, the due importance was not showed to child workers.

Keywords: Child Workers, Working Life in Ottomans, Working Life in Turkey

1. Introduction

The Industrial Revolution, perhaps, is the most remarkable change in the history of mankind. Change, sometimes positively and sometimes negatively, has an impact on every part of life. Whilst the cheap and high-quality industrial products, city life, nations getting richer and richer represented the positive sides of the change, the income inequality and enslaved working class represented the negative sides. The price of abundant and cheap production reflected on workers and made them the slaves of the era. In order to reduce the production costs producers exploited human labour without regard to their gender or age. Simonde de Sismondi gave voice to this negative circumstance with these exact words (Nouveaux Principes D'économie Politique, translated by Talas, 1955: 13): "Workers without having enough money to live will think of getting married, because the woman comes with her salary. And in a few years children will start working at a very young age so that they can see through their parents' income. This incident causes fast growth in population ergo it promotes the competition between workers and enhance their poverty. The first outcome of this competition is a decrease in worker's salary and an increase in workers number at the same time." The predicament of workers in Industrial Revolution can be clearly seen in the words of Simonde de Sismondi. Child labour, forming a part of the cheap labour in production occurred in this ill structure defined by Sismondi. Child workers, forced to work in every fields of industry as if they were adults became the most devouring part of the change following the Industrial Revolution. Although the child labour is a concept older than Industrial Revolution, the demand of cheap labour by those who control the production forced the children to be a part of the hard working conditions in industry (Talas, 1955:13).

In the beginning of the XIX. century, seeing children working at every field of industry became ordinary in Europe. At the age of education and play, children being obliged to work in heavy conditions became a social problem. Under the circumstances, socialist thinkers of the time produced ideas which the inauguration of the social policies towards working life. In 1815, Robert Owen lowered the shifts from 17 hours to 12 hours in a day and refused to employ children under the age of 10 (Talas, 1955: 35). In 1819, his innovation leaded to the act. outlawing the employment of children under the age of 9 and unsocial working hours for the children between the ages of 9-16 (Talas translated from Babel, 1955:36). Later in France, with

¹ In this study, it is aimed at reviewing the position and legal rights of child workers in the Working Life from Ottomans to the Republic.

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the enactment in March 22-24, 1841, it was outlawed to make children between ages of 8-12 work more than 8 hours and the children between the ages of 12-16 more than 12 hours in a day (Gülmez translated from Brizon, 1983:92). Regulations such as these ones made in XIX. Century had no legislative function in protecting children, except for representing an inception in their field. Awareness towards the abuse of child labour in industrialized countries developed only after twentieth century.

II. Child Labour and Their Legal Rights in Ottoman Empire

Ottoman Empire, intensely, used child labour in agriculture and craftwork until XIX. century. In the absence of industrial businesses, children often employed to get a job when they grow up. The child labourers of the time consisted of children who helped their parents in the country and worked in craft workshop.

Industry was established in Ottoman Empire after XIX. century when European industry awakened to the feedstock in Ottoman territories. Even though they were paltry, industrial businesses were established in cities such as Istanbul, Thessalonica and Izmir by government or with foreign capital. Also the coal mines, being the main raw materials of industry, became operational in this century. At first the labour force provided from soldiers due to lack of qualified industrial workers in the country (Karakışla translated by D. Quataert, E. J. Zürcher, 1998: 28). In foreign companies, the qualified labour force provided from other countries (Tezel, 2002: 98). As the number of industrial companies escalated, the demand for labour force increased and working class gradually started to arise in Ottoman Empire. Industrialization process of Ottoman Empire laggardly started at the time when the effects of Industrial Revolution were most preminent. The working life in Ottoman Empire was diversified when industrialization took place. Industry supervened the working structure depended on agriculture and craft for long years. Both the number of industrial workers and firms were very few in Ottoman Empire at the end of this century (The First Statistics Annual of Ottoman Empire 1897, 1997: table. 201).

Table 1. Beginning of the century of the Ottoman Empire Industrial Enterprises

Regions	Flour Factory and Mills				Flour	Silk	Cotton
	Summary	Total	Moving Steam	Moving With Other Tools			
Edirne	3 462	3 427	20	3 407	1	5	29
Aydın	1 506	1 408	25	1 383	-	30	68
Erzurum	2 413	2 413	1	2 412	-	-	-
İşkodra	37	37	-	37	-	-	-
İzmit	186	174	1	173	11	1	-
Beyrut	510	479	13	466	4	-	27
Bitlis	894	894	-	894	-	-	-
Bağdat	95	90	4	86	-	-	5
Biga	90	90	4	86	-	-	-
C. Bahr-ı Sefid	175	133	13	120	-	-	42
Çatalca	26	26	1	25	-	-	-
Halep	1 005	1 005	8	997	-	-	-
Hudavendigâr	53	43	8	35	-	-	10
Diyarbakir	831	831	-	831	-	-	-
Zor	54	54	-	54	-	-	-
Selanik	1 408	1 385	-	1 385	2	3	18
Suriye	284	283	-	283	1	-	-
Sivas	21	20	-	20	-	-	1
Şehr Emaneti	112	104	2	102	1	2	5
Trabzon	2 224	2 215	4	2 211	-	-	9
Kosova	1 482	1 479	1	1 478	-	-	3
Kastamonu	446	455	-	445	-	-	1
Konya	451	450	9	441	-	-	1
Kudüs-ü Şerif	163	163	68	95	-	-	-



Manastr	1 518	1 511	9	1 502	-	-	7
Mamuretülaziz	1 104	1 100	5	1 095	3	-	1
Musul	1 300	1 300	-	1 300	-	-	-
Van	524	524	-	524	-	-	-
Yanya	1 463	1 456	1	1 455	-	-	7
Total	23 873	23 539	197	23 342	23	41	234

When we take a look at the structure of child labour in Ottoman Empire, in the last periods of XIX. century, we see that it formed no different structure comparing to child labour in Europe industry. The children whom were seen as cheap labour force, also occurred in the Ottoman Empire. Children labour was used in different fields of industry such as chemical production and mines and as is for adult workers they had no social rights in their working life. Besides that, no age limit for employing child labour took place in statutes. At the time the only separation between adults and children was their salary.

Both the number of industrial companies and child labour increased when twentieth century arrived. The child labour was spread country-wide especially at the last periods of Ottoman Empire . And it became natural to see child labour in every field of industry. Usage of child labour as though they were adults constituted a prominent problem in social aspect. Notwithstanding to foregoing, the problem only reflected by working class (Ökçün, 1981:431).

III. Child Labour and Their Legal Rights in the First Years of Republic

A new era began when Ottoman Empire fell and Republic of Turkey was established. From government to social life, many changes took place expeditiously. From the day assembly was opened, initially the laws, a very different understanding from Ottoman Empire's was in charge of the country. Social policies towards working life were also affected from this change. The assembly, founded in war of independence, did not forget about the social policies towards working life and accordingly, in 1921, an enactment was made towards the mines of Eregli district. Although the "Act. Involving the Rights of Mine Labourer of Eregli Coal Field" was similar to Dilaver Pasha or Mines Regulation, its second article made this law different from the other two (T.B.M.M, Secret Hearing Minutes Volume I, 1963:176); "Forced employment, compulsory labour of labourer and employment of those under eighteen is forbidden." With this article, the first regulation towards child labour rights was made in Turkey.

Later, the problems of child labour were mentioned in Izmir Economic Congress, 1923. The article "Opening free boarding schools or allowing four hours of labour in light duties to prevent children under twelve from working at occupation businesses and customs bureau" in Economical Principals of Working Class was a sign of laggard process of understanding the importance of protecting child labourers in working life. As the industry developed, the number of child labour was promoted and became a part of important social problems of the country.

The number of child labour in industrial firms in Turkey was, inexactly, revealed after the population census in 1927 (Statistics 1928, 1928:110).

Table 2. Workers under 14 years of age (1927)

Male		Female	
Turk	Foreign	Turk	Foreign
14.507	70	8.074	33
Total		22.684	

In this census, it was detected that 22.648 out of 147.128 workers in industry were children. In industrial businesses of the country, 15% of the workers, being under the age of fourteen, showed the excessive number of child labour when the country's industry were considerably modest. In spite of the vast usage of child labour in every field of industry, no regulation towards children labourers, unfortunately, was made.

IV. Child Labour and Their Legal Rights in 30's



Most of the change in economic structure and working life in Turkey took place between the years of 1930-1940. The industrial businesses which were established country-wide with statism policy diversified and revived the working life. Industrialisation, and development of social policies towards working life occurred in the same process. Practices of statism had both direct and indirect effects on social policy. Important changes occurred towards social policies aimed at working life as the government became the biggest employer. When the legislative regulations towards working life were constituted, the child labour was not forgotten and protection precautions for child labourers were taken in the law.

4.1 Act. on Public Hygiene no.1593

The first regulation towards child labour was the Act. on Public Hygiene no. 1593. Act. aimed at protecting every individual in society without regard to their age (T.B.M.M Minutes Volume VIII, 1963:201): "It is government's duty to recover the medical conditions in country, struggle against the diseases or other factors threatening the public health, assurance of the health of future generations and of the medical and social assistance of people." The third article of the law stated the extent of protection precautions in subsections. Seventh subsection of third article of the act. stated as (T.B.M.M Minutes Volume VIII, 1963:201): "Assurance of the structure pertains to protection and improvement of child health in the jobs concerning child and teen hygiene" in the law. Health of the child labourers was guaranteed by government in Public Hygiene Law No.1593 with this article. There were four articles concerning child labourers. These articles are as follows (T.B.M.M Minutes, Volume VIII, 1963: 222-223):

Article 173: It is forbidden to employ children under the age of twelve, in any craft businesses such as factories or manufacturing shops and in mining works as labourer or apprentice.

It is forbidden to employ children at the ages of twelve and sixteen to work more than 8 hours in a day.

Article 174: It is forbidden for the children at the ages of twelve and sixteen to work after 08:00 p.m.

Article 176: Employing children under eighteen at pubs, cabarets, dance halls, coffee shops, casinos and public baths is disallowed by local municipalities.

Article 179: As subsumed by article below, a regulation is made by Economy and Social Security Ministries in order to secure the workers' health.

1- The medical qualifications and provisions that the business and their residences and premises etc. are subject to.

2. The precautions and means to prevent the occurrence of expected accidents and occupational or contagious illnesses caused by whole outfits, machines and primary materials used in business.

The jobs that are hazardous and adverse for health and forbidden for women and the children between the age of twelve and sixteen will be manifested in labour law.

Public Hygiene Law No. 1593 was the first legislation that made the concept of labour protection a matter of law. The thought of child labour protection appeared in the laws of industrialized countries in Europe was formed only after 30's in Turkey. The absence of labour law played a key role in late developed understanding of protection of child labour.

4.2 Labour Law No. 3008

The first actual legislative regulation towards working life was the labour law made in 1936. Although the Labour Law No.3008 was belated compare to its quasi in industrialized countries of Europe, it was significant for Turkey. Working class left to the mercy of their employer for almost a century, since there was no labour law, neither in Ottoman Empire nor in the first years of Republic. Hence the Labour Law No. 3008 was the milestone of social policy towards working life in Turkey. Despite many shortfalls in law, it was a positive development, particularly for those who worked under hard conditions.

Legislative regulations to protect child labour in Turkey took part in the Labour Law. Ten of the articles of the law were for child labour, are as follows (T.B.M.M Minutes Volume XVI, 1963: 849,850,853,869):

Article 48: It is forbidden to employ children under the age sixteen for more than eight hours in a day without regarding the job. The working hours of the ones attended to elementary school will be arranged to not hinder the children's school times and will be counted as a part of children's school times.

Article 49: It is forbidden to employ boys under eighteen and girls and women without regard to their age to work in jobs that require working underwater or underground such as mines, laying cable, canalizations and tunnel construction.

Article 50: I - It is forbidden to employ boys under eighteen and girls and women without regard to their age in unsocial hours.

II - For four years after this subject went into effect, depending on economic and societal necessity, Ministry of Economy can allow the employment of girls and boys older than sixteen and adult women in some industrial jobs provided exceptional and temporary.

In this case, the power of appointment and determination of conditions that women workers or girls and boys will be employed belongs to the Ministry of Economy.

III - In the case of reiteration of coercive reasons in workplace like unexpected or irrepressible accidents that occur in certain periods, the inhibition of working in unsocial hours in subsection (I), limited to this incident, can be voided for girls and boys over sixteen and women workers. Insofar; employee is obliged to notice the property, starting and finishing times of this incident in 24 hours to local government's relevant authority in occurrence of such incident.

Article 51: For the workers he employed;

a) Children between the ages of 12-16;

b) Children at the age of 16 and almost 18;

c) Women workers at the age of 18 or older;

d) Men workers at the age of 18 or older; each employer is obliged to take the minutes of those workers separately and record their names, birth dates, starting and finishing time of their shift, breaks, breastfeeding times for women with babies and the situation of pregnant women, and submit those minutes whenever the relevant authority of government requests them.

Article 58: The description of hard and dangerous jobs, inappropriate jobs for women and children at the age of 18 or less (including 18) and the definition of diseases caused by workers' job can be detected in the regulation that will be made by Economy, Health and Social Security Ministries, six months after it went into effect.

Article 60: Children between the ages of 12-18 must be examined by on-site doctor or in the absence, by government's or municipality's doctor to see if they are suitable for the job's conditions and nature, and receive a report suggesting their sufficiency. These reports are free from tax and picture.

At the date when law went into effect, if the children, at the ages aforesaid, was already working at a job, he/she will be examined by a doctor and will provide the report suggesting their sufficiency for the job and that is ready to be submitted when asked by an authorized officer, will be kept by the employee.

Article 61: Joint regulation that will be made by Economy, Health and Social Security Ministries will define the jobs that are forbidden for women with babies or women in different stages of pregnancy, the conditions and methods which they will be subjected to in the jobs that are appropriate for them and the obligation of establishing an inlet chamber or kindergarten in



workplaces in different conditions. This regulation will be published simultaneously with the one describes the work that are inappropriate for children under 18 and women work in hard and dangerous jobs.

Article 115: In accordance with the 58th article, the employer or his/her representative, who employs women and children under eighteen in these jobs oppositely to the decisions of regulation on hard and dangerous jobs will be fined with, at least, a hundred liras (100) and in addition to fine, will be sentenced to prison from a week to a month.

Article 117: In accordance with the 60th article, the employer or his/her representative, who employs children between 12-18 (including 18 years olds) in any work without doctor's report or who did not make the children currently works at the same workplace undergo an examination and did not submit the report about these children in the case of request will be fined with 50 liras (at least) according to second subsection of same article.

Article 118: 1) In accordance with 61th article, the employer or his/her representative, who employs pregnant women or women with children for jobs that are forbidden for them, against the decisions of regulation , will be fined with ,at least, 100 liras and those who disregard the conditions and methods decided in the regulation will be fined with, at least, 50 liras.

2) In accordance with the decision of regulation in the same article, the employer, who did not established an inlet-chamber or kindergarten with respect to regulation in specific respite, will be fined with, at least 25 liras and at-most 100 liras.

In 30's when the change in Turkey was most effective in every field of life positively changed government's approach to child labour problem. Labour Act. in 1936 attested the established understanding of protection of child labour in Turkey. The number of child workers working at the businesses put the importance of act. forward (D. Quataert, E. J. Zürcher translated from Yavuz, 1998: 28).

Table 2. Workers under 14 years of age (1935)- Industrial Enterprises

Industrial Enterprises	Child Workers %
Agriculture	26,7
Mining	1,6
Non-Metallic Mining	2,6
Construction	1,3
Wood Production	4,9
Iron	6,8
Machine	2,4
Chemical Products	1,8
Textile	6,6
Paper and Paper Products	2,6
Iron and Repellents	3,6
Food and Drink	3,3
The power, gas and water supply	0,8
Technical and Administrative	0,3
Sundry	7,0



Trade	1,7
Transport	1,7
Administration and Services	0,4
Domestic Economy and Personal Services	14,1

5. Conclusion

Working life in Ottoman Empire underwent a fundamental change in the industrialization process started in the middle of XIX. century. Working class arisen and became a part of the societal structure. Thus the concept of child labour developed as a part of working class. Children as our future, to be seen as cheap labor was one of the rueful consequences of industrialization in Ottoman Empire. It became ordinary to see children labourers working in chemical production or mines. The child labourers working at businesses had no social rights in Ottoman Empire. All children employed in the industry without regard to their age. The government did not consider intervening to this societal problem developed after industrialization.

Child labour problem, first, became a part of the "Economical Principals of Working Class" stated by workers representatives in 1923 Izmir Economic Congress. Social policies towards children labourers took part in Law on Public Hygiene no. 1593. Law on Public Hygiene no.1593 was important for being the first legislative act. for child laborers. The first actual legislative regulation towards child labourers was the labour law no.3008 made in 1936. Labor Law included many positive regulations like reporting child labourers, inhibition for dangerous jobs, age limitation and working space. Despite the positive sides of the regulation; because of the article (T.B.M.M Minutes Volume XVI, 1963: 837) "The law, in order to function without problems, only applies for businesses required ten or more employees, workers employed in these businesses and their employers." many of the child workers excluded from the act.

In succession from Ottoman Empire to Republic of Turkey, it was seen that laws towards children had numerous flaws. The idea of preventing the child labor or protecting the child laborers is caused by the flaws of the state's understanding of the social politics towards work life.

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