

**PIONEERS**

A Western King and an Ancient Notion: Reflections on the Origins of Ombudsing

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■ Abstract

The ombuds idea has taken root around the globe providing critical protection for citizens in public, private and social sectors. Contemporary ombudsing is a unique practice which provides a rare, often fair-minded mechanism of protection for the individual with a grievance. The seeds of this modern idea may be found in ancient world cultures as well as Scandinavian history. An early version of the idea appears in a decree creating a Highest Ombudsman signed by Swedish King Charles XII in 1713, notably while he was living in exile in Turkey, during which time Sweden was in turmoil. Sometimes mechanisms for peace emerge from conflict. The modern ombuds office is often pivotal in addressing and reducing bureaucracy and conflict. As ombudsing continues to grow worldwide, as ombudsing as a human rights mechanism expands, as visitors to the ombuds office represent many world cultures, recognizing the multicultural influences and antecedents to ombudsing may deepen the international dialogue. The aim of improving governance is integral to modern ombudsing, and this aim may even be seen in the creation of the earliest Highest Ombudsman, today in Sweden existing as the Chancellor of Justice. The shift in the ombudsing function between 1713 and 1809 and thereafter, illuminates the development of the role against the backdrop of history. Early versions of the idea included protection of individuals as well as aims of good governance. For the Parliamentary Ombudsman and contemporary models, independence and integrity are core components of the office. With the growth of ombudsing across sectors, continued reflection on patterns of power, governance, accountability and culture may prove fruitful.

■ Keywords

ombuds, ombudsing, Sweden, King Charles XII, Turkey, grievance

1. INTRODUCTION

Ombudsing is a unique practice which provides a rare, often fair-minded mechanism of protection for the individual with a grievance. The concept of an ombudsperson¹ has multicultural roots but in its modern form is largely of Scandinavian origin. Ombudsing has been steadily growing worldwide and often contains pulses of democracy. An

ombuds officer can hear and resolve grievances in public, private and social sectors, and can influence improvements in administration. In the study of international ombudsing, the Swedish and Danish parliamentary ombudsman models are foundational to modern ombudsing functions as we know them. They are associated with modern democracy, human rights and the free individual (Kucsko-Stadlmayer, 2009). History shows us that there are ancient, multicultural

¹ There is extensive discussion about the word ombudsman. In this article I attempt to use the versions respectfully.



antecedents to the ombuds idea (Kracke, 1976; Perry, 1978; Waley, 1938), but the first formal ombudsman, the Highest Ombudsman, emerged from a curious series of events. Swedish King Charles XII, having tried to rule his rapidly declining country from afar for thirteen continuous years, signed a series of administrative reforms which included a decree for the *Hogste Ombudsmannen*, the Highest Ombudsman, in October 1713. Sweden lay in ruins, the citizens suffering from famine and poverty after years of war and hardship while their ruler lived thousands of miles away, in Turkey, as an unwanted guest of the Ottoman rulers. The Highest Ombudsman was to make sure that state officers were acting in accordance with laws and regulations (Wieslander, 1999). The Highest Ombudsman is now known as the Chancellor of Justice. The Swedish Parliamentary Ombudsman was formally created in 1809 and is a vital, thriving institution today along with the Chancellor of Justice.

Early versions of the ombuds idea included protection of individuals as well as aims of good governance and conflict mitigation. For the Parliamentary Ombudsman and contemporary models, independence and integrity have emerged as critical components. With the growth of ombudsing across sectors, reflection on structures and patterns of power, governance, accountability and culture may continue to prove fruitful. To reflect on events leading into modern ombudsing, this article considers some ancient, multicultural antecedents, key events in the creation of the Highest Ombudsman, and briefly considers the Parliamentary Ombudsman which is foundational to many contemporary offices.

2. AN ANCIENT NOTION

A survey of history provides us with ancient stories of justice for the aggrieved from leaders around the world with mythical qualities of benevolence such as Solomon, Yao, Saint Louis, Anusharvan, Theodosius the Great and King Harsha (Kracke, 1976). One example is from the 3rd or 4th century B.C. in the Chinese “Ritual of Chou”:

“By means of the lung stone he gives an outlet to common people in distress. If anywhere, far or near, there is anyone without brothers or without children, old or young, who wants to report a grievance to the higher authorities, but his headman will not transmit the complaint, such a one is to stand upon the lung stone for three days, and any gentleman who hears his words must report them to the higher authorities and bring the blame home to the headman.” (Waley, 1938, p. 494)

We also find documented proof of early systems for redress in cultures across the globe. Bells and drums were an integral part of many early legends of citizen grievance systems lending a particular aural component to the concept of citizen’s appeals. Grievance bells are noted in the third and fourth centuries in Chinese history and also in Japan in 647, the Khitan Empire in 1039, Islamic writings in the 11th century, India in the 12th century and in Siam and Europe in the 13th Century (Kracke, 1976).

The first reference to a petitioner’s drum, in 269 AD from Korean historical records, depicts a *sinmun’go* drum designated for complaints during the leadership of King Taejong of the Joseon dynasty. All citizens could request justice for wrongs or notify the king of dangers by using this drum located near the palace (Woo-Keun, 1970).

In addition to colorful stories of devices such as bells and drums to sound the pleas of the wronged, there are other representations which may have aspects related to the ombudsman idea. These include the Chinese Censorate and the Roman Tribune of the Plebs. In addition, prototypes for the ombudsman emerged in Middle Eastern cultures and within the medieval Germanic tribes, as well as Swedish culture.

Swedish King Charles XII hatched his idea of an ombudsman while living in Turkey, in exile as a guest of an Ottoman sultan. “Protection of the people against oppression, called *mazalim*, was always a primary duty of the just sultan...” (Darling, 2008, p. 510)

Mazalim sessions can be found in Persian history. From 1457 to 1478 Uzun Hasan ruled Aqquyunlu in northwestern Iran and Eastern Anatolia. According to the account of Budaq Munshi, describing a *mazalim* session:

“When Uzun Hasan had finished the morning prayer, the ‘drum of justice’ would be sounded to indicate the convening of the court of appeals (*diwan-i-pursidan*). There he would appear in person clothed in dervish attire (*libas-i-darwishan*)... Needy, indigent plaintiffs (*hark as az faqui wa darwish*) were then summoned to present their suits through a public official who acted as their advocate and intermediary (*parwanchi-yi ajaza wa masakin dar an dawr i-tibar dashi sukhani-I faqiranra miguft wa dara maqam- muhimm-sazi mishud*). Cases would be settled immediately and secretaries in attendance would draft and issue the orders. The plaintiffs would leave the court with firm decisions not subject to change or alteration.” (Perry, 1978, p. 208)

History suggests that devices and concepts of representation for the wronged traveled across borders throughout time. Some of these ideas embodied a sense of protectorate for the people as well as attempts to improve governance. In 1976, Edward Kracke noted that, “the ombudsman in-



stitution had incorporated, consciously or not, much of the heritage of the quests for individual justice found in both East and West.” (p. 8) Vilification trees, lung stones, bells, drums, colorful clothing, cries for justice and complaint boxes - the voice of the aggrieved has sounded for thousands of years entwined in our historical connections. Today the ombudsman position is a critical institution around the world. In 1713, Swedish King Charles XII signed a decree for a number of administrative reforms including a decree for the King’s Highest Ombudsman. What led to the inception of this post created by decree in Timurtasch, Turkey? And who was King Charles XII of Sweden?

3. A WESTERN KING

King Charles XII was one of the last warrior kings in Europe. He was a colorful and complex historical figure. He has captured the imagination of many historians and literary figures including Robert Nisbet Bain, Voltaire and Strindberg. Studies indicate that Charles XII was considered both a hero and a villain, depending on the aims of the authors in depicting his rule (Moerk, 1998). Moerk also suggests that the arc of his rule had a profound impact on Sweden’s attitudes to war and peace (1998).

Born in 1682 in Sweden, Charles XII was the only son of King Charles XI and Queen Ulrica Eleonora. He was the third king of the Wittelsbach dynasty and ascended the throne at the tender age of fifteen, on his father’s death in 1697. At the end of the 17th century, Sweden was a major power in Europe with control over the Baltic Sea. In 1700, Denmark, Poland and Russia formed an alliance to defeat Sweden. The military prowess of Charles XII, a young inexperienced king, took the members of the alliance by surprise and, after his stunning victory, he earned the nickname ‘the Swedish Meteor’ (Cooke, 1981, p. 144).

Disciplined and bellicose, Charles soon began waging what was known as the Great Northern War, in Europe, lasting eighteen years. He waged battles against enemies of Sweden, including his mortal enemy and peer, the Russian Emperor, Peter the Great. One of the first was the Battle of Narva, in 1700, where Charles and his men triumphed over Peter the Great. Despite repeated requests by his allies to engage in or discuss peace treaties, Charles declined unless he personally perceived a benefit (Bain, 1895). Charles roared through the already declining resources of the Swedish state, expediting its decline as a great power. In 1709, Charles was decisively defeated by Peter the Great at the Battle of Poltava, and his army was decimated. Wounded, Charles and his remaining men took refuge in the village of Varnitsa near

Bender, in present-day Moldova, at the invitation of the rulers of the Ottoman Empire, who were also enemies of Peter the Great. Having left Sweden in 1700 and having been away at war for nine years, Charles remained in Turkey and continued to rule from abroad while struggling to negotiate diplomatic and financial terms to ensure his safe return to Sweden.

4. RULING FROM AFAR: THE KALABALIK AND A PECULIAR RESPITE

In Turkey, Charles lived off the resources of the Ottoman Empire and gained another nickname *Dembiras Sarl*, or ‘Ironhead Charles’, for living on the state’s iron coins, and in reference to his obstinate nature (McCarthy, 1965). Initially welcomed by the Turks, over time he became less welcome. He began inciting wars from within Turkey. According to Bain (1895) he was asked to leave but repeatedly refused. He angered the Sultan and orders were given to take Charles from Bender to Adrianople, dead or alive (p. 210). Charles still refused to leave.

“To all remonstrances he was either deaf or rude. When the clergy protested against needless blood shedding, he bade them go and preach elsewhere as he meant to fight. When even his own soldiers implored him not to stain the honor of the Swedish name by drawing his sword against friends and benefactors, he roughly replied: “Hold your tongues and obey orders!” (p. 211)

And so, in February 1713, Charles fought a battle which is referred to as the Skirmish at Bender or the “Kalabalik” (Kent, 2008; McCarthy, 1965). According to McCarthy (1965), Kalabalik is a combination of two words meaning ‘tumult’ or ‘the hunting down of dangerous game’, which in this case was King Charles (p. 391). With a band of approximately fifty men he battled against thousands of Turks and Tartars (McCarthy, 1965). At the end he posted his remaining men and ordered them to “hold out till 4 o’clock next morning, when they would be able to dictate their own terms besides filling the whole world with amazement at their valour” (Bain, 1895, p. 215). The Turkish army then returned with flaming arrows to try to burn Charles and his army out. Charles went to the roof to extinguish the flames but, exhausted and with the house collapsing, retreated with his men to the nearby Chancellery. There he was captured.



5. DECLINING EMPIRES AND ADMINISTRATIVE CRISES

Charles was moved from Bender to Adrianople where he was put under house arrest at the castle of Timurtasch and succumbed to an unknown illness. There is speculation about this respite and whether or not he was truly ill.

According to Voltaire (1908), Charles

“[...] who was always in the extremes, felt the Turks did not pay him that respect which was due to his royal person, or oblige him to compromise his dignity, took to his bed, and resolved not to quit it as long as he should stay at Demotika. He remained 10 months in his bed pretending to be ill [...] During the time that Charles was thus passing his time in bed; he was apprized of the desolation of all his provinces that were situated without the limits of Sweden.” (p. 305)

Carl Gustafson Klingspor, who was present at the time, wrote:

“His Majesty did not counterfeit a malady when he kept abed for forty-three full weeks, but did in truth suffer from a tertian fever, which put us in terrible apprehensions and caused us to return with him to Demotica, if he might there during the winter recover his health from the salubrious breezes of the place. God wot, our hopes were mightily fulfilled, for here he grew healthy and vigorous.” (Gade 1916, p. 324)

According to Bain he was:

“...passing his time in playing chess, reading romances, and dictating dispatches [...] Not till New Year’s Day, 1714, did he resume his clothes and his old active habits. In the following March a special envoy from Stockholm [...] arrived at Demotika with orders from the Senate to bring Charles back at any cost. For by this time the condition of the kingless kingdom was absolutely desperate. Her resources were utterly exhausted, the last vestiges of her continental empire, except Stralsund and Wismar, had been swept away, and the people, believing Charles to be either mad or dead, clamoured for a new sovereign.” (p. 220)

Charles himself apparently referred to “our lazy dog days in Turkey” (Hatton, p. 314) but it is likely that, after the Kalabalik, he continued suffering from earlier battle wounds and possibly a bout of malaria (Hatton, 1968).

During Charles’ exile in Turkey, Sweden was in crisis, suffering from poverty, plagues, depletion of resources, danger of ongoing war and widespread corruption. To paraphrase historian Robert Nisbet Bain (1895), writing of the 1709 Battle of Poltava, had the King been present, perhaps Sweden would not have been as damaged by this battle. The country was in great need of strong leadership. Early in his career, Charles had restored many of the Swedish territories lost by his ancestors but, during his long exile, the country had plummeted into crisis. With increasing difficulties, including economic decline, government disarray, and territorial disputes with neighbors, Sweden’s strength as a nation was weakening. But Sweden was governed by a monarch far away. Months would pass between when the king dictated his orders and when they arrived and often much had changed in the interim. Charles XII was an absolute monarch and the senate was not empowered to act on its own discretion. Decisions that were made were likely to be undone by an order from Charles at Bender. Although he once had much promise as a ruler, decisions made from a distant land without his being privy to all that ensued on the home territory made ruling very complex. Ideas that he mandated from Bender, but which were no longer relevant in Sweden, meant his rule was constantly challenged. Things became so desperate that the councilors in Sweden sent Major-General Liewen to Demotica to plead for the King’s return.

“Faithfully did he recount to his King the sad state into which our beloved country had fallen through his absence, and that the very government was going to wreck did he remain longer away. Thereupon he handed His Majesty the letter from the Council, in which they full plainly stated that the country could be regarded as a body, whose sinews were all severed and from the veins of which all blood had been drained. What it now attempted for defense both by land and sea went on but tardily, for his subjects were filled with melancholy near to despair, which could not be conquered. It did now seem as if there be but a few months before those who still hold ground would totally go under. The poverty was so great that the very officials had neither pen nor paper and the wealthiest must lie abed sixteen hours of the day, being without candles to light the dark hours with.” (Gade, 1916, p. 326)

Well aware that Sweden was in dire straits and guided by an coterie of advisors, Charles initiated a series of exten-



sive policy and administrative reforms from Timurtasch. The decree for a major administrative reorganization was signed on October 26, 1713 (Hatton, 1968). One of the goals of the King's reforms was to "make government more efficient and just" (Hatton, 1968, p. 314). The reforms included a decree creating the institution of the King's Highest Ombudsman.

6. ADMINISTRATIVE REFORM

In the modern world, the ombuds office is often created as an administrative reform to increase or improve governance and accountability. The seeds of this idea were evident in the 1713 decree. Charles XII faced a level of broad complexity in ruling a declining empire from thousands of miles away. In addition, since the Swedish Estates were operating in his absence, his situation very likely expedited, in Sweden, the movement away from absolute sovereignty that was sweeping across Europe.

Charles' massive reform included six 'state expeditions' or departments. Two of these expeditions covered foreign affairs, and three covered domestic affairs (military, state economy, and trade). There was to be an *ombudsrad* at the head of each of those five expeditions. The word *ombudsrad* was given by the King with the idea of someone whose role included serving an intermediary function between the King and the administration (Hatton, 1968). The intention was that each *ombudsrad* would talk about expedition activities with the King and assist with the execution of decisions. It was the *ombudsrad*'s job to: "[...] take the initiative and to lay before the King plans which would be for the service of His Majesty and benefit of the State." (p. 343)

These five expeditions were expected to cooperate and the *ombudsrad*s were expected to work together on related issues. The *ombudsrad*s were also expected to meet with the King for matters of great importance such as the budget for the coming years (p. 343).

In addition, the reform designated a sixth expedition. This was separate and known as the 'revisions-expedition', and the Highest Ombudsman was to serve as the head. His primary objective was to ensure that laws were obeyed and to oversee the "proper, efficient and fair functioning of the administration" (p. 343).

While in Timurtasch, Charles provided nominations for a *Hogste Ombudsmannen* as well as *ombudsrad*s for the five other expeditions. The first *Hogste Ombudsmannen*, Leijonstedt, started immediately. These reforms were made in addition to recommendations in areas such as tax reform and the creation of a *Hogste Ordningssmannen*, the

Highest Order Man. This position was designated as a central authority (Hatton, 1968).

"...someone to see that orders and regulations were carried out not only by administration (that was the field of the Hogste Ombudsman) but also among the population at large. In 1718 a 'Hogste Ordningssmannen' was designated to be in charge of 'order' in the broadest senses in cooperation with local authorities." (p. 440)

The administrative reforms were sent to Stockholm in 1713, but they did not take effect until the King returned to Sweden. Of the many reforms recommended and implemented by Charles and his advisors, only one has endured: The Highest Ombudsman (Hatton, 1968).

7. THE DECREE FOR HIGHEST OMBUDSMAN IN TIMURTASCH, TURKEY - EAST MEETS WEST

Ombudsing is often considered a Western notion, but the multicultural antecedents and location of its creation suggest broader influences. Swedish King Charles XII had lived in Bender before signing the decree for the Highest Ombudsman at Timurtasch Castle. The city of Bender, or Bendery, is in the country now called Moldova, formerly Moldavia. Suleiman the Magnificent conquered the town then known as Tighina, in 1538, and renamed it Bender. It is governed as part of the autonomous region on the right bank of the River Dniester (Bender, 2011).

During the Middle Ages it was under the Principality of Moldavia and was a commercial port. For much of the Ottoman Empire (1538-1812) it was under Turkish rule. The castle was outside the town which, in 1713, was known as Adrianople. Adrianople was once known as Uksdama but was renamed Hadrianople by the Roman Emperor Hadrian (117-138). The city was conquered by the Goths in 378, later by the Ottoman sultans and was captured during the Russo-Turkish wars. A multi-ethnic trade center over the centuries, it is now known as Edirne.

There appears to be somewhat limited research on what led to Charles' initial creation of the idea of the ombudsman in 1713. Charles' writings (now stored in the Swedish National Archives) show that discussion around the concept and word usage (including the choice of the word 'ombudsman' a word already in use with Old Norse roots) preceded the signing of the ordinance in Timurtasch (Orton, 2001).



According to Mats Melin, former Swedish Chief Parliamentary Ombudsman (2006):

“Even if the first of Ombudsmen was elected by the Swedish Parliament, the very essence of the idea of an Ombudsman – an independent official with the power to investigate complaints from members of the public and who can criticize illegal, unfair or improper actions by public authorities and make recommendations – is not unknown in other, even older cultures. Within the Islamic legal system, for example, during the era of the Abbasids, complaint handling agencies called *Diwan al Mazalim* were established.” (p. 2)

It is hard to determine all that may have influenced the creation of the ombudsman. The word has Scandinavian roots and associations. Grievance resolution appears to have been a part of Ottoman administration. *The Record Book of Complaints* provides documentation on problems, petitions and grievances of citizens and casts some light on a variety of Ottoman Empire grievance procedures including the *mazalim*, but these records are from the late 18th century, after Charles’ exile (Ursinus, 2005). Charles worked with representatives from many cultures, was schooled in the classics and may have been familiar with other cultural representations of intermediaries for the government. He may have been influenced by Turkish culture. According to Daniel Goffman (2002), the strong influence of the Ottoman Empire in Europe has been underestimated. He states that “the Ottoman Empire constituted an integral component of Europe and that neither the Ottoman polity nor Europe makes a lot of sense without the other” (p. xiv).

In any case, Charles’ decree launched a newly formed concept for the Highest Ombudsman. A translation of the rough draft of the order from old Swedish includes:

Instructions (King Charles XII, 1713): Wherein His Majesty the King resolutely wills that the Highest Ombudsman, in this office, shall have these rights.

Given at Timurtasch on October 26, 1713

Printed by Johan Henrik Werner, Royal Printer, 1717.

The Highest Ombudsman’s Office consists first and foremost of having a universal insight into (overseeing) how ordinances are observed, and each of these Offices complies with his duty, which he executes in part through his own arrangement, in part through inquiries and proposals handed in to His Majesty the King and in part through orders issued in the Name of His Majesty the King. Secondly, to himself on certain occasions plead the case against those who likely offend [...] (p. 1)

According to Bengt Wieslander, former member of the Swedish Justice of the Supreme Administrative Court and President of the Supreme Administrative Court (1999):

“This Ombudsman had no political authority, but was to ensure that laws and regulations were observed, and that officers of state discharged their duties. Should the Ombudsman find that this was not the case, he had the right to prosecute for negligence.” (p. 13)

Frank Orton, Former Swedish Ombudsman against Ethnic Discrimination (2001) states:

“The task of this Ombudsman was to ensure that the judges, military officers and civil servants in Sweden were observing the laws of the country and the rules laid down for them. Having at that time been away from Sweden since he left thirteen years earlier on his campaign against Russia, the King obviously felt a need to have someone monitoring things in his home country on his behalf.” (p. 1)

8. SEEDS OF AN IDEA – LASTING CHANGE

Charles returned to Sweden in 1714. The new administrative reforms including the expeditions headed by *ombudsrad*s and the *Hogste Ombudsmannen* were implemented on his return. New Swedish administrators as well as trusted advisors helped move the reforms forward. The literature indicates that these reforms had some success and the *ombudsrad*s met as required in the King’s reform (Hatton, p. 439-440). The first *Hogste Ombudsmannen*, Leijonstedt was apparently quite active in the role.

Charles, once known for his power and process in arbitrating territorial disputes, spent his remaining years dedicated to sieges to reclaim areas of the Swedish Empire lost while he was in exile. Charles was killed at Friedriksen in 1718, during a battle against Denmark. After a life fraught with conflict, even his death was controversial. For centuries, historians and forensic experts have studied the evidence to determine whether his death was an accident or regicide, as some contend, the result of an assassination made to appear accidental (Nordling, 1998).

The early version of the ombudsman, the *Hogste Ombudsmannen*, was not an idea deliberately conceptualized to protect the rights of individuals, but was born out of a crisis of governance and contains the seeds of an attempt to improve administration. Ombudsing literature often points to the Swedish Parliamentary Ombudsman as the first ombudsman:



“The reason, why the Ombudsman institution, thus established by the King in 1713, sometimes is not mentioned as the forefather of all the world’s ombudsman institutions, is precisely its close connection with the executive power, its not being as independent as an ombudsman is nowadays supposed to be. Its role in relation to the development of the ombudsman concept is nevertheless significant. Strong under King Charles and his predecessors, the monarchy became weak soon after his death in November 1718, while parliament grew correspondingly strong. As a result, this 1713 institution, in May 1719 renamed the Chancellor of Justice, *Justitiekanslern*, in reality became an institution of Parliament rather than of the King. When, however, the King again became absolute ruler in the latter part of the 18th century, the institution returned to being associated with the executive. But Parliament did not forget its value.” (Orton, 2001, p. 2)

The ombudsman concept evolved significantly between its inception in 1713 and the creation of the Parliamentary Ombudsman in 1809. His Majesty’s Highest Ombudsman reported directly to Charles, an absolute monarch, and was charged with ensuring that judges and administrators acted in accordance with the law and the King’s wishes, with the power to initiate legal proceedings. On the King’s death, many of his reforms came to an end, but the *Hogste Ombudsmannen* endured.

9. THE PARLIAMENTARY OMBUDSMAN

The term *Frihetstiden* is used to describe the period of Swedish history from 1718 to 1772, between King Charles’ death and the autocratic rule of King Gustav III. The parliament had much jurisdiction over the country and the period was marked by significant development in science and the arts. This Period of Liberty or Age of Freedom was also relatively peaceful, with a movement from absolutism to a modern parliamentary system. The title of Highest Ombudsman was changed, in 1719, to *Justitiekanslern*. Under increasing parliamentary rule after Charles, the Chancellor of Justice became an ombudsman for the government. The Swedish Parliament elected its own Chancellor of Justice in 1766, but in 1772 the appointment of the *Justitiekanslern* reverted to the monarch. The monarch at the time, King Gustav IV, maintained autocratic rule until he was effectively deposed in 1809, and today the Chancellor of Justice again serves as an ombudsman for the government (*Justitieombudsmannen*,

2011). This Chancellor of Justice maintains a key and valuable role in Sweden today (Orton, 2011).

The concept of the Parliamentary Ombudsman was drawn up in the 1809 Swedish Constitution as an office independent of the Parliament. The position was established in connection with the adoption of the Instrument of Government and was influenced by Montesquieu and Locke’s ideas about the division of power, as well as some uniquely national influences (Wieslander, 1999). A new constitution was introduced to balance executive power with the Riksdag (Swedish Parliament). It was determined that a Parliamentary Ombudsman would be elected to oversee public administration enacted in accordance with the law. According to Wieslander (1999), the first article of the first chapter of the Constitution, known as the Instrument of Government, states that, “public power shall be exercised under law” (p. 9). A constitutional committee proposed the formation of a Parliamentary Ombudsman in 1809. This was incorporated as Article 96. Here, independence and integrity appear as key elements in defining the role of the Ombudsman. The proposal delineated requirements of the position:

“At each Rikstag the estates were to appoint a man, known for his knowledge of the law and exemplary probity, to act as their representative in accordance with the instructions which were to be issued to him, to exercise: Supervision of the observance of the laws by judges and officers of state, and to prosecute, with due process of law, those who in discharging their duties, through violence, personal considerations, or for some other reason, act unlawfully or fail to fulfill the duties pertaining to their office.” (Wieslander, 1999, p. 14)

There was some debate on the similarities between the Parliamentary Ombudsman and the Chancellor of Justice (formerly the Highest Ombudsman) because of their similarities in administration:

“The few records that remain regarding the reasons for creating, in 1809, a post which resembled that of the Chancellor of Justice, but whose occupant was to be appointed by the Estates, reveal that the Parliamentary Ombudsman was intended primarily to establish a system of supervising the discharge of public office which was independent of the Government. This intention is expressed clearly in a brief subordinate clause in the Constitutional Committee’s memorandum on the draft Instrument of Government.” (p. 14)

Frank Orton (2001) states that:

“This 1809 institution is still, almost 200 years later, a well-functioning institution in Swedish society,



keeping public servants in check with its inspections and its criticism in individual complaint cases, helping others with useful advice and examples of good governance, seldom exercising its original role as a prosecutor bringing wrong-doers before a court of law (p. 2).

According to Stanley Anderson (1969):

“[...] In the Basic Law of 1809 [...] the Swedes provided for a Riksdagens Justieombudsman, ‘Parliament’s Agent of Justice’. The post provided a counterweight in the balance of power whereby King and Parliament both controlled administration, that is to say, primarily the judges and police. Finland followed suit when it gained independence in 1919. The modern embodiment of the Ombudsman is reflected more accurately in the Danish version, as provided in the 1953 Constitution. The Ombudsman as we now know him is a constitutional officer appointed by Parliament to receive, investigate and report on citizen’s complaints of bureaucratic abuse. The Swedish and Finnish offices have come to serve the same function, as have the newer offices in Norway [...]” (p. 2-3)

10. MODERN OMBUDSING – CONTINGENT TURNS OF HISTORY

Ombudsing grew slowly at first. The Highest Ombudsman was created in 1713 and underwent changes with the political winds of Europe, with the first Parliamentary Ombudsman created in 1809 in Sweden. This was followed by Finland in 1919, when they gained independence from Sweden. In 1953, Denmark created their office, in 1962 Norway and New Zealand, then in 1967 Great Britain (Anderson, 1969). In the 1950s and 60s the idea grew rapidly worldwide with continued growth in the public sector and new versions in the private sector and in academia. In academia, creation of the office was largely due to student advocacy and unrest on campuses. The advance of ombudsing reportedly occurred on various North American campuses including Simon Fraser University in Canada, Michigan State University, and the State University of New York at Stony Brook in the 1960s (Anderson, 1969). In recent years the position has

expanded in concert with calls for corporate accountability, health care needs and human rights advocacy across the globe. But as ombudsing grows today, as ombuds offices are thoughtfully and carefully constructed with attention to ideas of independence and integrity, reflections on the early models can provide insight on multicultural influences as well as historical trends in institutional and executive power.

11. CONCLUSION

The year 1713 was, by all appearances, a desperate time for a distant king ruling his country through letters (Corobon, 2010). Perhaps there is irony in the idea that an institution now associated with peace was launched by a warrior king. Although the early version of the ombudsman was not an idea deliberately conceptualized to protect the rights of individuals, and the parliamentary model is significantly different in function from the Highest Ombudsman, it appears that this early version presented an idea that shifted and grew in the ensuing years.

As the worldwide growth in ombudsing suggests, this function provides valuable services. The plight of an individual with a grievance within or against an organization or bureaucracy can be a heavy burden to bear. Concern for maltreatment of an elderly parent in a nursing home, a student with a grievance but afraid of retaliation, a staff member concerned with maladministration, a safe place for someone to share their concerns without reprisals, or the airing of human rights abuses – these are examples of grievances that are brought to the ombuds office. But more research is needed to deepen the dialogue and analyze the concept as it continues to be constructed. Today many governments and institutions around the globe have an ombuds officer. An ombuds officer can provide guidance and explore options for grievance resolution providing relief and hope to individuals worldwide.

The term ‘pioneer’ was originally a military term for foot soldiers who dug ditches and paved the way. Swedish King Charles XII was a warrior king but perhaps in the field of ombudsing he was an accidental pioneer. Perhaps the unheralded members of the Constitutional Committee creating the Parliamentary Ombudsman Office in Sweden in 1809 were pioneers. But probably it is the men and women around the globe working with integrity and noble aims who pioneer this valuable function. ■



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