

The Historical Transformation and Conceptualization of Evlatlık System: Laborers Or Apprentices?

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Evlatlık Sisteminin Tarihsel Dönüşümü ve Kavramsallaştırılması: Çocuk İşçi mi Çıracak mı?

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Abstract

This paper attempts to examine the transformation of the traditional evlatlık institution into a modern form of unfree labor by the end of the nineteenth century. It focuses on the changing character of the relationship between child laborers and their masters both in historical and theoretical framework and diagnoses its modern characteristics both in labor relations and working conditions. After exploring historical background of the evlatlık institution, it fixes the problems regarding the legal positions of the female child laborers under modern social and economic conditions.

Keywords: child labor, child-adoption, unfree labor, domestic labor

Özet

Bu makale geleneksel evlatlık kurumunun on dokuzuncu yüzyıl sonunda zorunlu emekçiliğin modern bir formuna dönüşümünü ele alır. Çocuk işçilerin çalışma koşulları ve hamileri ile aralarındaki iş ilişkilerini tarihsel ve kavramsal çerçevede irdeler ve çalışma koşullarının modern niteliklerini ortaya koyar. Evlatlık kurumunun tarihsel arkaplanı ortaya konduktan sonra kız çocuk işçilerinin modern toplumsal ve ekonomik şartlarda hukuki durumlarına ilişkin problemlerini tespit eder.

Anahtar kelimeler: Çocuk emeği, evlatlık, zorunlu işçilik, ev işçiliği

Historical Background

Nancy Folbre articulates the difficulty of locating children within the economic terms: "They tumble out of every category economists try to put them in."¹ Today, what differentiates a child from an adult and similarly how to evaluate the labor of children are still controversial issues. Looking at the historical perspective helps us to unravel the points where the slavery and *evlatlık* institution converge and diverge. To tell briefly, the trade of African slaves was abolished on the Ottoman lands gradually but the most effective law was made in 1857, mainly owing to the pressure of the English policy. This event triggered the forthcoming ban of white slavery.² Thus, owning new slaves or buying and selling children as slaves was considerably hard though some of the already-existing slaves continued to exist in their slave status.

Simultaneously with the abolishment of slavery, Ottoman Empire faced some newly appearing social problems. One of these was the situation of the surviving female children left behind the devastated families as a result of the long-lasting wars through the nineteenth century. Not only Ottomans but in the whole world, it seemed to be a serious issue since it was only after the First World War the laws that let to adopt a child were made with the help of pioneering countries such as England and US.³ It was very expensive for the governments to build shelters and rear these kids under state inspection. Thus, the most ergonomic and economic way was to make the legal process for adoption more accessible. However, in the Ottoman case, adoption- in the modern sense- was not available. Adoption was restricted to caring for a child without having him/her registered in the family name. *Evlalık* institution existed

¹ Nancy Folbre, "Children as Public Goods," in *The Economics of Family* ed., Nancy Folbre, (The International Library of Critical Writings in Economics 64) (Cheltenham, Brookfield: E. Elgar Pub.Ltd., 1996), p.86.

² Hakan Y. Erdem, *Osmanlı'da Köleliğin Sonu 1800-1909* (İstanbul: Kitap Yayınevi, 2006), p. 138.

³ Ferhunde Özbay, *Turkish Female Child Labor in Domestic Work: Past and Present* (İstanbul: ILO/IPEC, 1999), p. 10.

within these limits without seemingly causing problems in the traditional social structures. Adopting a child did not necessarily lead to have legal rights of inheritance and fortune, but adopted kids had a chance of well-being and good future. By the turn of the nineteenth century, the social position of the adopted children began to deteriorate.

Female children who lost their families because of mass migrations, wars and poverty replaced the domestic adult labor, which was carried out mostly by white slaves. The legal way of taking care of orphans was available since the government “started to give away orphans to the families as *evlatlik* in order to restrict their sale as slaves” in 1864.⁴ Ferhunde Özbay illustrates the increasing trend of getting *evlatlik* instead of slaves very satisfactorily within the figures of two censuses conducted in 1885 and 1907 in Istanbul.

The majority of them were females in both censuses. Slaves were in the majority in 1885(%58), but this percentage declined sharply to %21 by 1907. Whereas waged servants doubled, and *evlatlıks* tripled within this 22 years. These figures clearly support the changing nature of domestic servants at the turn of the century.⁵

The reason in the decline of the slaves obviously lies in the prohibition of slave usage. At the same time, the use of *evlatlıks* increased immediately after the relatively disappearance of slavery in domestic work. Another striking change is observed in the origin of the non-kin members in a household. The trend of getting slaves from Northern and Southern countries moves to Anatolia since it renders a great source of unattended children, most of whom were orphans. The unending wars and increasing poverty led the poor people in Anatolian villages to give away their children- especially female ones, since the boys were easily given to the state for military training- to the families in the cities for

⁴ Ibid., p. 14.

⁵ Ibid. p.17.

survival and protection. The figures⁶ below show the increasing popularity of having *evlatlıks* who originally came from Anatolia.

Place of Origin	1885 %	1907 %
North (Circassian)	37	12
South(Africa	26	08
Anatolia	06	31

The problem was that there was no restriction on adopting a child; on the contrary it was the state's policy to cope with the accommodation and survival of increasing number of female orphans in a cheaper way than keeping them in orphanages. One more concern of the state was the protection of these girls from becoming slaves. However, the beginning of this policy had just coincided with the end of legal slavery in the Ottoman Empire:

No matter how good intention had the state, mass distribution of girls as free servants to the middle class families certainly had an impact on the degeneration of the *evlatlık* institution.⁷

Thus *evlatlıks* became the new domestic laborers to fill out the immediate effects of absence of slaves in social life. In other words, as stated by Özbay, "*evlatlıks* were institutionalized form of bondage laborers."

The chain of wrong policies upon these children continued in the Republic of Turkey. When the Republican government made it possible to adopt a child legally –in the modern sense–in 1926, the objective was to protect the unattended kids again. Yet, this change of law increased the number of people who take advantage of the adopted girls for domestic labor since slavery was strictly and prohibited. Özbay marks the point that the number of such abused children increased under the disguise of

⁶ Ibid. p.18.

⁷ Ibid. p.20.

legal adopting after 1926.⁸ The misuse of the law was realized and some kids were taken back from the families. A very strict set of rules was implemented regarding adoption in 1960s. The complexity of the regulations of adoption in the present time is interpreted as a reaction against the wrong policies causing abuses in the past. Another regulation was made to prevent the modern forms of unfree labor in 1964. However, what was unpleasant was that domestic child labor continued a hundred years to take place under the disguise of *evlatlık* institution from 1864-the beginning of mass distribution of girls- to 1964 -the strict law against slavery and unfree labor. One more point that should be noted about the history of evlatlık institution is that this sketch of its history is not to say that it was totally corrupted. It is also well-known that there was the positive part of the story -though it became exceptional through the change of social and economic conditions- which served for the provision of social welfare and the protection of some of these girls from becoming slaves in the market.

THEORETICAL AND LEGAL FRAMEWORK

How childhood was perceived by parents and communities differs much especially accordingly with the economic systems in the medieval periods, in proto-industrial, industrial and post-industrial periods.⁹ The historians of childhood demonstrate that labor and child was always together.¹⁰ It is observed that the age of becoming an adult started at very young years -seven and eight before the industrial age. Children were idle beings in the sight of the elite people in the industrial period and should have immediately employed at somewhere.¹¹ The age that

⁸ Ferhunde Özbay, *Türkiye’de Evlatlık Kurumu: Köle mi, Evlat mı?* (İstanbul: Boğaziçi University Yayınları, 1999) p.23.

⁹ Hugh Cunningham, *Children and Childhood in Western Society since 1500* (London, New York: Pearson Longman, 1995)

¹⁰ Ibid. p.103.

¹¹ Ibid. p.88.

children were expected to produce an economic value marked the end of their childhood years in the perception of the families. This perception of the families was challenged by the reforms of education in Europe when the national interest developed towards children.¹² Strict laws and mandatory education are imposed to fight against child labor in the 19th century; however, despite relative betterment of middle class children, the use of children for economic interest was an inevitable necessity for the survival of the working class families due to the pressure of capitalist market economies.

Child labor underwent different forms that were generated through both some local and global changes such as the emergence of capitalist economies, urbanization, migration, wars and political unrest. Domestic child labor is one sub-category of child labor, which the *evlatlık* children can be termed. Here the word domestic suggests a controversy. One argument legitimizes the domestic work since “it is considered a necessary activity for the socialization of girls.”¹³ The other argument undermines the traditional supposition upon the females since it “normalizes the exploitation within the family”. The complexity and diversity of the issue leads the thinkers to consider it in sub-categories. According to Fyfe, it can be put in three groups: within the family, with the family but outside the home and outside the family.¹⁴ The domestic labor in the case of *evlatlık* children can be framed by the last category in this typology.

Whether *evlatlıks* can be situated in the framework of labor relations and structure is still a valid question that urges to controversial arguments among the legislators. The discussion of how *evlatlıks* were to be defined in legal and economical terms was more popular when these kids were taken as servants publicly, before the 1964 law. The arguments about their position in social and working life can be grouped in

¹² Harry Hendrick, *Children, Childhood and English Society 1880-1990* (Cambridge, New York: Cambridge University Press, 1997), p.41.

¹³ Ferhunde Özbay, *Turkish Female Child Labor in Domestic Work: Past and Present*, (İstanbul: ILO/IPEC, 1999), p. 3.

¹⁴ Ibid. p.26.

two tendencies. One argument regards the issue as the circulation of the traditions, and it leaves the *evlatlıks* to the mercy of their families and customary values.¹⁵ The other argument wants the legal system to interfere the relationship between these children and the families. The pursuers of the second argument stress the modern character of this tradition by pointing out the changing nature of *evlatlık* institution.

Today, it is already widely accepted that the *evlatlık* system renders a new form of servants. What is problematic is how to determine and define the limits of the labor. The discussion whether *evlatlıks* should be accepted as apprentices or laborers still continues in the legal perspective. Those who suggest the *evlatlık* children to be accepted as apprentices stand upon the idea that the relationship between an *evlatlık* and an employer includes teaching and attachment. Attachment and teaching a work are two characteristics of apprenticeship. Accepted as apprentices, they can benefit the rights of the apprentices and the employers will be responsible to consider the following requirements: the minimum age of employing a child, the provision of mandatory education, working hours, the prohibition of forcing to work at night and at dangerous tasks and the holidays. If the employers do not carry out their responsibilities to take care of the child and to teach her the tasks, or they do not keep their promises towards the family, then the child has the right to sue against the employer. In one of such a cause, the Supreme Court of Appeals decided to fine the employer, since not sending her to school caused the child spiritually and psychologically get harmed.¹⁶

On the other hand, the other argument considers *evlatlıks* as laborers. This group stresses the modern character of the *evlatlık* issue and they point out the pure exploitation of the child labor. The criterion is that the residential servants serve their employers for the return of a wage;

¹⁵ Tankut Centel, *Çocuklar ile Gençlerin İş Güvenliği* (İstanbul: İstanbul Üniversitesi Yayınları, 1992), p. 55

¹⁶ Ibid. p.53.

hence, the relationship between them is a service relationship. The servants should be evaluated and treated under the terms of Labor Law.

Kadriye Bakırcı¹⁷ gives the priority to the question of how these children can be protected and helped to learn and gain their rights. In fact, this is a question about the invisibility of these children. She supports the idea of apprenticeship by pointing out the hardships of dealing with the informal sector. She disagrees that accepting these children as laborer can help to protect them. Instead, this could increase the invisibility of this informal sector since accepting them laborers will increase the cost of the families. However, if they are considered as apprentices, the employers who are in search of cheap labor will not feel too much burden, as the state will be paying their insurances. Then after getting introduced to the formal sector and getting more conscious, these children will get a chance to be employed as laborers. Her consideration about the invisibility of this work seems to be a significant part of the issue.

CHARACTERISTICS OF DOMESTIC FEMALE WORK IN CASE OF EVLATLIKS

The fact that the *evlatlık* institution is mainly observed to exist in the big cities gives the implication that it has a modern character more than being a simple continuation of the customary practice. In this respect, it could be a good idea to remember Philip Corrigan's precious article through which he rejects the idea that bondage laborers were remnants of the previous slaves in the feudal system. He comments on the case of unfree labor:

...I wish to make the same distinction between brutality and varieties of being 'unfree' in labor relations; the former...are theo-

¹⁷ Kadriye Bakırcı, *Çocuk ve Genç İşçilerin Haklarının Korunması* (İstanbul: BETA, 2004), pp. 192-202

retically eliminable, the latter is how capitalist world market *circulates its defining commodity*: labor power. Unfree labor is not a feudal relic, but part of the essential relations of capitalism.¹⁸

Today middle class families are mostly the employers of *evlatlıks*, which demonstrates how this institution transformed from a philanthropic activity of the elite classes into providing cheap labor for the newly emerging city dwellers. First of all, they are no longer called *evlatlık*, mostly 'hiring a girl servant' '*eve kız alma*' is the new phrase. The second change regards the economic level of the employer and the status of the landlady. While it was mostly the elites having *evlatlıks*, now it is more common among the middle or low middle class families, where both husband and wife work.

Gender problem is the second feature that characterizes this work. It is only girls, in the past and present, being exposed to this kind of work. Since domestic work is highly associated with girls, the feminization of survival appears to be the phenomenon as it is mentioned for some certain jobs in the Saskia Sassen's article.¹⁹ What shapes the structure of domestic female labor regards the conflict between the nature of the work and the gender of the laborers. The age of *evlatlık* girls ranges between 12 and 15. These children are expected to be kids in their relation to their employers; however, they are also wanted to be an adult in their relation to their job. They should be childish, good mannered and always obedient to alleviate possible sexual threats towards males at home. However, as for doing some certain tasks like child-caring or cleaning, they are expected to perform as an adult. One of the informants in Özbay's book complains about her landlady who pretends as if she cooks the nice meals- especially in the presence of her husband- so as to

¹⁸ Philip Corrigan, "Feudal Relics or Capitalist Monuments? Notes on the Sociology of Un-free Labor," *Sociology*, v.11, 1977, p. 438.

¹⁹ Sassen, Saskia. "Countergeographies of Globalization: The Feminization of Survival." Paper presented at the conference on "Gender, Bugdets, Financial Markets, Financing for Development" in Berlin, 2000. (<http://www.transformaties.org/bibliotheek/sassgender.htm>).

prevent her husband from admiring the servant girl. It seems gender is an important factor that increases their vulnerability.

Besides gender, *evlatlık* institution has other diverse forms of laborers since it reproduced itself by integrating the kinship ties and customs so that these extra-economic terms can serve for the needs of the modern life. The *evlatlık* system ensured its labor force using the kinship ties in Anatolian villages mostly until very recently. The daughters of poor relatives formed the 'reserve army' for the middle class families' need of cheap and reliable labor without having a responsibility of arranging marriage and dowry for the *evlatlıks*. The ethnic origin of most girls interviewed by Özbay belongs to the Kurdish community. This should not be a simple coincidence considering the economic situation of the Eastern Turkey. Through the mass migration since 1960s, the address of getting girls began to move to the rural migrants in İstanbul. However, *evlatlık* girls from İstanbul are not preferred as much as the villagers. An employer in Özbay's study finds the girls from İstanbul 'spoiled and useless': " They asked an increase to their salary all the time, they want to have a day off every week, and frequently complained about not being able to have their own time."²⁰ The employer distinguishes the village girls from the city girls since the former can easily integrate with the family and work for long years. Here, it is once again seen that the diverse character of residential female workers should not be overlooked.

WORK, TIME AND DISCIPLINE IN DOMESTICITY

How the labor relations in the market can transform into a set of relations at home is hard to anticipate. The phenomenon of 'hiring a girl to the home' comprises many ambiguous characteristics, which is hard to define and locate in the theoretical basis. Working at someone else's home where one at the same time accommodates suggests many difficul-

²⁰ Ferhunde Özbay, *Türkiye'de Evlatlık Kurumu: Köle mi, Evlat mı?* (İstanbul: Boğaziçi University Yayınları, 1999) p.37.

ties. First, the loss of working place and working hours appear to be a serious problem. Although E. P. Thompson's description of task-orientation seems to be fitting with the conditions of this domestic labor, it is questionable whether the togetherness of life and work is something for the benefit of the laborer or not. In fact, Thompson himself restricts what he means in these lines: "But the question of task orientation becomes greatly more complex at the point where labor is employed... here time is beginning to become money, the employer's money."²¹ Domestic work in the context of residential servants has a natural flexibility in their work definitions and working hours. There is no clear distinction of working hours and leisure time. One of the informants who is only 14 years old and taking care of a 6-7 years old son and doing housework recounts what her work is in these lines: "My work starts at nine in the morning, I go to bed after the dishes at night, but if there were guests...of course I had to stay till midnight or even later."

It is clear that loss of working hours does not have much to offer her. In fact, it may be claimed that the right term for this case is the uncertainty instead of flexibility. When she is asked to compare domestic work to her previous experience in the factory, she prefers the factory job since she finds staying at home all the time boring. Reminding Sennett's opposition to the post-fordist flexibility or uncertainty might suggest helpful implications just at this point. The ambiguous character of the domestic work demands the laborer to be available for any type of work at any hour of the day. Although the domestic conditions are much more home-ly and comfortable than an industrial job atmosphere, it does not alleviate the negative points of being bordered within a house as an unfree laborer. The small girl's preference of the factory to the domestic work leads to think that uncertain working hours creates an actual "loss of control over time", although this term is used to describe the factory

²¹ E.P. Thompson, "Time, Work Discipline and Industrial Capitalism" in E.P.Thompson, *Customs in Common* (London, New York: Penguin, 1993). p. 358.

job.²² It might be claimed that demarcation of work and life serves more for the worker rather than the employer.

Home as a working place for the modern *evlatlıks* poses some other problems. The responsibilities of a maid include everything relating to the house and its members. There is no limitation of what maids are supposed to do. They are both doorkeepers who have no chance of leaving the house, and nannies who take care of all ages of children and as a last one, they are cleaners and cooks. Being engaged in this bunch of tasks, some of the informant girls think that home resembles to a prison. What is more, despite all these duties, they have no authority over managing and doing their own way of handling the chores. "If the employer was working they had to call and ask permission to do certain activities, and particularly for going out."²³ In terms of 'body politics', they represent the 'hands' of a body, yet the employer directs them.²⁴

The question of how these children are disciplined is meaningful to understand their relationship with the employers. Disciplining seems to vary accordingly with their origin of place and age. It is understood that the girls from Istanbul are more experienced and disobedient compared to the girls from villages, who are submissive. An employer complains about the city girls since "you don't manage them, but they start managing you."²⁵ The second factor that makes the employer's disciplining easier regards the age. The same employer does not hire girls older than 12-14 since they pose a sexual danger for her husband. She gives a second reason for her choosing this age group, which is quite shocking. "The house is very big, adults are getting tired of going up and down the stairs." The same employer who takes advantage of the young servants'

²² Richard Sennett, *The Corrosion of Character: The Personal Consequences of Work in the New Capitalism* (New York, London: W.W Norton, 1999), p. 37.

²³ Ferhunde Özbay, *Turkish Female Child Labor in Domestic Work: Past and Present* (İstanbul: ILO/IPEC, 1999), p. 41.

²⁴ S. Jordon, "From Grotesque Bodies to Useful Hands: Idleness, Industry, and the Laboring Class", *Eighteenth Century Life*, v.25. (Fall, 2001), p.68.

²⁵ Ferhunde Özbay, *Türkiye'de Evlatlık Kurumu: Köle mi, Evlat mı?* (İstanbul: Boğaziçi University Yayınları, 1999) p.38

being fast and energetic proudly continues to give interesting hints of disciplining the servants:

We are not doing things together (with the servant) because when you do something together it does not go well. I got this from my mother. My mother doesn't employ someone by paying a lot either...(although) we are living with these servants, ...they never make a bit of noise, they are there but as if they don't exist. It is hard to tell this balancing. If you spoil them a bit (more), they know how to benefit it. (On the other hand), if you yell at them, for instance, they are quitting immediately. None of my friends was able to manage this balancing. They are paying ten times more than me; still they cannot handle (to keep them).²⁶

The key word she uses in her implicit recounting is 'balancing'. It is understood that she balances her treatment to the servants so that they don't want anything more although they are not satisfied with what they have, and plus they don't quit the job. It is hard to know how her balancing can be conceptualized. However, it makes us understand why residential servants are not happy with the working conditions rather than the workload.

That none of the informants complain about the workload over them is quite meaningful. Instead, what bothers them is the lack of a mutually respected contract that defines the responsibilities and rights. One of them is telling that the employers seem not wanting her to eat extras during the day. The other is punished by being locked in the kitchen for a day because of breaking a plate. Another one complains about the torture of 12-year old son of the employer by kicking her and ordering things.²⁷ They are blamed of being socially lower creatures, who are idle, grotesque and filthy. What they eat, wear and desire is under the employer's domination. Somehow, they are restricted in accessing the tastes and comforts of middle class life. Despite working in the middle class environment, they are forced to live without transgressing the

²⁶ Ibid.

²⁷ Ferhunde Özbay, *Turkish Female Child Labor in Domestic Work: Past and Present* (İstanbul: ILO/IPEC, 1999), p. 40.

borders between classes. One of the landladies complains that once the servant girl wears her daughter's clothes. This situation makes her worry too much that people will suppose the servant girl her real child. These specific examples show how problematic the relationship of employers and employees becomes when life and work are not separated for the laborer.

As a conclusion, the historical background of the case of *evlatlıks* shows that the vulnerable groups are more open to be affected by the change of the legislation in indirectly. Today, the limited number of studies on child labor indicates that domestic female work will have an increasing trend due to the vulnerability of the females. The fact that the number of child-care centers does not suffice the demand is one of the factors that can lead to some informal solution as seen in the case of modern *evlatlıks*. Another factor that can trigger the increasing child labor might result from the lack of old-age care centers in Turkey. As pointed out by Özbay, considering the demographical development, the number of working children, especially in the informal sector will continue to increase in the big cities. Thus, it should be noted that the policies regarding the protection of children from the worst forms of labor should be made more effective and the studies on the invisible groups should be encouraged to increase their visibility.

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