

# TRACING THE OMBUDSMAN HISTORICAL ROOTS IN THE CONTEXT OF POLICY TRANSFER

## Politika Transferi Bağlamında Ombudsmanın Tarihsel Köklerinin İzlenmesi

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Geliş Tarihi: 24.05.2024 | Yayına Kabul Tarihi: 24.12.2024

### Abstract

The ongoing debate regarding the historical origins of the ombudsman remains a topic of contemporary discourse. This study delves into both the inception and progression of the ombudsman, analyzing its historical trajectory and transformations within the context of policy transfer. The focus lies in understanding how policies or public administrations behave and evolve over time. Specifically, the study seeks to elucidate the emergence of a policy within the framework of policy transfer, using the roots of the ombudsman and administrative mechanisms in Ottoman and Sweden as illustrative examples. Through this exploration, it becomes evident that every policy leaves an indelible mark at its origin and often circles back to its point of origin. Policy diffusion, as evidenced by path-dependent development in policy transfer, preserves its essence and manifests a discernible correlation throughout the historical process.

**Key words:** Ombudsman, Policy Transfer, Ottoman History, Sweden History, Path dependency

### Öz

Ombudsman tarihsel kökenlerine ilişkin süregelen tartışma, güncel bir söylem konusu olmaya devam etmektedir. Bu çalışma, ombudsmanın hem başlangıcını hem de gelişimini inceleyerek, tarihsel yörüngesini ve dönüşümlerini politika transferi bağlamında analiz etmektedir. Odak noktası, politikaların veya kamu idarelerinin zaman içinde nasıl davrandığını ve geliştiğini anlamaktır. Çalışma, özellikle, Osmanlı ve İsveç'teki ombudsman ve idari mekanizmaların köklerini açıklayıcı örnekler olarak kullanarak politika transferi çerçevesinde bir politikanın ortaya çıkışını aydınlatmayı amaçlamaktadır. Bu inceleme sayesinde, her politikanın kökeninde bir iz bıraktığı ve genellikle çıkış noktasına geri döndüğü ortaya çıkmaktadır. Politika transferindeki patikaya bağlı gelişimin kanıtlandığı gibi, politika yayılımı özünü korur ve tarihsel süreç boyunca fark edilebilir bir korelasyon göstermektedir.

**Anahtar Kelimeler:** Ombudsman, Politika Transferi, Osmanlı Tarihi, İsveç Tarihi, İzlek Bağlılık

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COI: On behalf of all authors, the corresponding author states that there is no conflict of interest.

## INTRODUCTION

The primary objective of this study is to elucidate the historical formation of the ombudsman and address persistent theoretical gaps through comparative analysis methods. Specifically, the research examines the emergence of the ombudsman, the influencing institutions, and the transfer processes using the theoretical frameworks of policy transfer theories. It critiques existing literature for its lack of theoretical support and insufficient exploration of the methods and stages of ombudsman transfer.

Within this study, analysis is conducted within the context of policy transfer theories, which offer valuable insights into the intricacies of policy transfer processes. These frameworks contribute significantly to understanding key research questions related to the emergence, subject, processes, and extent of policy transfer in the historical behaviors of the ombudsman. The study aims to bridge the gap between public policy transfer theory and historical analysis.

The examination of policy diffusion underscores the path-dependent nature of policy transfer, particularly in the context of returning transferred policies or administrations to their originating location and subsequent changes, developments, reinterpretations, and adaptations over time.

In conclusion, the study reveals insights into the timing and mechanisms of the ombudsman's emergence, potential influences from Ottoman Empire institutions, and the degree of policy transfer. By analyzing the findings through the lens of transfer degrees and convergence typologies, the study offers a nuanced understanding of the ombudsman's historical trajectory and its implications for policy transfer dynamics.

## METHOD

The qualitative research design was chosen to provide a comprehensive understanding and analysis of the research question. Initially, we elucidated the theoretical background of the study by explaining concepts such as policy transfer and path dependency. To explore the interrelationship between these theories, we selected the ombudsman administration as a case study. Our focus was on tracing the origins and historical trajectory of the policy, particularly examining

Ottoman administrative and judicial structures to understand the genesis of the ombudsman system.

Process tracing was employed as a methodological approach to delve into the development of the ombudsman within the historical context. This method involves conducting causal analysis through case studies and examples, aiming to attain a holistic perspective by following the historical traces. Given the absence of an ombudsman-style administrative structure in the Ottoman Empire, we sought to identify the administrative structures that may have influenced its establishment. Through comparative analysis of Ottoman administrative and judicial structures with the ombudsman's establishment instructions dated 1713, we uncovered similarities and differences, thereby tracing the evolution of the ombudsman.

Furthermore, we focused on King XII Charles's official order dated October 26, 1713, as a primary source, supplemented by academic studies on the subject matter. Our study adopted a hermeneutic approach, conducting in-depth analysis of archival documents and utilizing the Data Entry and Exploration Platform (DEEP) to review secondary data from diverse sources. Subsequently, the collected data were analyzed using comparative analysis methods to draw meaningful conclusions.

In summary, our research employed qualitative methods, including process tracing and comparative analysis, to explore the historical emergence and evolution of the ombudsman system within the framework of policy transfer theories. Through meticulous examination of primary and secondary sources, we aimed to provide valuable insights into the origins and development of this institution.

## **THEORY AND RESEARCH GAP**

This chapter scrutinizes the conceptual framework of "Policy Transfer Theory" approach to establish the theoretical framework of the development of ombudsman institution from its birth to the modern form. It is also important at this point that the policy transfer of Ombudsman acts by creating a path dependency in the historical process and its development can be traced.

Our analysis results shows that the theoretical framework of the returning of a policy to its homeland by considering dependent and independent variables.

This study also endeavored by using scientific methods to reveal how and from what angle the institutional structures/policies returning to their birthplace over time; the adaptation of these policies, the factors that ease implementation, and how feasible and realistic the retransfer is. The achieved results helped us to place the following issues on a theoretical ground; transferring and putting into practice the institutions and policies that were applied and transferred elsewhere in the past; redesigning them in accordance with developments and requirements of the modern-day; adapting policies to time and place in an easier manner. The hypotheses of the study are as follows:

**H.1.** Policy diffusions, which show a path-dependent development in policy transfer, protect their extract, and shows a traceable correlation form in the historical process.

**H.2.** The ombudsman was inspired by the Ottoman organizations and returned to Sweden and then to Türkiye with its practices in Europe.

### **What is the policy transfer?**

Policy transfer is the efforts of various knowledge, experience, or systems regardless of time and place to create better applications by replacing among different countries, regions, and institutions. The theoretical framework of the policy transfer was improved by studies belong to Dolowitz and Marsh and is defined as moving and transferring managerial arrangements from one location to another (Dolowitz, Marsh 343-357). In addition to Dolowitz's and Marsh's studies, Rose developed a different point of view to the literature and defined policy transfer as the things that governments learn from each other in solving the problems they face (Rose 20-30). Rose, moreover, focused on a five-stage analysis in his studies related to policy transfer; these stages are "copying", "adaptation", "hybridization", "synthesis", and "inspiration" (Rose 132-134). Dolowitz and Marsh, differently from Rose, combined hybridization and synthesis and divided them into four groups (Dolowitz, Marsh 343-357). Copying, in general terms, is to transfer any information, technology, or policy without changing (Rose). For Keser, the easiest way to understand whether a transfer is the copying method is to review the form or expression of the laws applied in the authorization process (Keser 35-68). Emulation is different from copying. The key point here is the policy

that is transferred is not directly taken (Kutlu 97-98). Another policy transfer stage that is known as hybridization/synthesis focuses on the factors subject to transfer. It is used to express the situations in which public policy transfer is conducted by combining the factors regarding policy (Dolowitz, Marsh 343-357). Also, the inspiration is the process of taking inspiration from the popular features of the policy to be transferred and developing the new policy with this motivation.

### **As a new definition; policy transfer theory and path dependency**

Policy transfer theory is mostly about how governments or organizations take policies or ideas that have worked elsewhere and adapt them to their own context. It's like learning from others' experiences and trying to apply those lessons locally.

This concept has the potential to contribute to the situations subject with policy transfer to be explained with a new and unique perspective and correlations. In this regard, in terms of convergence typology mechanisms in policy transfer, it is considered that the related concept provides an opportunity to provide a conceptual and theoretical explanation to clarify the returning of a public policy to its homeland. Path dependency is a situation in which past policies or decisions affect the policies or decisions that follow them in the historical process, and previous experiences cause them to act on subsequent policies with a more stable process (Bittick 367-392). In this respect, the path dependency of the policies while making the historical evaluation and trace tracking provide a basis for the theoretical explanation of the study.

Concerning the point in question, it is possible to adapt the statement that was mentioned above in terms of the discipline of psychology to become "every policy leaves a mark where it originates, every policy takes a mark from where it originates, and every policy returns to place where it originates in". Concerning this new statement, it is possible to analyze the transfer of the ombudsman institution and policies regarding this institution from the Ottoman Empire to Sweden; from Sweden to almost all of the Western Countries, and finally to Türkiye where is also the starting point of the institution within the scope of the effect of the policy transfer".

## What are the studies regarding the origin of the Ombudsman administration?

With regard to ombudsman administration there are many topics of discussion from past to present. The majority of these debates consist of claims or opinions regarding the origin/ roots of the ombudsman. One of the claims regarding this area belongs to the Paris Local Government Ombudsman. Regarding annual report which was published by the institution was stated that the Swedish King established the ombudsman system as a result of his observations during his stay in Ottoman Empire (Temizel 764-778). Another view is expressed by Hansen on ombudsman origin. Hansen, in his work which is "The Ombudsman Concept", he claimed that the origin of the ombudsman institution is based on the "Divanü'l Mezalim" organization and that there are important similarities between the two institutions (Hansen 195-202). Another important study in the literature which was published by Pickl is "Islamic Roots of Ombudsman Syatems". This study is argue that the ombudsman inspared from Kadı-el Kudatlık administrative system (Pickl 800-805). In the period 1993-2008, who served as president of the Turkish Historical Society, Halacoglu stated that the traces of the Ombudsman administration is similar with Imperial Council in term of organizational level but with regard to power, inspections, tasks and movment in the field its more similar with injustice inspection of qadis (Günaydın, and Coşkun 54-58). Another view is that in the book titled "Ombudsman Araniyor" which was written by Demir and he argued that the Ahi organization has an important place in the development of the Ombudsman administration, as well as other administrations, and that some functions can be identified with the principles of the Akhism (Demir). In addition, it has been stated that the historical roots of the Ombudsman institution can be traced back to the early period of Islam and that it has similarities with the d Wafaqi Mohtasib (Ombudsman Forum in Pakistan). When all these views and approaches are examined, it is seen that the opinions and claims related to the issue are not based on a holistic approach and that there is no common opinion on the origin of the ombudsman's office. The reason for this is that the reviews regarding the ombudsman administration do not date back to 1713. Because the starting point of the ombudsman is this date. The comparisons made mostly belong to the importance after 1809. And other reason is to trying to establish similarities over structures that did not exist in the Ottoman Empire.

## **The residence of King XII. Charles in the Ottoman Empire and the emergence of the ombudsman administration**

The King of Sweden XII. Charles entered the borders of the Ottoman Empire on August 3, 1709, after the Battle of Poltava. Then, he sent a letter to Sultan Ahmet III on 10 August 1709 and stated in a friendly approach that he and his soldiers wanted to reside in "Halya Bender" for 8 days to go to the Polish country. The King of Sweden had the chance to reside in the Ottoman Empire with about 1000 soldiers upon the acceptance of this request (Kurat Akdes 93-94). It is known that the king was suffering with serious health problems after he was injured in the foot three days before the battle of Poldava. When the king is transferred fell off his stretcher during the battle and his wound was reopened; then, he forced to request time to stay in Ottoman land. King of Sweden, XII Charles guest in the Ottoman Empire for a while and visited Ahmet III due to the defeat and health condition not suitable for travel. The King of Sweden had established direct relations with Turkish officials and statesmen during his stay there after taking refuge in the Ottoman Empire (Kurat Akdes 93-94). These relations enabled the King to gather information and have an idea about the Ottoman administration system and administrative organization. As this period prolonged, the King had the chance to examine the Ottoman and its public administrative structure more closely.

### **Analysis of Ottoman administrative organization and ombudsman institution**

When we analyze institutions in Ottoman during 1709-1713, we have seen that the no institution was called by name of ombudsman in the Ottoman Empire; some organizations were like Ombudsman in terms of tasks. Regarding the structure, responsibility, and purview of related institutions, there are supportive evidence about the thought of Ombudsman was established by being inspired by different structures of administrative organizations in the Ottoman Empire. This institute that firstly emerged in Sweden was based on King XII Charles's October 1713 dated order that he sent to his country when he resided in Demirtaş (Timurtaş) Pasha Pavilion in Edirne. A temporal sign about this inspiration can be understood by the reasons that King's order regarding his examinations on

administrative organizations of the Ottoman Empire was given before he left the Ottoman Empire (Hurriyet Daily News).

When we exterminated the functioning style of especially grand vizier, imperial council and qadis responsibilities and authorities have serious similarities with the structure, duty, and functioning of the Ombudsman institution established in Sweden (1713); this image is a strong indicator that the institution was inspired and transferred from the Ottoman administrative systems. As is seen when various sources and scientific publications are evaluated that although Ombudsman have several definitions, there are many similar characteristics Grand Vizier, injustice inspection of the Qadis and Imperial Council in terms of duties and responsibilities. In parallel to the hypothesis above, according to research conducted by ombudsman institution, Ombudsman has its origins in Imperial Council. It also is like Grand Vizier in terms of maqam; and it was based on Judicial Investigation from the point of investigation, inspection, and review (Günaydin, and Coşkun 54-56).

**Table 1.** Comparing the Ottoman administration Systems with 1713 dated Ombudsman Regulation in the context of the Process Tracing

King of Sweden XII. Charles' Order in 17131	Evaluation of Traces in Terms of Ottoman Administrative Organizations
<p><b>Article 1</b>, is stated in what are the primary duties of the supreme ombudsman to the king. Accordingly, the duties of the supreme ombudsman are to submit questions and recommendations to the king, file lawsuits against violators of the law in important cases, supervise civil servants, and issue and prepare instructions on behalf of the King.</p>	<p>In the Ottoman administrative system, those who perform such duties are mostly with the grand vizier. Grand Vizier is to decide on the execution of sentences, to make decisions in cases especially in the fields of traditional law by hearing cases, to serve as a mezalim judge, to take part in promotion, appointment, and dismissals (Aydn 40-41).</p>
<p><b>In Article 2</b>, the duties of the supreme Ombudsman include how all officials comply with the regulations and how they perform their duties, to conduct inspections on whether they comply with the instructions given, to activate or appoint prosecutors regarding violations, and dealing with some cases.</p>	<p>In the Ottoman administration the officials who performing such duties were mostly grand viziers, injustice inspection of qadis. This expression shows that the grand viziers are the most important judicial authority after the sultan in the judicial field. It is also known that grand viziers have powers such as directing and assigning duties to qadis in the field of judiciary (Aydn 40-41).</p>

<sup>1</sup> Embassy of Sweden in Ankara archives, "Kral'ın Yüksek Ombudsman'ı için Demirbaş Şarl'ın (XII. Karl) verdiği talimat. Timurtaş, 26 Ekim 1713".



<p><b>In Article 3</b>, is stated that all assigned supreme ombudsmen should serve the king and comply the instructions. In addition, the report has stated that the supreme Ombudsman has control over the officials.</p>	<p>The authorities that held similar duties in the Ottoman Empire were mostly qadis and grand viziers. It is also known that the qadis, who were assigned with the injustice inspection of the qadis had the authority to conduct inspections especially in the provinces, to inspect whether the sultan's orders were fulfilled and whether their duties were conducted in accordance with the law and fairly.</p>
<p><b>In Article 4</b>, is stated that written notification should be made to the persons who have committed crimes and that the supreme ombudsmen should direct and encourage the prosecutors related to this issue. In addition, this article stated that prosecutors should act in accordance with the supreme ombudsman and that the case should be opened if the supreme ombudsman suppose it appropriate. In this article, it is also stated that with objections to cases, prosecutors can take financial measures despite the approval of the High Ombudsman or their superiors and evaluate this with their superiors. In addition, if the appointed prosecutors do not try to prove the relevant case or conduct it fairly, they cannot escape the responsibility of recognizing the right to file a lawsuit against the relevant person in accordance with the law.</p>	<p>A similar structuring in the Ottoman administrative system emerges between the judges and imperial council. For example, in cases brought to the Court, applications or petitions can also be made in person or through a proxy (Tevk 'ı Abdurrahman Paşa 506-515).</p> <p>The Court also functions as a high court in the Ottoman administrative system. In this aspect, objections to the decisions made by the qadis or abuses against their duties are evaluated in this court. Re-trials and investigations related to these issues are conducted by specially authorized qadis who is under the name of injustice inspection of the qadis.</p>
<p><b>In Article 5</b>, it is stated that the High Ombudsman has a hierarchical superiority over other prosecutors or ombudsmen in charge, and that appointments cannot be made without the approval of the High Ombudsman, and it is stated that appointments should be made among fair and honest people.</p>	<p>Appointments in judicial matters in the Ottoman administration were mostly made by Qadi'asker. However, since the 17<sup>th</sup> century, the assignments, and duties of the Qadi'asker were left to the sheikh al-Islam. After these dates, the Shaykh al-Islam also became authorized to appoint, promote and dismiss members of the Ilmiye<sup>2</sup> after receiving the approval of the grand vizier. However, the grand viziers formed the highest hierarchy in judicial and administrative matters.</p>
<p><b>In Article 6</b>, listed the steps of High Ombudsman what they should take in detecting any public failure, checking whether the provisions of the regulations or implementations. High Ombudsman also responsible ensuring report of the cases, penalties, or laws, and proposing new regulations to the king.</p>	<p>In the Ottoman administrative structure, the tasks of editing, classifying, and recording texts such as laws belonged to the "court calligrapher" or "sealer". However, in tasks such as submitting regulations or proposals on a law, grand viziers mostly performed these tasks through qadis, shaykh al-Islams.</p>
<p><b>Article 7</b>, states that the Supreme Ombudsman has the authority to remove persons who have neglected their duties from office, and that he must do so with his powers to identify those who have committed crimes.</p>	<p>In the Ottoman administration, such tasks were mostly undertaken by qadis. However, it is known that in some cases, grand viziers conduct inspections in places such as the bazaar and market, and direct those who abuse their duties to the justice of the qadis (Uzunçarşılı 144-145).</p>

<sup>2</sup> Ilmiye is a class of officials dealing with religious affairs under the leadership of the Shaykh al-Islam.

<p><b>In the articles 8 and 10</b>, information on who can replace the High (högste) Ombudsman in his absence and what qualifications they should possess are stated. Accordingly, in cases where the person who will take the place of the High Ombudsman should be honest and when there is no High Ombudsman, the procedures for making the transactions pursuant to the power of attorney (Ad mandatum) are explained in this section. In addition, it was stated that the Military General Legal Counsel or his assistant could be appointed instead of the ombudsman by proxy, and in his absence, the person deemed appropriate by the High Ombudsman would be appointed.</p>	<p>In the Ottoman Empire, if the sultan leaves the country, the grand viziers are the ones who take responsibility instead of him as a proxy. However, in the absence of the grand viziers, a vizier called “rikâb-ı Humayun,” in other words, “governorship of the Grand Vizier,” was appointed and they conducted the administrative works by proxy. These people were appointed upon the request of the grand vizier and the approval of the sultan. In addition, if the grand vizier and the sultan were out of the city or out of the country, this task was given to officer who known as the Istanbul district governor or guard. (Uzuçarşılı 178-180). In this respect, we can see that the High Ombudsman’s and the Grand Viziers’ proxy appointments are similar. In addition, in proxy appointments, the appointment of the Military General Counsel at the Ombudsman’s Office and the appointment of the Istanbul governor or guard constitute shows another similarity in that the persons who will be acting are of military origin.</p>
<p><b>In Article 9</b>, the authority of the high ombudsman to use the king’s seal and the ways in which these powers are used are explained. Accordingly, the high ombudsman had the authority to use his seal in four ways when the king was not present. The first of these is “to give the necessary explanatory information in the case of a trial that requires notification of the high ombudsman or in the case of a person who is still accused”, the second “to order the arrest of a person who should be arrested for a serious crime he has committed, as a requirement of service to the crown”, and the third “to be able to give the necessary orders for the dismissal of the person who should be removed from his job due to his crime” and finally “to appoint another person to perform his duties in cases where the high ombudsman himself is not present”.</p>	<p>In the Ottoman Empire, the person responsible for using the sultan’s seal and powers is the grand vizier. This seal of the Grand Vizier is also known as “muhr-i humayun” in Ottoman. The Grand Vizier had the authority to make administrative and judicial decisions by using this seal on behalf of the sultan. By using this seal, the grand viziers were able to both assume duties as the highest authority in judicial cases and decide on dismissals and promotions in the administrative field. In these aspects, it is seen that the powers of the Grand Viziers and the high ombudsmen to use seals show similarities.</p>
<p><b>Article 11 and Article 12</b>, stated that the Supreme Ombudsman could create forums for forum proceedings at the General Court Martial or the Courts of Appeal and establish commissions by order of the king. It is also stated that the ombudsman can conduct process monitoring in terms of legal follow-ups, and that they will have the authority to investigate administrative cases against abuse or corruptions in places such as provinces, towns, or villages.</p> <p>In addition to these administrative responsibilities, the instruction was also stated that supreme ombudsman will conduct investigation of corruptions in military.</p>	<p>While these duties of the supreme Ombudsman belonged to the military judge in the Ottoman Empire, these powers were shared between the sheikh al-Islam, the grand vizier and the qadis after the 18th century. The duties of the Grand Viziers in the Imperial Council, their listening and follow-up, and their decision-making power in military and especially administrative matters are like authorities of the Supreme Ombudsman.</p>

<p><b>Article 13</b>, states that officers named “First Ombudsman” will be appointed to assist the supreme Ombudsman appointed by the King in cases, and that these officials will usually follow up and carry out the affairs requested by the supreme ombudsman, make correspondence, prepare and follow up petitions, draft clear instructions and to present the necessary evidence for the case.</p>	<p>The number of viziers, which was the only one in the Ottoman administrative system, increased after the 17th century and they were named as the first vizier and the second vizier according to their authority and duties.</p> <p>It is known that in 1709-1713 the court calligrapher undertook similar duties to the First Ombudsmen in this sense. In the Ottoman Empire, the court calligrapher’s opinions were taken on legal and economic issues, they conducted the correspondence and helped the grand viziers. The court calligraphers also made the appointment correspondence of officials such as qadis on cases and judicial appointments. Hierarchically, it is also known that court calligraphers perform tasks in a under position and chief of the scribes perform tasks in a superior position. From this point of view, it is observed that there are similarities between the supreme Ombudsman and the First ombudsman between the grand vizier and the court calligraphers in the Ottoman Empire.</p>
<p><b>In Article 14</b>, it was stated that the supreme ombudsman will adhere to the king’s orders, protect the king’s best representation in cases, his interests, and protect the well-being of his loyal subjects.</p>	<p>While the grand viziers in the Ottoman Empire were appointed by the Sultan, they came to the presence of the Sultan with the sheikh al-Islam’s and stated that they would serve the sultan faithfully and fairly in their duties and follow up Sultan’s orders (Tevkii Abdurrahman Paşa 496-498).</p>

One of the mistakes facing in academic arguments is trying to establish a connection between the duties and structure of modern Ombudsman institutions and the Ottoman administrative structure. In this aspect, it is important to make analyzes in the context of the 1713 order. The King, in related date, aimed with 1713 order to increase and improve the administrative and judicial controls. The King also established a revision office (Revisionsexpeditionen) attached to the Chancellery and appointed the “Högsta ombudsmannen” to manage it for the supervision and judicial matters (National Library of Sweden). In academic studies, mostly it has been tried to establish a similarity with the ombudsman and qāḍī al-quḍāh and Ministry of Justice. Institutions such as qāḍī al-quḍāh and Ministry of Justice existed in Islamic states. And on the other hand, after the 17th century in the Ottoman Empire, military judge gave its place and duties to Sheikh-ul-Islam. Also, we can say that these structures have similar duties and purposes. However, these institutions did not exist in the Ottoman administrative structure at the time of the Swedish King’s residence. And, in this study it is seen

that when the place of residence of the King and the organizational structure of the region are considered that Ombudsman was transferred after being impressed by the Imperial Council, injustice inspection of Qadis and Grand Vizier besides other initiations.

King of Sweden sent an order (October 26, 1713) to his homeland when he decided to leave the Ottoman Empire. He wanted to be established a structure called the “High or supreme Ombudsman” under the control of himself. Because the administrative disorders in his country had increased after battle of Poltava. Sending this order before leaving the Ottoman supported the assumption that Charles was highly inspired by the Ottoman organizations. The remarkable similarities between the Ombudsman and Ottoman organizations such as the Imperial Council and Grand Vizier are the hard evidence of being inspired. As is seen by the comparative analysis results in Table 1, the structure that was established in Sweden by the order of the King has serious similarities with the responsibilities of many Ottoman structures (especially, grand vizier).

## DISCUSSION

### Evaluating ombudsman within the context of policy transfer

It is seen that when the emergence adventure of the ombudsman is analyzed by considering changes and transformations within the historical process that related institution was established by being inspired from the administrative organizations of the Ottoman Empire. We know by XII. Charles’s attitudes and actions that he transferred the related institution after shaping based on situations and needs in his homeland.

1650-1720		2012-2024 (present)	
<b>Administrative and Judicial Structures of Sweden</b>		<b>Ottoman Administrative and Judicial Structures</b>	
<b>King (Monarch)</b>	It is the highest authority in the central administration.	<b>Sultan</b>	It is the highest authority in the central administration.
			<b>Administrative and Judicial Structures of Türkiye</b>

<b>High Ombudsman (Högste Ombudsmannen)</b>	It is the office that works in the department affiliated to the Supreme Court (Chancery). The people working in these departments are assigned hierarchically as the first ombudsman and the second ombudsman.	<b>Grand Viziers</b>	Another important similarity between the högste ombudsman and the Kubbealtı viziers, who performed duties under the grand viziers in the Ottoman Empire, was that they assumed the duties of first vizier and second vizier, and that the grand viziers (vizier-i azam) were hierarchically above them.	<b>Kamu Denetçiliği Kurumu (Ombudsman)</b>	The Ombudsman Institution was established as a Constitutional Institution in Article 74 of the Constitution of the Republic of Türkiye and in accordance with Article 5 of Law No. 6328, it is tasked with “inspecting, investigating and making recommendations to the administration regarding all kinds of actions and transactions, attitudes and behaviors of the administration, in accordance with the understanding of justice based on human rights, in terms of compliance with law and equity...” In Türkiye, the term ombudsman is also used in the sense of public inspector or people’s inspector. The main duty of this structure is to examine and evaluate complaints against public administration (Özden, Ombudsman (Public Inspector) and Discussions in Turkey, 2010, p. 26).
<b>Supreme Court (Chancery)</b>	This structure serves as a structure responsible for administrative and external relations. The Supreme Court has an important role in the appeal processes and hearing of judicial cases.	<b>Divan-i Humayun</b>	The Imperial Council is the upper structure responsible for administrative and judicial matters in the Ottoman Empire. The Council also serves as a high court in judicial matters. The Imperial Council also has similarities with the Council of the Realm in terms of its powers.		
<b>Judge-Chief Prosecutor (Generallauditören)</b>	They are the persons responsible for judicial and especially military cases in Sweden.	<b>Kazaskers</b>	There are similarities between the duties of kazaskers and the Ottoman administrative structure.		
<b>Fiskal (Revisionsexpeditionen)</b>	This structure acts as a prosecutor in the judicial field and has undertaken duties especially in the revision office.	<b>Judge / Treasurer</b>	There is no exact equivalent of this structure in the Ottoman administrative system. In terms of its duties, it served as an administrative structure between the judges and the treasurers.		

**Figure 1.** Comparison of Ombudsman Structure

Another administrative structure in Sweden, which bears similarities to the Ottoman administrative system in terms of duties, was the “Generallauditören,” known as the Judge-Prosecutor. The Generallauditören handled judicial and particularly military cases in Sweden. Another administrative body in Sweden, which also had a

counterpart in the Ottoman administration, was the “Fiskal.” This entity acted like a prosecutor in the judicial field and was primarily responsible for tasks in the revision office. In this respect, it functioned as an administrative body positioned between judges and treasurers in some aspects (National Library of Sweden, 1947).

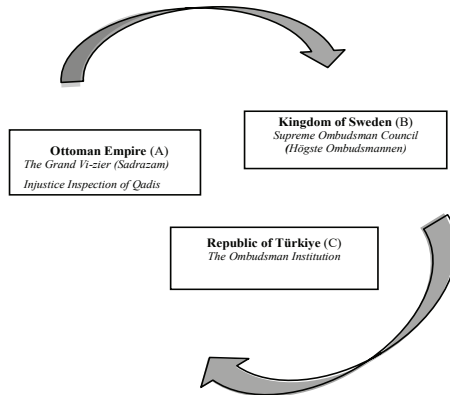
In Sweden’s administrative governance, a structure that underwent changes with King Charles XII and was later reformed with the appointment of the “Högsta ombudsmannen” (High Ombudsman) as its head became known as the “Revisionsexpeditionen.” This structure, predominantly recognized as a revision office for legal matters, became one of the six specialized offices under the Chancery (administrative office) established by the king as of 1713. In this context, the duties of the revision office included responsibility for the country’s legal and procedural matters, as well as overseeing the administration. In this respect, it can be said that the structure known as the High Ombudsman, which emerged from the king’s directive in 1713, was affiliated with the “Revisionsexpeditionen,” or revision office, under the administration of the Chancellery in Sweden’s administrative system (National Library of Sweden, 1947). This office primarily dealt with legal issues and regulations, operating under the control of the king’s administration.

Lastly, another administrative position known as the secretary (sekreterare) was responsible for assisting the king and monitoring the regulations. However, the hierarchical position of this administrative role varied depending on the administrative unit and the period. In Türkiye, The Kamu Denetçiliği Kurumu (Ombudsman Institution) was established in 2012 as a Constitutional Institution in Article 74 of the Constitution of the Republic of Türkiye and in accordance with Article 5 of Law No. 6328, it is tasked with “inspecting, investigating and making recommendations to the administration regarding all kinds of actions and transactions, attitudes and behaviors of the administration, in accordance with the understanding of justice based on human rights, in terms of compliance with law and equity...” In Türkiye, the term ombudsman is also used in the sense of public inspector or people’s inspector. The main duty of this structure is to examine and evaluate complaints against public administration (Cingi, 2024).

After comparative analysis we noticed that Transferred policies were inspired by Ottoman administrative organizations and transformed into ombudsman institutions by preserving their own essence in time. For example, the similarity

between the task of Supreme Ombudsman regarding following-up of lawsuits against abuse of public office; investigating of corruption-related issues and following-up of cases of corruption in military regiments have seen at the task of qadi; the task of military judge regarding hearing the cases in religious and customary issues of military; grand viziers are the most authorized persons in judicial, administrative and financial areas after the sultan in the Imperial Council (Grand Divan). In this sense, they can make decisions by participating in investigations as well. The task of Imperial Council regarding acting as a high administrative or judicial court in some cases. It is to the point to mention that the tasks of the Supreme Ombudsman Council are the synthesis of responsibilities belong to different administrative and judicial organizations of Ottoman. It is seen when Table-1 is reviewed that there is the same situation in question about all the areas of responsibility.

The presence of such organizations or structures continues today; the policy that progressed from its birthplace, Ottoman Empire to Sweden returned to its homeland (Türkiye). Thus, as is mentioned by the statement based on public policy concerning the establishment of ombudsman impressed Türkiye as the continuation of the Ottoman Empire. This institution brought traces from Ottoman to Sweden and returned to its homeland at the latter end. Since the traces of this structure date back to the Ottoman Empire, the development process of politics has followed a dependent path and created a correlation, and it has been easy to re-establish and adapt this system in Türkiye. Details of effect coloration in policy transfer can be schematically seen in Figure-2 below:



**Figure-2.** Movement of Ombudsman as Policy Transfer  
**Source:** Own study

Concerning the information in Figure-2, the movement of the Ombudsman in the historical process started in Ottoman Empire (A) and headed towards Sweden (B) and Türkiye (C). This structure has preserved its origin and chief goal despite the changes in time; now, it is in the homeland within the frame of policy transfer correlation. When viewed from this aspect, a transfer can turn back to its birthplace within the historical process and path dependency aspect; this transfer can also prevent its origin despite changes and developments. Such applications subject to transfer have naturally been exposed to changes after experiencing diverse cultural formations. This study contributes to being seen that administrative traditions and manners of application in each country gain new meanings; however, they are retransferred to their homeland by evolving but preventing its origin.

Concerning this evolution, the ombudsman institution has changed and transformed in every target country. In fact, King of Sweden XII. Charles conducted to be established ombudsman institution by being inspired from policy, organization, knowledge, and implementation of Ottoman to solve problems in his own country. This cycle can be characterized as policy transfer; this cycle can also explain other policy samples within the historical process.



## CONCLUSION

In this study, we draw attention to notable parallels between the Supreme Ombudsman and the operations, selection processes, managerial decisions, and duties, particularly those resembling the Grand Vizier, Imperial Council, and the oversight functions of Qadis (mehayif) during the period of 1709-1713. Historically, when the Ottoman Empire dispatched Qadis as inspectors of injustice to provinces or Islamic territories, they were often referred to as Qāḍī al-Quḍāh by local inhabitants. Despite lacking an identical structure within the Ottoman Empire, these Qadis were commonly labeled with this title, especially in regions like Egypt and Syria. Consequently, the widespread use of such terms has led to confusion in academic discourse.

Upon analyzing the decrees dated October 26, 1713, it becomes evident that the institution in question drew inspiration from the functions of Ottoman entities. This suggests a transfer of qualifications in terms of direction and degree, albeit one that was voluntary rather than coerced. Consequently, our study conducts a comparative analysis between the organizational frameworks of the Ottoman Empire and the Supreme Ombudsman (Högste Ombudsmannen). The findings reveal that King of Sweden XII, Charles, was heavily influenced by the structures and methodologies of the Grand Vizier, Qadis' injustice inspections (specifically their investigative approaches), and the organizational framework of the Imperial Council. This transfer was not merely a direct replication or inspiration; rather, it represented a synthesis of various organizational elements.

Upon witnessing the efficacy of this system, King Charles XII swiftly implemented it upon his return to Sweden, viewing it as a solution to address systemic flaws in judicial and administrative processes. The Ombudsman's success in administrative oversight and audits played a pivotal role in its enduring institutionalization. Despite variations in duties and authorities over time, the institution has remained steadfast in its core objectives.

Utilizing the policy transfer scheme, we observe that the ombudsman institution has evolved over time, adapting to various fields beyond its initial role as a grievance mechanism. Its reception by European states underscores its adaptability and effectiveness, with many adopting similar systems.

Moreover, this institution's evolution serves as a case study for the broader concept of policy transfer. Just as policies originating from the Ottoman Empire left their imprint in Türkiye before being transferred to Sweden, the ombudsman institution carried traces of its origin and eventually returned to Türkiye. This dynamic underscores the path-dependent nature of historical processes.

This paper holds promise for future research endeavors in the realms of administrative history, policy studies, political science, and international relations. Ultimately, this study provides valuable insights into the emergence of the ombudsman and its impact on administrative structures, guiding future scholarship and serving as a reference for researchers in various fields.

**Disclosure Statement :** No potential conflict of interest was reported by the authors.

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