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Changing patterns of inclusion into old age protection in the Ottoman Empire and the Republic of Turkey (1865–2020)

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In contemporary Turkey, social security, in one form or another, touches upon the lives of nearly everyone. Old age pensions are a case in point. Most people expect to receive old age protection through pensions in their old age. But on what account are they included in the pension system? And why are others left out? It is through being part of a group, defined in legislation, that people come to be included in social security systems. In legislation or programmatic texts social rights are ascribed to certain groups of people. Such group construction processes are complex and may show much diversity: in social security law, groups may be defined around various dimensions, such as employment, gender or citizenship.

In this article, I explore group constructions in old age protection in the Ottoman Empire and Turkey from 1865 to 2020: which groups are included in old age protection, and in what sequence have they been included? I find that inclusion mostly revolved around the axis of employment. In the Ottoman Empire, old age protection started very early with the provision of pensions for state elites. The Empire institutionalised old age protection in the late nineteenth century through various contributory pension funds for people employed by the state, beginning with the pension fund for soldiers in 1865. The Ottoman pension system was thus organised around employment and restricted to the public sector. This way of structuring inclusion into the pension system had significant ramifications, not least regarding gender.

With its creation in 1923, the Republic of Turkey inherited this pension system. Initially, the Republic largely continued the Ottoman approach to old age protection. From the late 1940s onwards, however, as the country shifted from single-party rule to a multiparty system, successive governments gradually expanded pensions beyond state employees. 1949 constitutes a turning point in this respect and by 1963 the state described social security as a matter for ‘all groups of society’.¹ Although old age protection stopped short of being fully universal, we observe expanding inclusion over time. This expansion in old age protection echoes expansion in other policy areas, such as healthcare.

Analysis of the inclusion sequence reveals parallels between the trajectories of political inclusion and inclusion into social security. These striking similarities between politics and old age inclusion echo influential readings of Turkey’s social security development in the context of democratization.² Yet, a close look at the historical developments shows that democratic and autocratic governments alike shaped the inclusion sequence. This should caution against mono-causal explanations centred around a democratization narrative. In terms of research methods, the article rests on a qualitative analysis of primary legislation based on a new analytical framework. This means that the focus is on the analysis of laws, but not their implementation. I also take into account programmatic texts and complement the analysis with a review of

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secondary sources. I conducted keyword searches of official gazettes to unearth all relevant legislation, surveyed secondary sources on the subject and consulted historic and contemporary official documents on pension policy in Turkey.

Inclusion into social security in a comparative perspective

Systematic comparisons of how groups are defined in social security legislation and the sequences in which groups have historically been included into social security systems are rare. Instead, scholars have conducted quantitative analyses of coverage.³ Still, in one way or another, groups have played an important role in many studies. Research on Western European welfare state history, for instance, has mainly centred on the introduction and expansion of social security for employment-based groups.⁴ Social security in this era often focused on the male breadwinner – indicating the gender dimension. These male breadwinners were to be protected against what has been termed ‘old social risks’, primarily work injury, old age and ill health. Groups have also been important for studies of social rights. Following T.H. Marshall,⁵ the question of what social rights are granted to which groups has been analysed from a range of perspectives,⁶ including the social rights of migrants. On a more general level, universalism and targeting are central concepts of inclusion, based on which welfare states can be located.

Labelling, defining and demarcating social groups cannot be done in an objective manner based on the social position of groups alone. Instead, group constructions are the outcome of social and political struggles. Therefore, one may assume that there is variation in the social construction of groups across countries. Two hypotheses come to mind. Given the historical importance of workers in social policy, one may posit that inclusion starts with industrial workers and expands to eventually cover the whole residential population, as research on Western Europe indicates.⁷ Alternatively, inclusion may have started in the state apparatus with the military, followed by relatively better-off or strategically important workers, such as railway workers, as research on Latin America has shown.⁸ Both pathways assume that the social construction of groups is based on one’s position in the labour market. That is, groups are mainly occupational groups, such as workers or civil servants. Yet, in social legislation there is staggering variety, going far beyond occupational status. In modern societies, diverse groups can be identified, based on respective ascribed characteristics. Apart from occupation, gender, family or citizenship are key characteristics. Therefore, a full understanding of inclusion sequences and profiles requires considering various dimensions. Accordingly, I employ a new framework in this article to study how groups are defined by social security legislation. The goal is to explore inclusion into old age security in the Ottoman Empire and Turkey.

Social security development in the Ottoman Empire and the Republic of Turkey

As a single case, the Ottoman Empire and the Republic of Turkey features enormous internal variation. In 1865, the Ottoman Empire was a vast multi-ethnic empire, an absolute monarchy that struggled with external threats and with ever-strengthening demands for constitutional reform. Continuously losing territory, the Empire became a constitutional monarchy, but was eventually crushed by its defeat in the First World War. The degree to which the Empire really controlled its territory was uneven. Thus, the very capacity of the state to effectively implement social policy on the ground is unclear. Bearing these limitations in mind, historians have shown that modernisation and centralisation in the nineteenth century led to a sea change in the Empire’s approach to social issues. The state institutionalised some centuries-old practices of social protection and created modern social policies. Poor relief, for instance, was increasingly provided by the state. Partly due to epidemics, public health became a key concern. In mining regions, labour regulations were devised. These developments have been

interpreted as attempts of autocratic rulers to shore up 'legitimacy'.⁹ Often framed as the Sultan's charitable acts, policies became increasingly seen as social services provided by a 'modern state' in the constitutional era. Historians argue that these initiatives responded to increasing social problems brought about by various factors, including war-related population movements.¹⁰

In the aftermath of the First World War, with even the Empire's capital occupied, a nationalist uprising led by Mustafa Kemal (Atatürk) started in Anatolia out of which the Republic of Turkey in 1923 was built. Constituting an historic rupture, the new elite devised the Republic as a secular nation-state. Under single-party rule until 1945, the country aimed at rapid, state-led modernisation. Inspiration for this modernisation was sought in Europe, with many reforms heavily drawing on European legislation. Successive Republican People's Party (*Cumhuriyet Halk Partisi*, CHP) governments implemented important social policy reforms. CHP governments created the Ministry of Health and introduced comprehensive public health legislation. The state spread education to villages, with literacy increasing dramatically, especially among women. Parliament passed a corporatist Labour Law in 1936 that gave workers individual rights, while restricting collective rights.¹¹ However, social security policies in a narrower sense, such as pension or health insurance, took a backseat. In policy areas such as social assistance, the government generally continued the approach of the Ottoman era.¹² This echoes arguments put forward by historians, who emphasise continuities between the late Ottoman Empire and the early Republic.¹³

With the end of the Second World War, the country shifted to a multi-party system. The first peaceful and democratic transition of power came in 1950, when the CHP-offshoot Democrat Party (DP) won elections. Ground-breaking social security legislation, such as the creation of a Worker's Insurance Institution in 1945 and sickness and maternity insurance in 1950, which led to the provision of free medical services by this Institution, accompanied this political transition. Often described as the birth of social security in Turkey, these reforms have been read as part of the state elite's broader modernisation project.¹⁴

Although elections were relatively free and fair, democracy was never fully consolidated. Repeated military interventions shook up the political system.¹⁵ The first military intervention in 1960 paved the ground for a shift from elite competition to inclusion of the masses, albeit mostly through populist means. The 1961 constitution, drafted under the aegis of a military regime, defined the Republic as a 'welfare state' (*sosyal devlet*), an aspiration that is still vital in the political rhetoric of government and opposition alike. The early 1960s featured seminal reforms, including the (never fully implemented) socialization of healthcare in 1961 and the streamlining of previously fragmented social insurance legislation in 1964. Observers linked these pathbreaking reforms to the new rights and freedoms granted by the 1961 constitutions.¹⁶

Subsequent military interventions in 1971, 1980 and 1997 aimed at the exclusion mainly of class-based (the left), ethnic-based (Kurds) and religion-based (Islamists) political actors. Meanwhile, Turkey transformed from an agricultural economy to an urbanised middle-income country. From 1980 onwards, state-driven, planned development gave way to export-led industrialisation, as Turkey's economy became ever more interconnected with Europe. In these decades, pensions became the central component of the social security system. By the 1990s, more than half of all social expenditures went to the elderly. Social security remained stratified, however, with the rural population and the informal sector being disadvantaged.¹⁷

Following a severe economic crisis, the Islamist Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) came to power in 2002. It initially fashioned itself as a conservative-democratic party, but its rule became ever more authoritarian. Presenting itself as a champion of low-income groups, the AKP government reorganised social security¹⁸ in a way that – paradoxically – appealed to the poor without antagonising business and international lenders.¹⁹ The most tangible change came in healthcare, where the government established a mandatory health insurance with near-universal coverage. Before, healthcare had been fragmented with separate systems of

medical services depending on occupational status. Such inclusionary reforms, however, were accompanied by pro-market policies that deepened inequalities, leading to Polanyi-inspired interpretations of a 'double movement'.²⁰

Methodology and case selection

Defining groups that are given social rights and benefits is a central foundation of social policy. A historical analysis requires awareness of the semantics, and the historical labels used to describe the group or social category.²¹ While employment is the most prominent form of differentiation in social security, other forms such as gender or citizenship are also prevalent.²² Groups may not simply be defined in one dimension, for instance employment, but also through the intersection of different dimensions, such as female industrial workers. Such intersectionality is rather typical for legal texts, which usually clearly demarcate who is entitled to what. Importantly, new groups can emerge and even labels of universality may change. The whole semantics of groups is defined by power relations and discursive manoeuvres. Labelling groups not just shapes institutional possibilities, but also the categories in which social struggles are fought and collective identities are created and expressed. Against this background, the analysis differentiates between nine dimensions according to which groups can be constructed in social security legislation: employment; age and life course; gender; household and family; need; merit, burden and behaviour; place of residence; religion, ethnic, caste, race; citizenship, residency, migration. These dimensions also contain a number of sub-categories, such as sector or occupation under employment.

The sum of all groups that are defined in the legislation are described as *inclusion profiles*. To assess whether a given reform constitutes a process of inclusion or exclusion, group constructions have to be compared to the previous state. However, not being included may not mean that a group is not protected. Inclusion might be disadvantageous for privileged groups if they have to give up private protection and are forced into a 'risk pool' with the less fortunate.²³ Whether non-inclusion means discrimination, exclusion or privilege requires carefully assessment. The inclusion profile therefore covers the group name; the analytical location of the group construction in the nine dimensions and the assessment as an inclusionary or exclusionary process. Based on these inclusion profiles, I conduct a systematic, qualitative analysis of the temporal sequence in which groups have been included into social security. I focus on public protection against the social risk of old age through pensions.²⁴ Old age security is central to the welfare state. As a social risk, old age is potentially relevant for the whole population. This may facilitate the emergence of universalist approaches. In most countries, old age protection was one of the first fields of social security that the state tackled.²⁵ Our case is no exception.

The analysis relies on the coding of primary legislation. I coded nearly 100 laws from the Ottoman Empire and the Republic of Turkey that define who is included in old age pensions. To identify this primary legislation, I conducted keyword searches of the Ottoman Empire's *Düstür*²⁶ and Turkey's *Resmi Gazete*.²⁷ In addition, I consulted two other types of sources. First, secondary sources on the development of the policy field in the Ottoman Empire and Turkey. Second, historic and contemporary official documents (e.g. five-year development plans) on old age pension policy in Turkey. For Turkey, I also applied keyword searches of the database of parliamentary proceedings.²⁸

'It is a nation's duty to take care of civil servants and public employees in their old age': old age inclusion in the Ottoman Empire (1865–1922)

In the Ottoman Empire, pensions covered people in the state apparatus. Before the nineteenth century, bureaucrats and soldiers were financially supported after their retirement through different practices. The state assigned the revenue of certain land to former civil servants as a

retirement income (*arपालık*) or made regular payments to them (*oturak ulufesi* and *tekaüd ulufesi*). In principle, the latter was comparable to a pension. Yet, it was not codified and it remains unclear whether all civil servants benefitted, to what degree benefits were standardised and what happened during economic crises.²⁹

In the nineteenth century, the Ottoman Empire underwent comprehensive modernisation, with the *Tanzimat* period starting in 1839 constituting a critical juncture. Modernisation entailed a substantial bureaucratic expansion.³⁰ The state codified rules and regulations for civil servants and paid them regular wages.³¹ It also institutionalised its pension system in the form of contributory pension funds. This institutionalisation of pensions was expressed in the first constitution (*Kânûn-ı esâsî*) in 1876. Article 39 promised all civil servants with good conduct pensions in case of dismissal or retirement. In 1878, Sultan Abdulhamit suspended the constitution and returned the Empire to absolute monarchy. Still, the promise of pensions encapsulated in Article 39 was largely put in place.

At the risk of oversimplification, one may divide the Empire's public administration at the time into three parts: military (*askeriye*), civil (*mülkiye*) and the Muslim religious state administration (*ilmiye*). The military was covered first, starting with the Soldiers' Retirement Fund (*Askeri Tekaüd Sandığı*) created in 1865/1866.³² This scheme, however, targeted only long-term servicemen as the condition for a pension was 30 years of service. Legislation for civil servants within the military was passed in 1873. Employees and permanent workers of the Imperial Arsenal (*Tersane-i Amire*), the Empire's main naval shipyard, were covered through the Workers Fund (*Amele Sandığı*) in 1875.³³

Policymakers started to work on a pension fund for the civil administration around 1870. However, its creation was repeatedly postponed. Instead, the state launched special funds for parts of the civil administration. In 1876, a fund for civil servants working in the Post and Telegraph Ministry and in 1878, a fund for customs officers was created.³⁴ In 1879/1881, the state established a retirement fund for civil servants in the civil administration (*memurin-i mülkiye*). Influenced by civil servant pensions in France, this new fund was later merged with the funds of the post, telegraph and customs despite opposition by members of the latter funds.³⁵ Parts of the civil administration remained uncovered and so the state continued to launch special funds, for instance for the health administration (*idare-i sıhhiye*) in 1884.³⁶ In Crete, civil servants refrained from entering the fund, arguing that wages were too low for them to pay contributions.³⁷ Also in Crete, the state created a special fund for the gendarmerie in 1884.

The Muslim religious administration (*ilmiye*) was the last main part of the state to be covered. The Ottoman Empire defined itself as the Islamic caliphate and the Ottoman Sultan claimed the status of caliph. The Empire's religion was Islam and religious authorities were part of the state apparatus. In 1874, the state created a survivors' pension fund for religious civil servants, such as imams and muftis. Religious civil servants working in the civil administration (*mülkiye*) were covered by the pension fund for the civil administration. However, the empire created an old age pension fund for religious civil servants only in 1894.³⁸

In addition to civil servants, the state devised retirement funds for various public employees not covered by existing funds. For instance, retirement funds for employees in the tax administration (*vergi emaneti tevzi kaleminde müstahdem ketebei*) and for some customs employees (*rüşumat kantarcıları ile muhafaza kayıkçıları*) were created in 1884 and 1885. Moreover, from 1890 onwards the administration created special retirement funds for specific state-linked shipping and railways companies that covered both civil servants and employees of these companies.

In analytical terms, the main axis of inclusion into old age security was thus employment for the state and related institutions. In short, the public sector. Within the public sector, the pension system established clear divisions between soldiers, civil servants and public employees. Policymakers aptly expressed the rationale of restricting protection exclusively to servants of the state in the preamble of a draft law that reformed civil servants' pensions in the second constitutional era, in 1909. They argued that 'it is a nation's debt and duty to support civil servants and

public employees, who have spent their life serving their nation well, in their old age, when they are deprived of the power to make a living.³⁹

The focus on people employed by the state had important consequences, for instance with regards to gender. At first glance, gender did not play a prominent role in legislation. However, there were very few women employed by the state and thus few female pensioners.⁴⁰ Similarly, the share of non-Muslims in public employment was by all accounts disproportionately low. According to one study only 46 of 10,146 retirees of the *Mülkiye* fund were women and only 465 were non-Muslim.⁴¹ For the *Askeriye* and *İlmiye* funds the numbers would likely be even more skewed.

Beyond the protection of people employed by the state, old age protection in the Empire remained residual. The self-employed were traditionally organised in guilds (*lonca*), which weakened over the nineteenth century.⁴² Akin to their European counterparts,⁴³ these guilds provided some form of protection against social risks through assistance funds (*teavün sandıkları*) before they were dissolved in 1913. The state, however, apparently did not regulate these funds and it remains unclear to what degree guilds ensured effective social protection.⁴⁴

To a very limited degree, the state also provided cash benefits to elderly poor. This practice appears to have become more widespread in the late nineteenth century, as the state took over charitable foundations (*vakıf*), traditional providers of social assistance and social services. The government formalised the regular cash payment to poor people in 1910, two years after the country shifted to a constitutional monarchy, with the Indigent Benefit Regulation (*Muhtacin maaşatı hakkında nizamname*). According to this regulation, beneficiaries had to be too old or disabled to earn an income, be citizens, have no source of income, and no relatives to take care of the applicant.⁴⁵ Arguably, this benefit was akin to a proto-social pension – but apparently only a few poor aged and disabled received benefits. Hence, in effect, inclusion to old age protection remained limited to people employed by the state.

‘Retirement is not a privilege of civil servants’: Old age inclusion in the Republic of Turkey (1923–2020)

The creation of the Republic of Turkey in 1923 constituted a rupture. A secular, republican nation state replaced a multi-ethnic, Islamic monarchy. This Republic was ruled (in a single-party system) by the CHP, which explicitly framed itself as a departure from the past. Still, historians have pointed to long-overlooked continuities between the late Empire and the early Republic.⁴⁶ Hence, it may not come as a surprise that the state’s approach towards old age pensions did not really change. It mainly protected people employed by the state.

The early Republic’s main pension legislation, passed in 1930, integrated the system for soldiers and civil servants (*Askeri ve Mülki Tekaüt Kanunu*). It covered all civil servants and soldiers, who ‘received their wage from the general budget’ (Article 1), but retained separate provisions for separate groups.⁴⁷ In subsequent years, CHP governments established special pension funds for certain state institutions (e.g. railways, shipping), which usually covered both civil servants and employees of the respective institution.⁴⁸ Due to the important place of civil servants in this system, citizenship as a condition for inclusion was crucial.⁴⁹ In the railways fund, foreigners were specifically excluded and several laws contained a clause that the loss of citizenship meant a loss of pension rights. A peculiarity of the early Republic’s pension system was legislation for civil servants from the former Hatay government. Passed shortly after Turkey had annexed the area in 1939, it covered both pensioners and civil servants losing their job after annexation.

In 1942, the government created a special fund for state-owned enterprises that included their civil servants and permanent employees. In 1944, it expanded this fund to include various public employees. The early Republic pursued state-led modernisation, giving state-owned enterprises in the industrial sector a crucial role.⁵⁰ However, relative to the size of the labour force, pension coverage remained small. Most people were farmers or agricultural workers and they, as

well as the self-employed and private sector workers, remained essentially excluded. The state continued to implement the Indigent Benefit programme for disabled and elderly. Yet, the programme remained residual.

With the end of the Second World War, Turkey gradually transitioned from a single-party system to a multi-party democracy. In 1950, the Democrat Party (*Demokrat Parti*, DP), an offshoot of the CHP, that styled itself as a politically and economically more liberal alternative, beat the CHP in the first free and fair elections. A year earlier, in 1949, parliament passed two laws that constituted a turning point for old age protection in Turkey. The Retirement Fund (*Emekli Sandığı*) legislation unified the system for civil servants, soldiers and state employees. The Old Age Insurance Law (*İhtiyarlık Sigortası Kanunu*) targeted private sector employees through the Worker's Insurances Institution (*İşçi Sigortaları Kurumu*) that had come into existence in 1946.

This was a critical juncture that marked the expansion of old age security beyond people employed in the state apparatus. This path departure was aptly captured by the CHP member of parliament Esat Tekeli in the parliamentary discussion of the Retirement Fund legislation, when he stated that, 'Today, retirement is not a privilege of civil servants, it is a right that should be extended to all citizens.'⁵¹

The Retirement Fund legislation nearly fully integrated the stratified public sector pension system.⁵² The legislation listed all institutions that were affected and groups of people that were covered. This included janitors, guards and employees in charge of cleaning and simple tasks. Instead of the distinction between civil servants and non-civil servants, the main criteria of inclusion became being employed in a permanent position, with citizenship remaining as a condition.

The Old Age Insurance Law, covered all workplaces to which the Labour Law applied, and included all employees that the Labour Law defined as being insured. This peculiar way of defining inclusion requires an explanation. The Labour Law, a milestone legislation passed in 1936, had initially contained a social insurance scheme. However, this plan to make social insurance part of the Labour Law had been scrapped by parliament. Still, the law included an outline of a social insurance scheme for private sector workers. It was these provisions in the Labour Law that the old age insurance legislation referred to.

While the Labour Law defined workers (*işçi*) along the lines of 'physical work', it explicitly listed employees, who did not fit the definition of a worker, as being included. A blue collar, white collar distinction prominent in other countries was thus avoided. Also, foreigners were included. Initially, only employees (*çalışanlar*) in companies with ten or more employees were covered. Moreover, the legislation excluded various groups, such as temporarily employed and seasonal employees. Policymakers argued that the latter group would not be able to fulfil stringent eligibility criteria for pensions.⁵³ Furthermore, the Labour Law applied only to certain sectors. Aviation, seafaring and, most importantly, agriculture – where most people worked – were excluded.

The two legislations together signified a sea change in Turkey's pension policy. Initially, legislators retained an emphasis on pensions for the public sector. They debated the Retirement Fund legislation during seven sessions of parliament in May 1949, but rushed through the Old Age Insurance legislation in two sessions in June 1949.

In the 1950s, reforms of the Labour Law and the old age insurance legislation made the system gradually more inclusive. Journalists were covered in 1952 and seamen and seasonal employees in 1954. Most importantly, the ten-employee threshold was lowered in 1952, for certain sectors in bigger cities to four employees. Still, throughout the DP-era, the legislation applied only to few workers. Instead of expanding inclusion for private sector workers, the DP government focused on reforms of public sector pensions. Whereas it changed the former legislation seven times in the 1950s, it revised the Retirement Fund legislation 34 times. For private sector workers, the most important reform came with the Disability, Old Age and Death Insurances Law in 1957, which created a disability and survivors' pension in addition to old age pensions. However, this legislation retained a restrictive approach to inclusion and even made the inclusion of foreigners only optional.

In analytical terms, the most important dimension defining inclusion thus remained employment. Inclusion was mainly linked to company size, sector, and employment duration. But beyond these employment-related criteria, other dimensions also mattered. For instance, relatives cohabitating with their employer were not covered. This applied to wives of employers, but not husbands, indicating the relevance of gender. Interestingly, residence in Turkey was a condition of receiving pensions.

In 1960, a military coup swept the Democrat Party from power. During the military interregnum, a new constitution was passed that contained a welfare state clause. The first five-year plan published after the coup featured the universalisation of old age insurance as an objective and pointed out that 'social security is a matter for *all groups of society*'.⁵⁴ In economic policy, the post-coup policy regime prioritised state-led, planned development through import substitution industrialisation.⁵⁵ The new political regime 'aimed at adding new groups to the social bases of politics',⁵⁶ including unions. All this shaped social policy in the following decades.

In 1964, after the return to an elected government, old age protection for private sector workers was transformed through the Social Insurances Law (*Sosyal Sigortalar Kanunu*). This legislation unified the fragmented social insurance law and turned the Worker's Insurances Institution into the Social Insurances Institution (*Sosyal Sigortalar Kurumu*, SSK). This signified its ambition of going beyond the group of workers. It defined inclusion without reference to the Labour Law. In principle, everyone working for an employer with a work contract was defined as insured. Thus, also employees in small enterprises would be covered. However, it took nearly a decade until this rule was in place in all provinces.

In practice many groups, such as apprentices or agricultural and domestic workers, remained excluded. Policymakers conceded that excluding agriculture was a 'major deficit'. Still, in their view the 'fragmented nature of agriculture, the lack of big companies' and the reciprocal nature of agricultural work, were obstacles to inclusion that could not yet be overcome.⁵⁷ For several white collar-dominated sectors (such as banking), an opt-out system was put in place. In these sectors, firms could create their own social insurance funds (*özel sandıklar*), regulated by the state, to remain exempt from the Social Insurances Law.⁵⁸

In 1971, the state expanded old age, survivors and disability pensions to the self-employed. This step had been on the agenda of the Justice Party (*Adalet Partisi*, AP, successor of the DP) government that had come to power in 1965. However, it was only implemented after the military enforced a change in government in 1971. The new technocrat government created a separate social insurance institution for 'tradesmen, artisans and other self-employed' (*Esnaf ve Sanatkârlar ve Diğer Bağımsız Çalışanlar Sosyal Sigortalar Kurumu, Bağ-Kur*). According to the draft bill, which had been prepared by an AP lawmaker, 'tradesmen and artisans', which were given a prominent place in the framing of the new institution, were the group 'most in need of social security' after workers.⁵⁹ Crucially, the legislation excluded the biggest group among the self-employed: farmers. This occupational and sectoral exclusion had ramifications for its geographic scope, as it basically excluded rural Turkey, where most people still lived. In contrast to the legislation for workers, *Bağ-Kur* excluded also foreigners, making citizenship another salient dimension.

After the end of the military interlude in 1973, competing centre-right and centre-left governments aimed at expanding social security. In 1976, an AP-led government implemented an election promise of the CHP and created social pensions for elderly and disabled people (*65 yaş aylığı*) that also came with free hospital services for beneficiaries. This was a watershed.⁶⁰ By the early 1980s, an estimated quarter of over 65-year-olds were beneficiaries of social pensions.⁶¹ This was despite an ostensibly quite restrictive approach to inclusion in the legislation. The legislation clearly stated that only 'over 65-year-old, indigent, Turkish citizens, who have no one that could take care of them and are unable to work' (*65 Yaşını Doldurmuş Muhtaç, Güçsüz ve Kimsesiz Türk Vatandaşları*) were eligible.

In analytical terms, social pensions shifted the main dimension of inclusion from employment to need. Age, citizenship and burden (inability to work) were additional dimensions that served to separate the deserving from the undeserving poor. In the parliamentary hearings, these criteria were heavily contested, and the disabled were only belatedly added to the legislation (as manifested in the legislation's incomplete title). The only uncontested criteria remained citizenship. Gender and place of residence were implicitly important dimensions: in the 1970s, most people in Turkey lived in villages and most elderly were women. Previous old age pension legislation mainly protected men in urban areas. In contrast, social pensions must have disproportionately benefited elderly women in villages.

From the late 1970s onwards, governments further expanded the system to include hitherto excluded sectors and professions. Most importantly, agriculture as a sector was gradually covered – around the time when Turkey's population became predominantly urban. The first step came in 1977, when a reform included agricultural wagedworkers (*tarım işlerinde ücretle çalışan*). In 1979, farmers gained the option to become part of *Bağ-Kur*. Yet, both reforms had limited practical effect.

In 1980, another military intervention upended the political system. In the economic realm, the military regime engineered a transition from import substitution to export-led industrialisation, guided by the international financial institutions. In the political realm, the coup was by far the most draconian and a new constitution put strict limits on political participation. Yet, it neither abolished the welfare state clause nor the universal right to social security and even added Article 61 which stated that 'the aged shall be protected by the state'.⁶²

Just before the return to competitive elections in late 1983, the military regime passed two laws to continue the inclusion of agriculture into social security. One piece of legislation made agricultural workers involved in temporary work and without a fixed employer eligible for voluntary coverage in SSK. A second aimed to make farmers *Bağ-Kur* members.

After the return to multiparty politics, conservative governments gradually implemented the legislation for farmers. They were apparently not in a hurry, however, and so it took nearly ten years until it was applied to all provinces. The legislation primarily targeted men over the age of 22 who were working on their own account in agriculture. Women were only targeted in cases where they were 'family heads' (*aile reisi*). Farmers between 18 and 22 working without income on family farms, and women above 22 were only eligible for voluntary coverage.⁶³

Around the same time, the concept of voluntary coverage (*isteğe bağlı sigorta*) became increasingly important. It helped to expand the pension system further, yet in more diffuse ways. It had initially been created as an option for formerly insured people to continue insurance and (presumably) fulfil pension eligibility criteria. In 1979, voluntary coverage in *Bağ-Kur* was expanded to include the whole resident population, except for minors, foreigners without Turkish ancestry and pensioners. Interestingly, the scheme explicitly included housewives – with the argument that they could not do other work because they were in charge of 'protecting the happiness of the family'.⁶⁴ In 2003, resident foreigners became eligible under the self-employed legislation. In sum, successive governments increasingly devised voluntary coverage as a universal category for those who were outside of the groups that were mandatorily included.

In 2006, the AKP government passed a landmark reform to unify social security. This had been a longstanding goal of policymakers, featuring already in the first development plan in the 1960s.⁶⁵ However, successive governments had postponed unification. The AKP's reform merged the social security institutions for civil servants, workers and the self-employed into the new Social Security Institution (*Sosyal Güvenlik Kurumu*, SGK). This had most profound effects in health-care, where previously separate institutions provided separate medical services, but it also had ramifications for old age pensions. The new law maintained many existing categories demarcating the group of included. Yet, it also contained new distinctions. For instance, it exempted farmers and self-employed with a low income from coverage due to their perceived inability to carry the burden of social insurance contributions. This was the first time that the dimension of income

defined inclusion into social insurance in the old age pension system. Furthermore, it meant an exclusion of a previously included group – a rare phenomenon. Another change was that citizenship, which had been particularly salient in the scheme for state employees, was no longer a marker of exclusion. Overall, however, the 2006 reform kept the main group constructions intact and retained an emphasis on the dimension of employment, mainly differentiating between public employees, private sector workers and the self-employed.

Conclusion

This article explored dynamics of inclusion in old age protection in the Ottoman Empire and Turkey. I analysed how legislation defined which groups were included into old age protection and in what chronological order the inclusion of these groups unfolded. For this purpose, I looked at primary legislation and differentiated nine separate dimensions, according to which groups may be built in social security legislation. The analysis revealed that legislation in the Ottoman Empire and Turkey mainly defined inclusion through employment-based criteria, but that other dimensions, such as need, citizenship and gender were also important at various points.

In the Ottoman Empire, different practices of protecting elderly state employees existed early on. In the second half of the nineteenth century, the state institutionalised these practices through contributory pension funds to retired soldiers and civil servants. After soldiers and civil servants, the state covered various groups of public employees. This also included small groups of workers in key state institutions. The pension system was highly fragmented, with separate institutions for different ministries, and even some special pension laws for single companies. Beyond people in state employment, old age protection was residual.

With its creation in 1923, the Republic of Turkey inherited this pension system. Until the late-1940s, the focus remained on soldiers, civil servants and employees in state institutions. As the Republic strove for state-driven industrialisation, the government passed new legislation for newly created state-owned enterprises and other state institutions. Still, the focus remained squarely on protecting employees of the state. Retirement remained the ‘privilege of one class’.

From the late-1940s onwards, however, and in tandem with democratisation efforts the state transformed this narrow and stratified system. It unified the fragmented system for state employees in a single retirement fund and expanded the system to people not working for the state. This process continued over the next decades with the inclusion of other groups. Permanent employees of medium and large companies came first, followed by employees in small companies and temporary employees. In the early 1970s, the self-employed were included. In the late 1970s, legislation covered agricultural workers and elderly people in need. In the 1980s, farmers were included. Expansion thus mainly but not exclusively revolved around covering new occupational groups.

Overall, the changes in old age protection since 1949 constitute nothing more than a transformation of the very idea behind old age security: from the belief that ‘it is a nation’s duty to take care of civil servants and public employees in their old age’ to the idea that it is the welfare state’s duty to take care of the elderly in society. In short, the position of the protector and the protected group was reversed: from *protection of the state by the nation* to *protection of society by the state*.

Our in-depth exploration of the inclusion sequence reveals intriguing parallels between political and social inclusion. The Ottoman Empire institutionalised pensions for people employed by the state in a period of struggle between the sultan and the rising bureaucracy. Arguably, defining clear rules for old age pensions may be seen as a concession of the sultan to the bureaucracy. The expansion beyond state employees in the late 1940s coincides with the transformation from a single- to a multi-party system. Core private sector employees became part of the pension system when their role as voters started to matter. The expansion beyond formal sector workers employed in medium to large companies coincides with a shift in politics from elite

competition to the – imperfect – inclusion of the masses. Ordinary workers, farmers and the poor were included in pensions when they became actively involved in politics. This correspondence between changes in politics and old age inclusion brings to mind perspectives that interpret Turkey's social security development in light of democratisation.⁶⁶ Still, it was not just democratic governments, but also non-democratic ones that shaped the inclusion profile of old age protection. Therefore, arguments about a causal link between political regime and old age inclusion should not be stretched too far.

In comparative perspective, one may note that the chronological sequence of inclusion resembles Latin American countries,⁶⁷ where the state first covered itself and included workers only very belatedly, starting with a small group of relatively better organised workers. It is also important to note that although inclusion mostly revolved around the axis of employment, this was not the only dimension of inclusion. Especially citizenship and gender remained relevant.

Comparative welfare state research has shown that there is a correlation between the degree of economic development and social security universalization.⁶⁸ Given that Turkey was for a long time a relatively poor country, one may thus wonder, whether the relatively late inclusion of broader segments of the population reflects a lack of economic resources. However, exceptions to this rule do exist and especially in old age protection certain countries, such as Costa Rica, implemented policies that targeted relatively universal groups quite early.⁶⁹ In Turkey, however, the focus on groups defined through formal employment in an economy with high informal labour meant that the old age protection system excluded large parts of the population. Furthermore, legislation further restricted access within the group of formally employed people.

From a regional perspective, the findings raise the question whether countries that were part of the Ottoman Empire in the late nineteenth century followed a similar trajectory as Turkey in pension inclusion. In many Middle Eastern countries, pension systems traditionally favoured state employees.⁷⁰ However, the specific groups that were included and the sequences of their inclusion remain understudied. Did the Ottoman approach to inclusion, the belief that 'it is a nation's duty to take care of civil servants and public employees' in retirement influence the dynamics of inclusion of pension systems across the region? This remains an open question that could be tackled by future research.

From a public policy perspective, one may wonder whether the findings for old age protection also apply to other areas of social policy. Is the sequence of inclusion into old age protection also found, for instance, in healthcare? Pensions are at the heart of Turkey's social security system and were one of the earliest fields of social policy intervention. It can be assumed that to some degree the findings also apply to policy areas. In fact, for some groups, inclusion into old age protection came with inclusion into other social security branches, such as disability or survivors' pensions. This was the case for the self-employed and farmers, for instance. Protection for agricultural workers was not even limited to old age, disability and survivors' pensions, but also covered work accidents and health insurance. However, for other groups, old age inclusion was temporally detached from inclusion into other social security branches. Therefore, a definitive answer to these questions can only be provided by an in-depth analysis of the inclusion sequence for other policy areas.

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Notes

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28. Türkiye Büyük Millet Meclisi Kütüphane ve Arşiv Başkanlığı (2023), *Cumhuriyet Dönemi Meclisleri Genel Kurul Tutanaklarına Erişim Sistemi and Osmanlı Dönemi Meclis Tutanaklarına Erişim Sistemi* [Republican Era Parliaments General Assembly Minutes Access System and Ottoman Era Parliament Minutes Access System]: https://www.tbmm.gov.tr/kutuphane/tutanak_sorgu.html. Regarding data access, keyword searches of official gazettes complemented by other sources should provide good results for Turkey. For the Ottoman Empire, it is likely that some relevant material has been missed.
29. Özbek, *Cumhuriyet Türkiyesinde Sosyal Güvenlik*.
30. Özbek, *The Politics of Poor Relief in the Late Ottoman Empire 1876-1914*.
31. N. Manav, 'Mülkiye Tekaid Sandığı'nın kuruluşu ve faaliyetleri (1880-1890)' [Establishment and Activities of the Mülkiye Tekaid Fund (1880-1890)] (PhD Thesis, Marmara University, 2014).
32. Historians provide different dates for the Fund's creation: 1865 (Manav, *Mülkiye Tekaid Sandığı'nın kuruluşu ve faaliyetleri (1880-1890)*) or 1866 (Özbek, *Cumhuriyet Türkiyesinde Sosyal Güvenlik*). Each part of the military, such as navy or army, built separate survivors' funds.
33. A. Martal, 'Osmanlı İmparatorluğu'nda emeklilik ve buna ilişkin ilk düzenlemeler' [Pensions in the Ottoman Empire and the first regulations in this respect], *Kebikeç*, Vol. 9 (2000), pp.35–42. After a lost war with Russia led to an economic crisis, the state set up new retirement funds for separate branches of the military from 1880 onwards. In 1886, the state unified the military pension system again through the creation of a new fund which civil servants within the military joined in 1888.
34. Akman, *Tanzimat'tan Cumhuriyet'e Osmanlı Hukuk Mevzuatı I*.
35. Manav, *Mülkiye Tekaid Sandığı'nın kuruluşu ve faaliyetleri (1880-1890)*.
36. M. Aykanat, 'Osmanlı Sosyal Güvenlik Hukukunda Temel Kurumlar' [Main Institutions in Ottoman Social Security Law] (PhD Thesis, Selçuk University, 2015).
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39. Meclisi Mebusan Zabıt Ceridesi, *Memurini Mülkiyenin Tekaidüne Dair Mülkiye Tekaid Encümeni Tarafından Tadilen Kaleme Alınan Layihai Kanuniyedir* [Draft Bill Related to the Retirement of Civil Servants, as Amended by the Civil Service Committee]: Meclisi Mebusanı Osmani, Birinci Devre, 1324 - 1325 İcimai, no. 78 (1909).
40. Women's access to old age security came primarily through survivors' pensions which continue to play a crucial role for elderly women in Turkey.
41. E. Gökmen, 'Osmanlı Mülki Memurlarının Emekli Maaşları (1880-1912)' [Pensions of Ottoman Civil Servants (1880-1912)], *Çanakkale Araştırmaları Türk Yılığ*, Vol. 20, no. 32 (2022), pp.79–108.
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44. Dilik, *Sosyal Güvenliğin Tarihsel Gelişimi* [Historical Development of Social Security], *Ankara Üniversitesi SBF Dergisi*, Vol. 43, no. 1 (1988), pp.41-80; Dinç, *Sozialstaat als Produkt einer Staatselite*.
45. Özbek, *Cumhuriyet Türkiyesinde Sosyal Güvenlik*.
46. Zürcher, *Turkey*.
47. It covered also institutions with separate budgets until special legislation for these institutions was passed.
48. Ottoman and early Republican pension legislation commonly used the term '*müstahdem*', which can be translated as white-collar worker: O. Tuna, 'Müstahdemler Zümresi ve Meseleleri' [The Group of White-Collar Workers and their Issues], *Sosyal Siyaset Konferansları Dergisi*, Vol. 15 (1964), pp.191–208, but is also used to describe employees in charge of cleaning and simple tasks (*odacı*). At least in one case, however, parliamentary proceedings clarified that the term also covers workers ('*işçi usta, amele, makinist ve ateşçi gibi müstahdemler*', Türkiye Büyük Millet Meclisi, 'Devlet demiryolları ve limanlar işletme umumî idaresi memurlarının tekaütlükleri hakkında 1/995 numaralı kanun lâihası ve Nafia, Maliye ve Bütçe encümenleri mazbataları [Bill No. 1/995 on the retirement of employees of the State Railways and Ports Management General Administration and the reports of the Public Works, Finance and Budget Committees], No. 171' (1934)).
49. Compared to the Ottoman era, when loss of citizenship was grounds for exclusion, but foreigners could become part of the pension system (Manav, 2014) the importance of citizenship increased. Gender also continued to matter. Echoing the Civil Servants' Law from 1926, civil servants and soldiers marrying or living with foreign women (but not men) were excluded from pensions.

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51. Türkiye Büyük Millet Meclisi, *Türkiye Büyük Millet Meclisi Tutanak Dergisi*, Term 8, Vol. 19, Session 88, 18 May 1949 (1949).
52. Only workers in the state railways and military factories retained their special retirement funds until 1968.
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54. T.C. Başbakanlık, Devlet Planlama Teşkilatı, *Birinci Beş Yıllık Kalkınma Planı: 1963-1967*.
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57. Millet Meclisi, *Sosyal sigortalar kanunu tasarısı ve Trabzon Milletvekili Selâhattin Güven'in, 5.1.1961 tarih ve 228 sayılı Kanuna iki ek madde eklenmesine ve bu kanunun 14 ncü maddesinin tadiline dair kanun teklifi ile Eskişehir Milletvekili Şevket Asbuzoğlu, Konya Milletvekili Fakih Özfakih ve Edirne Milletvekili İlhami Ertem'in, 4.2.1957 gün ve 6900 sayılı Maluliyet, ihtiyarlık ve ölüm sigortaları Kanununa ek ve geçici maddeler eklenmesine dair kanun teklifi ve Geçici Komisyon raporu (1/462, 2/368, 2/413, 2/506)* [Draft law on social insurances and the bill of Trabzon Deputy Selâhattin Güven on the addition of two additional articles to Law No. 228 dated 5.1.1961 and the amendment of Article 14 of this law and the bill of Eskişehir Deputy Şevket Asbuzoğlu, Konya Deputy Fakih Özfakih and Edirne Deputy İlhami Ertem on the addition of additional and temporary articles to Law No. 6900 on Disability, Old Age and Death Insurances dated 4. 2.1957 and the report of the Provisional Committee (1/462, 2/368, 2/413, 2/506)]. S. Sayısı: 338 (1964).
58. This opt-out system remains in place.
59. Millet Meclisi, *Bursa Milletvekili Kasım Önadım'ın, Esnaf ve Sanatkarlar Sosyal Sigortalar kanunu teklifi ve Adalet, İçişleri, Ticaret, Sanayi, Çalışma ve Plân Komisyonlarından seçilen 3 er üyeden kurulu 6 numaralı Geçici Komisyon raporu (2/13)* [Bursa Deputy Kasım Önadım's proposal for a law on Social Insurance for Tradesmen and Craftsmen and the report of the Provisional Committee No. 6 consisting of 3 members selected from the Commissions of Justice, Interior, Trade, Industry, Labour and Plan (2/13)], S. Sayısı: 201 (1971).
60. Already in 1968, the AP government had created a non-contributory pension targeting participants of the War of Independence (1920-1923) for their 'service for the homeland' (*vatanî hizmet*). Service for the homeland pensions (*hidemat-i vataniye*) had started in the late Ottoman Empire and were continued by the Republic: S. Yolaç Nennioğlu, 'Osmanlı'dan Cumhuriyet'e bir sosyal yardım uygulaması: Hidemât-ı Vataniye tertibinden bağlanan maaşlar (1909-1938)' [A social support practice from the Ottoman Empire to the Republic: Pensions from the Hidemât-ı Vataniye scheme (1909-1938)] (Master's thesis, Pamukkale University, 2018). These were always targeted at individual beneficiaries. The 1968 programme constructed beneficiaries as a group with inclusion criteria. The initial plan was to create a means-tested programme, but during the parliamentary hearings MPs argued that it would be stigmatising for these 'national heroes' to undergo a means-test (Millet Meclisi, 1968). Hence, they made the receipt of an 'Independence medal for participation in the national struggle' and Turkish citizenship the criteria for inclusion. Later, the scheme was amended to include veterans of the Korea and Cyprus wars.
61. In 1980, around 630,000 elderly received social pensions, while 620,000 elderly received old age pensions from *Emekli Sandığı*, *SSK* and *Bağ-Kur* (H. T. Bolukbasi and K. G. Öktem, 'Welfare Effort and Social Rights in Turkey's Welfare State', *How 'Social' Is Turkey? Working Paper*, no. 6, Bielefeld University (2020). Later, the programme was neglected, as benefit levels did not keep up with inflation.
62. Talas, *Türkiye'nin açıklamalı sosyal politika tarihi*.
63. These age and gender-related distinctions were dropped in 2003.
64. Millet Meclisi, *1479 Sayılı Esnaf ve Sanatkarlar ve Diğer Bağımsız Çalışanlar Sosyal Sigortalar Kurumu Kanununun Bazı Maddelerinin Değiştirilmesine Bazı Maddelerinin Kaldırılmasına ve Bu Kanuna Ek ve Geçici Maddeler Eklenmesine Dair Kanun Tasarısı ile Kütahya Milletvekili İlhan Ersoy'un, Ankara Milletvekili Semih Eryıldız ile Kastamonu Milletvekili Sabri Tıǧlı'nın, Konya Milletvekili Şener Battal ve Sivas Milletvekili Azimet Köylüoǧlu'nun, Bursa Milletvekili Kasım Önadım ve 3 Arkadaşının, İstanbul Milletvekili Süleyman Arif Emre ve Sivas Milletvekili Azimet Köylüoǧlu'nun, Sivas Milletvekili Azimet Köylüoǧlu'nun, Sakarya Milletvekili Hayrettin Uysal'ın, Kastamonu Milletvekili Sabri Tıǧlı ile Ankara Milletvekili Semih Eryıldız'ın, İçel Milletvekili Süleyman Şimşek'in, İzmir Milletvekili Neccar Türkcan ile 36 Arkadaşının, İstanbul Milletvekili Sevil Korum ile 4 Arkadaşının, Kayseri Milletvekili Kemal Doğan'ın, Aynı Kanunda Değişiklik Yapılmasına İlişkin Kanun Teklifleri ve Sağlık ve Sosyal İşler ve Plan Komisyonları Raporları (1/147, 2/29, 2/97, 2/98, 2/425, 2/427, 2/440, 2/456, 2/461, 2/465, 2/479, 2/573, 2/588, 2/591)* [Draft Law on the Amendment of Certain Articles, Repeal of Certain Articles and Addition of Additional and Provisional Articles to the Law No. 1479 on Tradesmen and Craftsmen and Other Independent Employees Social Insurance Institution and Proposals for a Law Amending the Same Law by Kütahya Deputy İlhan Ersoy, Ankara Deputy Semih Eryıldız and Kastamonu Deputy Sabri Tıǧlı, Konya Deputy Şener Battal and Sivas

Deputy Azimet Köylüoğlu, Bursa Deputy Kasım Önadım and 3 Friends, Istanbul Deputy Süleyman Arif Emre and Sivas Deputy Azimet Köylüoğlu, Sivas Deputy Azimet Köylüoğlu, Sakarya Deputy Hayrettin Uysal, Kastamonu Deputy Sabri Tiğli and Ankara Deputy Semih Eryıldız, İçel Deputy Süleyman Şimşek, İzmir Deputy Neccar Türkcan and 36 Friends, Istanbul Deputy Sevil Korum and 4 Friends, Kayseri Deputy Kemal Doğan and Reports of the Health and Social Affairs and Plan Committees (1/147, 2/29, 2/97, 2/98, 2/425, 2/427, 2/440, 2/456, 2/461, 2/465, 2/479, 2/573, 2/588, 2/591), *S. Sayısı 289* (1979).

65. T.C. Başbakanlık, Devlet Planlama Teşkilatı, *Birinci Beş Yıllık Kalkınma Planı: 1963-1967*.
66. Talas, *Türkiye'nin açıklamalı sosyal politika tarihi*.
67. Mesa-Lago, *Social Security in Latin America*.
68. Flora and Heidenheimer *The Development of welfare states in Europe and America*.
69. K.G. Öktem, 'The Welfare State as Universal Social Security: A Global Analysis', *Social Inclusion*, Vol. 8, no. 1 (2020), pp.103–13.
70. M. Loewe, 'Sozialpolitik im Dienste des Machterhalts: Soziale Sicherung und der Staat im arabischen Vorderen Orient' [Social Policy in the Service of Maintaining Power: Social Security and the State in the Arab Middle East], *Der Bürger im Staat*, Vol. 48, no. 3 (1998), pp.147–52.