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## Children, Work and 'Child Labour': Changing Responses to the Employment of Children

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**Children, Work and 'Child Labour':  
Changing Responses to the  
Employment of Children**

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Sociology at the Institute of Social Studies, The Hague, The Netherlands.



## Preface

It may seem a peculiar choice for the inaugural lecture of a Professor of Rural Sociology to focus on the problem of child labour, rather than a more general aspect of rural sociology or rural development. There are in fact several reasons for the choice of topic.

Firstly, some years ago, on a different occasion but before a similar audience at the ISS (the Dies Natalis of 1986) I did try to outline what I thought were important elements in a general approach to rural development, in teaching and research. My views on the subject have not changed much, though I could repeat three elements which I underlined as essential, and which apply equally to the topic on which I will speak today. These are: interdisciplinarity (but without the loss of 'discipline' itself); a learning and teaching strategy anchored in the comparative approach and with due regard for the historical roots of contemporary problems and contemporary diversity; and a concern for issues of social and economic justice, as part of our understanding of the meaning of 'development' itself [White, 1987].

Child employment is generally agreed to be on the increase, in almost all world regions. Global concern about child labour problems is subject to cycles, and we are currently in a period of quite intense interest and concern. The International Year of the Child (1979) may not have achieved any great alleviation in the suffering and exploitation of the world's children, but it did generate a marked increase in research and concern on the issue of child labour in many parts of the world in the early 1980s [Goddard & White, 1982: 465]. A decade later, the publicity and interest surrounding the United Nations Convention on the Rights of the Child (1989) generated new interest, new concern and also some new institutions specifically concerned with monitoring, exposing and combating the exploitation of children. The Netherlands has recently become the second donor country in the world (after Norway) to set out an official policy on children in developing countries, which includes a section on child labour and is explicitly based on the 1989 Convention [Ministry of Foreign Affairs, 1994]<sup>1</sup> Several important new non-govern-

mental initiatives in the field of research and action on child labour are also based in the Netherlands.<sup>2</sup>

Finally, for more than twenty years and since my very earliest research efforts, both before and after coming to work at the ISS, I have nurtured an interest in the work activities of children and young people, both as an important social phenomenon and also as a little-understood social issue. I have always felt that children in general, and child labour in particular, were not very firmly placed on the agenda of the ISS, although there have always been a number of staff and students interested in this field. Last year for the first time the Institute was host to a series of international events specifically concerned with child labour, and plans are already under discussion to maintain this momentum by developing a number of new initiatives in teaching and research on child labour.

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## Introduction: Children, Work And 'Child Labour'

Working children and young people occupy a relatively weak and easily-exploitable position in work relations and in the labour market. As a social group, they share this problem with various other structurally-disadvantaged social groups in society (examples are women, ethnic minorities or migrants and the disabled). However, they are the only one among such groups whose exploitation is generally addressed by attempts to *remove* them completely from the labour market, rather than by efforts to improve the terms and conditions under which they work. What is the basis for treating the 'child labour' problem in such a different way: i.e. by demanding special laws and regulations excluding this category of persons from access to employment, rather than by demanding the abolition of discrimination against them?

The most common historical response to the problem of exploitation of juvenile workers has been to campaign for, in most cases to enact, and in some cases to enforce legislation aimed at the 'abolition of child labour'. Typically, such legislation begins with a general prohibition by fixing a minimum age for admission to employment (though, as we shall see, many kinds of children's work were and still are excluded from the prohibition); subsequently, an additional category of 'young persons' becomes the subject of protective legislation, being permitted only certain kinds of employment and under certain conditions. Then, having been part of the 'child labour' problem if they were working, young people at a certain age abruptly become part another problem if they are not working, namely the problem of 'youth unemployment' [Lê Thanh Khôn, 1991; Touraine, 1991]. These two defining age-limits (which in early legislation have often been fixed at 12 years for child labour prohibition, and 15 for young persons) have been progressively raised, until they currently stand at 15 and 18 years respectively in international conventions (for example, in the current ILO Convention on Child Labour), and labour laws of many countries (for example, the Netherlands). Another typical feature of such legislation is that it is rarely enforced, and indeed is to a large degree unenforceable, not only in the

poor countries of the world but also (as we shall see) in the industrialized countries.

The problem of working children and youth is indeed a global one, not particular to any country or culture, and certainly not only to the poor countries of the world [Lee-Wright, 1990:264]; it is better described as a normal part of the life of the relatively poor in all societies. It is also a highly complex problem and one which cannot be divorced from the wider structures, dynamics and problems of whole societies: 'child labour shows up, in exaggerated form, a labour problem deeply woven into the fabric of an unequal society' [Vittachi, 1989:89]. This also means that there are no simple, easy or piece-meal solutions to the problem.

My purpose today is to examine critically the various kinds of solutions which have been proposed, and the assumptions on which these initiatives are based. Since it is easier to discuss these issues with the aid of concrete illustrations, in the main parts of this paper I will briefly compare the ways in which the problem of child labour has been perceived and addressed, from the beginnings of social concern about this issue in the mid-nineteenth century until the present, in two parts of the world between which I have divided my time almost equally during the past twenty years: the island of Java in Indonesia, and the Netherlands.<sup>3</sup>

Since the problem of child labour - whatever else about it may be in dispute - is basically a problem of poverty, it is interesting to compare child labour and responses to it in these two societies, beginning in the mid-nineteenth century when conditions of poverty and labour were probably not greatly different in Java and the Netherlands, and continuing in later decades of industrial transition and growing prosperity in the Netherlands -- a transition which was itself fuelled to a large extent by export revenues from Java, where poverty persisted and perhaps deepened. The comparison can also help us to understand some of the historical roots of contemporary features and contradictions in child labour legislation in both societies, and can also have more general

implications, particularly in relation to current debates and misconceptions about the historical causes of the emergence and decline of the severe exploitation of children's labour.

In European labour history, for example, it is by no means established that the severe exploitation of children in manufacturing coincided with the emergence of large-scale factory industry. Many have argued to the contrary, both for the Netherlands and for Europe generally, as we shall see below. There is also continuing disagreement on the relative historical contribution to the decline of child labour in Europe of (a) child labour legislation, (b) compulsory education legislation, (c) increases in household income and (d) decline in the demand for child workers due to technological advances in production. These uncertainties, however, have not deterred many authors from trying to draw lessons from the European experience in considering strategies for combating child labour exploitation in the poor countries of the world today. Some, for example, have argued that compulsory education rather than industrial or agricultural labour legislation was responsible for the effective eradication of widespread child labour in Britain and other European countries [Fyfe, 1989:33; Weiner, 1991: 113, 191]; others argue to the contrary that 'the single most important factor affecting the supply of child labour to industrial and other occupations has always been family income' [Nardinelli, 1990: 154].

Before proceeding further, it is useful to remind ourselves that the issue of child labour (like many other issues involving the world's children) is a highly emotive one, and that the emotions aroused tend to be coupled with very strong views both on what is the 'child labour problem', and on what ought to be done about it. There is nothing wrong with emotions and strong views as such (and, in this field, there is plenty to be emotional and outraged about; many of the things done to children by adults are simply outrageous, as can be seen by looking at any issue of *Children's Rights Monitor* for example, or even any daily newspaper); however, emotions and strong views should not be allowed to get in the way of a calm and open-minded analysis of the problem.



A better understanding of the nature of the problem is necessary before we can properly judge the advantages and disadvantages of various contrasting strategies for intervention. Here it is useful to consider the role of research. Different approaches to intervention reflect different views of the nature of childhood and children's work in society. Research can lead to a better, critical understanding of these; it may often stimulate the questioning or challenging of quite fundamental ideas about childhood, household/family, children's work, etcetera, and in turn to questioning of policies and strategies based on those assumptions.

My own views are no doubt influenced by my first in-depth field research experience some twenty years ago in Java, where I lived in a village in which work of various kinds was a normal part of the lives of children and indeed more than half of all work in that village was done by children, most of whom combined work with school attendance [White, 1976] and also by more recent research on rural children's employment in workshop and factory industries [White & Tjandraningsih, 1992]. I do not think the involvement of children in work (including paid work) is in itself necessarily problematic, objectionable or something to be eradicated by legislation and other efforts; the real problems of child and juvenile labour lie not so much in the age of young workers, as in the fact that young workers are often subject to exaggerated forms of labour control and exploitation over and above those faced by adult workers, because of the way society classifies and treats persons of young age [cf. Morice, 1981:57]. This view, interestingly, seems to be shared by many other researchers who have had the opportunity to undertake detailed anthropological field research on children and their activities [recent examples are Nieuwenhuys, 1994 and Reynolds, 1991].

The proper focus of our attention, therefore, is not the desire to eradicate all forms of work from the lives of children and young people; rather, we need to understand better the nature and problems of child and youth employment, to identify types of work and of work relations which constitute an abuse of these categories of worker, and to support the efforts of working children in trying to improve their conditions of life

and work. As another author has put it: 'the real issue ... is not whether children use their energies at home, in school or at work, but whether their energies are employed in any of these places in a way that is beneficial to them - or only to the benefit of someone else' [Vittachi, 1989:101].

The illustrations which I shall provide from the Netherlands and Indonesia, and also the larger literature on better-known cases such as Britain, the United States, India and Thailand, point to a number of general conclusions about the nature of responses to children's employment, and the (implicit or explicit) assumptions about children and work on which these responses are based. They can be briefly summarized as follows.

Firstly, child labour laws and regulations have historically been promoted and pioneered not only by humanitarianism tempered by the fears of a rising working class, but also by more advanced industrial sectors and branches, or powerful and organized sections of the working class, seeking a 'competitive' advantage over those which were more dependent on the exploitation of cheap labour power. Probably for these reasons, the targets of child labour prohibition and regulation have in general been wage-employment in large- and medium-scale factories. In contrast, children working in family and small-scale enterprises; in all 'open-air' work (including both peasant and capitalist agriculture), and in agro-processing industries are included in legislation only at a much later stage, if at all, even when these may be the activities in which the greatest numbers of children (and often the worst working conditions) are found.

Child labour laws and regulations historically have tended to define such ideas as 'child', 'labour' and the 'workplace' at particular times and places in different ways, so as to exclude from regulation many of the activities in which children's work is most common and/or essential at particular times and places; in some cases, they cover mainly those sectors and branches which for other reasons have already begun to reduce their dependence on child labour.

These regulations (and the efforts of concerned organizations lobbying for their enactment or enforcement) are based on a number of common arguments or assumptions which have prevailed despite the continued expression of a minority of dissenting voices. They assume, for example, that working for one's parents, inside the home, or without pay is more acceptable than working for others, outside the home, or for money; in the case of paid employment, that work in small-scale enterprises is more harmful than work in large-scale enterprises; that work in enclosed spaces is more harmful than work in the open air; that work is never a proper substitute for, or complement to, school. There is also a tendency, in some cases, to assume that the main focus of exploitation and target of intervention is the boy-child, and in many more cases to ignore gender differences in the problems and needs of working children.<sup>4</sup>

The prevailing view of childhood itself has been one of children as passive victims and appropriate objects of external intervention, rather than as active social subjects or agents of change, capable of both claiming and exercising rights, and of independent social and political action [Freeman, 1988 and 1992; Prout & James, 1990: 30; Hoyles & Evans, 1989]. This may be seen in the two alternating views of the children of the poor developed in the nineteenth century, -- the child as innocent 'slave' in need of rescue, or the untamed, amoral child as potential 'savage' in need of control and protection 'from' freedom, embodied most typically in the image of the urban street child [Fyfe, 1989: 33; Boyden, 1990: 190f.] -- and also in the view which has partly replaced these in the twentieth century, of the child as a kind of 'empty bucket' to be filled with culture, learning and values, the 'cultural dope' of conventional socialization theory [Prout & James, 1990:24].

And finally, the 'globalization of childhood' through the influence of the international agencies [Boyden, 1990], in particular the efforts towards child labour prohibition and regulation through international conventions (after 1919 with the emergence of the International Labour Office) have further strengthened, and crystallized these ideas.

Whatever we ourselves may think of them, the important point here is that all of these ideas are almost completely at odds with the views and the preferences of children themselves. The kinds of work situations seen by intervention agencies as acceptable or relatively unproblematic are often, from the child's point of view, precisely the kinds of work which bring the most problems. Seen from the other side of the coin: the kinds of activity which intervention agencies have tended to define as the 'problem', for children often represent precisely the search for a solution to other important problems which they face.

Meanwhile, official thinking about the problem of child and youth labour is showing signs of change in recent years. During the 1980s, policy- or action-oriented writing on child labour showed something of a shift away from a purely 'abolitionist' perspective, towards one which 'encompasses short- and long-term measures in such areas as the provision of services, protection and advocacy' for working children [Bequele & Boyden, 1988: 9; cf. Myers ed., 1991; Boyden, 1991: Ch. 7; Fyfe, 1989: Ch. 7]. These perspectives, then, can include support or 'protection' for children who work just as much as (or, in place of) efforts to prohibit their employment, even when such employment may technically contravene the law.

At the same time, some interesting innovative projects (generally of NGOs on a small scale) have replaced these approaches by one which, unlike the two just mentioned, views children more as active subjects or agents of change, and focuses on promoting the self-organization of working children. To 'abolitionism' and 'protectionism', then, we must add a further position which we may call provisionally (though not perhaps quite correctly) the 'liberationist' [Fyfe, 1989] or the 'empowerment' perspective.

Nevertheless, international agencies, labour unions and many other organizations are generally constrained by a legacy of formal commitment to abolitionism, even though particular individuals working within them may have different views. The conventional 'abolitionist' approach (while still generally maintained as a general principle) is now

often combined, sometimes awkwardly, with a 'protectionist' approach (providing protection and support of various kinds to working children).

Recently, however, in many developing countries, even such protectionist measures have come under threat with the appearance of a new element in the scene, namely the promotion by powerful lobbying organizations of boycotts or sanctions by governments or groups of governments in the West against the import of products made with child labour, coupled with parallel efforts by non-governmental organizations to promote consumer boycotts of such products. Some of the world's wealthiest countries are in this way trying to force countries to tighten and/or enforce prohibitions on child labour (stipulating often the same minimum age of 15 years) when they themselves cannot enforce, and in some cases are beginning to relax, their own. These increasingly active threats make it highly inadvisable for any exporting country to acknowledge the existence of children's employment at all, for example by protective legislation or other efforts to promote the improvement of children's working conditions.

My final argument, then, concerns the relationships between the three kinds of approaches I have mentioned. 'Empowerment' and 'protectionist' approaches are in principle complementary and can indeed be mutually-reinforcing: children empower themselves partly by claiming the rights and protection which protectionist measures stipulate, and through self-organization their voice may also influence the content of protectionist measures. 'Abolitionist' approaches, in contrast, are likely to hinder the achievement of both.

## Myths of Child Labour Eradication: The Netherlands, 1850-1990

The first legislation restricting the employment of children in the Netherlands was introduced in parliament in 1873 by the liberal, anti-clerical, neo-Malthusian Samuel van Houten, and adopted in much diluted form in 1874.<sup>5</sup> Although largely ineffective in practice, van Houten's 'kinderwetje' is generally considered to have been the first major act of social legislation in the Netherlands, if only because it established the principle - no small achievement in the 'laissez-faire' liberal political climate of the time - that the protection of weaker elements in the workforce, in this case working children, was the proper business of government [Vleggeert, 1967:93]. In the Netherlands Indies, legislation prohibiting various kinds of child labour was first introduced some fifty years later, under conditions and for reasons quite different from those which had provoked earlier Western legislation [Boeijinga, 1927: 148].

In the middle of the 19th century, conditions of poverty and labour and the kinds of work done by children were not greatly different in Java and the Netherlands. The Dutch economy up to this time had been primarily an agricultural one; outside agriculture, shipping and trade had been more important than manufacture [Brugmans, 1978: 106]. The transition to industrial capitalism came relatively late to the Netherlands, its beginnings generally being dated to the period around 1850. The 1870s then saw the emergence of an organized labour movement, in what was a period of rising prosperity and wages, and among the middle classes of active discussions and debates on the 'social question'. It is in this context that the first legislation on child labour was introduced (1873), compulsory education being introduced only a generation later with the *leerplichtwet* of 1900.

In the nineteenth century child employment was widespread, and the working conditions, working hours and relative wage-levels of children seem to have been at least as severe, and at least in some cases much worse than those then prevailing in Java. Apart from fieldwork in

agriculture, dairying and peat-digging, widespread use of children is reported in fisheries, some agro-processing (beet-sugar factories), shipping, in bakeries and coffee-houses, and of course, in domestic service. However, as in many other countries both then and now, available information on child labour outside the manufacturing sector is very scanty, since social concern was mainly limited to child labour in manufacturing (and particularly in larger urban factories). The kinds of manufacturing industries reported to be employing children on a large scale, and the technologies used in them before the widespread introduction of steam-power, were not greatly different from those found in Java. Among those most often mentioned are: textiles (wool and cotton spinning and weaving); cigar-making; brick and roof-tile works; pottery and glass works; match factories; rope-making; metal-working; diamond polishing.

Home-based crafts and manufactures relied on young children for a full day's work, often hiring in children if they had none of their own. Work-days of 12 hours seem to have been the norm, and there are sufficient cases to indicate that work-days of 15, 16 and even 17 hours were not uncommon in certain industries and certain times of year (most often mentioned in connection with long hours are rope-making, textiles and brickworks).

In some industries at least, conditions were truly awful. The rope-walks (*lijnbanen, touwslagerijen*) of Moordrecht and other locations around Gouda are perhaps the best-known examples, although this may be simply because influential reports on them were written around mid-century by Lalleman and others. Rope-making households were often working on a putting-out basis for merchants who provided them with raw materials. Each adult rope-maker needed a child (boy or girl) as wheelturner at the other end of the rope-walk (*lijnbaan*), and children generally began this work at 6-7 years, often leaving it at 13 for better-paying work in brickyards. Cases of children as young as 4 years were also reported, sometimes working in the summer months from 5 a.m. to 7 p.m. and earning between 1/5 and 1/7 of the adult wage. Lalleman reported in 1855 [in *De Economist*] how these children had to

be carried to work before dawn, exhausted and half-asleep, sometimes being given gin to make them work harder.

In textiles, the winding of thread onto bobbins was children's work. In Twente,

the weaving-room was part of every worker's or peasant's house, and left everything to be desired healthwise. The ceiling was so low that one could not stand upright; when working at night by the meagre light of oil-lamps, the atmosphere was unbearably smoky. In these damp and stuffy conditions small children often had to sit working at their spools from 3 or 4 o'clock in the morning until evening [Brugmans, 1978: 102, citing Stork].

In the brickyards of Moordrecht and Hendrik-Ido Ambacht, very young children from age 4 and above were found working from 3 or 4 a.m. to 8 p.m., carrying and stacking bricks (with four breaks totalling about two hours, thus for a workday of 14 or 15 hours).

Although there are certainly cases where the 'nimble fingers' of children played a role, children were often used simply as sources of static or motive power (turning wheels, winding, carrying, etc.). The transition from home-industry to factory and from human to steam-power, which in some cases may have increased the opportunity for using young children, in many more probably led to a decline in the severest exploitation of children, as noted by Brugmans:

If we consider in contrast [to home-based textiles] that children did very little factory labour in modern steam-powered weaving mills (or only that involving various kinds of light work), then it appears that here as we have also found in the spinning industry, the injury of child labour did not emerge with the factory, indeed for many children entry into the factory gate meant an improvement in conditions. Working hours in home industries were also generally longer than in factories, although in the latter



abnormally long working days were also found [Brugmans, 1978: 102-3, who notes records of textile factory workdays of up to 13-14 hours in the 1840s in various regions].

Brugmans' view is supported on a more general level by recent work on other European countries. Those historians who see the evil of child labour (as many campaigners did) as mainly a product of large-scale industrialization, Nardinelli suggests, are making the wrong comparison:

The appropriate comparison ... is not between twentieth century childhood in Western Europe and nineteenth century childhood in the British factory districts. The more relevant comparison is between childhood in the factories and childhood out of the factories during the nineteenth century. Both were dismal. Yet ... we cannot say that children who worked in factories were worse off than children who did not. I strongly suspect that many, perhaps most, of the children forced out of factories [after the 1833 Factory Acts] found their way into occupations less desirable in every respect ... given the circumstances of the time, children benefited from the opportunity to work in factories [Nardinelli, 1990:155].

There is no evidence of significant social concern about child labour during the first half of the nineteenth century. Children's employment was considered natural (for the poor) and even beneficial; local authorities and charities were themselves active in setting the children of the poor to full-time work in semi-philanthropic institutions. Children aged 8-14 years worked a 12-hour day (from 5 a.m. to 8 p.m. with various breaks) in the Pesthuys orphanage in Feyenoord; In Utrecht, the carpet-manufacturer Scherenberg obtained a municipal subsidy to establish a cowhair mill (producing coarse yarn for his carpet factory in Baarn) in which more than 50 paupers' children could be set to work, for 9 or 10½ hours per day depending on the time of year (followed by 2 hours of evening school), with the proceeds allowing the City Almoners to

reduce the poor-relief payments to their parents; thousands of Amsterdam orphans were sent to the new agricultural colonies in Overijssel and Drenthe to work in spinning and weaving, with the local militia on occasions being called out to keep the angry crowds in check as the orphans departed by boat [Vleggeert, 1967: Ch. 1; 't Hart, 1973; Messing, 1974].

In so far as concern about child labour was expressed in the early and mid-nineteenth century, it generally focused not on the damage done to children by the work itself, but on the fact that work kept them out of school. The earliest recommendations for intervention (often made by manufacturers' associations) did not propose the establishment of minimum ages or maximum working hours in factories, but an obligation on employers to provide their child workers with 4 hours of schooling per week [Brugmans, 1978: 224]. The first stimulus to government attention to child labour in the Netherlands was in fact an external one, the enactment of child labour laws in various nearby European countries in the 1830s and early 1840s. These, together with requests or appeals by a few individuals and manufacturers' associations, caused the government both to study and compare these legislative efforts, and to establish the first official inquiry into child labour (in 1841), followed by no less than five more in 1860, 1863, 1877, 1883 and 1886. Interestingly, none of these inquiries resulted in any recommendation to introduce or expand child labour legislation.

The Inquiry of 1841 established by the Minister of Home Affairs (Schimmelpenninck van der Oye) asked all provincial governors for information on the extent and conditions of child labour and their suggestions for intervention. His letter spells out the bases of government concern:

the manner in which young children are put to work in factories, workshops and other such institutions exercises a highly detrimental, even often fatal influence on the morality of the lower classes [Brugmans, 1978: 225].

No reference was made to physical damage. The 'fatal influence on morality' lay in the fact that the children,

without the opportunity for regular education in church and school, grow up in a state of savagery (*in het wilde*), spend their time in mischief and later, even if they do not lapse into debauchery and criminality, will anyway transmit their unmannerliness to their children and grandchildren [ibid.].

The majority of governors replied that the employment of children below 10 years of age (some recommended 11 years) should be prohibited in factories. Again in 1841, a report by Luttenberg (municipal secretary of Zwolle) recommending regulation of child labour in factories was sent to all provincial authorities with a request for comments. The officials in Utrecht misunderstood the purpose of the proposal so completely that they replied 'there was no need to encourage child labour, since the factories already made use of it' [Brugmans, 1978: 227] !

Nothing came of these inquiries, and it was almost two decades later, after a period of some crisis in the Dutch economy, that government interest was again aroused, this time in response to a number of shocking reports on conditions in particular industries, particularly the article 'Slavery in the Netherlands' by the Chief Education Officer of Moordrecht, G. B. Lalleman, [in *De Economist*, 1855]; this gave details on the rope-walks and brickyards of Moordrecht, but also stressed that child labour was depriving children of education not only in these sectors but also in all factories, in farming and in fisheries:

It is not only the factories which deprive so many of our people from education. With every year agriculture also increasingly summons the young lad [sic] to activities unfitting to his age, and while his still unformed young hand helps cultivate the field of bring the harvest home, the field of his spirit remains uncleared and only weeds flourish there' [Lalleman, quoted in Vleggeert (1967: 35) who also reproduces the entire article (1967:30-42)].

There followed a period of relatively intense social concern for child labour, but still without any broad base of support and receiving little governmental response beyond the establishment of fresh inquiries. An Inquiry addressed to provincial commissioners in 1860 asked a rather limited set of questions: which factories in the region employed more than 10 children; what were their sexes and ages, working-hours and wages; whether boys and girls were together or segregated in the workplace, and whether there was any opportunity for them to go to school. The commissioners responded without considering what concrete measures might be taken, and the results went virtually unnoticed [Brugmans, 1978:233]. In 1863, the government came under much greater pressure than before after speeches or publications of Cremer, Coronel and others had drawn further attention to the problem and a group of Leiden manufacturers had petitioned the king to regulate the 'education, work- and rest-hours of children'; when parliament asked the Minister of Home Affairs for a report on the King's decision, the issue of child labour was discussed in parliament for the first time. Thorbecke, in response to these pressures, established a State Commission to undertake an enquiry. The Commission, however, annoyed him greatly by trying to undertake such a comprehensive study of the issue that their first report appeared only six years later. The Commission included two doctors, and under their influence attempted to test scientifically the hypothesis that child labour physically damaged and stunted children, with predictable lack of clear results in their report's 'thousand cork-dry pages' [Brugmans, 1978: 237].

In 1867, while the commission was still struggling with its research, the school director H. Womer of Nijverdal, expressed the frustration of many of his colleagues at the lack of government action:

It is almost unbelievable how the legislative authority ... can be so hesitant in enacting a law on [children's] working hours in the factories, although the need for such a law has been publicly expressed for years by those acquainted with factory conditions [in Brugmans, 1978: 68-9].

However, government hesitation is not so surprising when we recall that in the 1860s public opinion was still not ripe for change: there was still no major force in society in favour of child labour regulation. The majority of literary, church and liberal circles -- no doubt for different reasons -- were all still against interference by government in social and economic affairs, only a minority of manufacturers or indeed working people were in favour of regulation, and children's employment was more often a matter of approval rather than concern [Vleggeert, 1967: 62-8]

A further blow to efforts for intervention came in 1869 when the State commission report finally emerged with its recommendation that there should be *no* prohibition or regulation of child labour in factories. Although their position may seem callous, their arguments were in fact quite similar to those voiced today by such authors as Nardinelli (see above). Emphasizing that child labour in factories could not be viewed in isolation, they argued that

If the law deprives the family of [the child's] wage by closing factory doors to children or limiting their working hours, the loss of income will have to be compensated in other ways. The child will be set to work at home or sent on to the streets to earn its keep one way or another; or still sent out to work, but in work not covered by the law [...] the child will in all probability be in a worse condition, or at least no better off, than before [...] compulsory schooling is in our view the most reasonable and effective among the legal means of ensuring and promoting the physical and mental development of the child [in Vleggeert, 1967:71].

By the early 1870s however, public opinion and pressure had begun to mount. In 1871 the newly-established 'Committee for Discussion of the Social Question' announced its view that legislation should prohibit the employment of children below 12 years and regulate that of children aged 12-16; Dr. Coronel presented another address on 'The Question of Child Labour in Factories' to the Statistical Association in September

1871, expressing the hope that the government would follow the good example set in legislation by neighbouring countries [Brugmans, 1978:241; Vleggeert, 1967:74-5]. Summarizing, the chairman J. de Bosch Kemper asked:

If the state could feel the call to abolish slavery in the colonies, why should it not also feel called upon to oppose the slavery of children in our factories? [in Vleggeert, loc. cit.].

These various early expressions of concern have many features in common with parallel discussions in other European countries, namely: the view of the child worker as both as 'slave' and as (actual or potential) 'savage', and a tendency to focus on factory labour only, in spite of dissenting voices, and to emphasize (in cases where gender is specified) the boy-child. Besides these, the debate in the Netherlands had two additional and more specific features. Firstly, the discussion seems to have focused (as it did later in parliament) on the broader question of state interference in society and individual freedoms; in that light one may rightly ask whether the debate on the van Houten bill was really about child labour, or whether child labour was more an convenient instrument in a general debate between 'old' and 'new' liberal thinking. Secondly, participants in this debate recognized some inconsistency or contradiction between the resolute reluctance of the state to interfere in labour issues in the Netherlands, while at the same time promoting active interference in labour conditions (albeit on a different set of issues) in the colonies; a view which had also been voiced some years before in the Dutch press:

How often we distress ourselves over the fate of negroes and Javanese. But let us not forget that every day in our industrial towns, the children of our own people are being literally murdered, and that it is a national duty to make an end of this as soon as possible [*Nieuwe Rotterdamse Courant*, 11 March 1863]<sup>6</sup>.

Van Houten first raised the issue in parliament in November 1871, arguing for government initiative in bringing child labour legislation to parliament, and remarking that the prohibition of child labour should not be restricted to factory employment. In the following year, however, it became clear that the government was not going to take any initiative, and van Houten introduced a private member's bill in early 1873. The bill was in two parts: the first was a general prohibition on 'taking or having in service children below twelve years', with local authorities able to sanction the employment of children between 10-12 years old in factories, for not more than six hours a day, not at night-time, with at least three hours of education provided every workday. The second part gave local government the authority to introduce compulsory education (either in school or at home) for all children aged 8-12 years [Vleggeert, 1967: 78-9]. Various organizations expressed public support for the bill.

In committee, however, several objections were raised: in particular to the general, multisectoral nature of the prohibition, covering not only factory work but also agriculture and also to the second part on compulsory education. In response, van Houten introduced two additional articles making exceptions to the prohibition for 'household and personal services' and fieldwork. During the 5-day open parliamentary debate (beginning on 29 April 1874) further objections were raised and van Houten reluctantly withdrew the entire compulsory education section.

After passage of the bill by a large majority, A. Kuyper (one of the few who had voted against it) published his reservations, noting that the new law would cover only a small minority of working children:

No protection is given to children of any age who work in personal and household services, or in agriculture. No protection against the dangers of machinery or polluted atmosphere; no protection to remove the competition between work and education. All that has been gained is that children below twelve years will no longer labour in factories or workshops. But our craft workshops employ very

few children under twelve, and according to the State Commission statistics not more than a thousand children of this age are working in factories. Comparing the numbers of children in need of protection with those to whom this law provides it, you will definitely not arrive at more than 5 percent [in Vleggeert, 1967:91].

Even for those few, however, the new law probably did not mean much, since no Inspectorate had been established to enforce it, and where cases were brought to court, loopholes could be found. In 1875, for example, the Rotterdam District Court declared that parents were free of prosecution if they brought their children themselves to wage-work in factories or rope-walks, since their work then fell under the category 'personal services' [Vleggeert, 1967: 94-5].

New Inquiries in 1877 (addressed to Provincial Chambers of Commerce and Industry) and 1883 (to Provincial Commissioners) provided an array of contradictory views on whether or not the provisions of the 1874 law should be expanded to other kinds of work, or to provide protection to older children. In at least one case a respondent even argued that the law should extend to children who worked for their own parents; others argued not for the expansion, but for the complete repeal, of van Houten's law [Postma, 1973a; 1973b].

Outside these official inquiries, many public voices were raised in the late 1870s and early 1880s for an extension of the prohibition to other sectors and other types of work, and also for the establishment of an inspectorate to enforce compliance. Coronel argued in *De Economist* (1877) and *Vragen des Tijds* (1882) for an extension of the child labour law to cover agricultural (field) work, all forms of home-based production and all forms of wage employment below the age of 12 years; in 1880 a joint commission of liberal business and labour associations recommended similar measures, observing harshly:

One can hardly call a land civilized whose child labour legislation is so defective, so completely inadequate as in



the Netherlands, and where this most momentous issue of all time is handled with such official indifference [Vleggeert, 1967: 95].

Parliament lived up to its reputation for indifference in 1882 by rejecting a proposal by the Minister of Justice to expand the scope of existing child labour legislation to introduce new legislation protecting young workers between the ages of 12 and 16, and to establish a labour inspectorate; in 1887, however, it accepted a liberal proposal to establish (yet) another parliamentary commission on the subject.

The Commission's report appearing the following year showed widespread and continued abuse of child workers and also of those in the 12-16 age category, involved in work that was much too arduous, often at night, and with very long hours frequently exceeding 70 hours per week; they did not, however, recommend any change in the coverage of the law. The (Catholic) Minister of Justice, Ruys de Beerenbrouck, thought otherwise and introduced legislation which, when enacted in 1889, became the Netherlands' first partly-effective child labour law, backed up this time by a small labour inspectorate; although still very limited in its provisions, restricting itself basically to employment in manufacturing industry and mining, in spite of the public campaign of Domela Nieuwenhuis' Social-Democratic League for a broader sectoral coverage.

The minimum age for admission to employment remained 12 years, but 'employment' was defined in an even narrower sense than had been the case in van Houten's law, specifically excluding '(1) work in agriculture, horticulture, forestry, animal husbandry or peat-digging, (2) work outside factories and workshops in or for the enterprise of a person with whom the worker is co-resident' (Art. 1); 'factories and workshops' in turn were defined as 'all enclosed or open spaces where work is undertaken in or for an enterprise in the manufacture, alteration, repair, decoration, finishing or other preparation for sale or consumption of objects or materials ...', but specifically excluding 'kitchens and other premises where food and drink are prepared for immediate consumption,

and apothecary shops' (Art. 2). In addition, it was forbidden to employ boys below the age of 16, and women of any age, in 'factories and workshops' for more than 11 hours per day, at night-time, without a one-hour mid-day break, or on Sundays (Art. 5-7). Finally, a maximum of three labour inspectors were to be appointed for implementation and enforcement of the law (Art. 12) [Vleggeert, 1967: 100-1].

Since 1889, with the new labour laws of 1911 and 1919 and subsequent amendments made until the present day, child labour legislation in the Netherlands has experienced a typical 'European' evolution, with gradual re-definition of the category 'child' by raising of the minimum age from 12 to 13, 14 and finally in 1970 to 15 years, of the category of 'young persons' subject to protective legislation from 16 to 17 and finally to 18 years, and the category of 'employment' to include previously excluded sectors such as retail trade, offices, apothecaries, hotels and restaurants, bakeries, hospitals and rest-homes, and agriculture [Beenhakker & Eldering, 1968; Neve & Renooy, 1987; Bakels, 1992].

These developments, and similar ones in neighbouring countries, have given rise to the idea -- commonly expressed in comparisons with past and present conditions in the Third World -- that 'in Europe, child labour had been abolished as an abomination by the end of the nineteenth century' [Breman & Daniel, 1992: 288-90; cf. Weiner, 1991: Ch. 6]. This view is only true in a limited sense, if at all. The full-time employment of children in large manufacturing establishments was undoubtedly curtailed, but by no means completely so, by child labour laws, rising household incomes, the spread of education and the decreasing demand for child labour as factories mechanized in the late nineteenth century. In 1909 the labour inspector of North Holland noted that employers simply disregarded both the prohibition on employing children under 12 as well as the provisions on maximum working hours for children aged 12 to 16; 12 percent of the industrial workforce were in this age-group [Messing, 1974]. Furthermore, since the comparison is mainly with the work of children in agriculture and agro-processing in the colonies, it is interesting to note that agro-processing was not covered

in Dutch child labour legislation until 1919, and agricultural work itself until 1955 [Beenhakker & Eldering, 1968: 23].

Since the near-universality of school enrolment up to the age of 14 or so around the mid-twentieth century, child employment has not been eradicated but partially transformed, from mainly full-time to mainly part-time (but not necessarily casual) work, mainly outside school-hours, at weekends and during school holidays. The example of the Netherlands is instructive.

Today, Dutch children would appear to be protected by comprehensive legislation. No child under 13 may 'work' at all; children of 13 and 14 years are allowed to engage only in 'light' work in agriculture or shops for their own parents or guardians, for not more than 2 hours per day on schooldays and not more than 5 hours on other days (this means, interestingly, that at this age only the children of owners or managers of farms or businesses are allowed to work; the children of wage-workers and the unemployed may not work at all). Young persons between the ages of 15 and 17 may engage only in 'light' work during school vacations, never for more than 8 hours per day, at night-time or on Sundays; during school terms they may undertake only light non-industrial work in cultural, educational, scientific or artistic performances, or delivering newspapers between the hours of 7.00 p.m. and 6.00 a.m. and not for more than two hours per day. Exceptions are currently made for light Saturday work in shops, light housework in healthcare and geriatric institutions, and (for children of 16 to 17 years) in butcher-shops or bakeries which form part of their own house [Bakels, 1992: 4-6; Neve & Renooy, 1987: 11-13].

Although these regulations still fail to penetrate the household and unpaid reproductive labour of children (the concept of 'labour' [*arbeid*] being restricted to employment in the commercial sector, i.e. where a labour transaction is involved), in other respects we might say that they seem like a comprehensive (if somewhat complex and eccentric) set of prohibitive and protective legislation, protecting some children from employment itself and others from harmful forms of employment. The

problem is, however, that according to reliable research, probably more than half of all children in the Netherlands regularly violate one or more aspects of these laws. A few years ago a carefully conducted study was carried out for the Ministry of Social Affairs, in 20 schools in different regions of the Netherlands and also including a sample of school drop-outs. Three-quarters of all children aged 13-17 were found to be 'employed' in the commercial sector (that is, in work involving a labour transaction; such activities as unpaid housework or baby-sitting, volunteer work, house-repairs etc. were not included); and three times as many children were working 'illegally' as those who were engaged in permitted forms of employment. The percentage of children working 'illegally' was not lower, but higher in the 13-14 age-group (59 percent of all this group); altogether 56 percent of all children aged 13-17 were regularly employed in activities which because of their nature, their timing or their work-duration are officially considered to be harmful to their safety, health or to their personal development and therefore not permitted by law. There were few important differences between boys and girls in the extent of participation, although there was a quite visible gender division of labour in many occupations. The average working-week was 17.5 hours, with girls working somewhat longer hours than boys. Interestingly, and perhaps surprisingly to those who see in children's employment a threat to education, there were no important differences in participation rates between school attenders and school drop-outs [Neve & Renooy, 1987].

Such findings (which are not greatly different from those in other European countries where research is available [van Herpen, 1990]) produce various responses. On the one hand, one might react with shock, horror and outrage and press for immediate efforts to enforce the existing legislation; one might, on the other hand, consider first whether laws which are so widely violated by the majority of those whom they aim to protect, are not themselves in need of re-thinking. The authors of the study argue firmly for the second approach. They point, firstly, to the evident wish of the majority of children to work, for a number of reasons. Most children find work as enjoyable as school, and many indeed prefer

work to school. Children, here as in other countries, are themselves seen as an increasingly important market segment (estimated in Holland at 5 billion guilders in 1987, and no doubt having grown since then), in which they function as autonomous consumers with their own specific wants; employment is seen as the obvious means to obtain the necessary money. We do not need to glorify or romanticize juvenile work to recognize that the experience of work does not only have negative consequences; it also has important elements of learning, of learning to work with specific responsibilities and to manoeuvre within authority structures other than those of school, to broaden one's view of the relationship between work, income, and education, and of the possibilities and workings of the labour market. In the current conditions of widespread youth unemployment, some school-age children try to ensure themselves a job as early as possible (and in such cases, indeed, the compulsory education inspectorate often grants an exemption, in respect for the child's choice to work, even if this may be in contravention of the child labour laws); the early experience of work also seems to provide young persons with stronger motivation for later re-entering education or training programmes (the so-called 'second chance' education) [Neve & Renooy, 1987: 31-3, 107-8].

The extent of illegal child employment, the authors argue, is itself an indication that this form of employment is a widely accepted social phenomenon: 'in the present regulations prohibiting child employment, both the reality and the perceptions of children's work seem to deviate so far from the letter of the law, that serious questions must be posed as to the law's appropriateness'; they suggest in conclusion a relaxation of some of the existing prohibitions on child and youth employment, but coupled with stricter enforcement of the 'protective' regulations on work- and rest-hours [Neve & Renooy, 1987: 107-8].

In other countries in Europe, growing awareness of the realities of children's employment and their choice (or right, or need) to earn money is leading to arguments (and in some cases, of which Portugal is one, to government action) to shift away from 'abolitionist' to 'protective' legislation. Paradoxically, as these countries contemplate the relaxation

of their own unenforceable child labour laws, the hard-liners of what Bequele [1991: 9] calls the 'abolish-it-now' school are urging people and governments in the same countries to insist that the developing countries tighten and/or enforce their own laws, under the threat of various forms of boycott. One of the countries affected in this way, as we will see in the next section, is Indonesia.

## Attitudes and Responses to the Employment of Children: Java, 1850-1990

The nineteenth century was a period of quite active government intervention in labour matters in the Netherlands Indies, both in regulations designed specifically for the Indies and in those derived from Dutch statutes [Boeijsinga, 1927: 1-7]. In the Indies, however, 'original' labour legislation did not begin first, as it had in Europe, with 'women and children', but with adults generally and with other issues, in particular the prohibition of slavery and the prohibition or regulation of various other forms of unfree labour such as debt-slavery, *corvée* and coolie-indenture [Tjoeng, 1948: Chs. 1, 2 and 4]. In further contrast with Western legislation which focused mainly on manufacturing and particularly factory labour, 'original' Indies regulations of the nineteenth century were if anything more focused on agriculture [Boeijsinga, 1927: 4-5].

While there has not yet been any detailed historical study on children's work in Java, a few easily-available sources suggest large-scale involvement of children and youth in both peasant and plantation agriculture and in non-farm work, both as family workers and as wage-workers, in the nineteenth and early twentieth centuries. In the nineteenth century it was common for larger-farm households to take in the male children of landless or marginal-peasant households as live-in hired servants, receiving food and clothes for their labour [*Onderzoek*, 1906:13; Boomgaard, 1989: 151-2]. It is interesting to note that the boundary-line between 'child' and 'adult', at least as far as labour obligations to community and state were concerned, seems to have been 14 years in the 19th and early 20th century (in the 1920s, as we shall see, the age-limit set by the child-labour laws was lower). In Cianjur in the 1860s, only children below 14 years were exempted, together with adult women, from the burdensome *herendiensten* (*corvée*) labour tax, which mainly involved the forced cultivation of coffee, although in some tasks, such as the coffee-harvest, women and children often participated 'voluntarily' [van Marle, 1861: 11-12].

In rural crafts and small industries, the employment of children both as family helpers and for wages seems to have been common although we do not have a systematic source of information for this sector. The very low earnings in this sector, much less than prevailing agricultural wages, meant that all family members including children had to participate in production in order to attain a survival income for the household, in conditions reminiscent of those which we have seen described for the Netherlands in the mid-nineteenth century. In the Tangerang hat-weaving industry, for example (a dynamic, export-oriented 'success story' industry producing about 10 million hats per year)

in households with no other source of income than hat-weaving, all are compelled to help, including very young children, and one finds even the tiniest children, still dependent on mothers' care, already fellow-slaves in the struggle for their daily food [Pleyte, 1911: 59. see also White, 1991:49-50]

There are no indications, however, that the employment of children in the Indies was considered a social issue before the first World War; children's work seems to have been considered 'natural', and the wage-employment of children seems even to have been considered desirable, if we may judge from the attitudes of both the designers and the respondents of the well-known 'Inquiry into the Declining Welfare of the Native Population of Java and Madura' of 1904-5. The Inquiry's thick *leidraad* ('research guide'), developed by an 11-member committee (including three Javanese regents) contained no less than 533 questions. Although these cover many other aspects of social welfare besides purely economic data (child marriage, polygamy, prostitution, beggary and vagabondage, poor relief, education and literacy, health and health-care, etc.) the only question which touches on children's employment is one which asks: '74. Is there generally *sufficient opportunity for wage-employment for men, women, and children?*' [emphasis added], together with its two 'follow-up' questions, '75. Do many people take advantage of these opportunities? If not, why not?' and '76. How much can they earn per day, in cash (day- or piece-rates), working: a. for government



(public) works, b. for Europeans, c. for natives, d. for foreign orientals?' [Leidraad, 1904: 8].

Unfortunately, these questions were answered (or perhaps asked) in a rather half-hearted way in many of the 72 districts. However, a sufficient number of districts not only reported 'sufficient employment for children' in a general way, but also gave details of children's wage-rates and working-hours, to indicate that the colonial government and European enterprises (in nearly all cases, plantations) no less than native Javanese and 'foreign Asiatics' were themselves major employers of children [Onderzoek, 1912: VI f, 1-17; Onderzoek, 1911: IX c, 94-101]. In general, the working-day for children was reported as being the same as that of adults (most commonly between 8-10 hours), and children's wages were generally about one-half those of adult men, and 65-75 percent of those of adult women [*ibid.*]. In terms of both working hours and their relative wages compared to adults, Javanese children seemed better off than their counterparts in the farms and factories of Holland.

The measures eventually taken for the limited prohibition of child labour in 1925 were stimulated not by social concern in the Indies or the Netherlands, but by the new international obligations deriving from the Netherlands' membership of the League of Nations and the new International Labour Office established by Part XIII of the Treaty of Versailles (1919). The Netherlands became subject to the Treaty's article 421 which required member states to apply all conventions which they ratify to all of their colonies, with the provisos that (1) the convention was not 'rendered inapplicable by local conditions' and (2) such modifications as may be necessary to adapt the convention to local conditions might be incorporated in the convention, member states being obliged to report any such proposed modifications to the International Labour Office [van Zanten, 1927: 103-5, 148].

One of the ILO's first conventions (adopted by the General Conference in Washington, October 1919) was the Draft Convention on 'Minimal Age for Admission of Children to Industrial Employment' [reproduced in *Staatsblad*, 1928 no. 515] which stipulated that (Article 2)

Children under the age of fourteen years shall not be employed for work in any public or private industrial undertaking, or any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 1 defined 'industrial undertaking' to include mining/quarrying, manufacture, construction and transport (though excluding 'transport by hand'), but added that 'the competent authority in each country shall define the line of division which separates industry from commerce and agriculture'.

This Convention (which, together with another convention regulating female night-time work, was ratified by the Netherlands in 1922) is the first significant step in both the internationalization of child labour regulation, and its application in colonial possessions, which resulted in the introduction of child labour legislation in many Asian countries, each making their own modifications to the ILO convention. Japan, China, Hong Kong, the Philippines, Ceylon, the Straits Settlements and Federated Malay States, and British India all introduced new child labour laws or ordinances in 1923 [*Volksraadstukken* 1925: 14-16; Butler, 1938].

The Netherlands Indies was somewhat slower to respond to these new international initiatives. In 1924 the *Kantoor van Arbeid* circulated an Inquiry on the feasibility of applying the Conventions on Child Labour and Female Night Work to various departmental heads, regional and district authorities and employers' (but not workers') organizations. The employers' organizations consulted<sup>7</sup> in turn circulated the Inquiry among their members. The Inquiry specifically asked

whether there are industrial undertakings as defined by the Convention which made significant use of the labour of children below 12 years, or where such children are employed at night (between 10 p.m. and 5 a.m.) and whether enterprises can be identified which would be rendered



unviable or seriously inconvenienced by a prohibition on child labour [*Volksraadstukken*, 1925: 3].

The results of this Inquiry, their use by the Labour Office in preparing an ordinance for the regulation of child labour, and the discussion on this ordinance before its approval by the *Volksraad* in 1925 provide the only easily available source of insights into attitudes to child labour at the time. In particular, we can better understand why the 'adaptation to local conditions' permitted by the ILO convention in this case involved re-definition of the concepts of both 'child', 'labour' and 'workplace', and even of the concepts of 'night' and 'day'.

It is first interesting to note that the decision to make some local adaptations to the provisions of the standard ILO convention had already been made before the Inquiry was carried out; for example the redefinition of 'night' and 'day' (with the shortening of 'night-time' by two hours)<sup>8</sup>, and more importantly the redefinition of 'child' by lowering of the minimum age from 14 to 12 years, although the Netherlands in its own new Labour Law of 1919 had raised the minimum age to 14 years. Here, no doubt, the Labour Office had followed the pointers provided by Articles 5 and 6 in the ILO Convention which introduced specific modifications in the case of Japan and British India (including lowering the minimum age to 12 years), and the regulations adopted in 1923 by other Asian countries which had been studied by the Labour Office and which had all, with the exception of Ceylon and the Philippines, lowered the minimum age to 12 or even lower). The official reason given for this change was simply the 'earlier maturity of Eastern peoples' [*Volksraadstukken*, 1925: 9].

In considering the various responses to the Inquiry we restrict ourselves to the export enterprises found on a large scale in Java (sugar, tea and tobacco), beginning first with the sugar companies. The board of the Java Sugar Association (JSWB) had already pre-empted the anticipated government ordinance by issuing a prohibition on the employment of any 'children, who may reasonably be supposed not to have reached the

full age of 12 years', beginning with the harvest campaign of 1924.<sup>9</sup> The JSWB had advised the Labour Office that

a ban on child labour in factories here has a different character than similar regulation in Western countries; furthermore child labour would not be prevented by such a prohibition, since the exploitation of children, insofar as it amounts to an abuse, must be sought chiefly in small-scale enterprises which would have difficulty under the proposed regulations, and definitely not in the large European enterprises [*Verslag*, 1925:46].

The JSWB thus made clear that while willing and able to eliminate child labour in their factories (not in the fields!), they did not consider it particularly necessary to do so. In explaining the decision to members in their annual report, they argued that, while social legislation in general was the obvious means for bringing about desirable and unavoidable reforms, and countering the idea ('which had captured not only socialist theoreticians and communist hotheads') that the end of the First World War must bring radical changes in the structure and working of society, nevertheless such reforms tended to affect precisely those enterprises where they were least needed:

it is always simplest to apply social legislation to those enterprises in which labour relations are most regulated, most easy to monitor, most systematic and therefore almost always the best. In consequence, particularly in the Indies, abuses are first combatted in the places where they do not exist at all, or scarcely so [*Verslag*, 1925:45].

This rather complacent attitude takes on a different colour when we recall that the sugar industry did rely extensively on child and juvenile labour, not so much in its factories (which were covered by the prohibition) but in its fields (which were not), in such tasks as fertilizing, planting, watering and weeding. One year after the ban, the sugar association's 138 factories reported using no less than 14.4 million

person-days of so-called 'half-adult' labour, with this category comprising as much as 23 per cent of all hired labour days in some districts [Levert, 1934: 126].

The Netherlands Indies Agricultural Union reported objections to the proposed prohibition in many upland plantations, particularly tea estates, which employed native child labour in many kinds of light tasks; prohibition would result in an increased production cost. Labour Office officials made repeated visits to tea factories to convince them that they could easily do without the labour of children under 12, which was in any case not often used inside the factories; in one factory which still made widespread use of child labour, calculation of the costs of replacing children by adults showed that production costs would increase only by one-tenth of one cent per pound [Volksraadstukken, 1925: 4].

Among tobacco planters, the Chairman of the Agricultural Association of the Principalities responded that few problems would be occasioned by the proposed prohibition, and that the choice of the minimum age limit of 12 rather than 14 years was appropriate, because a ban on employment of older children between 12 and 14 'would indeed increase costs for many enterprises, besides most probably not being to the liking of the native population' [*ibid.*]. In Besoeki, however, a special study commissioned by the Director of the Labour Office found widespread employment of children below 12 years. In the 6 enterprises visited, no less than 2,334 children under 12 were found working (one enterprise employed 1,300), while the total number of children at work during the campaign season (August-April) was estimated at 5,000, almost entirely female. They worked in both drying- and packing-sheds, particularly the latter, fetching and carrying small bundles of tobacco leaf to the sorting- and stacking-women and bringing the sorted bundles to the weighing-scales and packing-chests. These often very young girls worked from 6 a.m. to 5 or 5.30 p.m., with rest breaks totalling 1½-2 hours, for a daily wage of about 10 cents [*ibid.*].

These employers, arguing against prohibition of child labour, pointed - with the support of local government officials - to

the absence of a civil registration system for natives [i.e. the difficulty of ascertaining the correct age of young workers - BW], the fear that older workers might damage the tobacco through rough handling, and the difficulty of replacing children by adults, particularly in the sparsely-populated districts of South Jember [*ibid.*]

The Inquiry led the Labour Office to conclude

1. that an absolute ban on the night-time employment of children below 12 years in any enterprise had met with no objections; and
2. that with one single exception, application of the convention on child labour as specified in the proposed ordinance would provoke few objections from industries in the Indies and certainly would not seriously inconvenience them ... [*ibid.*]

The single exception was the tobacco industry. Their objections according to the government

had been partly overcome by formulating the definition of 'workplace' in such a way that the mainly open drying-sheds were not included, and only work in the closed fermenting-sheds would be covered by the prohibition [*ibid.*].

By re-defining 'workplace', then, the only serious objections to the proposed ordinance could be circumvented.

In introducing the Ordinance to the *Volksraad* in 1925, the government declared explicitly that such child labour as existed in the Indies was not of such a nature as to require legislative action, and added that 'the Ordinance was thought desirable as a preventive measure, to ensure that abuses such as Western countries had known would never arise in the Indies' developing industries' [Boeijinga, 1926: 149]. In Govern-

General Fock's explanatory *memorie* appended to the ordinance submitted to the *Volksraad*, various other actual or possible objections to the provisions were also addressed, often with reference to the experience of the Netherlands or other Western countries.

The objection that women and children had to contribute to family income, and that state intervention in this matter would lead to serious popular resistance, was also brushed aside:

There is no need for concern about popular resistance, when children below 12 years may no longer work inside factories and enclosed workplaces (they may still work in the *sawah*, as buffalo-herds and in all fieldwork) ... and for the present the employment of older boys will not be interfered with at all [*Volksraadstukken*, 1925: 4; note the emphasis, as previously in the Netherlands, on the boy-child].

Some had objected that the limitation of child labour in the Netherlands (and in other Western countries) had been closely linked to compulsory education; while there was no such link in the Indies:

Here one should note that historically, first child labour was regulated due to the objections against it, and only later was the link made with education. The argument that the Government with this ordinance will only impel children who don't attend school to hang around the *kampungs*, in place of accustoming themselves to labour through regularly undertaking light and educative work, thus nurturing habits of idleness and sloth, could only be accepted if (1) there were no opportunity for is the case, since education-facilities are ever increasing and the only labour prohibited is that which gives grounds for concern for accidents, health and growth, while work in the fields, and with livestock, work which the young native has done for centuries, is totally untouched.

Keeping small children out of places where machines are

working, out of long and monotonous work in closed places, from carrying and breaking stones in road construction, where abuses can and indeed do easily occur, cannot be equated with banning children from useful occupation in other activities or preventing them from earning some extra money [*ibid.*].

The note also pointed out that the proposed Ordinance was neither a simple copy of the original ILO Convention, nor derived from the Netherlands Labour Laws of 1911 or 1919, but had been carefully modified in the effort to institute social legislation appropriate to local conditions; in some respects going further, in others less far than the Convention. In particular 'industrial undertakings' had been defined in a carefully restricted way, as

1. factories, that is enclosed places or places considered as closed, where one or more powered machines are used in or for an enterprise, and
2. enclosed workplaces where ten or more persons undertake manual work in or for an enterprise,

while the Convention had given a much more general description which would have led to serious objections. In the case of 'workplaces' the phrase 'considered as closed' was specifically omitted, so as to exclude from regulation many activities of an agricultural character which took place in open spaces; for example, workplaces under a simple roof, open-sided sheds like the tobacco-drying sheds and other open-air activities without powered machinery all fell outside the prohibition [*Volksraadstukken*, 1925: 9-10].<sup>10</sup>

In the *Volksraad* itself, some members expressed disappointment that European and native employees' associations had not been included in the Inquiry. Others asked why, when van Houten's law of 1874 had been much more widely opposed by manufacturers than this proposed Ordinance, the government had still conceded so many fewer exceptions in



the Netherlands than were proposed in the Indies; why was no consideration given to limiting children's working-hours, for example to a maximum of 8 hours excluding rest-breaks, and why were no regulations proposed to protect young workers of 13-14 years of age? Others suggested that *all* workplaces, including those with less than ten workers, should be included, excepting only 'pure' household enterprises where only members of the same household were at work; many native and Chinese enterprises, it was argued, would fall outside the Ordinance, while it might be precisely in such enterprises that prohibition was most needed, for example in the batik workshops where it was well-known that serious abuses abounded [*Volksraadstukken*, 1925 (6,4): 2-3].

These reservations were addressed by the government in a *Memorie van Antwoord* of 11 June 1925. On the question of consulting trade unions, it was lamely stated that while there were no objections in principle, this had not been done 'because the matter to be regulated gave no occasion to do so' [*Volksraadstukken* 1925 (6,5):1]. The various exceptions in the Ordinance

bore no relation to the degree of opposition by employers, but with the demands of practical reality and the conviction that if the initiated social legislation were to have beneficial effect, it would be better to strive for gradual improvement than to force the issue [*ibid.*].

Limitation of working-hours in the case of child employment would fit only in a framework of protective regulation of the labour of so-called 'young persons', while the present proposal merely established the age below which certain kinds of labour were prohibited. The suggestion to raise the minimum age to 15 years was also considered inadvisable: 'natives of 15 years are in physical development much closer to adults than to children'. And as to extending the prohibition to enterprises with less than 10 workers:

Besides the fact that it would be unenforceable without a huge number of inspectors, these small enterprises with less than 10 workers are anyway ruled more by family-relations and popular custom, and need more time to adapt themselves than the larger, more businesslike establishments [Volksraadstukken, 1925 (6,5):2]

A systematic study of labour conditions in the smaller native and Chinese enterprises was, however, in the workplan of the Labour Office.

The Ordinance was approved, and came into effect on 1 March 1926 [Staatsblad 1925, no. 647]. The Labour Inspectorate seems to have been quite active in investigating and prosecuting violations of the law -- at least, in comparison with present-day Indonesia -- and to have had some limited success, alongside the usual frustrations which attend this kind of work. In the two years, 1937 and 1938, 181 cases were brought to court, with fines of between 50 and 75 guilders being applied in 145 cases; in the others, the employers were acquitted after submitting doctors' opinions that the children in question appeared to be 12 or more years old, although the Inspectors noted that such certificates were of limited value, since they normally had neither photos nor finger-prints of the child, making it impossible to know whether the child named in the certificate was the same as the one found in the workshop or factory [Kantoor van Arbeid, 1939: 176-7].

The most commonly-prosecuted enterprises were (in descending order of frequency): textile-weaving (42 cases); kapok processing (41); batik (28); *klobot* hand-rolled cigarettes (16); maize-shelling (13), rice-milling (8) and tapioca (7), with smaller numbers of prosecutions in bakeries, leather tanneries, groundnut sorting, cotton sizing, coffee drying and roasting, copper-beating, mosquito-coils, tobacco processing, floor-tiles, tea processing and fireworks [*ibid.*]. It is interesting to note the relative frequency of agro-processing activities, alongside the expected craft and manufacturing industries, in this list.

Besides these prosecuted cases (which altogether concerned a total of only 346 children), the Inspectorate seems to have actively issued warnings in other cases where there were mitigating circumstances or where the ages of young workers were in doubt, and reported that on subsequent inspection the relevant children had generally been replaced with older workers [*Kantoor van Arbeid*, 1939: 176]. In some cases however, the children simply ran faster than the inspectors:

In several Chinese cigar or cigarette-factories, batik workshops etc. we found that each time we visited, many children simply took to their heels through the many passages which such factory-complexes have ... making it difficult if not impossible to establish a violation [*Kantoor van Arbeid*, 1939: 177].

The Inspectorate were also active in monitoring the conditions of work of 'young persons', who although not covered by any law were in some cases the subject of 'voluntary agreements'. In the tobacco-drying sheds of East Java, for example, where agreements had been made to limit work-hours of 'half-adults' (*halfwassenen*) of 12-16 years to 8 hours per day during harvest and 7 hours at other times, it was found that the agreements had generally been adhered to. The Inspectors noted that persons of this age-group 'were found in almost all kinds of enterprise, both inside and outside factories and workshops'; in some cases, where long working hours, hazardous work or unhealthy conditions suggested action, employers were urged to replace their young workers with adults [*Kantoor van Arbeid*, 1939:178].

At least in some corners of the Labour Office, voices were raised in favour of extending child labour regulation to enterprises with less than 10 workers. De Kat Angelino's report for the Labour Office notes that the batik workshops are

very unhealthy places, where the labour of children under 12 years of age can no longer be permitted [...] Given the very unhealthy conditions in this industry, it seems desir-

able to prohibit the employment of children in even the smallest batik-enterprises [de Kat Angelino, 1931:122].

The 1925 Ordinance remained in force for more than 20 years until, on the eve of the transfer of sovereignty to the Indonesian Republic, the minimum age was raised from 12 to 14 years [*Staatsblad* 1949, no. 8]. With this amendment, the same provisions were enacted into Indonesian law two years later [as Law No. 1/1951], and have remained on the books to the present. They were therefore in force, although efforts to have implement them appear to have ceased completely, during the period of rapid industrialization in the late 1980s when I and an Indonesian colleague studied the employment of rural children in 'traditional' and modern industries in West Java [details of this study, summarized in the following paragraphs, will be found in White & Tjandraningsih, 1992].

During the past four decades the extent of Javanese children's involvement in work has perhaps not changed greatly, although many features of this employment have undoubtedly changed. Firstly, dramatic growth in access to education has meant that by the mid-1980s, more than 90 per cent of boys and girls aged 7-12, and just under 70 per cent of girls and just over 70 per cent of boys between 13-15 were officially attending school [Oey-Gardiner, 1991]. School attendance, (although occupying only 4 - 5 hours per day in the first six years) places limits on the kinds of work available to children. Secondly, structural change and differentiation in both agriculture and the non-farm sectors has meant a relatively greater involvement of children, as of adults, in wage-employment rather than self-employment: you cannot 'help on the family farm' or in another parental enterprise, if your parents do not have an enterprise. Thirdly, the trend to wage-employment is strengthened by children's own strong preference for wage-work over unpaid work; this in turn is fuelled by the dramatic changes in lifestyles particularly during the past twenty years.

Our study tried to focus on the kinds of work that are 'normal' for children (that is: part of the everyday lives of large numbers of children) rather than more isolated and sensational cases of extreme and shocking

abuse of child workers in conditions of near or actual slavery, although such cases can certainly also be found.<sup>11</sup> We studied the involvement of children in five kinds of traditional and small-scale rural industries (including agro-industry), and seven kinds of medium- and large-scale factory industries producing both for the domestic and export markets. The children involved were all from the landless and marginal-farm households which together make up some three-quarters of Java's rural population.

Both boys and girls began work in small-scale industries at around seven years of age, but full-time work in both small industries and factories was not common until 11 years and upwards. Those who worked full-time for wages, or as apprentices, were generally primary-school dropouts or school-leavers who did not continue to secondary school. In all the cases studied, large numbers of children had decided to leave primary or lower secondary school (sometimes against their parents' wishes) to enter the labour market. This reflects both their desire to earn money, and also their view that staying longer in school would not guarantee them a better place in the labour market. The desire of children to free themselves from unpaid domestic work and parental control appears to be truly powerful [cf. Wolf, 1990]; particularly for girls, parental pressure to remain at home in more or less full-time (and unpaid) domestic work, rather than continuing schooling or entering the labour market, represents a special problem.

Many of the main problems faced by child and youth workers were not essentially different from those faced by their adult counterparts: long working hours, poor and sometimes dangerous working conditions, low (often very low) wages, and lack of access to worker organizations. They were generally unaware of their rights as workers, and in small-scale enterprises beyond the reach of labour legislation and regulations which tend to see only workers in formalized, large-scale enterprises as 'workers'. Often, their only recourse when faced by poor wage and/or working conditions is to move to another employer, or another occupation, or to stop working altogether.

At the same time, most child workers face some special problems which are not shared (or not to the same extent) by adult workers. In wage relations they may face the problem of cost-cutting attempts to exploit their (biological or 'social') juvenile status by the use of fictive kinship relations, unduly prolonged ('pseudo'-) apprenticeships or simple relegation to the lowest-paying jobs. Children in both small- and large-scale industries are often given tasks which adults workers consider too dirty, too demeaning, or even too dangerous.<sup>12</sup> Their work-hours generally do not leave adequate time for recreation or study; for those who try to combine work with school, appropriate part-time work is not always available and such work is likely to be right at the bottom of the earnings ladder.

While the most fundamental cause of children's employment, obviously, is poverty, the matter is not so simple as that. Today's rural children desire to have money for their own use; this is the main reason behind the preference for wage-employment outside the home, and also the growing occurrence in small-scale industries of 'intra-familial' wage-transactions between parents and children, which we had not expected to find on such a large scale. The desire for money among children and young people is not new, but in our view it is much more intimately felt by the present generation, in consequence of the form and strategy of development adopted in Indonesia (and most countries of the world). Free-market based development strategies, as a precondition for survival and growth, require and create new forms not only of production and producers, but also of consumption and consumers. Rural children and youth are an important part of both sides of this process. They are an increasingly important market segment for various kinds of mass-produced consumer goods, as media and peer pressures make it increasingly important for them not just to have sufficient food and clothes, but to have certain *kinds* of clothes, ornaments and other possessions, to consume certain kinds of food and drinks, and to engage in certain kinds of activities which are the attributes of 'proper' people.

These developments also reflect the rapid development of the technical means of creating and expanding mass 'wants' in society. The media,

and the observable and trend-conscious life-styles of both rural and urban élites, are important vehicles of the instillation of the consciousness of 'relative poverty', that is the desire of the relatively poor to own or consume goods, or to share life-styles that are generally the attributes of the relatively better-off. This in turn is one important cause of their decision to enter the labour market. Many children expressed their desire to leave their present employment, not to return to school but to move to a better-paying factory job.

Most of their problems will not be overcome by placing them in a special category, rather than incorporating them in more general campaigns to improve the working conditions and earnings of all workers, and ensuring that juvenile workers have at least the same rights and access as adults to health, safety, wages and worker organizations. That is one of the necessary steps towards 'humanizing the work of children' [Fyfe, 1989: 9-10]; the other (which need not wait for achievement of the first) would focus more on the various interests, needs and rights that are special to child workers, through special protective regulation.

A first step in this direction was taken in 1987 when the Minister of Labour issued a controversial 'Ministerial Regulation for Protection of Children who are Compelled to Work' (Ministerial Regulation No. 1, 1987). This regulation in principle recognized that social-economic conditions may require children below the minimum legal age (14) to enter employment, but stipulated that in such cases employers should (a) not require children to work for more than 4 hours per day or at night, (b) should pay wages conforming to the prevailing minimum-wage regulations and (c) should cooperate with the various relevant agencies to provide their child employees with opportunities for basic education. Strictly speaking this Regulation is in conflict with the Minimum Age Law of 1951, as has been pointed out by some Indonesian human rights organizations which oppose it on the grounds that it condones the exploitation of children (see for example, *Jakarta Post* 18/8/92). It has many shortcomings; its provisions were probably unrealistic, there was no clear procedure for their enforcement and indeed, six years later, Ministry officials confirmed that so far no companies have been charged

with violations (*Jakarta Post*, 31/7/93). Nevertheless, if taken more seriously, such protective regulations can provide (unlike abolition laws) an important legitimizing role in campaigns by or on behalf of working children for better working conditions.

In July 1993, however, it was announced that the 1987 Regulation is to be scrapped and replaced with a new one. This step is widely supposed to have been taken under pressure from the United States, which has threatened to withdraw trading privileges under the General System of Preferences unless Indonesia complies with various labour standards, including those prohibiting the employment of children [Simbolon, 1993]. The AFL-CIO has for several years presented an annual petition to the U.S. Trade Representative in Washington requesting this action [see for example, AFL-CIO, 1989]. Indonesia is also frequently cited as a potential target in the statements of Senator Harkin, initiator of the so-called 'Child Labour Deterrence Act of 1992' which proposes prohibiting the import into the USA of products resulting from the labour of children under the age of 15 and promoting an international ban on trade in the products of child labour (*Congressional Record*, various dates). The U.S. Department of Labour is now mandated by Congress to identify foreign industries that use child labour (under 15 years) in the manufacture of products exported to the U.S., and has recently contacted many Indonesia specialists requesting 'testimony' for the report to be presented to Congress in July 1994. The hypocrisy of these initiatives, from a country in which child labour is as widespread as the United States,<sup>13</sup> is so gross as to need no further comment; protection of American jobs is cited as an objective by both the Senator and the Congressional mandate. The ICFTU, the European Union in its Social Charter, and various national and international NGOs are also promoting similar bans or boycotts; the threat of international action is therefore an increasingly real one.

We noted earlier how in the 1920s the Netherlands Indies government, introducing Child Labour restrictions under international pressure, found it necessary to argue that there was not really any serious child labour problem in the Indies. Seventy years later the government of



Indonesia finds itself torn between the desire on the one hand to recognize and address the problem of child labour, and on the other hand to downplay or even deny the existence of the problem, at least where the outside world is concerned, because of the threat of international sanctions.

Such pressures are also no doubt responsible for the Minister of Labour's recent denial of reports that children were employed in numerous Indonesian industries, on the same day that he attended the formal inauguration of the Indonesian component of the ILO's major new 'International Programme on the Elimination of Child Labour', IPEC (*Kompas*, 8/12/92); and for the decision of the government-sponsored All-Indonesian Trade Union (SPSI) in 1991 to change the name of its small 'Bureau of Women, Youth and Children' to the 'Bureau of Women and Youth'.

Meanwhile, the close to 2.5 million children officially recorded as being employed in Indonesia's 10-14 age group by the 1992 Labour Force Survey, and countless others who combine employment with school or did not report themselves as working, continue to work illegally and without formal protection of any kind. A national conference on 'Overcoming the Problem of Children Who are Compelled to Work' in July 1993, issued a declaration whose recommendations included protective measures similar to those of the 1987 regulations [*Deklarasi*, 1993]. Meanwhile, Indonesian NGOs are themselves deeply divided, as in many other countries, on the issue of child labour; among them one can find variants of both the 'abolish-it-now', the 'protectionist' and the 'liberationist' approach. Some NGOs are busy, on a small scale, encouraging child workers to come together to discuss their problems and to develop strategies of promoting and defending their rights as children and as workers;<sup>14</sup> others criticize any attempt, by government or NGOs, to promote protective measures rather than pressing for enforcement of the legal prohibition on employment below the age of 14.

## **Children's Employment in the 1990s: Dilemmas for Governments and Activists**

What is it, really, that the 'abolish-it-now' school want to abolish, and why do they insist that general prohibitions on the employment of children are the best, or the only, way to achieve it? Often the abolitionists are not themselves very clear.

Certainly, children should not be made to work under conditions damaging to their health or safety, be exposed to harmful chemicals, be overworked or underpaid, be pledged or sold as chattels, or be deprived of access to education, recreation, social activity or family life. This is not at issue. The question is, whether such abuses of child labour can best be combated by a general prohibition on children's employment, or by other means. We may first ask, is it any more acceptable for adults to work under such conditions? As Morice has aptly reminded us: 'all these points could be applied to workers of all ages, not just to children' [1981: 157] and we do not (for example) combat the chattel slavery or extreme abuse of adult workers by banning adult employment generally. Most countries (including Indonesia) have enacted legislation and instituted regulations (minimum wages, maximum working hours, workers' health schemes, workplace safety and health measures, etc.) aimed to protect all workers from most of the kinds of abuses mentioned above; working children, then, if their status as workers is acknowledged, are also in principle protected by the same measures.

Abolitionist arguments are often justified by reference to a number of well-known 'horror stories'. These concern children who are virtually sold into slavery with or without their parents' consent; bonded child labour; children working in highly dangerous conditions, exposed to fire, glass, pesticides, dangerous machines; working very long hours which leave them only a few hours of exhausted sleep; underpaid or not paid at all. In 1992 a popular example in the international press was the Indian, Pakistani, Bangladeshi and Sri Lankan boy 'camel-jockeys', leased out from ages as low as 4 or 5 by their parents to racing-camel

owners in the Gulf States [Anon., 1992]; in 1994, the conditions of unfree child workers in south Asian carpet-weaving are receiving renewed publicity.

Which of these appalling abuses is not covered by existing civil or criminal law? If they are already covered, special 'child labour' legislation is redundant. Which of these situations is acceptable for adult workers, but not for children? Only in such cases are special laws and regulations relating to child labour necessary.

Most legislation and lobbying efforts in fact recognize that some forms of juvenile work may be acceptable. Thus, it is quite common now to make a distinction between 'children's work' (something 'acceptable', or which even may be a 'social good') and 'child labour' (unacceptable, exploitative, a 'social evil'). But here, often, because of the legacy of assumptions about children and work discussed in the introductory section above, the views of 'intervention' agencies and those of children may diverge almost 100 per cent, as the following set of oppositions helps to illustrate:

REPRODUCTIVE	PRODUCTIVE
AT HOME (FOR PARENTS)	OUTSIDE (FOR OTHERS)
UNPAID	PAID
SMALL-SCALE	LARGE-SCALE
COMBINED WITH SCHOOL	INSTEAD OF SCHOOL

For the ILO (and many others) the kinds of work in the left-hand column are acceptable, the right-hand ones to be eradicated; for many (perhaps most) children in the world, the left-hand situations are the *least* preferred.

Naturally, the ILO is not against all forms of child work. We have no problem with the little girl [sic] who helps her

mother [sic] with the housework or cooking, or the boy or girl who does unpaid work in a small family business. Quite the contrary! By performing simple tasks or helping in a family enterprise, they can pick up skills ... This sort of work can also be a source of satisfaction because the child assumes its responsibilities and can be proud of what it can do. The same is true of those odd jobs that children may occasionally take on to earn a little pocket money to buy something they really want ...

ILO is opposed to work carried out by children, either as paid or independent labour, when this work has become a daily necessity which inevitably deprives the child at the educational and social levels; when this work may harm the child's safety and health, .. also all forms of work which can offend children's morality .. or their dignity ...

ILO is against all forms of work in which the child is exploited, where advantage is taken of its weakness, where it is exposed to risks or prevented from receiving education and training [ILO, *World of Work*, June 1993:6-7].

Thus: work is all right so long as it is unpaid; children may work when they do not need to (for 'pocket money'), but not when they need to; children may help their parents' income-earning efforts (and gain pride and satisfaction from it) if they own a family enterprise, but not if they are propertyless wage-workers. Who is listening to children here?

The uncertainties, ambivalences and contradictions resulting from the awkward combination of protectionist approaches with the old 'abolitionist' legacy are reflected in policy literature, as may be seen in the following statements from a recent ILO publication, which at first reading appear quite inconsistent with each other:

While the *abolition of child labour* should be an overriding objective of public policy, sustained efforts are also necessary to provide greater protection and assistance to those ... who work ... [in certain conditions] the provision

*of work opportunities for the child* becomes an important objective, and may well become a strong ethical and economic imperative [Bequele, 1991: 77, emphasis added].

Thus, we should not only strive to abolish child labour, but also provide protection and support to working children, and even to find work for children who need it!

The ILO's new IPEC programme (International Programme on the Elimination of Child Labour, 'An Action Programme to Protect Working Children and to Combat and Eliminate Child Labour'), 'probably the most important international initiative in this field [which] has the potential to have considerable impact' [Roberts, in press] in many ways embodies these ambivalences and contradictions. Project documents stress that the long-term objective of ILO (and of the project, as its name implies) is the effective abolition of child labour, but recognizing that this objective is (at least for the time being) out of reach for most countries, the current position is that adopted in the ILO 1979 conference resolution on child labour which calls both for 'social and legislative action for the progressive *elimination* of child labour' and 'during the transitional period [until the elimination of child labour], the protection of working children' [ILO, 1993: 12] or in another formulation the attempt 'to regulate and humanize' the employment of children [ILO, 1992: 6].<sup>15</sup>

In considering these ideas, and also the national policies that have adopted part or all of them,<sup>16</sup> the question that remains unanswered is: if all the objectives of the 'transition' could be achieved, why still insist on the 'ultimate objective' of complete elimination of child labour? Suppose that the world's working children no longer worked in activities or conditions hazardous to their health and development; were covered by minimum-wage and other regulations ensuring them, along with adult workers, of the best working conditions that could reasonably be expected at each country's specific level of social and economic development; had achieved the right to organize, the right to be heard, were guaranteed sufficient time and facilities for rest, recreation and conti-

ning education; why insist on the general prohibition of children's employment, which would achieve nothing more than the abolition of children's right to earn money?

Such questions may be thought empty and academic: why question the 'ultimate' objective, when we all know that even the objectives of the 'transition' are unlikely to be achieved? There are, however, many reasons to take the question seriously. There is first, a matter of principle. It is contradictory and unjust for society on the one hand to bombard its children with all the messages of global and national consumer culture, underlining the importance of having money and of spending it certain ways, and on the other hand to deny the same children the right to earn money. This is not, of course, to suggest that children who earn money will always spend it on such individualistic objectives. Some children may reject the global message and instead wish to work in support of their parents or even in support of social, political or environmental 'causes', which is also their right. Another much more practical argument is that it is highly doubtful that children's employment *can* be meaningfully 'humanized' while it continues to be criminalized.

As indicated earlier, better working conditions are most likely to be achieved through a combination of mutually-reinforcing approaches of 'protection from above' and 'empowerment from below'. Each approach, in isolation, has important weaknesses. 'Protection' by itself can act against children's interests, simply imposing restrictions and underlining children's innate vulnerability, in an ideology of control which diverts attention away from the socially-constructed oppression of young people; 'empowerment' likewise, emphasizing the capacity of children to take control over their own lives, can obscure the social and structural bases of oppression and the fact that 'children are sometimes hopeless because there is no hope, helpless because there is no help, and compliant because there is no alternative' [Kitzinger, 1990: 173] in the absence of massive intervention 'from above'. But efforts to combine the two approaches can be seriously hindered, even completely sabotaged, when children's employment is still subject to national and international prohibition.

NGO support for protectionist regulation can come into bitter conflict with hard-line 'abolitionist' NGOs, efforts towards the unionization of working children can be opposed by established Trade Unions (as has happened in India, for example); and how can national governments openly and systematically strive to respond to the aspirations of child workers when the international lobbyists are breathing down their necks, demanding boycotts and other sanctions if they do not immediately enforce the ILO Convention's general prohibition on employment below the age of 15 years? To avoid misunderstanding, it should be underlined that this is not an argument against the establishment or application of international labour standards; it is not even an argument against the inclusion in those standards of a set of minimum conditions aimed specially at the protection of working children. It is simply an argument against picking the wrong target in such standards, by general prohibitions on the employment of children.

Wherever it may have come from, the idea that 'children should not work' certainly does not come from the world's children. If their views seem incomprehensible or unacceptable to us, it is because most of us are so unfamiliar with the world as children perceive it [Solberg, 1990: 135]. This is why, in further efforts to better understand child labour problems and to search for solutions, 'it is extremely important for us to listen to children' [Pronk, 1992: 17].

## Notes

1. Curiously, however, the Netherlands is one of about only 15 remaining countries which have signed, but not yet ratified, the convention [*Commentaar*, 1994]
2. These include the activities in teaching and research on child labour initiated by the Amsterdam Foundation for International Research on the Exploitation of Working Children (IREWOC) in collaboration with the University of Amsterdam, Free University and the International Institute of Social History; the International Working Group on Child Labour (IWGCL) jointly set up by the International Society for Prevention of Child Abuse and Neglect (ISPCAN) and Defence for Children International (DCI) with its secretariat in Amsterdam; and the Amsterdam-based Nobel Prize Winners' Programme to Stop Child Exploitation known also as 'ChildRight Worldwide'.
3. Thanks are due to René Bekius for assistance in locating materials on the Netherlands; to Indrasari Tjandraningsih for documentation on recent developments in Indonesia; to Henk van Beers for documentation on the Harkin Bill, and to Lesley Roberts for information on the Sub-Group on Child Labour of the NGO Group for the Convention on the Rights of the Child.
4. This tendency is reflected also in the habit in social and economic analysis, both now and in the past, of dividing societies into three categories: 'men, women and children', as if children were an ungendered social category. This problem, paradoxically, has not been much alleviated by the advances in gender awareness in academic and policy circles in the past two decades. Gender analysis itself, as some feminists have recently remarked, has been so much directed at the relationships between 'men' and 'women' that it has left children largely out of the picture [Thorne, 1987].



5. Strictly speaking, this is not correct since some 60 years previously a Napoleonic decree of 1813 had banned the employment of children below 10 years of age in mining. However, the decree was of little significance since the Netherlands had only a few coal mines at the time, in the region of Kerkrade [Brugmans, 1978: 106].
6. The passage is from an editorial comment on the public address given by J.J. Cremer in The Hague entitled "Factory Children: A Plea (but not for Money)"; see Vleggeert [1967:56].
7. The employers' organizations consulted were: the Indies Business Association (*Indischen Ondernemersbond*), the Java Sugar Industry Employers' Association (*JSWB*), the Netherlands Indies Agricultural Union (*Ned. Indisch Landbouw Syndicaat*), the General Association of Rubber Planters on Sumatra's East Coast (*AVROS*) and the Deli Planters' Association, and the Agricultural Association for the Principalities (*Vorstenlandsche Landbouwvereniging*).
8. In the final version, 'night' was shortened to a period of 9 hours between 8 p.m. and 5 a.m., instead of the Convention's original 'rest period of 11 hours' duration, which shall include the hours between 10 p.m. and 5 a.m.'
9. Regarding the Convention on Female Night Work, the JSWB took an opposite line, contesting the prohibition with both moral and practical arguments: (a) 'female labour in general is regarded as a completely self-evident institution in Eastern society, as in every primitive society; thus, quite different than in Europe, where a long established public opinion holds that "woman is by nature neither disposed nor suited for manual work in production". The rationale ... for a regulation prohibiting female employment or attaching special conditions to it, would certainly not be understood by the majority of the population', and (b) the objections

attached to female night labour elsewhere scarcely apply to the Java sugar-industry, where 'such labour is only used during the campaign months; the women take time off whenever they wish; the continuity of production requires regularly changing shift-work (the night-shift cannot remain always a night-shift) so that a ban on female night work would amount to a general ban on female employment' [*Verslag*, 1925:46].

10. The minimum limit of 10 workers was borrowed from the 'Indian Factories Act' of 1922 [*Volksraadstukken*, 1925: 9-10]. In fact, many of the definitions of prohibited kinds of employment besides 'factories' and 'workshops' (for example Articles 2c, 2d and 2e on construction, transport, freight handling etc.) were derived either from the Convention or from the Netherlands' 1919 *Arbeidswet*.
11. For example the case of eleven rural children kidnapped and forced to work without pay for between two to three years in a Jakarta carton factory, reported widely in the Indonesian press in July 1991 (*Pos Kota* and *Berita Buana*, 22 May 1991; *Tempo*, 1 June 1991). The exposure of such extreme cases, in the hope that the children involved can be immediately rescued and their employers and recruiters brought to justice under criminal law, is of course also an important priority; however, it is more effectively achieved by active investigative journalism and activist organizations, rather than by professional researchers.
12. In one of the case-study factories producing metal locks and hinges, a boy of 15 years had lost part of a finger in a metal-cutting machine. In his version, the machine was known to be faulty and dangerous, and when all his adult work-mates refused to use it the foreman gave the task to him although he had only one week's experience of machine work.

13. The sweatshops of the New York garment industry, in which 600 child labour violations were reported in a few years by the National Child Labour Committee, still regularly employ children below the age of ten (National Child Labour committee, cited in *Indonesian Observer*, 29/5/91); in the State of Pennsylvania a certain hamburger chain, well-known for its sesame buns and its generous patronage of children's charities, was cited for 466 violations of child labour laws in 1989 [Gray & Senser, 1989].
14. The best-known of these is the organization 'Creative Children's Education Committee', which has established five 'open houses' for child industrial workers in the Tangerang region and since 1989 has organized an annual, much-publicized 'child workers' jamboree'. Official permission for the latest jamboree was given on condition that the children's slogans on posters and banners should not be written in English, an indication that official anxiety mainly concerns the publicity that Indonesian child workers and their problems may attract outside Indonesia. As an example of smaller and lesser-known NGOs working on similar issues, the 'Foundation for Self-Reliant Development' (YPSM) in Jember has acted as a catalyst in the self-organization of child workers in the tobacco industry of Jember [*Berita Reaksi*, various issues; Boonpala, 1991; Tjandraningsih, 1993].
15. IPEC thus involves a wide range of interventions -- many of them, in one of the innovative aspects of the project, to be implemented by NGOs -- including 'prevention' of the employment of children in hazardous work or employment; 'protection' of the youngest and most vulnerable children (including as a minimum objective the 'prohibition' of employment of children who have not yet completed primary education, or children under 12 or 13 years of age); non-formal education and vocational training for children who work during a part or all of normal school hours to provide them with skills that are useful in finding more suitable income-earning possibilities; and promotion of 'self-organization'

amongst working children and their advocates [ILO, 1993; for further details and discussion see ILO, 1992].

16. The Netherlands government policy has adopted the same basic formula: 'the ultimate goal must be the elimination of child labour', but in the interim direct action is needed to ban children's work in hazardous occupations and with hazardous substances, to prohibit and eliminate child slavery and prostitution, to improve working conditions of both children and adults, and also to support organizations promoting the rights of working children [Ministry of Foreign Affairs, 1994: 65].

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