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From *Defensor civitatis* to Ombudsman

Introduction to the Special Issue

by

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From Defensor civitatis to Ombudsman

Introduction to the Special Issue

Andrea Trisciuglio *

This special issue of the Journal of Interdisciplinary History of Ideas contains papers from two workshops held in Zaragoza and Turin as part of the project “Citizenship, Participation, Representation”, funded by the University of Turin. For both meetings, it was decided to focus on the Ombudsman. This figure is at the heart of current forms of informal participation and representation.



This special issue of the *Journal of Interdisciplinary History of Ideas* contains papers from two workshops held in Zaragoza and Turin as part of the project “Citizenship, Participation, Representation”, funded by the University of Turin in the framework of the GFI 2022 (Grant for Internationalization Projects), with Prof. Manuela Albertone as PI. Confronting the transformations that are affecting representative democracies, the project emerged from the need to reflect on the importance of refining participation and representation in order to establish a public space of national cohesion and consolidate institutions.

The two workshops are part of the activities of the ‘Observatory of Representation. International Centre for State, Citizenship and Democracy Studies’, which was founded in 2024 by the partnership of the Universities of Turin, Paris 1 Panthéon-Sorbonne, Exeter and Naples Federico II. The Centre is highly interdisciplinary and has a strong historical vocation. The Centre’s historical and

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multidisciplinary perspective helps to highlight the challenges, stakes, and experiments involved in the current crisis of political representation and the urgency of proposing viable solutions, at a time when new forms and practices of political participation and representation are putting parliamentary systems and national borders to the test.

For both meetings, it was decided to focus on the Ombudsman. This figure is at the heart of current forms of informal participation and representation. We think it should be understood as an institution which can strengthen and improve the relationship between the citizen and political administration and at the same time foster civic mobilization. Participants tackled the historical dimension of civic defence institutions, from the Spartan Ephorus to the Roman Tribune of the plebs and the *defensor civitatis* to the Ombudsman established in Sweden in 1809 and the other ombudsman figures derived from it. The Spanish research network focused on ombudsmen in medieval and modern times. The project's international network's comparative approach enabled us to extend beyond national experiences in a long-term perspective.



The first seminar, “Istituzioni della difesa civica tra storia e attualità / Instituciones de defensores del pueblo entre la historia y la actualidad”, took place at the Facultad de derecho in Zaragoza, on 21 April 2023. It was organized by M. Lourdes Martínez de Morentin (Univ. of Zaragoza) and Andrea Trisciuglio (Univ. of Turin). The objective of the seminar was to investigate various public institutions that have been established throughout European and Latin American history, with a particular focus on the ancient Greek experiences concerning the defense of the weakest (citizens and non-citizens) against the abuses of government and administrative authorities. The following speakers focused on Greece and Rome: Chiara Lasagni (Univ. of Turin), Carmen Jimenez Salcedo (Univ. of Córdoba), José Miguel Piquer (Univ. of Valencia), Maria das Graças Pinto de Britto (Univ. Federal de Pelota, Brasil). M. Angeles Álvarez Añaños (Univ. of Zaragoza) e Javier Hernández García (Lugariente del Justicia de

Aragón) lectured on medieval and current Spain, while Manuela Albertone (Univ. of Turin) focused on revolutionary France. In the afternoon session, after Chris Gill's (Univ. of Glasgow) keynote speech on the United Kingdom (history and current affairs), the focus was on modern Italy, with contributions from Marino Fardelli (Ombudsman of Lazio, President of the National Coordination of Italian Ombudsmen) and Cristina Videtta (Univ. of Turin). Silvia Bartolucci (Cabinet of the European Ombudsman) then took the floor and spoke about the case of the European Union, and also introduced a further focus on Latin America (history and current affairs), which was developed by Tulio Álvarez (Instituto de Investigaciones Jurídicas de la Universidad Católica Andrés Bello, Caracas, Venezuela), and Carlos Constenla (Presidente Emérito del ILO Defensor del pueblo, Instituto Latinoamericano del Ombudsman, Buenos Aires, Argentina).

The participants' interest was particularly focused on how ombudsmen are selected and appointed, their moral and professional requirements, how to ensure their independence, and what their powers (positive and negative) are. Particular attention, *ratione loci*, was devoted to the figure of the Justicia de Aragón, which currently operates in Spain (Zaragoza seat) in the Comunidad Autónoma de Aragón and may be considered the heir of the Justicia Mayor de Aragón established by King Jaime I in 1256 (Sánchez-Arcilla Bernal 2011, 63-64). The seminar examined current civic defence figures in order to highlight their continuity or discontinuity with past profiles and put forward proposals *de iure condendo*, aimed at strengthening such institutional figures in the conviction that they are undeniably useful in the defence of citizens' rights and human rights.

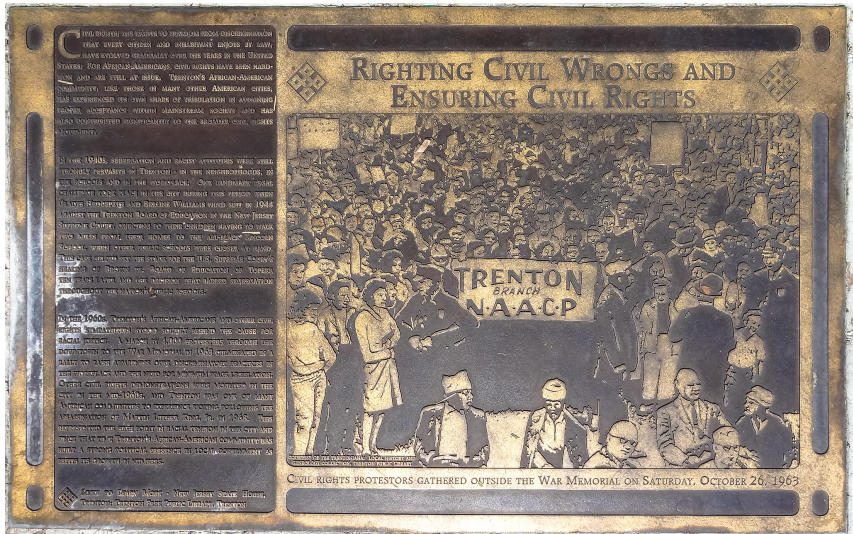
The final workshop, "Citizenship, Participation, Representation" took place in Turin. It was a moment of overall reflection at the conclusion of the entire project, on 15 December 2023. It focused more specifically on the reasons of the crisis of representation and of forms of democratic participation, choosing an approach that was both historical and theoretical. The legal aspect and the philosophy of politics were explored in depth by Alessandra Algostino (University of Turin) and Valentina Pazé (University of Turin), who focused, on the one hand, on the role of representation caught between conflictual democracy and decision-making democracy and, on the other hand, on the forms through which the voiceless may be guaranteed representation. The nexus between par-

ticipation and representation in their various historical manifestations was considered for different periods, Ancient Greece (Gianluca Cuniberti, University of Turin), the Middle Ages (Marino Zabbia, University of Turin), the period of the French Revolution (Cecilia Carnino, University of Turin), until the revolutions of the 19th century (Antonio Chiavistelli, University of Turin).

The essays published herein elucidate three pivotal moments in the evolution of awareness regarding forms of intervention to safeguard individual and collective interests: Ancient Greece and Rome, the French Revolution, and their long-term influence in modern times. Chiara Lasagni shows how the Athenian democracy is often invoked in contemporary critiques of representative democracy, particularly in response to its perceived crisis. Gianluca Cuniberti explores the non-institutional roles of representation and protection of citizens and noncitizens in the ancient Greece, highlighting how this case study is particularly significant in investigating the pragmatic and non-theoretical aspect of the 'constitutional' formation of ancient Athenian democracy. M. Lourdes Martinez de Morentin and Carmen Jiménez Salcedo investigate Ancient Rome's tradition and the Rule of Law from the point of view of guaranteeing fundamental rights which make the *defensor civitatis* a precedent similar to the current ombudsman. Cecilia Carnino focuses on petitioning during the Italian Democratic Triennium (1796-1799), within the framework of the Republics' new political-institutional regime. In the wake of the French Revolution, petitioning was seen as a tool for political participation, representation of interests, and the protection of rights against constituted authorities.

References

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“Righting Civil Wrongs and Ensuring Civil Rights”, bronze plaque in Trenton, NJ, photographed by B. Bolinger (<https://flic.kr/p/d3T4a3>).