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Review

The office of the children's ombudsperson: children's rights and social-policy innovation ☆

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Abstract

A potential key to the future of children's rights is the ombudsperson. In 1981, Norway became the first government to establish an office of a children's ombudsperson, which has statutory powers to protect children and enforce their rights. This paper represents the first cross-national analysis of the offices of children's ombudsperson. We employ Qualitative Comparative Analysis, which is based on Boolean algebra, to examine explanations why a national office of children's ombudsperson has or has not been established in 193 countries up to the year 2000. Our research suggests social policy innovation responds to need and is contingent on country wealth, but is mediated by either strong political rights or subscription to international treaties. This work indicates future research should consider subsequent establishment of offices of children's ombudsperson and the rights of children an ombudsperson seeks to enforce.

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1. Introduction

The office of children's ombudsperson is a social-policy innovation established for purposes of advocating for children and enforcing their rights and interests (Verhellen, 1989). While children frequently possess some rights and are often entitled to benefits arising from social programs and social services, they must rely on their parents or guardians to enforce those rights and obtain social benefits and services. This failure to enforce rights has unfortunately become a social and political issue in cases of child abuse. An important example from the United States is the legal case, *Deshaney v. Winnebago*, 489 US 189 (1989). In *Deshaney*, the US Supreme Court found that the Due Process Clause generally does not confer an affirmative right to governmental assistance, despite the situation where aid is necessary to secure life, liberty, or property interests that the government may not deprive the individual. The State of Wisconsin recognized and made a record that the *Deshaney* boy was suffering deadly beatings from his father. Despite the record and recognition that the boy needed assistance, the State of Wisconsin failed to intervene. The US Supreme Court held that the State of Wisconsin was not liable for failing to intervene. The *Deshaney* case and similar cases raised the issue of children's rights and whom children rely on to enforce their rights.

Similar cases have arisen in other countries. The Victoria Climbié inquiry has received significant attention in England and elsewhere. Another heart-wrenching situation, the Climbié child was abused by family members, apparently a great aunt and a man with whom her family lived. Despite suspicions of abuse by hospital personnel, who reported non-accidental injuries, the Climbié child was returned to her great aunt. After three hospital visits over a 7-month period, the Climbié child died in February 2000 with 128 injuries (The Victoria Climbié Inquiry, www.victoria-climbie-inquiry.org.uk).

According to data from the US Administration on Children and Families, in 1998 there were an estimated 2,806,000 referrals of child abuse or neglect to relevant

US state or local agencies (US Department of Health and Human Services, Administration on Children, Youth and Families, 2001). Besharov (1998) has pointed out that “unfounded” reports account for a large number of child-abuse reports (65% of reports of child abuse in 1995). Nevertheless, these referrals resulted in an estimated 903,000 confirmed victims of maltreatment, a rate of 12.90 per 1000 children nationwide. (For comparison’s sake, 1 person per 1000 US residents age 12 and older was raped in the United States in 1998 (Bureau of Justice Statistics, 2002). The kinds of abuse these victims suffer are also disturbing. Of the 903,000 victims in 1998, 11.5% suffered sexual abuse, 22.7% suffered physical abuse, and 53.5% suffered neglect. Of these victims, 25% were victims of more than one type of maltreatment. Frequently abused children are at risk for abuse in the future. Of course, child abuse can be fatal: approximately 1100 children died of abuse or neglect in 1998, a rate of 1.6 deaths per 100,000 children. Of all forms of abuse, about 75% of the perpetrators were parents. In England, for the year March 31, 2001 to March 31, 2002, approximately 59,700 children were “looked after” by the government (United Kingdom Department of Health, 2001), a rate of 5.34 per 1000 children in the United Kingdom. Nearly 22,000 were subject of substantiated abuse reports in Australia for the year 1999 (Australian Institute of Health and Welfare, 2001), a rate of 5.51 per 1000 Australian children.

In 1989, the same year the *Deshaney* case was handed down, the United Nations General Assembly approved the Convention on the Rights of Child. Despite the widespread ratification of the Convention, it has become clear that in most countries children fall through the cracks of citizenship rights. As suggested, often children per se possess civil rights, but must rely on their parents to enforce those rights. Typically children are not entitled to political rights. If they qualify for a social right, often a parent mediates and obtains the benefit on the child’s behalf.

The office of children’s ombudsperson was first established in Norway in 1981. The office of children’s ombudsperson poses a potentially powerful mediating factor between the at-risk child, parents, and the state (see Van Nijnatten et al., 2001 for their study of different forms of parental authority in Dutch Juvenile Courts). Adding this fourth actor to studies of abused children reinforces the importance of understanding the role of children’s rights in the welfare state and legal system. Little comparative research has been conducted on children and laws and policies affecting their childhood (Theborn, 1993, pp. 241–242), with even less on the development of the offices of children’s ombudsperson. Theborn (1993, p. 243) emphasizes that “law... is a major determinant of childhood.” Yet little comparative research has examined the impact of laws and policies on children’s well being and security. We believe this paper represents the first cross-national analysis of the national office of children’s ombudspersons. The office of children’s ombudsperson may be an important policy innovation and offers promise as an effective means of protecting children and enforcing their rights.

In this paper we conduct a comparative analysis of explanations for why the office of children’s ombudsperson is found in some countries and not in others. We employ Qualitative Comparative Analysis (QCA) in this paper as the methodology best suited to address our research questions. QCA is an innovative analytic technique

based on Boolean algebra. QCA is especially useful for examining combinations of actors, interests, and resources associated with some theories of policy innovation. In this paper we employ it “to implement principles of comparison used by scholars engaged in the qualitative study of macro-social phenomena” (Ragin, 1994, p. 299). Using QCA we assess heterogeneity and context to examine the various configurations of legal, political, economic, and demographic traits that characterize countries that have or have not introduced the office of children’s ombudsperson. Our research suggests policy innovation is contingent on country wealth and responds to need, but is mediated by either strong political rights or subscription to international treaties.

2. The children’s ombudsperson

Children’s ombudspersons are institutions responsible for promoting and protecting children’s rights (Verhellen, 1989). Little research on the office of children’s ombudsperson has been undertaken. An important exception is an edited volume by Verhellen and Spiesschaert (1989), but contributions are primarily focused on individual countries rather than comparisons across countries or over time. It is therefore important to investigate from a comparative perspective the conditions shaping the development of offices of children’s ombudspersons to understand why some countries have established these offices and others have not. Therborn (1993, p. 251) suggests that the protection of children from adult abuse and neglect followed after and was modeled on “interventions against cruelty to animals.” Not until 1889 in England was the first law passed that allowed a child to be removed from the custody of an abusing adult. Similar laws were passed in France, Germany, Switzerland, Scandinavia, and the Netherlands (Therborn, 1993, pp. 251–252). Therborn (1993) concludes, however, that the 20th Century, the Century of the Child, was less than successful in expanding children’s rights and improving children’s lives and well being.

The first ombudsperson office was established in Sweden in 1713 (Gellhorn, 1966, p. 194), although some analysts indicate 1809 (Stacey, 1978, p. 1; Verhellen, 1989, p. 25). Since then, ombudsperson offices have been established in many countries by governments as well as private organizations. Gellhorn (1966) surveys ombudsperson offices in nine countries: Denmark, Finland, Japan, New Zealand, Norway, Poland, the Soviet Union, Sweden, and Yugoslavia. The ombudsperson offices he examined in the 1960s monitor government activities and include a parliamentary ombudsperson (Denmark), watchman and ombudsperson (Finland), ombudsperson (New Zealand, Sweden), and parliamentary ombudsperson for civil administration (Norway). Gellhorn’s (1966) ombudsperson mediate conflicts and concerns individuals have with their government. Stacey (1978) studied public ombudspersons of six countries: Canada, Denmark, France, Norway, Sweden, and the United Kingdom. According to Stacey (1978, p. 32), great variation exists in the degree to which ombudspersons can investigate and make consequential decisions. The Swedish ombudspersons perhaps have the most power, with the ability to investigate

central and local governments as well as industries. James (1997) describes six different private ombudspersons in the United Kingdom, including insurance, banking, building societies, corporate estate agents, pensions, and personal investment authority ombudspersons. James' (1997) ombudspersons mediate conflicts and concerns individuals have with private organizations. Ombudspersons intervene between individuals and either public or private organizations. Rather than turn to the courts, an ombudsperson can enforce an individual's rights against a government or advocate on an individual's behalf to a corporation (Flekøy, 1989). This ability may become more important as changes in the welfare state and its relationship with the private sector continue to change (Ludwig-Mayerthoffer, 1996; Zalar, 1999).

The first office of children's ombudsperson was established in Norway in 1981. While generally resembling other kinds of ombudspersons, the typical children's ombudsperson generally has additional responsibilities and greater powers. The individual holding this office can advocate on behalf of children, mediate disputes between children and others, and raise awareness of children's rights and needs. The Norwegian ombudsperson is expected to:

1. Protect children's interests when government sets policy;
2. Propose measures that will benefit children's interests;
3. Propose measures that will mitigate conflicts between children's interests and society's interests;
4. Distribute information to public and private actors concerning children's rights and interests (Flekøy, 1989, p. 121).

To fulfill these expectations, the Norwegian ombudsperson has access to all public and private institutions that affect children. These institutions are required to provide to the ombudsperson information necessary to fulfilling these expectations. Flekøy (1989, p. 122), Norway's first children ombudsperson, emphasized that the ombudsperson

[H]as the right and the obligation to criticize any administrative level, any group, organization, or person disregarding the interests of children, regardless of political or other considerations. This means that we can raise issues which may be difficult or impossible for others, e.g., employees of the municipal or governmental establishment, who are often bound to loyalty (sic) in relation to the political leadership.

The ombudsperson works with a variety of organizations to promote cooperation in an effort "to discuss a topic of mutual interest," which is the child's interests (Flekøy, 1989, p. 123). This cooperation can apparently include gathering information that was expected to remain confidential because of a professional oath. The Norwegian ombudsperson is precluded from intervening in intra-family conflicts, except in case of a divorce in which the ombudsperson ensures the child has access to both parents and a representative in court (Flekøy, 1989, p. 123). In the case of child abuse, the Norwegian ombudsperson forms "connections between the

child and whatever local service there may be to help the child" (Flekøy, 1989, p. 123). Since its establishment, the Norwegian ombudsperson has established a telephone service that allows children and others to provide information about children's well being. While other countries' ombudspersons have similar responsibilities, responsibilities vary with some ombudspersons having substantial responsibilities, powers, and independence from the national government (www.ombudsnet.org). The Austrian and French ombudspersons, for example, take on cases of individual children whose rights or interests are in harm's way. The United Nations Committee on the Rights of the Child have expressed concerns over independence from national governments, including for New Zealand's and Sweden's children ombudspersons.

What rights and interests are pursued by a children ombudsperson? Children's ombudspersons typically seek to enforce children's civil and social rights. The Norwegian and other countries' ombudspersons seek to ensure a child's legal interests are represented in court during a divorce or separation proceeding. Children's ombudspersons attempt to protect a child and ensure the child's well being and security. That said, rarely are children are allowed to vote until they reach majority, a right that children's ombudspersons apparently do not pursue.

3. Explanations for the development of a children's ombudsperson

We consider three explanations for why an office of children's ombudsperson is established in some countries and not in others. We first turn to research on citizenship rights. A children's ombudsperson can be seen as a social right whose ultimate goal is to promote a child's well being and security through enforcement of rights and protection of interests. The work of Marshall (1964) and subsequent scholars has demonstrated the relationship between civil, political, and social rights. The second explanation arises from law and society research that demonstrates social policy innovation can arise from internationalization of law. The third is based in functionalism. Welfare state students have examined the logic of industrialism as a strong explanation for social policy innovation from a comparative perspective.

3.1. *Citizenship rights*

In 1949, Marshall gave the Alfred Marshall lectures at Cambridge. Although it is fair to argue that Marshall gave these famous lectures to justify continuing the post-World War II British welfare state, his concept of citizenship rights aroused the interest of academics and policy makers across the globe. Marshall suggested that citizenship is a status that indicates an individual is a full member of his or her society (1964, pp. 69, 70). Defined this way, citizenship arose from a sequence of three rights: civil, political, and social (Marshall, 1964, p. 71). According to Marshall (1964, pp. 71, 75–77), civil rights are rights individuals possess to ensure their "individual freedom." Marshall's (1964, p. 71) civil rights include "liberty of the person, freedom of speech, thought and faith, the right to own property and to

conclude valid contracts, and the right to justice." For Marshall (1964, pp. 71, 75, 87) civil rights enable an individual to speak and think freely, to own property and participate in a capitalist-oriented society through paid work, and to defend one's civil rights and obtain due process when another individual tries to restrict civil rights. Marshall indicated the primary institution where civil rights are enforced is the legal system, in particular courts of law.

Political rights are rights individuals possess to participate fully in a political system (Marshall, 1964, pp. 71–72, 77–78). Marshall (1964, p. 72) went further to suggest a political right is "the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body." The institutions in which political rights are enforced are national and local governments. Although Marshall's notion of political rights may appear limited to voting or serving in an elected office, it seems fair to include within Marshall's notion the ability to shape governing institutions through participation in other institutions, such as trade unions and other associations.

The right that follows civil and political rights is social rights. According to Marshall (1964, pp. 72, 78–83), social rights enable an individual to enjoy a level of economic and social well being that permits effective participation in his or her own society. Institutions where social rights are enforced include schools and social services (Marshall, 1964, p. 72). Despite arguably falling into the gap between the public and private sectors (James, 1997, p. 4–6), ombudspersons are governed by law and in the case of national offices of children's ombudspersons are established by national governments.

Marshall suggested that if an individual could not enjoy this level of well being, she could not effectively enforce her civil and political rights. Without an education, an individual could not effectively exercise her civil and political rights (Marshall, 1964, p. 93). Hindess (1993, p. 25) states, "In the absence of social rights, then, the impact of a formal equality of civil and political rights will be somewhat restricted." The ability to "go to court" is not meaningful if an individual cannot pursue a legal action because she does not have the resources to hire a lawyer or pay court fees (Marshall, 1964, p. 97). Turner (1993, p. 7) argues that civil and political rights are not necessarily conducive to producing social change; "indeed, they may be necessary for the support of capitalist relations." Marshall's conception is not without its critics (see Hindess, 1993; Janoski, 1998 for thorough reviews). As Hindess (1993, p. 23) notes, however, many commentators agree that Marshall's conception, at least for Britain, "is broadly correct." In turn, Marshall's notion of citizenship rights has been employed in studies of the welfare state and social policy development, with Esping-Andersen's (1990) *The Three Worlds of Welfare Capitalism* an important example.

3.2. Internationalization of law

According to Marshall then, citizenship rights consist of civil, political, and social rights. For the individual citizen, effective use of civil and political rights requires education and a level of well being permitting socio-economic integration and

participation. An obvious problem with this notion is legal exclusion from citizenship rights for different social groups. In many countries, by law children currently are without many civil, political, and social rights. Across many countries, however, this situation is changing. One explanation for this change is that national governments are responding to international pressures.

In 1989 the United Nations Convention on the Rights of the Child was adopted. This convention states that because children are vulnerable, they need special care and protection. Among other important items, the Convention highlights different rights children possess, including freedom of expression and thought (subject to parental guidance), freedom of association, and protection from abuse and neglect, as well as other rights and protections. Since 1989, all countries except the United States and Somalia have signed the convention. Signing the Convention indicates an intention to ratify the Convention, but means the Convention is not binding. Currently 191 countries have ratified the Convention.

Despite concerns about enforcement of the Convention, it is reasonable to expect that the establishment of children's ombudsperson offices in some countries has occurred in response to the Convention. Indeed, evidence exists that some countries have established offices of children's ombudsperson after ratifying the United Nations Convention. Some offices are obligated to monitor the implementation of the Convention, such as France. Scholars have offered evidence of an "internationalization of law" (Boyle, 2001; Twining, 2001; Henham, 2002, p. 272; Boyle and Preves, 2000; Dezalay and Garth, 1996; Risse-Kappen, 1995). In her study of human rights abuses and the impact of the internationalization of law at the level of the European Union, among different conclusions, Boyle (2001) finds that "[T]he more Protocols ratified by a country, the greater the number of individual claims to the European Commission Human Rights emanating from that country." International treaties, such as the United Nations Convention on the Rights of the Child, may influence domestic policy making. This research examines the impact of the Convention on the establishment of children's ombudsperson.

3.3. *Logic of industrialism*

The logic of industrialism model is primarily associated with the works of Cutright (1965) and Wlensky (1975). The logic of industrialism model suggests that the formation and expansion of public policy programs are a "natural accompaniment" to economic development and related changes in demographic structure (Wlensky, 1975, p. 47). Cutright (1965) studied the impact of governmental representativeness on governmental sponsorship of social security programs for the support of people outside the paid labor force. He (1965, p. 548) concludes that governments introduce social security programs in response to changes "in the economic and social order," not in response to political pressure. In his influential book, *The Welfare State and Equality*, Wlensky (1975) deduces that economic growth (along with its demographic and bureaucratic outcomes) is the primary explanation for the "general emergence of the welfare state." In sum, the logic of industrialism model

has a basis in functionalism. New social policies arise in response to a need and because a government can pay for the program. According to the reasoning behind the logic of industrialism model, in the presence of affluence and a need for the policy, a new policy benefiting children should arise and converge across countries.

4. Case and time selections

We examine 193 countries for the year 2000.¹ Of the 193, 35 countries have established offices of ombudspersons by the year 2000: Australia, Austria, Belgium, Bolivia, Canada, Columbia, Costa Rica, Denmark, Ecuador, Finland, France, Georgia, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Lithuania, Macedonia, Mexico, New Zealand, Nicaragua, Norway, Papua, Peru, Philippines, Poland, Portugal, Romania, Russia, Slovenia, South Africa, Spain, and Sweden. We focus on the year 2000 because it is the most recent year for which reliable data are available.

5. Data and analytical approach

5.1. Variables

Our dependent variable is whether a national office of a children's ombudsperson is or is not established by the year 2000 in the individual country. The source for this information is the European Network of Ombudsmen (www.ombudsmet.org). Data

¹The 193 countries examined in this paper are Afghanistan, Albania, Algeria, Andorra, Angola, Antigua, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia, Botswana, Brazil, Brunei, Bulgaria, Burkina, Burma, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Brazzaville, Kirshassa, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus (Greek), Cyprus(Turkey), Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, East Timor, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, North Korea, South Korea, Kuwait, Kyrgyz Republic, Laos, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Sao Tome Principe, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, St. Kitts and Nevis, St. Vincent & Grenada, St. Lucia, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Gambia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Turah, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

on civil and political rights are from Freedom House (www.freedomhouse.org). Civil rights are scored on a 1 (most free) to 7 (least free) scale based on these factors:

1. Are there free and independent media and other forms of cultural expression? (Note: in cases where the media are state-controlled but offer pluralistic points of view, the Survey gives the system credit.)
2. Are there free religious institutions and is there free private and public religious expression?
3. Is there freedom of assembly, demonstration, and open public discussion?
4. Is there freedom of political or quasi-political organization? (Note: this includes political parties, civic organizations, ad hoc issue groups, etc.)
5. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?
6. Is there an independent judiciary?
7. Does the rule of law prevail in civil and criminal matters? Is the population treated equally under the law? Are police under direct civilian control?
8. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies? (Note: freedom from war and insurgencies enhances the liberties in a free society, but the absence of wars and insurgencies does not in and of itself make a not free society free.)
9. Is there freedom from extreme government indifference and corruption?
10. Is there open and free private discussion?
11. Is there personal autonomy? Does the state control travel, choice of residence, or choice of employment? Is there freedom from indoctrination and excessive dependency on the state?
12. Are property rights secure? Do citizens have the right to establish private businesses? Is private business activity unduly influenced by government officials, the security forces, or organized crime?
13. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?
14. Is there equality of opportunity, including freedom from exploitation by or dependency on landlords, employers, union leaders, bureaucrats, or other types of obstacles to a share of legitimate economic gains? (www.freedomhouse.org).

We employ Freedom House's score of political rights. Political rights are scored on 1 (most free) to 7 (least free) scale, considering these factors:

1. Is the head of state and/or head of government or other chief authority elected through free and fair elections?
2. Are the legislative representatives elected through free and fair elections?
3. Are there fair electoral laws, equal campaigning opportunities, fair polling, and honest tabulation of ballots?
4. Are the voters able to endow their freely elected representatives with real power?

5. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?
7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?
8. Do cultural, ethnic, religious, and other minority groups have reasonable self-determination, self-government, autonomy, or participation through informal consensus in the decision-making process?

Freedom House emphasizes that it examines rights in practice, not on paper. As a result, in addition to these eight factors, Freedom House considers other issues that may pertain to governments with less formal political rights:

1. For traditional monarchies that have no parties or electoral process, does the system provide for consultation with the people, encourage discussion of policy, and allow the right to petition the ruler?
2. Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

The highest possible score for political rights is 32 points, based on up to 4 points for each of eight questions. The highest possible score for civil liberties is 56 points, based on up to 4 points for each of 14 questions.

Considering the logic of industrialism model, we examine need and ability to pay for the office of children's ombudsperson. To operationalize need, we evaluate what proportion of a country's population is children. We divide the number of children by the total population. To operationalize the ability to pay for a new social policy, we examine gross domestic product per capita, a measure of country wealth. These two measures are from the United States Central Intelligence Agency's *World Factbook* (www.cia.gov).

In Table 1, we present the coding of these variables for a subgroup of the countries we examine in this paper. This group is presented as an example of data coding. Below we discuss the coding of these variables suitable for Boolean analysis.

5.2. Analytical approach

We first present basic features of an alternate framework presented by Ragin (1987, 1992, 1994), the logical analysis of configurations of similarities and differences using Boolean algebra. Ragin calls this approach Qualitative Comparative Analysis (QCA) because it consists of multiple comparisons of whole cases conceived as configurations of qualitative conditions. QCA is based in Boolean

Table 1
Scores of independent and dependent variables

Country	Civil	Political	UNCRC	Wealth	Kidpop	Ombud
Alghanian	7	7	1589	\$800	42%	No
Canada	1	1	753	\$29,400	19%	Yes
Estonia	2	1	700	\$10,900	16%	No
Jamaica	2	2	\$40	\$3700	29%	No
Mexico	4	3	305	\$9000	33%	Yes
Romania	2	2	312	\$6800	17%	Yes
Thailand	3	2	858	\$6600	23%	No

algebra and is primarily known to social scientists through the work of (Drass and Spencer, 1987; Drass, 1993; Kiser et al., 1995) and Ragin.

We use QCA in this paper's analysis because it helps the researcher pay attention to cases as wholes, as configurations of parts. Like studies with small numbers of cases, small Ns, QCA allows researchers to define different parts in terms of the whole they form. QCA enables the researcher to pay attention to causal heterogeneity. QCA starts by assuming maximum causal complexity and then tries to simplify that complexity. The effect of any particular condition depends on the presence and absence of other conditions, and several conditions may satisfy a general causal requirement. In addition, QCA is useful because it may be applied to a few or to hundreds of cases. In this paper we examine the office of children's ombudsperson in 193 countries at one time point (circa 2000).

In conventional statistical analysis, different theories are used to specify causal variables that compete with each other to explain variation in the dependent variable. The various independent variables are identified with different theories. If one theory's variables explain more variation in the dependent variable than another theory's variables, then the former theory prevails over the latter. In Qualitative Comparative Analysis, however, the different logically possible combinations of the values of the independent variables define distinct types of wholes to be compared (Drass and Spencer, 1987, p. 286). In this case, because we are interested in the presence or absence of six different conditions, we define 2^6 (32) logically possible wholes that can be constructed from combinations of these five conditions. The five dichotomous variables are, in effect, reconstituted as a single independent variable with 32 logically possible categories.

In Boolean algebra a score of 1 denotes presence of the condition, 0 means absence of condition, and - means *don't care*. We score some conditions *don't care* when they are not clearly present or absent, or high or low (see discussion below about *don't care*). Multiplication * means AND, and a + sign means OR. Capitalized words and letters that represent a variable signify its presence; lower-case words and letters denote its absence. For example, **OMBUD** indicates the presence of the office of children's ombudsperson; **ombud** signals its absence.

The next task in QCA is the construction of the truth table. A truth table shows the different combinations of conditions and the outcome associated with each

combination. The truth table assigns an output value to each combination of input values. The different logically possible combinations of values of the five conditions are listed along with their codes on the outcome variable. For purposes of example, we take the countries described in Table 1, then convert their variables for Boolean analysis.

To convert the raw Freedom House scores into a dichotomous variable, we scored outcomes below the mean as 1 (high levels of civil and political rights) and above the mean as 0 (low levels of civil and political rights). We take a similar approach to coding the other variables. We converted the raw score of the days between the adoption of the United Nations Convention on the Rights of the Child and the individual country's ratification. Country wealth is converted into 1 (above the mean) and 0 (below the mean) for the 193 countries examined in this paper. Likewise, we convert the proportion of children into 1 (above the mean) and 0 (below the mean). The dependent variable, whether the country has established a national office of children's ombudsperson by the year 2000, is scored 1 for having established and scored 0 for not having established this office.

Table 2 offers a *partial* truth table. It is a partial truth table because we do not list all 193 countries and all 32 possible combinations, although we examine all countries and use all 32 in the analysis. As noted, the goal of Qualitative Comparative Analysis is to construct the truth table from data on conditions and outcomes and then to logically simplify the truth table using basic principles of Boolean algebra, the algebra of logic. The process of simplifying a truth table logically involves finding an equation that specifies the different combinations of conditions, *multiple causal conjunctures*, which produce a particular outcome.

For the most part, countries with the same combination of scores on the independent variables have identical values on the outcome variables. Sometimes we have the same causal combinations with different outcomes, which in QCA are called *contradictions*. In Table 2, which is a partial truth table, two rows contradict, Canada and Estonia. Canada has established a national office of children's ombudsperson while Estonia has not. The independent variables for Canada and Estonia, however, share the same scores on the independent variables. We code these contradictory rows *don't care*. A coding of *don't care* allows the algorithm to determine the appropriate value for the row for a logically simpler solution (Ragin,

Table 2
Boolean coding of independent and dependent variables

Country	Civil	Political	UNCRC	Wealth	Kidpop	Ombud
Afghanislan	0	0	0	0	1	0
Canada	1	1	1	1	0	1
Estonia	1	1	1	1	0	0
Jamaica	1	1	1	0	0	0
Mexico	0	0	1	1	1	1
Romania	1	1	1	0	0	1
Thailand	0	1	1	0	0	0

1994, p. 336; Drass and Spencer, 1987, p. 286n9). The algorithm looks at the row and decides that if coding the row 1 results in a logically simpler solution, then it assigns that output value to the row. If coding the row 0 means a simpler solution, then the algorithm assigns a 0 to the row.

What did we do with the other combinations that are logically possible, but do not exist in the data set? Deciding what to do with these remainder combinations is an important part of using QCA. There are several ways to treat these remainder combinations, but in this paper we take the approach of assigning them the *don't care* value. The rationale for this coding is to allow the algorithm to decide which output value for the nonexistent rows will produce the most logically minimal solution.

The first step of the minimization process is to compare sequentially all pairs of rows to determine irrelevant elements. For example, if two combinations of conditions differ on only one condition but still have the same outcome, the two rows can be combined into a single, simpler row. The algorithm compares paired rows, producing progressively simpler terms until additional minimization is not possible. We want to make clear, however, that while the algorithm compares all rows, only *one* causal element at a time may be eliminated. "Comparisons are made by case not by variable" (Drass and Spencer, 1987, p. 287). For example, suppose we have two cases with these conditions:

OMBUD = GPPPC*unerc*KIDPOP*CIVIL*political
 OMBUD = GDPPC*UNCRC*KIDPOP*CIVIL*political

Because these two cases share the same outcome, OMBUD (presence of the children's ombudsperson), we employ Mills' method of agreement (see Janoski and Hicks, 1994). That is, these two cases share the same outcome, but one explanatory factor differs, UNCRC and unerc (having recently signed or not signed the United Nations Convention on the Rights of the Child, respectively). As a result, we presume that signing or not signing the convention does not have an impact on the establishment of the office of the children's ombudsperson.

6. Results

We first present descriptive results. As mentioned above, we believe this paper is the first cross-national, comparative analysis of the development of the office of children's ombudsperson. Consequently, prior to examining explanations for the establishment of the office of children's ombudsperson, we present descriptive information of the independent and dependent variables studied in this paper. Afterwards we present results from the QCA analyses.

6.1. Descriptive results

We first examine mean scores of each variable. For all countries under analysis, the average score for the civil rights measure is 3.56 and the average score for the political rights measure is 3.41 (lower scores indicate higher levels of rights). The average number of days a country has taken to ratify the United Nations

Convention on the Rights of the Child is 869.98. The average proportion of population that is children age fifteen or younger is approximately 30.28% and the average country wealth is \$7,995.44 (gross domestic product per capita).

Of the countries with an office of children's ombudsperson, civil and political rights are more prevalent. The average civil rights score is 2.26 and the average political rights score is 1.74. Countries with a national office of children's ombudsperson typically ratified more quickly the UN Children's Convention, on average having ratified the convention in 643.49 days. While these countries are much wealthier (\$14,905.71 gross domestic product per capita), they do not necessarily have larger proportions of children (24.36%).

6.2. QCA results

We first examine explanations for the presence of the office of children's ombudsperson.

$OMBUD = KIDPOP * WEALTH * UNCRC + KIDPOP * WEALTH * POLITICAL.$

We first remind the reader that capital letters denote presence and lower case letters denote absence. Multiplication (*) means AND and addition (+) means OR. Countries that have established a national office of the children's ombudsperson (OMBUD) are characterized as wealthy countries (WEALTH) having large proportions of children (KIDPOP) whose governments ratified the UN Convention sooner than most countries (UNCRC) or with high levels of political rights (POLITICAL). These results suggest that an office of children's ombudsperson arises when a need is perceived and wealth is available to fulfill that need. These functionalist explanations, however, are necessary but not sufficient explanations. One group of countries appears to have responded to international pressures to honor children's rights by ratifying the UN Convention on Children's Rights. The other group of countries has high levels of political rights. Citizens in these countries may already value citizenship rights and want to expand those rights to children. In addition, in these countries fewer roadblocks may thwart the majority from instituting new social policies through use of political rights.

A benefit of the QCA approach is the opportunity to examine characteristics of countries that have not established a national office of children's ombudsperson.

$ombud = kidpop + wealth + civil * uncrc$

Countries that had not established a national office of a children's ombudsperson (ombud) are characterized in one of three ways. One group of countries does not have large proportions of children (kidpop). A second group of countries have low levels of wealth (wealth). The third group of countries lack high levels of civil rights (civil) and are either late to ratify or have not ratified the UN Convention (uncrc).

Two of these three explanations emphasize the explanatory power of the functionalist perspective. Without a relatively large children's population, or without the ability to pay for a new social policy, a country will not establish a national office of children's ombudsperson. This result, however, makes clear that

the functionalist perspective is not a complete explanation. This result also highlights a benefit of employing QCA. Explanations for the presence are not the opposite of the explanations for the absence of the national office of children's ombudsperson. The presence of a national office of children's ombudsperson is explained by the combination of need, wealth, and either strong political rights or the impact of internationalization of law. One component of the explanations for the absence of the children's ombudsperson is the absence of civil rights combined with the absence of international pressure. This result suggests that governments that do not respond to international pressure and whose citizens are without basic civil rights will not establish new social policies that benefit children.

7. Discussion and conclusion

We believe this paper is the first cross-national analysis of the development of national offices of children's ombudspersons. Consequently, we place this paper's analysis against a bigger picture of developments in the children's ombudsperson and directions in which future research may proceed.

Descriptive results of this paper suggest that national offices of children's ombudspersons are established in countries without relatively large numbers of children. This finding may seem ironic given expectations based on the logic of industrialism model's idea of social policies arising in response to need. We would expect that with more children come greater needs for social policies and, as a result, programs benefiting children. One explanation for this irony is that high proportions of children perhaps reflect small numbers of adults. This ratio may result from problems and difficulties countries' populations have endured, including famine, disease, and war. For example, Uganda has the highest ratio, with children making up more than half its population. The proportion of children to adults probably affects country wealth. Fewer adults may reduce production of goods and services, harming overall wealth.

The QCA findings highlight the importance of policy need and the ability to pay for a policy. These findings suggest that a combination of these two variables, proportion of children and country wealth, together are necessary for establishment of a national office of children's ombudsperson. The QCA findings indicate that the absence of country wealth or the need for a children's ombudsperson, measured as children in the population, discourages the establishment of the ombudsperson office. Without one of these factors, many countries do not establish a children's ombudsperson. In all countries that have established a national office of children's ombudsperson we find need and the ability to pay for this social policy innovation.

Yet to explain fully this policy development, other factors are necessary. Rather than focus on explanatory winners, the QCA approach indicates configurations of causal conditions are explanations for the presence and absence of a social-policy innovation. Considering the establishment of the office of children's ombudsperson, QCA reveals that the combination of need and wealth is incomplete. To explain fully this policy development, international pressures or high levels of political rights

combine with need and wealth as explanations for this development in social policy. Wealthy countries with relatively large populations of children do not automatically institute a children's ombudsperson office. Instead, international pressures appear responsible in some countries for promoting the establishment of this office. In other countries, political rights are essential. Rather than civil rights, political rights are significant to the formation of this social policy innovation. Considering the absence of the children's ombudsperson, however, emphasizes the importance of civil rights. The absence of civil rights may imply a weakness in the role of courts and the legal system with a consequent weakness in individual liberties. Without civil liberties, individuals either may be incapable or hesitate to pursue political and social rights. Given Marshall's conception of citizenship rights and the relationship between civil, political, and social rights, it is reasonable to conclude that political and social rights also are weak in these societies.

As mentioned, we believe this paper represents the first cross-national study of the formation of national offices of children's ombudspersons. Consequently, these results are both useful to and raise questions for future research on this social policy innovation. Future research should examine the process in which the identified factors combine to shape the development of children's ombudsperson offices. Researchers should ask how political actors are influenced by international pressures such as the UN Convention on the Rights of the Child. We need to investigate whether all political actors are open to this policy development, or whether the utility of political rights is limited to specific political circumstances and political leadership. Given these analyses consider developments to the year 2000, future research should consider subsequent establishments as well as dismantlement of children's ombudsperson offices. Finally, and perhaps most important, this research does not consider the rights of children an office of children's ombudsperson can enforce. Unless children enjoy significant citizenship rights, a children's ombudsperson will have a limited impact on improving children's welfare and security.

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