

## OMBUDSMANANCE: A NEW CONCEPT IN SOCIAL SCIENCES ON OMBUDSMAN THEORY

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**Abstract:** *The Ombudsman is a public complaints body established in Sweden in the 18th century. Its main task is to solve public and administrative problems that reach it from citizens. Today, it is applied in almost all countries of the world. In this study, it is planned to reveal the basic building blocks of the grand ombudsman theory at the methodological level. The Ombudsman is an Anglo-Saxon invention that emerged with the Enlightenment and political liberalism. It is also a postmodern auditing paradigm. In fact, ombudsman is related to many different disciplines arising from ombudsman theory. It appears as a newly produced concept in social sciences. It is of great importance for societies in the world to organize themselves within the framework of social morality and justice. According to the results of this study; today, it is accepted that the societies called Anglo-Saxon have a stronger social morality as the cradle of liberal democracy. The study aims to provide a methodological and theoretical expansion of the concept of ombudsmanance by compiling Doğan's previous articles. The method of this research is literature review.*

**Keywords:** *Ombudsman, Theory, Ombudsmanance, Doğan*

### Introduction

Ombudsman, as a concept, is a structure that receives complaints from the public in a state about issues that they are aggrieved about regarding public administration and decides on them within the framework of a certain legal procedure. Among its basic features; it institutionalizes democracy, strengthens human rights and is based on the rule of law. Today, it is implemented in almost all states of the world. It has almost become the common mind of humanity. In this respect, it is seen in all societies governed by capitalist, socialist, totalitarian or social democracy regimes. Ombudsman has a deep theoretical basis. As a matter of fact, the concept of ombudsman is at the theoretical and historical intersection of many disciplines in social sciences. It is also linked to modern political ideologies. On the other hand, the development of the ombudsman in the world is also related to the world conjuncture.

In this study, the literature was reviewed important information regarding the explanation of the "ombudsmanance" concept introduced by Prof. Kadir Caner Doğan has been compiled from articles previously published in different international indexed journals. The aim of this study is to place the concept of ombudsman on the ombudsman theory that was developed chronologically in a certain historical process. As a matter of fact, when expressed with a metaphor, according to Doğan; with the studies he carried out on the ombudsman theory, "the flag-ombudsmanance- on the top of the mountain" was planted. Therefore, studies or articles that are carried out by adding things to each other step by step for the purpose of a task eventually reach their goal and the task is completed. However, it

is thought that more philosophical, scientific and in-depth studies will continue to promote and accept the newly born or emerging concept of ombudsmanance in the national and international academic community. The main purpose of compiling this article, which consists of previously published articles, is to bring together research on the construction of the ombudsman theory in an organized manner, and in this way, it can directly give ideas to readers and research on the subject at a systematic and rational level. It also provides a basic source for the concept of ombudsmanance, which has recently been introduced to the literature. As a matter of fact, it is anticipated that the articles in this study are very related to each other and integrate each other.

### **Ombudsman Theory**

Ombudsman is a citizen-focused complaint authority that resolves disputes between public administration and citizens and has mechanisms such as mediation. In this regard, the ombudsman basically takes action with complaints about mismanagement/human rights violations against the public administration received from citizens or the public, and is a public institution that operates within the framework of its mandate drawn by the law. It first appeared in history in Sweden in the 18th century. It was established only in Sweden and Finland until World War II, and then it was established in states on all continents of the world until today. Today, there are ombudsman institutions in approximately 190 states (Doğan, 2019). Although the ombudsman institution seems to have emerged in the modern period in the 18th century, it found its real identity with postmodern public administration. Because this structure or organization, which was seen in only two states until the World War II, has increased its spread and degree of acceptability within the framework of the above-mentioned political, sociological, scientific, cultural and legal dynamics and their impact on concrete national and international public policies. In this respect, ombudsman can be called a postmodern auditing paradigm. As a matter of fact, after the 1950s, the ombudsman increased its degree of acceptability due to reasons and approaches such as the rule of law in the world, democratic aspirations, institutionalization efforts in newly independent states, excessive growth of the state/bureaucracy, social welfare state, globalization, new right, new public management. In this context, dynamics such as science, ideology, transformation in social structure, economic conjuncture and national/global politics have an impact on the development and spread of the ombudsman in academic and practical terms (Doğan, 2019).

Social sciences were founded in the 19th century on the basis of Enlightenment and modernity. This methodological development approach, which has a positivist character, was questioned after the second half of the 20th century. The discipline of history continued its development by gaining a scientific identity in these periods. At this point, there is an important relationship between social sciences and the discipline of history. At some point, in order to produce knowledge and create a method, it is necessary, first of all, to have a historical thinking dimension. As a matter of fact, in order to produce knowledge about social sciences, it is necessary to first reveal the historical perspective. According to this study, there is a relationship with liberal democracy, Annales, a history writing technique, and the understanding of restructuring of social sciences, through the concept of ombudsman. With this relationship, it is thought that the ombudsman has a great connection with the mentioned historical, philosophical and sociological thinking methods. According to this study, it is claimed that the ombudsman is one of the paradigm shifts in

the field of social sciences in the 20th century. Ombudsman is a postmodern auditing paradigm and found its true identity in this period (Parlak and Doğan, 2021).

The Ombudsman is an Anglo-Saxon invention. There is political liberalism in its essence. Moreover, ombudsman is a postmodern auditing paradigm. As a matter of fact, the principles underlying the ombudsman are linked to certain formation and transformation phases of political philosophy, sociology, politics, management, economics, history and law sciences, at classical and contemporary levels. This connection provides the environment for the theoretical design of the ombudsman. Key words between social science branches and ombudsman theory can be listed as follows (Doğan, 2021):

- Positivism/British idealist philosophy/Hermeneutics (Political Philosophy),
- Classical sociology/American sociology (Sociology),
- Institutionalism/Behavioralism/System theory (Political Science),
- Classical public administration/Democratic public administration (Public Administration),
- Efficiency based on classical economics/Consensus based on social liberalism/Quality based on neo-liberalism (Economics),
- Enlightenment historiography/German history school/Annales school (History),
- Positivist law/Natural law (Law).

In the context of the above branches of science and the ombudsman connection; for example, sociological theories are decisive in the modern ombudsman literature. In fact, ombudsman is associated with many different schools of sociology, especially structuralism. Developments in the discipline of sociology strengthen the ombudsman literature in certain aspects (Doğan, 2022b).

### **The Ombudsmanance**

In explaining the concept of ombudsman, the studies and views of Habermas, Fukuyama and Rawls were especially used. Apart from these thinkers, comments and analyzes in Doğan's other articles are also used here. Habermas's hermeneutic efforts in the field of social sciences, his tendencies to bring Marxist literature to contemporary philosophy and sociology, and his views on current issues of the world have made great gains in both left and right literature and influenced many disciplines. Habermas's deep interdisciplinary and especially philosophical, political and sociological writings; it is decisive in issues such as "participation, democracy, ethics, social policy, law and legitimacy". It should not be forgotten that different thinkers and schools have produced works on this subject. The reason why Habermas was chosen in the analysis of concept sets in this study is that he influences the concept sets that constitute the subject of the study with articles that are objective and in accordance with scientific principles. When the discussion with the ombudsman continues; first of all, Habermas's writings in both liberal and Marxist styles had an impact on this concept. As a matter of fact, in addition to being a liberal democracy project, the ombudsman is also a structure with social responsibilities. Habermas's writings on ethics, discourse and politics are directly important for the ombudsman literature. Again, the ombudsman is an organization of tolerance and happiness in society. Therefore, all citizens should come together, talk and solve their problems based on the negotiation principles stated by Habermas. Therefore, the ombudsman offers one of the most important platforms where people can strengthen their communication channels by combining their life and system worlds. In this respect, the ombudsman is thought to provide the concepts

of "discourse, communication and public sphere" that form the basis of Habermas's theories. It should also be added here that; it can be explained with examples that governance theory also creates many platforms on this subject. For example, white table practices established in public institutions, city councils and ethics committees organized in city centers. When it comes to the discussion, which is very important for the study; by combining the concepts of ombudsman and governance, it is desired that the concept called "ombudsmanance" takes its place in the literature. As a matter of fact, the relationship revealed by the Habermas perspective, the views of other schools and thinkers, periodic developments and the postmodern public administration discourse confirms that the two concepts complement each other and are nourished from the same source. The concept of ombudsman will make great contributions to social sciences and public administration in researching ombudsman in a clearer method and further strengthening the theoretical basis established on it. This new concept will not prevent the independent development of both concepts, provided that their essence is preserved. As a matter of fact, it is thought that the concept of ombudsman will ignite a new intellectual debate in public administration through its own set of concepts, theories and approaches (Doğan, 2022a).

Ombudsman can be considered a liberal democracy project. As a matter of fact, it is thought that there is a great connection between Fukuyama's basic theses analyzed in this study and the development, acceptability and future of the ombudsman in the world. It is stated below that there are four hypotheses to explain this connection and it is explained that they have a scientific basis (Doğan, 2023):

- Ombudsman is an Anglo-Saxon invention,
- The Ombudsman has a strong connection with the modern (natural) science method,
- The Ombudsman integrates right (liberal) and left (Marxist) literature in the twentieth century,
- Ombudsman is aligned with Fukuyama's end of history thesis.

The concept of ombudsmanance is a combination of governance and ombudsman, introduced to the literature by Doğan. As a matter of fact, according to Doğan, fair, strong and liberal societies of the future can be organized with the principles highlighted by the concept of ombudsman. In this way, a good basis can be established for democratic constitutional states in the world where human rights are strengthened and the rule of law is established. Rawls's theory of justice and its advanced forms are presented as ombudsman in Doğan. Although ombudsmanance is still in its development stage with a different content and method, it stands in the perspective of political liberalism drawn by Rawls. However, Doğan carried out the theoretical design of the ombudsman in his academic studies, which are stated above and explained in basic important aspects. The scientific basis presented as the theory of justice in Rawls was created by the ombudsman theory in Doğan. In this context, Doğan reaches ombudsmanance as an element at the peak of ombudsman theory. It presents the intellectual infrastructure of a newly produced concept in social sciences. Ombudsman, which is thought to be an important concept in political philosophy, will continue its development in "liberal, universal, just, moral, strong social, scientific, ethical and ancient civilizations" specified in the ombudsman model. From now on, it is necessary to make the necessary efforts to create works with more philosophical, political and sociological content for the development of the concept of ombudsman. In addition, it is important to ensure the recognition and acceptability of the concept both nationally and internationally. As a matter of fact, one of the most important

problems of today's states or societies is to integrate with the world while preserving their culture, moral structure and religious beliefs. If human history is read as a history of liberation, liberal democracy in our age can be read as a political regime that pioneers this. Since liberal democracy is the dominant ideology of the global world, with Anglo-Saxon character and origin; every society organized on the basis of constitution, democracy and freedoms will adopt the principles required by this ideology. However, it is possible to integrate liberal values with social values by taking into account the integrity, ethics and conjectural developments in social sciences. At this point, societies that are distant from Anglo-Saxon values or liberal democracy to a certain extent can follow a path that suits their own culture and beliefs, with support from initiatives such as the concept of ombudsman. In this way, integration with the world can be achieved, and social morality can be developed in the society in question, and political, economic and socio-cultural problems can be minimized. It is necessary for societies that have reached the consciousness of becoming a nation to build on their own cultural structures. As a matter of fact, nations with a common culture, civilization and society can find their place in global politics by developing a system suitable for the dominant global system in the world. It is certain that societies strengthened in this way will have a structure that influences other states in the world, sets an example and sets the agenda (Doğan, 2024).

## **Conclusion**

Anglo-Saxon societies, the cradle of liberal democracy, are the culture and geography where human rights and democracy are most developed. Ombudsman was born here as a democracy project and spread around the world. In this study, the concept of ombudsman, which was first developed through Doğan's basic studies, was created especially in the perspective of Habermas, Fukuyama and Rawls.

As a result, in the context of reaching the concept of “ombudsmanance” through ombudsman theory, ombudsman was thought about, placed on the axis of ombudsman, and a universal original model of ombudsman was established. Doğan, with his studies and views on ombudsman theory, crowned it with the concept of ombudsmanance. According to Doğan, metaphorically the flag has been planted at the summit. Ombudsmanance as a flag will continue to be developed in conferences, other academic articles and books.

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