

Institutional ombudsing: Considering the role of discourse

C. McKenna Lang

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He who loves practice without theory is like the sailor who boards ship without a rudder and compass and never knows where he may cast. Leonardo daVinci

I. Institutional ombudsing – Introduction

Ombudsing is a rich tradition that has been growing worldwide for over two hundred years and has ancient multicultural roots (Lang, 2011). I have been studying ombudsing for many years and I am also a practitioner. Many fields of practice, such as economics and psychology, have extensive theories for practitioners to ground their work, but research theories for modern ombudsing seem somewhat scarce. Early books focused on theory and ideas from political realist and public administration perspectives, a nod to the roots and growth of public ombudsing (Anderson, 1968; Rowat, 1965; Sawyer; 1964). Ombudsing continues to steadily spread across borders and across sectors. While critical principles of independence, confidentiality and neutrality help anchor the field of ombudsing, sometimes it feels like daVinci's rudderless boat – the theories have not kept pace.

This article looks at discourse theory in institutional settings with a consideration of three main ideas: discursive spaces; discursive channels; and discursive positioning in relation to ombudsing and I touch upon the value of narrative mediation for navigating institutional discourses. These three main ideas provide a means to reflect on how practicing ombuds may: 1. create space for new dialogues and new discourses; 2. be mindful of existing administrative, procedural and legal channels while identifying new communicative channels; and 3. observe the ways in which people position themselves in relation to others and in relation to other discourses. The goals of this article are to consider new angles and compass points of ombudsing, to invite further conversation and to deepen dialogue of theory in practice. Discourse theory is thought provoking and worth in-depth exploration, but perhaps this brief article will stimulate discussion, discovery and mindfulness of prevailing discourses in institutional settings.

II. Discourse theory and ombudsing

Discourse theory is a way of contemplating language and language patterns over time in social relations such as government, culture and other areas of human interaction (Wetherall,

2001). Discourse theory is intricately intertwined with human action and social practices (Fairclough, 2001). Karlberg (2012) states that:

Most approaches to discourse theory rest on the underlying premise that language, and language use, do not merely reflect or represent our social and mental realities, but they actually help construct or constitute these realities. (p. 1)

Karlberg suggests that there are links between discourse theory and peace and notes that discourse theory has much to offer to the fields of peace and conflict studies (2005). Since mediation and conflict resolution often factor into ombudsing, links between discourse theory and peace are especially relevant to the field.

What is meant by discourse theory?

The French philosopher Michel Foucault may be identified as having shifted attention from 'language' to 'discourse' (Hall, 1997). The word discourse comes from the Latin *discursus* or "running about." For Foucault, discourse is a system of representation or a means to describe our interpretation of the world. According to Hall, Foucault was interested in:

...the rules and practices that produced meaningful statements and regulated discourse in different historical periods. By 'discourse', Foucault meant "a group of statements which provide a language for talking about – a way of representing the knowledge about – a particular topic at a particular historical moment..." Discourse is about the production of knowledge through language. (p. 44)

Discourses and language are central to the construction of our social relations (Burr, 2003). Fairclough speaks of our relationships in discourses and our ability to co-create meaning between our worldviews and writes (2003):

I see discourses as ways of representing aspects of the world - the processes, relations and structures of the material world, the 'mental world' of thoughts, feelings, beliefs and so forth, and the social world. Particular aspects of the world may be represented differently, so we are generally in the position of having to consider the relationship between different discourses. (p. 124)

Discourses may include large themes conveyed in public and private spheres such as ideas of globalization, marketization and democracy. As an example:

The meaning of the word "men" in the phrase "all men are created equal" in the Declaration of Independence has changed as the discourses surrounding who can own land, vote, and hold political office have changed. It originally referred to adult, white, male, landowners. It now refers, in many people's minds at least, to adults of all genders and skin colors whether or not they own property. (Narrative Worldviews, 2014)

This example also suggests how discourses may change over time.

Discourse theory can help us make room for divergent world views

There are many kinds of interacting discourses related to our positioning and identities. With their dynamic nature, discourses are pivotal to forming and sustaining relationships. Foucault (1982) notes that discourses can also be dangerous and he goes on to examine the production of discourses in relation to power, analyzing the processes of exclusion:

I am supposing that in every society the production of discourse is at once controlled, selected, organized and redistributed according to a certain number of procedures, whose role is to avert its powers and its dangers, to cope with chance events, to evade its ponderous, awesome materiality. (p. 216)

Who controls discourses? Discourses, the production of discourses and power are interwoven and discourses may be closely aligned with societal power. Van Dijk (1989) notes that power can be seized through control of discourses:

Power is directly exercised and expressed through differential access to various genres, contents, and styles of discourse. This control may be analyzed more systematically in terms of the forms of (re)production of discourse, namely, those of material production, articulation, distribution, and influence... Through selective investments, budget control, hiring (and firing), and sometimes through direct editorial influence or directives, they may also partly control the contents or at least the latitude of consensus and dissent of most forms of public discourse. (p. 22)

Dominating discourses can be unjust, privileging some and marginalizing others (Wodak, 2002). But dissent and speaking up may come with risk; hence there is a need in any democratic system to develop ways to mitigate this danger. The office of the ombuds represents one such possibility because ombudspersons may be uniquely positioned to identify and navigate discursive channels for remediation. Discourse theory provides important tools for understanding relationships and power dynamics, including those that pertain in institutional contexts and may provide a means to making room for divergent worldviews. According to Michelle LeBaron (2003):

Worldviews, with their embedded meanings, can be the seedbed from which new shared meanings emerge. These shared meanings may arise as people co-create new stories, design new rituals, and find inclusive metaphors to contain their meanings.

In ombuds practice, visitors often have divergent worldviews with seeds for new possibilities.

That brings me to the first main idea - A consideration of discursive spaces

How can we make room for divergent worldviews? The notion of discursive spaces emerges from discourse theory to provide hopeful possibilities for reconstructing and reconstituting dialogues, discourses and relational interactions. For the purposes of this article, the phrase 'discursive space' is intentionally broad in order to frame it as an area of possibility for expanding discourses and may be said to be a combination of two fairly unbounded words. Nakayama and Krizek (1995) talk about the potential that emerging metaphors of discursive space have for rethinking social constructions of power and identity and they note that:

These "new" metaphors invite the disarrangement of modern thought by promoting a complex spatial view of postmodern life, which honors the legitimacy of multiple realities. At the same time, these spatial metaphors consider the milieu present at the intersection of differing "realities" while recognizing the variance within each of the "realities." (p. 291)

Flores (1996) writes about Chicana feminists deliberately creating discursive spaces through: "a rhetoric of difference which allows a marginalized group to reverse existing and external definitions and create their own definitions" (p. 152). This suggests the wish for those, sometimes on the margin to create new areas of discourse.

There are broad and culturally diverse applications of the notion of discursive space. My interpretation is that the construction of discursive spaces has the potential to allow new possibilities and broader participation in discourses. Discursive spaces may include written and verbal types of discourse, areas of silence, and places of misunderstanding and reflection. The idea of discursive spaces is part of a broad topology of discourse, which includes a variety of discursive practice possibilities. Identifying sites where discursive spaces can be intentionally constructed as spaces where a dialogue can be deepened is crucial for working with diverse populations. For example, an ombudsperson can help identify areas that perhaps have not been discussed as a new discursive space - such as finding a way to re-construct a conflict story so that those on the margins may have greater input and their voices may be heard.

Secondly, contemplating discursive channels

An extension of the concept of discursive spaces is the concept of discursive channels. Discursive channel is a term that I propose which has emerged through my research studies and I could find no prior research on this idea (Lang, 2014). Discursive channels might be considered as the grooves or spaces in which relations between people are negotiated and worked out. As noted earlier, institutions are often marked by a variety of written and verbal discourses and can include codified discourses such as policies and procedures and legal requirements. These are sometimes referred to as administrative channels, legal channels and channels of communication. Whether investigating complaints or helping visitors explore options in a conflict, many ombudspersons must first consider administrative, legal and other codified

channels. The ombudsperson may help visitors navigate a course through formal administrative channels but also can identify new channels of communication and may be able to help make connections and clarify progressions in administrative procedures. They may also help navigate between social practices in institutions and identify new areas of dialogue and discourse. In reviewing complaints and hearing conflicts and concerns, an ombudsperson may identify areas along discursive channels where discursive shifts can occur. For example, while there may be a procedural channel for grievances, perhaps an ombudsperson can help find room for reconciliation before filing a formal grievance.

And finally, a look at discursive positioning

The idea of discursive positioning brings awareness to how individuals may take positions in discourses and brings attention to how people position themselves discursively. Winslade (2006) notes that discursive positioning is:

... a concept that points to the ways in which people take up positions in relation to discourse in the very moment of making an utterance in a conversation. At the same time, speakers offer the other person(s) they are addressing a position (or choice of positions) from which to respond. Positioning theory makes cultural influences visible in discourse in the very moment of the establishment of their influence. It also makes visible the ways in which people resist and refuse dominant discourse in the detail of conversational exchange. (p. 505)

Positioning theory as iterated above brings discursive relations into clearer relief by drawing attention to how people take positions in discourse both in the moment and in relation to other discourses in which they have participated. Winslade goes on to say (2006):

As people speak, they position themselves not just in immediate relation to the other person(s) in the conversation, but also in relation to utterances in other conversations (Bakhtin, 1984, 1986). (p. 505)

An awareness of the discursive positions that people take in dialogues broadens the field of understanding and possibility and noting these discursive positions may open up space for new dialogues. Winslade notes the idea of positioning in conflict and mediation, in relational conflicts:

Frequently conflict might arise from the ways in which people are at least uneasy, and often downright unhappy, with the effects of how they are being positioned by the other party (or parties). But they might also be held to the “truth” of their contradictions by others with whom they are in conflict. Mediation conversations hold out the promise of opportunity to reposition oneself carefully in a relation or to make more room for another’s position taking. (p. 507)

Understanding, examining and reflecting on discursive positioning opens up possibilities for changing discourses. For example, an employee may have a complaint about a boss but the boss may feel that she is following a particular procedure. The employee may feel that he is in a subordinate position, and may feel that the procedure is not being properly or fairly followed but is afraid of speaking up. In addressing this differential, it is valuable to consider the positioning and the impacts of positioning in a discourse. An ombudsperson may be able to mediate the discursive positions and facilitate a safe process to address the concern.

III. The role of the ombuds

So how might these ideas be relevant to the ombudsperson? As ombudsing grows and matures as, discussions of theory in practice may help deepen our work. Discourses are created through the language of human relations and human interactions, and since much of our work takes place with language in institutional settings, a consideration of discourse theory may be illuminative. Discourse theory looks at prevailing discourses in relation to power and knowledge. Identifying institutional discourses may help us identify discursive spaces where new dialogue may occur. The idea of a discursive space is a site where the re-ordering and reconstructing of discourses, or at least of discursive positioning, can take place - where the unheard can be heard. For example, pre-existing policies in an organization may not take into account critical issues of culture and equality brought to the ombuds office. Establishing a discursive space for such issues to surface allows otherwise marginalized discourses to be brought to the center for consideration and to broaden inclusion. While it is important for ombudspersons to be aware of institutional channels such as legal and policy requirements, it may be possible to create new channels and discourses. Discursive positioning provides a means for us to consider how people may position and re-position themselves and others in conflict and resolution. These ideas might be helpful for ombuds practitioners. For example, an ombudsperson may be familiar with grading policies and procedural channels and can help a student navigate these channels. Or, an ombudsperson may help create space to shift language for a visitor to have a stronger voice. An ombudsperson may notice problematic discriminatory patterns to note to those who govern. In a staff dispute, there may be positioning and an ombudsperson may help shift the conflict story.

IV. Mindful listening – Narrative mediation

Perhaps it may be said that, while most ombudspersons navigate institutional channels, there is also a need to specify the conceptual tools that might help them do so. For example, whereas “classical ombudspersons” are likely to investigate complaints, organizational ombudspersons may be more likely to mediate conflicts. The use of terms like complaints and conflicts shapes the discursive space differently and suggests the construction of a discursive channel adequate to the working through of an issue. As the ombudsperson seeks to achieve redress for administrative complaints or conflicts, he or she will also need to be equipped with

tools with which to work in the discursive space. Narrative mediation is an approach to conflict resolution that is rooted in language, discourse and positioning theory. It honors different worldviews and is a good example of a tool for seeking redress that uses the concept of discourse in order to make sense of what puts people in conflict with each other. Narrative mediation provides a promising means of navigating interpersonal and institutional discourses as well as discursive spaces and channels in order to mediate dialogue and conflict. It ties in theoretically with a conceptualization of ombudspersons as well positioned to see a broad range of institutional practices and discourses and to identify discursive channels that can be traversed through these institutional contexts.

V. Conclusion

But in the end, these are not merely theoretical musings. Ideas of discourse and positioning may help us think about our work in new ways. Our human interactions with and within institutions are often of critical importance. The ombuds office can be an intermediary means to facilitating and finding our way through administrative obstacles. It may be said that ombudsing is predicated on a hope for helping people navigate bureaucracy in order to improve administrative services and to reduce some of the conflicts and concerns raised in institutional processes and procedures. For ombudsing practice, discourse studies may provide methods to contemplate institutional patterns of discourse and facilitate new discursive spaces.

References

- Anderson, S. V., (1968). *Ombudsmen for American government?* Englewood Cliffs, N.J.: Prentice-Hall
- Burr, V. (2003). *Social constructionism* (2nd Edn.). London, UK: Routledge.
- Fairclough, N. (2001). The dialectics of discourse. *Textus*, XIV(2), 231-242.
- Fairclough, N. (2003). *Analysing discourse: Textual analysis for social research*. London, UK: Routledge.
- Flores, L. A. (1996). Creating discursive space through a rhetoric of difference: Chicana feminists craft a homeland. *Quarterly Journal of Speech*, 82,142-56.
- Foucault, M. (1982). The subject and power. *Critical inquiry*, 8, 777-795.
- Hall, S. (1997) 'The work of representation', in S. Hall (ed) *Representation: cultural representations and signifying practices*. London: Sage, with the Open University.
- Karlberg, M. (2005). The power of discourse and the discourse of power: Pursuing peace through discourse intervention. *International Journal of Peace Studies*, 10, 1-25.
- Karlberg, M. (2012). Discourse theory and peace. *The Encyclopedia of Peace Psychology*. Malden MA: Blackwell Publishing.
- Lang, C. M. (2011). "A Western King and an Ancient Notion: Reflections on the Origins of

- Ombudsing" [online article]. *Journal of Conflictology*. Vol. 2, Iss. 2, pp. 56-65. Campus for Peace, UOC.
- Lang, C. M. (2014). *International ombudsing: Navigating discursive channels*. Tilburg University. Nederland: uitgeverij vastgesteld.
- LeBaron, M. (2003) "Cultural and Worldview Frames." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: August 2003 <<http://www.beyondintractability.org/essay/cultural-frames>>.
- Nakayama, T. K., & Krizek, R. L. (1995). Whiteness: A strategic rhetoric. *Quarterly Journal of Speech*, 81, 291-309.
- Narrative Worldviews. (2014) Retrieved October 20, 2014 from http://www.narrativetherapychicago.com/narrative_worldview/narrative_worldview.htm
- Onwuachi-Willig, A. (2012). Good silences, bad silences, unforgivable silences, *Chronicle of Higher Education*. Retrieved November 12, 2013, from <http://chronicle.com/article/Good-Silences-Bad-Silences/135296/>.
- Rowat, D. (1965). *The Ombudsman: Citizen's defender*. London, UK: Allen & Unwin.
- Sawyer, G. (1964). *Ombudsmen*. Melbourne, Australia: Melbourne University Press.
- Van Dijk, T. A. (1989). Structures of discourse and structures of power. *Communication yearbook*, 12, 18-59.
- Van Dijk, T. A. (1996). Discourse, power and access. *Texts and practices: Readings in critical discourse analysis*, 84-104.
- Wetherell, M.; Taylor, S.; Yates, S. eds. (2001). *Discourse Theory and Practice: A Reader*. London: Sage Publications Ltd.
- Winslade, J. (2006). Mediation with a focus on discursive positioning. *Conflict Resolution Quarterly*, 23, pp. 501-515.
- Wodak, R. and Meyer, M. (eds) (2002) *Methods of Critical Discourse Analysis*. London: Sage, pp. 95-120.