

Institutionalizing Social Repair: a Meso-Level Conceptual Framework Linking Restorative Justice and Social Cohesion

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Abstract- The process of institutionalizing restorative justice within European criminal justice systems marks a fundamental shift in the sociology of punishment and social control, redefining the categories of offence, responsibility, and participation. However, academic literature remains fragmented between micro-sociological analyses of restorative interactions and macro-legal perspectives on procedural reforms, obscuring the institutional mechanisms that enable restorative principles to become established as instruments of social integration. This article aims to bridge this theoretical gap by introducing the concept of Institutional Social Repair (ISR) as a meso-level sociological framework. ISR is defined as the capacity of justice systems to function as ‘relational infrastructures’, designed to facilitate the reconstruction of social bonds severed by crime through structured processes of recognition and accountability. Through an analysis of the Italian case (Legislative Decree 150/2022 – the Cartabia Reform), taken as a sociological laboratory, the article examines the three constituent dimensions of ISR – institutional capacity, relational governance, and civic legitimacy – demonstrating how restorative justice can evolve from an experimental practice into a public function aimed at regenerating trust and organic solidarity. Ultimately, this work proposes a rethinking of the role of institutions in fragmented societies, conceptualising justice not merely as a system of sanctions, but as a mechanism for maintaining and repairing the social fabric.

Index Terms- restorative justice, social repair, social cohesion, meso level, institutions

I. INTRODUCTION

The institutionalization of restorative justice represents one of the most profound changes both in the structure of contemporary criminal justice systems and in the paradigms of the sociology of social control and deviance. Rather than merely introducing alternative procedures, this process reflects a paradigm shift in the very aims of criminal justice intervention: a shift from an emphasis on unilateral state punishment towards a model oriented towards recognition, relational responsibility, and the restoration of social bonds (Johnstone & Van Ness, 2007). From this perspective, restorative justice is not merely a technical corrective, but rather a profound reconfiguration of the ways in which social order is reproduced, marking the transition from a purely repressive logic to one oriented towards the maintenance and repair of the community’s social fabric.

This shift raises a fundamental sociological question: how can restorative principles be translated into stable institutional capacities capable of generating lasting processes of social restoration? In contemporary societies, this challenge takes on a character of systemic urgency. The transition towards what Bauman (2000) terms ‘liquid modernity’ has weakened traditional forms of social integration, eroding interpersonal trust and making conflicts more complex to mediate. In this context, crime emerges not only as a violation of the norm, but as a visible manifestation of relational fractures that affect the wider social fabric. At the same time, the governance of crime has progressively shifted towards approaches centred on security and risk management (Garland, 2001), in which the expansion of the criminal justice system has often offset the scaling back of welfare policies (Wacquant, 2009). However, whilst the punitive paradigm reaffirms the authority of the law, it reveals clear structural limitations in rebuilding the conditions of trust and reciprocity amongst the citizens involved in the conflict.

Although restorative justice has emerged as a response to these shortcomings, sociological and criminological literature has so far prioritised two distinct analytical levels: the micro-interactionist level, focused on the interpersonal dynamics of encounters between victim and offender, and the normative-philosophical level, centred on the values of justice. The meso level, however, remains largely unexplored: that is, the analysis of the institutional mechanisms through which restorative practices acquire

organisational stability and become an established public function. In the absence of this level of analysis, restoration risks remaining a contingent interpersonal event, lacking any real capacity to influence the stability of the social system.

Within this theoretical framework, Italy today constitutes a sociological and institutional laboratory of primary importance. With Legislative Decree No. 150/2022 (the Cartabia Reform), restorative justice has been formally integrated into the ordinary criminal justice system, no longer as an experimental practice but as an integral component of the institutional response to crime. This reform reflects a cultural transformation that redefines criminal conflict in terms of responsibility and community participation, questioning the state's capacity to act as a guarantor of social bonds (Mannozi & Lodigiani, 2017). This paper aims to address the theoretical gap described above by introducing the concept of Institutional Social Repair (ISR). ISR is proposed as a sociological framework designed to analyse how institutions facilitate the reconstruction of social relations through structured processes of dialogue and recognition. By shifting the analytical focus from individual encounters to the institutional infrastructures that make them possible, ISR interprets restorative justice as a tool through which democratic societies not only respond to crime but actively seek to rebuild social cohesion and the legitimacy of institutions.

II. THEORETICAL FOUNDATION

The State, the law and the rationalization of criminal justice: Weber and the retributive paradigm

Before we can grasp the innovative scope of restorative justice, we must examine the ways in which modern criminal justice has historically taken shape. Rather than drawing exclusively on a theory of punishment, this analysis takes as its starting point Max Weber's reflections on the formation of the modern state and the rationalization of power. According to Weber (1978), the modern state bases its legitimacy on its monopoly on the legitimate use of physical force and on the exercise of rational-legal authority, characterized by the impersonal application of abstract and universally valid norms.

Within this institutional framework, criminal law represents one of the primary instruments through which the state safeguards the legal order and reaffirms its authority. A criminal offence is interpreted primarily as a breach of the law; consequently, criminal proceedings serve to establish individual liability and impose a proportionate sanction, whilst strictly observing procedural safeguards. The legitimacy of the punishment therefore derives from the fairness of the proceedings and the impartiality of the legal system, rather than from its ability to restore the relationships compromised by the offence. The rationalization of criminal justice has been a fundamental achievement of the rule of law, replacing arbitrary forms of repression with formalized and predictable procedures. However, it is precisely this progressive *juridification* of conflict that has led to a reduction in its social complexity. The relational, emotional and communal dimensions of crime have been subordinated to the determination of legal liability, whilst the conflict has been confined to technical categories managed almost exclusively by judicial institutions.

Crime as an infringement of social solidarity: Durkheim's perspective

Whilst Weber helps us to understand the institutional rationalization of criminal justice, Émile Durkheim offers a complementary perspective, situating crime within the processes through which society reproduces its own cohesion. In *The Division of Labour in Society* (1893), Durkheim argues that crime is not merely a violation of legal norms, but an offence against the collective conscience – that is, the set of shared values and beliefs that make social life possible. Punishment therefore fulfils an eminently social function: it serves not only to sanction the offender, but also to reaffirm common values and preserve collective solidarity.

Durkheim's analysis is particularly significant as it identifies a historical transformation in the forms of solidarity. In societies characterized by mechanical solidarity, forms of repressive law based on the exemplary punishment of the offender prevail. With the emergence of organic solidarity, typical of complex societies, the role of restitutive law gradually grows; this is oriented not so much towards the infliction of suffering as towards the restoration of the conditions that make social cooperation possible. Although Durkheim does not explicitly develop a theory of restorative justice, his distinction between repressive and restitutive law opens up a fundamental theoretical space for interpreting justice not merely as the exercise of punitive power, but as a mechanism aimed at rebuilding social solidarity. From this perspective, crime appears as a rupture in collective bonds, foreshadowing that relational conception of conflict which would later be developed by contemporary thinking on restorative justice.

The reappropriation of conflict and the rediscovery of its relational dimension

Whilst Durkheim had shown how crime affects collective solidarity, Nils Christie (1977) takes this a step further, highlighting how the modernization of the criminal justice system has progressively taken conflict away from its rightful protagonists. In his famous essay *Conflicts as Property*, Christie puts forward a provocative yet sociologically central thesis: conflict is a precious asset, a 'property' of the parties involved, which the criminal justice system has 'stolen', transforming it into an eminently technical matter entrusted to legal professionals. This expropriation is not merely a bureaucratic fact, but a process of social alienation.

According to Christie, when the state appropriates the conflict, it translates it into an abstract legal language that is alien to both the victim and the offender. In this process of translation, the victim is reduced to a mere witness, a piece of evidence in a case that belongs to the state, losing the opportunity to receive direct answers and to have their lived experience recognized. Similarly, the perpetrator is deprived of the chance to confront the human consequences of their actions, being relegated to a role of defensive passivity managed by experts. Conflict, however, is not merely a problem to be solved, but a social resource of inestimable value. Through the direct management of conflict, individuals and communities negotiate meanings, define responsibilities, and reaffirm their sense of belonging.

Christie argues that when conflict is entirely absorbed by the judicial institutions, society loses its educational and normative potential: opportunities for dialogue, mutual recognition, and, above all, social learning are diminished. A system that removes conflict from its vital context in order to confine it to courtrooms produces solutions that are formally correct but 'socially sterile', as they are incapable of addressing the relational rifts caused by the offence. Restorative justice arose precisely as a response to this expropriation. Without calling into question the need for a legal framework, it proposes to 'return ownership of the conflict' to those directly involved. From this perspective, reparation is not merely an act of redress towards the victim, but an attempt to restore the relational dimension of the criminal event. The offence ceases to be viewed exclusively as a violation of sovereign law and is rediscovered as an event that disrupts lives, causes suffering, and undermines trust. Restoring ownership of the conflict ultimately means recognizing citizens' right to participate actively in the reconstruction of their own torn social fabric.

From legal liability to mutual recognition

Christie's proposed redefinition of conflict provides the theoretical basis for a transformation of the very concept of responsibility. From this perspective, restorative justice does not merely alter the procedures for dealing with crime, but proposes a different understanding of the relationship between the offender, the victim, and the community.

Howard Zehr (2002) argues that the starting point for justice should not be the breach of the law, but rather the harm caused by the offence and the needs arising from it. Responsibility thus takes on the meaning of a concrete commitment to reparation, rather than mere submission to punishment. This view is further developed in Braithwaite's (1989) theory of *reintegrative shaming*, according to which accountability is truly effective when it enables the offender to acknowledge the harm caused without being permanently stigmatized or excluded. The function of the criminal justice response is therefore not to blame the individual, but to facilitate their reintegration through processes of recognition.

In terms of social interaction, George Herbert Mead (1934) demonstrates how personal identity is constructed through the ability to adopt the other's perspective ('taking the role of the other'). Restorative meetings can be interpreted precisely as contexts in which this dynamic becomes possible: the offender is called upon to confront the consequences of their actions through the eyes of the victim and the community. This perspective is further explored by Axel Honneth's theory of recognition (1995), according to which many social conflicts stem from experiences of non-recognition that undermine identity and a sense of belonging. Restorative justice thus takes on a significance that transcends material compensation, emerging as a process of rebuilding mutual recognition and social trust. Taken together, these contributions point towards a redefinition of justice: crime becomes a breakdown in relationships; responsibility, a process of recognition; and justice, a practice of rebuilding bonds. Whilst Weberian rationalization has guaranteed the impartiality of the law, it has also produced a procedural 'iron cage' that often hinders the healing of social harm. The challenge for Restorative Justice (RJ) is therefore to integrate legal rationality with a 'relational rationality' capable of regenerating severed bonds.

From restorative justice to social reparation: beyond interpersonal reconciliation

One of the most significant developments in contemporary social theory concerns the growing recognition that conflicts produce consequences that extend far beyond the individuals directly involved. Crime does not merely result in legal violations or interpersonal harm, but produces broader fractures in the trust, reciprocity, and collective expectations that underpin social life. From this perspective, the concept of social reparation has gradually emerged as a broader analytical category through which to investigate how societies rebuild bonds in the wake of experiences of violence, injustice, or institutional failure.

Unlike restorative justice, which refers primarily to a normative and procedural framework for responding to crimes, social reparation denotes a broader sociological process aimed at reconstituting the social fabric following a relational disruption. Rather than focusing exclusively on the dyadic interaction between victim and perpetrator, the literature on social reparation explores how communities, institutions, and political actors contribute to restoring conditions of cooperation, mutual recognition, and trust. Among the first scholars to systematically develop this perspective, Margaret U. Walker (2006) argues that wrongdoing harms not only individual interests but also the network of shared expectations that makes social cooperation possible. Reparation, therefore, cannot be reduced to compensation or punishment; it requires the reconstruction of the moral relationships upon which democratic societies are founded. Similarly, Nicholas Tavuchis (1991) emphasizes the social significance of apologies as a mechanism through which fractured relationships can be publicly acknowledged, whilst Trudy Govier (2006) highlights the central role of trust in enabling post-conflict reconciliation. From this perspective, restorative justice can be interpreted as one of the possible mechanisms of social reparation, but

not as its full realization. Although mediation and restorative circles processes facilitate recognition and accountability, their transformative potential remains dependent on the existence of institutional conditions capable of sustaining such processes over time.

Without organizational continuity, professional expertise, and regulatory legitimacy, restorative meetings risk remaining episodic occurrences, the relational effects of which dissipate once the mediation process has concluded.

This distinction is particularly relevant to sociological theory. Whilst restorative justice explains how individuals can rebuild relationships following a crime, the broader concept of social repair raises a different question: how can societies institutionalize the capacity to repair social relationships as a sustained public function? It is precisely this question that opens up the analytical space for the concept of 'Institutional Social Repair' (ISR) developed here.

Why social repair requires a meso-level theory

Although the literature on restorative justice and social repair has expanded considerably over the last three decades, a significant analytical gap remains. Existing studies tend to focus on two complementary yet distinct levels of analysis. On the one hand, micro-sociological approaches investigate the interpersonal dynamics through which victims, offenders, and communities negotiate recognition, accountability, and reconciliation. On the other hand, macro-sociological perspectives examine the evolution of criminal justice systems, legislative reforms, and transformations in state authority. The institutional processes linking these two levels have so far received limited theoretical attention. This omission is not merely descriptive, but conceptual. Drawing on Robert K. Merton's (1968) notion of 'middle-range theory', sociological explanation requires analytical frameworks capable of linking abstract social structures with observable social interactions. Neither macro-theories of punishment nor micro-analyses of restorative encounters suffice to explain how restorative principles become stable institutional practices capable of producing lasting social effects.

The importance of this intermediate level also emerges from James Coleman's (1990) well-known 'micro-macro' model, according to which collective outcomes cannot be understood without examining the organizational mechanisms that translate institutional arrangements into individual action and, conversely, individual interactions into broader patterns of social integration. Institutions, therefore, do not merely regulate restorative practices, but actively shape the conditions under which relational reconstruction becomes socially sustainable. A similar insight might be drawn from Anthony Giddens's (1984) theory of structuration, as set out in his work *The Constitution of Society*. Institutions should not be understood as external constraints imposed on social actors, but as sets of rules and resources continuously reproduced through social practice.

From this perspective, restorative justice becomes effective not only because individuals voluntarily choose dialogue, but because institutional frameworks provide stable opportunities, professional expertise, and procedural safeguards through which dialogue acquires legitimacy and continuity. These perspectives converge in emphasizing the crucial role of the meso level from a sociological standpoint. Organizations, professional networks, legal frameworks, and governance structures constitute the institutional infrastructure through which restorative principles transcend isolated interactions to become permanent public capacities. The meso level therefore represents the analytical space in which moral principles are translated into organizational routines, public policies, and professional practices. It is within this intermediate institutional space that the concept of Institutional Social Repair (ISR) is situated. Rather than replacing restorative justice, ISR aims to explain the organizational and institutional mechanisms through which restorative practices acquire durability, legitimacy, and the capacity to contribute to social cohesion beyond individual cases

Towards Institutional Social Repair: a meso-level sociological synthesis

The theoretical perspectives analyzed so far all demonstrate that criminal conflict cannot be reduced solely to a violation of the law, lest it lose its essential human and social dimension. However, they also share a common analytical limitation: a persistent tendency to oscillate between the macro-level of social solidarity and the micro-level of interpersonal interaction, thereby leaving the intermediate space occupied by institutional structures largely unexplored. Whilst theory suggests that the social bond must be repaired, it does not yet sufficiently explain through which specific organizational structures the state can undertake this task without betraying the fundamentally dialogical nature of the process. It is precisely within this theoretical gap that the concept of Institutional Social Repair (ISR) is situated. ISR is proposed here as a meso-level analytical framework, capable of acting as a 'structural connector' between the interactional dimension of restorative justice and the broader organizational and regulatory architectures of democratic legal systems. The meso level is crucial because it represents the only sphere at which ideal principles (the normative 'ought to be' of repair) are effectively transformed into stable bureaucratic routines and professional practices. Consequently, ISR is defined as the institutional capacity of criminal justice systems to facilitate the reconstruction of social relationships compromised by crime through structured mechanisms of recognition, dialogue, and participation. From this perspective, restorative justice takes a significant qualitative leap: it is no longer viewed as a constellation of 'other', marginal, or purely alternative practices, nor is it merely a moral philosophy. Instead, it becomes a stable public function, supported by a regulatory infrastructure that guarantees its legitimacy, by specialized professional expertise that ensures its quality, and by organizational models that enable its seamless integration into the regular institutional and

operational cycles of the criminal justice system. Adopting the ISR framework means recognizing that the restoration of social bonds cannot depend solely on the goodwill of individuals or the subjective sensitivity of individual practitioners. On the contrary, it requires the state to equip itself with the necessary tools to provide what we might term the ‘institutional maintenance of trust’.

ISR therefore represents the missing analytical level that explains how the micro-dynamics of restorative encounters can produce significant macro-effects on social cohesion: they do so through the mediation of institutions that provide the necessary ‘infrastructure’ for restoration, making it an accessible, safe, and socially meaningful option for all citizens. Rather than replacing the existing paradigm of restorative justice, ISR broadens its sociological scope. It allows us to interpret the rebuilding of relationships not merely as the uncertain outcome of individual chance interactions, but as a fundamental political and institutional responsibility of contemporary democracies, which are increasingly committed to rebuilding civic cooperation precisely where conflict had previously disrupted it.

III. TOWARDS AN ANALYTICAL MODEL OF INSTITUTIONAL SOCIAL RESTORATION

Having established the theoretical necessity for a meso-level perspective, Institutional Social Repair (ISR) can now be formally conceptualized as a sociological model designed to elucidate how restorative principles are translated into durable institutional capacities, capable of generating broader and more resilient processes of social cohesion. Rather than viewing restorative justice as a series of isolated interventions between victim and offender, the ISR framework conceptualizes institutions as proactive mediating structures that transform individual restorative encounters into collective processes of democratic integration and social stability. From this interpretative perspective, a criminal offence triggers a cascading sequence of relational disruptions that necessarily extend far beyond the parties immediately involved in the conflict. The restoration of these complex relationships cannot, therefore, depend exclusively on interpersonal dialogue; rather, it requires robust institutional frameworks capable of stabilizing, reproducing, and legitimizing restorative practices over time within the public sphere.

Consequently, ISR is articulated as a middle-range explanatory framework capable of describing the specific mechanisms through which democratic institutions contribute to repairing the social fabric in the aftermath of criminal conflict. Its explanatory power does not lie in an attempt to replace restorative justice, but rather in identifying the requisite institutional conditions that enable restorative processes to transcend isolated encounters and become permanent, structural constituents of public governance. The model is structured around three mutually reinforcing and conceptually distinct analytical dimensions: Institutional Capacity, Relational Governance, and Civic Legitimacy. These dimensions should not be understood as merely independent variables, but as deeply interconnected mechanisms operating synergistically within a single institutional ecosystem. Institutional Capacity provides the essential structural foundations for restorative justice to emerge as a universal and accessible public service; Relational Governance coordinates the diverse range of actors and stakeholders involved in the multifaceted process of repairing social relationships; finally, Civic Legitimacy represents the overarching social outcome, through which citizens perceive institutions as being fundamentally capable of responding constructively and reparatively to social conflict. Taken together, these dimensions explain how restorative justice achieves long-term institutional sustainability and how modern institutions become generative agents not only of legal order but also of relational resilience.

A. *Institutional Capacity*

Institutional Capacity constitutes the fundamental structural pillar of the Institutional Social Repair (ISR) model. It denotes the systemic ability of public institutions to transition restorative justice from an historically experimental, fragmented, or localized practice—often contingent upon precarious regional initiatives—into a robust, stable, and permanent constituent of contemporary criminal justice governance (Aertsen, 2006; Braithwaite, 2002). This capacity is not merely restricted to the formal presence of a supportive regulatory framework; rather, it encompasses the comprehensive spectrum of organizational, professional, and institutional conditions required for restorative programmes to be delivered with systemic continuity, universal accessibility, and high-quality standards (Walgrave, 2008). Within this framework, the systematic allocation of financial resources, the establishment of dedicated physical and digital infrastructures, the implementation of specialized professional training curricula, the definition of rigorous procedural safeguards, and the maintenance of a sustained, long-term political commitment serve as the constitutive elements of institutional capacity (Council of Europe, 2018).

From a sociological vantage point, institutional capacity represents the primary mechanism through which abstract normative principles and restorative values are crystallized into enduring organizational structures and bureaucratic routines (Di Maggio & Powell, 1983). While restorative justice has increasingly attained formal recognition within international and European criminal policy agendas, its concrete implementation frequently remains heterogeneous, unpredictable, and overly dependent on the idiosyncratic discretion of individual practitioners or the limitations of ephemeral local projects (Zernova, 2007; Mannozi & Lodigiani, 2017). In the absence of institutional frameworks capable of guaranteeing temporal continuity, geographic accessibility, and professional

excellence, restorative justice perpetually risks being relegated to the status of an exceptional, peripheral practice rather than becoming an integrated, foundational component of the broader criminal justice system (Shapland et al., 2006). The ISR model, therefore, conceptualizes Institutional Capacity as the multifaceted process through which restorative justice is transmuted from a discretionary, *ad hoc* option into a public function that is permanently embedded within the core logic of judicial institutions. It is precisely through this evolution that restorative principles acquire temporal durability and the capacity to generate social outcomes that transcend the

specifics of individual cases, thereby contributing to broader institutional learning, the systemic stability of public policies, and the long-term reinforcement of social cohesion (Donati, 2013; Rothstein, 2011).

B. Relational Governance

While Institutional Capacity provides the foundational organizational infrastructure for Institutional Social Repair, Relational Governance encompasses the sophisticated mechanisms through which public institutions orchestrate and synchronize the multifaceted array of stakeholders involved in the dual task of managing criminal conflict and reconstructing the social relationships compromised by the commission of an offence (Donati, 2013; Ansell & Gash, 2008). In contrast to traditional retributive paradigms of criminal justice—wherein conflict is predominantly interpreted through a state-centric lens as a formal breach of the legal code and the corrective response remains concentrated within centralized state authority—the ISR model conceptualizes the offence as a critical event that ruptures a broader, intricate network of social relationships. Consequently, this disruption necessitates innovative forms of intervention grounded in systemic cooperation between institutional apparatuses and community-based actors (Zehr, 1990; Johnstone, 2011). Relational Governance thus refers to the institutional capacity to foster deep, intersystemic coordination among the judiciary, restorative justice facilitators, social services, probation agencies, third-sector organizations, victims, offenders, and the wider local communities affected by the harm. Within this transformative framework, the state does not abdicate its primordial function as the guarantor of the rule of law; rather, it fundamentally rearticulates its role by assuming the complex tasks of metagovernance—specifically through the coordination, integration, and facilitation of actors who possess divergent areas of expertise and varying levels of social responsibility (Crawford, 1997; Rhodes, 1997). Public authority is consequently exercised not merely through unilateral, hierarchical decision-making, but through the deliberate cultivation of horizontal, collaborative networks specifically designed to navigate and resolve social conflict in a participatory manner (Ansell & Gash, 2008; Crawford, 2006).

This perspective is reflective of the broader transformations currently characterizing contemporary modes of public governance, wherein increasingly complex social problems demand distributed, polycentric, and cooperative decision-making processes, as opposed to traditional, unilateral state interventions (Kooiman, 2003). In the specific context of restorative justice, Relational Governance therefore functions as the vital mechanism through which formal legal authority and informal social participation are seamlessly integrated into a singular, coherent institutional framework. Consequently, institutions assume the role of ‘relational infrastructures’—stable architectures capable of sustaining continuous processes of mutual recognition, the restoration of trust, and the assumption of shared social responsibility, all while rigorously preserving the procedural safeguards and guarantees inherent in the rule of law (Roche, 2003; Donati, 2009).

C. Civic Legitimacy

The third dimension of Institutional Social Repair concerns the relationship between restorative institutions and democratic legitimacy. Traditional theories of criminal justice tend to attribute institutional legitimacy to legality, the impartiality of decisions and the correct application of the law (Weber, 1922; Hart, 1961). Whilst recognizing the centrality of these principles, ISR argues that, in contemporary democracies, the legitimacy of institutions increasingly depends also on their ability to address the relational and social consequences resulting from crime (Braithwaite, 2002; Llewellyn & Howse, 1998). From this perspective, Civic Legitimacy can be defined as the ability of institutions to generate public trust through the recognition of those involved, participation in decision-making processes, and the capacity to respond constructively to the relational harms arising from conflict (Tyler, 2006). Institutions do not acquire legitimacy merely because they exercise punitive power in accordance with procedures, but also because they are perceived as capable of giving a voice to victims, promoting meaningful forms of accountability on the part of offenders, and facilitating the reconstruction of compromised social bonds (Strang, 2002; Mannozi & Lodigiani, 2017). This approach is consistent with studies on procedural justice, according to which citizens’ trust in institutions depends to a large extent on their perception of fairness, being listened to and being respected (Tyler & Huo, 2002).

Institutional Social Repair broadens this perspective by arguing that democratic legitimacy also derives from the capacity of institutions to promote processes of social repair and to strengthen the relational conditions of civil coexistence (Loader & Walker, 2007). Civic Legitimacy therefore represents the macrosocial outcome generated by the interaction between Institutional Capacity and Relational Governance: through the institutionalization of reparative practices, institutions progressively strengthen public trust, social cohesion and their own legitimacy as guarantors not only of the legal order, but also of the quality of the relationships that underpin democratic life (Rothstein, 2011; Habermas, 1992).

Primary Focus	Breach of the law	Individual offender	Harm caused by the offence	Relational fractures in the social fabric
Central question	Who deserves to be punished?	How can the offender change?	How can the harm be redressed?	How can institutions support the process of redress?
Key actor	State / Judiciary	Prison services	Victim, offender and mediator	Institutional networks and stakeholders
Unit of analysis	Types of offence	Individual profile	Restorative meeting	Institutional ecosystem (meso level)
Key mechanism	Legal sanction	Treatment and reintegration	Dialogue and recognition	Capacity, Relational Governance, Legitimacy
Source of legitimacy	Legal authority	Professional competence	Participation and consensus	Trust and democratic responsiveness
Primary outcome	Legal responsibility	Behavioral change	Reparation for interpersonal harm	Social cohesion and systemic resilience

Table 1. *Comparative analysis of justice paradigms: a comparison of retributive, rehabilitative and restorative models with the conceptual framework of Institutional Social Reparation (ISR) across seven analytical dimensions.*

Whilst traditional and rehabilitative models focus on the perpetrator, the victim or their interaction, ISR (Institutional Social Repair) shifts the focus towards the institutional ecosystem, identifying the ‘meso level’ as the sphere of action for rebuilding trust and cohesion within communities (see Table 1).

D. The Cartabia Reform as a critical case study of Institutional Social Repair

The systematic integration of restorative justice into the Italian criminal justice system through the landmark Legislative Decree No. 150/2022 constitutes an archetypal sociological context for empirically observing the complex dynamics delineated by the Institutional Social Repair (ISR) model. Far from being a mere legislative innovation, the Cartabia Reform represents a sophisticated endeavor to operationalize and transmute the abstract principles of restorative justice into a durable institutional capacity, thereby embedding these reparative practices within the structural architecture of the ordinary criminal justice system (Mannozi & Lodigiani, 2017; Mazzucato, 2023). From this analytical vantage point, the reform’s significance is derived not solely from its specific legislative provisions, but from the unique opportunity it provides to observe the intricate process through which a foundational ‘philosophy of justice’ is progressively incorporated into the organizational and bureaucratic structures of the state. The Italian experience demonstrates that successful institutionalization necessitates the development of a robust organizational infrastructure, the crystallization of specialized professional expertise, and the creation of inter-institutional coordination mechanisms capable of guaranteeing both systemic continuity and universal accessibility to restorative pathways (Bouchard, 2023).

Regarding the dimension of Institutional Capacity, the reform marks a decisive transition for restorative justice, moving it from the periphery of experimental and marginal practice toward a status as a formally recognized and structural constituent of the penal system. The institutional establishment of specialized Restorative Justice Centres (*Centri per la giustizia riparativa*), coupled with the rigorous delineation of professional competencies and ethical standards for mediators, serves as the primary vehicle through which restorative principles are transformed into permanent institutional capacities. The sociological salience of this transition lies in the fact that access to restorative justice is increasingly assuming the characteristics of a universal public service, underpinned by a stable and predictable regulatory framework (Legislative Decree 150/2022, Art. 42).

Furthermore, the reform vividly reflects the dimension of Relational Governance. The institutional response to criminal conduct is no longer exclusively entrusted to the traditional, vertical interaction between the sovereign state and the offender; instead, it actively enlists a heterogeneous variety of stakeholders—including the judiciary, professional facilitators, third-sector organizations, and the broader local community—all of whom are summoned to cooperate within a polycentric framework. In this new configuration, public authority rearticulates its role by assuming the complex tasks of metagovernance, focusing on the coordination and integration of diverse actors with varying areas of expertise (Crawford, 2006). Consequently, the governance of social conflict adopts a collaborative

and decentralized structure. The third dimension, Civic Legitimacy, concerns the transformative effects of these changes on the relationship between the citizenry and the state. The Cartabia Reform seeks to address an evolving public demand for a conception of justice rooted in the recognition of harm and the value of active participation. Institutional legitimacy is thus no longer derived solely from the fairness of formal procedures (Tyler, 2006), but increasingly from the capacity of the justice system to be perceived as responsive to the relational dimensions of conflict and to the necessity of social reconciliation. However, the Italian laboratory also brings to the fore the inherent tensions characteristic of any profound process of institutionalization. The transition toward formalized public mechanisms carries the palpable risk that rigid administrative regulation might inadvertently stifle the dialogical, spontaneous, and empathetic dimensions essential to genuine reparation. What emerges is what may be termed the '*paradox of restorative institutionalization*': a phenomenon wherein the systemic incorporation of these practices into public architectures to ensure their universality simultaneously threatens to diminish the qualitative, relational essence that constitutes their primary social value (Pavlich, 2005; Aertsen et al., 2006). The ISR model interprets this tension not as a systemic failure, but as an intrinsic and perhaps unavoidable feature of the transformation of relational principles into formal institutional capacities. In this sense, the Cartabia Reform should be viewed not as a finalized objective, but as a dynamic institutional laboratory for observing the long-term sustainability of restorative justice as a nascent form of democratic governance.

IV. DISCUSSIONS

The conceptual framework of Institutional Social Repair (ISR) transcends the mere technical integration of restorative justice into the criminal legal system; rather, it serves as a robust analytical framework that necessitates a fundamental reconceptualization of the triadic relationship between the state, the citizen, and social conflict. By deliberately shifting the analytical focus from isolated individual practices to the broader institutional conditions that sustain them, ISR allows us to perceive justice not as a discrete, episodic event — such as the finality of a judgment — but as a continuous, systemic process of maintaining and fortifying social bonds. This theoretical approach yields three fundamental implications for contemporary sociological and criminological thought.

Overcoming the micro-macro dualism: the institution as a stabilizer

Firstly, ISR provides a cogent theoretical resolution to the persistent dichotomy between micro-interactionist and macro-structural approaches in criminological research. While microsociological literature has meticulously documented the transformative potential inherent in the direct encounter between victim and offender, it has frequently overlooked the inherent fragility and ephemerality of these dyadic interactions once they are removed from the controlled environment of the 'mediation room'. Without robust institutional scaffolding, the restorative effect risks remaining a purely private, subjective experience, lacking the requisite social weight to influence collective perceptions of safety and justice (Mazzucato, 2023). Within the ISR framework, institutions are conceptualized as 'relational stabilizers': the institutional sphere is not merely a passive container for practice, but a generative apparatus that transforms the fleeting emotion of individual recognition into a legitimate, codified, and repeatable social practice (Giddens, 1984). In this sense, the institution 'archives' and socializes the act of reparation, enabling the social system to learn from the conflict rather than merely attempting to negate it through exclusionary sanctions.

The production of 'Relational Capacity' as a new form of legitimacy

Secondly, the ISR model demands a critical reconsideration of the state's role within fragmented democratic societies. Traditionally, the classical Weberian *Rechtsstaat* bases its legitimacy on formal-legal rationality and the monopolization of the legitimate use of force. However, in contemporary societies—characterized by high levels of social atomization and the erosion of traditional communal bonds—the exercise of punitive power alone proves increasingly insufficient to guarantee social order, often inadvertently exacerbating conditions of exclusion and systemic mistrust (Putnam, 2000). The ISR framework suggests that the modern state can, and indeed must, act as a primary producer of 'relational capacities'. Under this paradigm, institutional legitimacy no longer derives solely from the state's capacity to exercise coercive authority ('power over'), but fundamentally from its capacity to facilitate cooperation, communicative action, and mutual recognition among its citizens ('power with') (Arendt, 1970). This perspective effectively transforms criminal justice into a vital form of social infrastructure: just as the state provides the material infrastructure necessary for economic life, through the ISR it provides the 'relational infrastructure' essential for restoring public trust in the aftermath of a crime. Social cohesion thus ceases to be viewed as a desirable but accidental side-effect and becomes a core, explicit political objective of the administration of justice.

ISR as a medium-range theory for contemporary governance

Finally, the heuristic value of ISR lies in its nature as a 'middle-range theory' (Merton, 1968), capable of transcending specific national jurisdictions to operate across diverse legal and cultural contexts. Although the Italian Cartabia Reform serves as a paradigmatic case study, the logic of ISR is applicable to any jurisdiction attempting to institutionalize reparative principles. It provides a diagnostic tool to analyze how different legal systems respond to the crisis of modern punitive justice: some by prioritizing

Institutional Capacity (regulatory and budgetary power), others by emphasizing Relational Governance (the cultivation of community-based networks). Ultimately, ISR redefines restorative justice not as a 'minor' or 'diversionary' procedure, but as a fundamental capacity of a mature democracy. It suggests that the long-term societal and institutional sustainability of a legal system depends on its intrinsic ability to heal the profound human and social wounds engendered by crime. ISR thus shifts the ontological focus of the sociology of justice: away from the reductive question of 'how to punish' toward the far more complex and urgent challenge of 'how to rebuild' the social fabric in the wake of conflict.

V. LIMITATIONS AND PROSPECTS FOR FUTURE RESEARCH

Notwithstanding the theoretical potentialities delineated in this analysis, the present paper represents only a foundational step toward the systematic definition of Institutional Social Reparation (ISR) as a comprehensive analytical framework. Like any 'middle-range' theoretical proposal, ISR inevitably raises a series of critical inquiries and epistemological challenges that pave the way for future, more expansive research programmes.

The challenge of operationalization and empirical validation

A primary structural limitation concerns the imperative necessity to translate the conceptual dimensions of ISR into measurable and observable empirical indicators. Although the proposed framework identifies Institutional Capacity, Relational Governance, and Civic Legitimacy as the three fundamental pillars of reparation, future scholarship must undertake the task of defining specific, quantifiable metrics to evaluate their effectiveness within diverse judicial systems. For instance, how might we measure 'institutional capacity' beyond the mere presence of regulatory data? Such an inquiry could be addressed through the analysis of specific empirical proxies, such as the ratio of budgetary allocations to handled caseloads, or the granular geographical density and accessibility of restorative services across a territory. Similarly, the evaluation of 'civic legitimacy' necessitates the implementation of longitudinal studies into the perceptions of victims and local communities, aiming to ascertain whether sustained access to restorative pathways actually mitigates the sense of institutional alienation and systemic mistrust. The sociological challenge is, therefore, to transition from a normative theory of restorative justice toward a rigorous empirical assessment of the relational impact of contemporary criminal justice systems.

The paradox of institutionalization: formalization versus spontaneity

A second theoretical limitation that warrants profound critical examination concerns the tension inherent in the very process of institutionalization. As suggested in the preceding analysis of the Italian laboratory, there exists a palpable risk that the systematic incorporation of restorative justice into state bureaucratic procedures — the very essence of ISR — may lead to what Habermas termed the 'colonization' of the lifeworld by formal-legal logic. Future research must investigate whether institutional stabilization truly promotes social cohesion or whether, conversely, it results in a form of bureaucratic ossification that reduces restorative mediation to a mere procedural formality, thereby depleting it of its transformative and empathetic potential. In other words, the ISR research agenda will need to vigilantly monitor the 'tipping point' beyond which institutional 'form' risks stifling the relational 'substance' that constitutes the *raison d'être* of restorative practices.

Comparative analysis and diversity of welfare models

Although the Italian Cartabia Reform offers a paradigmatic and advanced testing ground, the ISR framework must be rigorously tested across jurisdictions with divergent traditions of welfare, social policy, and judicial philosophy. The specific configurations of Institutional Social Reparation are likely to vary significantly between Common Law systems, which are historically more oriented toward community-based participation, and Civil Law systems, which remain more centered on centralized state guarantees and formal legalism. Comparative research would be instrumental in determining whether ISR constitutes a universal framework for contemporary governance or whether there are distinct 'national pathways to reparation' influenced by local political cultures. Furthermore, it remains crucial to explore how ISR interacts with contexts of extreme social marginalization, where the erosion of social ties is not merely the consequence of an individual crime, but a pre-existing structural condition of exclusion.

Beyond the Penal Sphere: ISR as a Catalyst for Social Resilience

Finally, the most ambitious prospects for future research involve the application of ISR beyond the traditional confines of criminal justice. The framework of institutional social reparation is, by its very nature, intrinsically transversal. In an era increasingly marked

by deep political polarization, identity-based conflicts, and a systemic crisis of collective trust, ISR offers a set of analytical tools to investigate how public institutions—not exclusively judicial ones—can act proactively to repair torn social fabrics. Whether in the context of post-conflict reconciliation, the management of tensions within migration flows, or the resolution of complex civil and environmental disputes, the sociological challenge remains consistent: to understand how modern institutions can transcend their roles as mere arbiters of rules to become active facilitators of human relationships. From this perspective, the future evolution of ISR could contribute to a broader sociology of institutional resilience, centred on the capacity of democratic societies to regenerate themselves by continuously nurturing the social bonds upon which they are founded.

VI. CONCLUSION

The present article has articulated a comprehensive reinterpretation of restorative justice, transcending its conventional conceptualization as a mere constellation of dialogical practices or a tangential procedural innovation within the traditional sphere of criminal law. By building upon the profound transformation of the concept of criminal conflict and the gradual, systemic shift from retributive to relational models of justice, this inquiry has argued that the pivotal issue for contemporary sociology concerns not only the interpersonal effectiveness of restorative encounters but, more crucially, the specific institutional conditions that enable such reparation to emerge as a stable and permanent function of the criminal justice system.

From this analytical vantage point, the primary theoretical contribution of this work resides in the formal introduction of Institutional Social Repair (ISR) as a robust meso-level sociological framework. ISR effectively bridges an analytical gap that has hitherto remained relatively unexplored within the specialized literature, specifically by providing a structural nexus between the micro-interactional processes of restorative justice and the broader macro-organizational, regulatory, and civic architectures through which public institutions facilitate the reconstruction of social relationships compromised by criminal conduct. Rather than seeking to redefine the normative essence of restorative justice, the ISR framework expands its explanatory potential, allowing it to be rigorously analyzed as a foundational institutional capacity geared toward the cultivation of public trust, mutual recognition, and long-term social cohesion. Consequently, the implications of ISR extend far beyond the localized debate on restorative mediation, suggesting a fundamentally different conception of the role of criminal justice within contemporary democratic societies. If a criminal offence is understood to create a structural rift that affects not only the formal legal order but the very fabric of social relations, then the fundamental aims of public intervention must be radically re-evaluated. The legitimacy of the justice system can no longer be assessed exclusively through the prism of the correct procedural application of the law or the retributive efficacy of punishment; instead, it must increasingly depend on the demonstrable ability of institutions to promote authentic processes of recognition, substantive accountability, and the systematic rebuilding of collective trust. The ISR model, therefore, demands that criminal justice be reconceptualized as a vital component of the broader social infrastructure of modern democracies. Under this paradigm, reparation is not merely an incidental or fortunate outcome of isolated restorative practices, but rather a core public responsibility that necessitates the provision of appropriate regulatory frameworks, specialized professional expertise, and polycentric forms of governance capable of sustaining the reconstruction of social bonds over time.

In a broader sociological sense, the framework developed here serves to significantly expand the horizons of the sociology of criminal justice. The analytical focus shifts from the descriptive study of how legal systems respond to crime toward a more profound and ambitious question: how can democratic institutions proactively transform conflict into a tangible opportunity for social reconstruction? It is precisely within this transformative perspective that ****Institutional Social Reparation**** is proposed—not merely as an alternative theory, but as a new interpretative paradigm for understanding the indispensable role of institutions in fostering social resilience and safeguarding the relational foundations of democratic life.

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