Federico Reggio*

Two wrongs don't make one right
Memory, History and Rebalancing Actions
A Reading on 'Cancel Culture' through the Lens of a Restorative Approach

Abstract
The following contribution focuses on how to match the lens of restorative justice with the concerns of (also structural) past imbalance, today commonly considered as forms of injustice which need to be rebalanced through a variety of measures. Nowadays these situations are considered part of history (e.g., colonialism, various forms of discrimination and inequality), however, the conscience of their injustice still influences the current debate, involving the importance of publicly taking distance, or even condemning, those phenomena or behaviours, mostly in public discourses. History, memory, equity, and a sheer sense of justice are confronted with the possibility of dealing restoratively with such issues, considering that they might instead involve forms of removal or even retaliation (as it happens, e.g., within the so called 'cancel culture'). The question that arises is whether a restorative lens can positively affect actions taken in order to 'correct' past mistakes. Secondly, such perspective, could also help to show when, and under which conditions, some actions that apparently are meant to 'rebalance' things might result in contradiction with the values of justice as restoration. This helps highlighting how this approach could also act as a safeguard against the risk of undermining or even denying fundamental democratic values, albeit apparently (or admittedly) acting to promote them. A core theme is the role of memory and narratives and their connection to a relational and reparative approach to ethics. If, on the one hand, the following reflections place their focus outside the field of criminal justice, on the other hand they assume – as a premise – Howard Zehr's suggestion that restorative justice can be interpreted as a way of life, involving a perspective able to affect someone's way of thinking and acting. Among restorative justice's fundamental principles, there is the core-idea that justice should not 'imitate' the violent logic which underlies wrongdoing. Therefore, the restorative way of 'rebalancing things' cannot happen in a manner that violates important values, such as those which promote dialogue, empowerment, active responsibility, mutuality and respect.

Keywords: cancel culture; addressing past injustice; memory; history; cultural evolutions; reverse discrimination; informal sanctions; social shaming; restorative justice; restorative ethics; complexity.

> *"What is done cannot be undone,*
> *but at least one can keep it from happening again"*
> (Anne Frank, *The Diary of a Young Girl*, January 1944)

1. Justice with just means. The risks of doing injustice in addressing past injustice

Anytime a group of people, or even a society, acquires the consciousness that certain facts, behaviours, or political choices, have led to widely unacceptable, or even criminal consequences, it is not a surprise that such awakening leads to thinking and declaring: "this should never happen again". Assuming consciousness of past injustice, in fact, often causes reaction that embodies both (1) the condemnation of behaviours and, if possible, of their perpetrators and (2) the attempt to prevent future behaviours repeating consequences that need to be avoided. Part of the development of common values within a community or a society has as its background the experience of past situations which are no longer considered acceptable, as well as the positive need to create rights and legal schemes meant to foster and protect those values that should not be violated in the future[1].

Consciousness of past injustice challenges the way one can address responsibilities and harms, activating, in many cases, the need for a justice process (in different ways, from the *Nurnberg Trials* in Germany, after World War II, to the *Truth and Reconciliation Commissions* in South Africa, after the fall of the apartheid-based regime)[2]. In its adjudicative character, a legal process is mostly past-oriented, because it is meant – in a very generic sense – to address lawbreaking, to find who is (legally) responsible and in which terms, and finally to activate legal consequences related to that violation.

On the other hand, though, as aforementioned, the emergence of a consciousness related to particularly wide and undesirable perpetrations also opens a public question on how to keep those forms of injustice from happening again. This may involve the issue on how to preserve 'the' moral attitude that understands certain facts as condemnable and, subsequently, the question on how to foster a cultural acknowledgement about that past injustice and about the lessons learned from it. These latter questions happen partly outside the strict gauge of the 'legal world', and of course also of the legal process, and often involve political, social and cultural activities. Here the narrative and symbolic level are at stake, and this is why societies invest on the celebration of certain events (e.g., the liberation from a regime), as well on keeping alive the memory of horrible crimes (as it happens, for instance, in those countries which have dedicated a 'day of memory' to the victims of the holocaust, in permanent remembrance of the mass violations of human rights perpetrated by the Nazis and by their allies)[3]. This may also involve the revision of symbols and narratives that had been used to sustain the ideologies or

---

* University of Padova, Italy, Department of Private Law and Critique of Law.

[1] In this sense, I understand Ronald Dworkin's definition of rights as 'moral entitlements' which we possess as beings with self-respect and dignity. See Dworkin (1977). I am aware that the debate and the studies on the historical development of fundamental rights, and their relationship to shared-understanding of common values, would open a very remarkable series of questions that are beyond this article's range. Therefore, I would simply recall, as a first introduction to this theme, the very interesting connection between historical complexity and development of fundamental rights that can be found in Ishay (2008).

[2] See, on the legacy of the Nuremberg Processes, Tomuschat (2006).

[3] A theme which is not fully outside the attention and the operational range of legal action, as we can see, for instance, in the *European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe* (2019/2819(RSP)). In the resolution, the EU Parliament "Recalls that the Nazi and communist regimes carried out mass murders, genocide and deportations and caused a loss of life and freedom in the 20th century on a scale unseen in human history" (3) and "stresses the importance of keeping the memories of the past alive, because there can be no reconciliation without remembrance, and reiterates its united stand against all totalitarian rule from whatever ideological background" (4), calling on "all Member States of the EU to make a clear and principled assessment of the crimes and acts of aggression perpetrated by the totalitarian communist regimes and the Nazi regime".

the regimes involved in designing and perpetrating those horrible crimes and violations (as it happens when symbols and icons of a certain regime are removed from monuments and other signs, and their public exhibition is even prohibited)[4].

Addressing past injustice (implicitly or explicitly) involves a question on *how to do justice*, and when this past injustice turns to be not episodic but, in a way, structural, the justice-issue is not only confined to the activation of legal responses and remedies: it involves cultural and political action, mostly with a preventive function[5]. The following considerations are focused on this second level, but this does not mean that legal and philosophical issues are not at stake, as if the question on justice could only be answered within the strict borders of legal proceedings[6].

Moreover, the political and cultural actions taken in order to address past injustice, promote (personal and social) accountability and prevent future injustice may have clear legal implications and involve even fundamental rights, implying even a question on their possible violation: as Alan Derschowitz recently pointed out, the determination of condemnable behaviours, widely understood as despicable, *can backfire*, most evidently when it is undertaken in violation of fundamental rights like the (a) freedom of speech or the (b) presumption of innocence or even (c) the due process[7]. I am here referring to a wide and kaleidoscopic phenomenon, which, under the name of 'cancel culture', promotes forms of ostracism and removal, meant to 'delete' from public life elements (be it persons, phrases, symbols, narratives...) which are esteemed, by a certain group, to be contrary to some values that are assumed as undeniable[8].

This issue regards, therefore, a widespread – but also highly diverse – phenomenon which includes, schematically:

a) activities (more oriented to the present; more personal) aimed at "the withdrawal of any kind of support (viewership, social media follows, purchases of products endorsed by the person, etc.) for those who are asserted to have said or done something unacceptable or highly problematic, generally from a social justice perspective especially connected to sexism, heterosexism, homophobia, racism,

---

[4] The above-mentioned Resolution, it also (6) "Condemns all manifestations and propagation of totalitarian ideologies, such as Nazism and Stalinism, in the EU", as well as forms of (7) "historical revisionism", expressing concern (17) "at the continued use of symbols of totalitarian regimes in the public sphere and for commercial purposes, and recalls that a number of European countries have banned the use of both Nazi and communist symbols".

[5] Again from the European Parliament's Resolution, we can underline that it also requests to promote (10) "common culture of remembrance that rejects the crimes of fascist, Stalinist, and other totalitarian and authoritarian regimes of the past as a way of fostering resilience against modern threats to democracy, particularly among the younger generation; encourages the Member States to promote education through mainstream culture on the diversity of our society and on our common history, including education on the atrocities of World War II, such as the Holocaust, and the systematic dehumanization of its victims over a number of years".

[6] Again, I am aware that this issue has been at the core of legal theory and philosophy since its very beginnings for centuries, so it is impossible to do justice to the enormous bibliography that is involved in this point. For the purpose of this contribution, considering its international character, I would refer, for a first introduction to this debate within the anglo-saxon culture, Patterson (2003).

[7] See Derschowitz (2020).

[8] See, for a first introduction, with accurate references also to a series of articles published mostly in American newspapers, Ng (2020); Spreeuwenberg – Janssens (2022); Pierson-Brown (2022). See also, for a critical overview on the phenomenon, and also on the debate hosted by mass media, Carrera (2021); Portelli (2021); Sciuto (2021); Cento (2022); Giglietto (2022). For further reflections, see also the very articulated argumentative path proposed in Bertolini (2021), who also takes into account a comparative analysis on different approaches to the (material and immaterial) 'public space' in Europe, with specific reference to France and Belgium (15-22).

bullying, and related issues" (Ng 2020: 623). Such withdrawal operates, therefore, as a form of *social sanction*, which can be viewed also as a way for promoting personal and social accountability, mostly but not only through social media platforms;

b) activities (more oriented to the past; more institutional) directed at reframing symbols, narratives and celebrations in a way mostly aimed at removing those who are suspected to conflict, also in a smaller part, with some fundamental values. This extends also to the memory, for instance, of (formerly widely) celebrated public figures, e.g., Cristoforo Colombo, George Washington, Winston Churchill, some traditionally considered as paladins of human progress.

The following considerations are mostly directed to this second part of the phenomenon, which does not only involve situations in which "someone is thrust out of social or professional circles – whether it be online, on social media, or in person" (see Wikipedia: "cancel culture"), but mostly with regard to historical narratives and symbols or famous people or celebrated historical characters, whose role is related to certain political or social events. In this latter case, what is at stake is exactly the need for reframing the narratives related to those people, in a way that questions the opportunity of celebrating, or even publicly remembering them (i.e., Cristoforo Colombo in relation to phenomena of colonialism and exploitation; George Washington as an owner of slaves; Winston Churchill as leader of a vast colonial empire). The background of such kind of 'cancelling actions' is often related to past violations which affected situations of vulnerability, involving categories or groups that are now considered worth being protected and promoted, despite past neglect. Such situations, in present times, are acknowledged to be important and to require a reinforced attention and protection (minorities, indigenous cultures, groups of people whose rights were not guaranteed until recent times), in a way that corrects forms past of 'discrimination', too.

2. Cleaning the slate

As we have briefly seen, the phenomenon of cancel culture is internally diverse and involves a variety of actions. Therefore, it is important to understand when an action directed to reframe symbols, narratives and memories, or even introduce some historical revisionism, can be considered belonging to a 'canceling' attitude, and when not.

For the purpose of this essay, I do not consider belonging to the category of cancel culture (a) those discourses which are meant to show the ambiguity of historical figures or phenomena. An example of this reading can be the following: "Alexander the Great promoted an idea of crossing cultures which fostered the development of a multicultural idea of citizenship, giving birth to the Hellenistic culture. On the other hand, though, the Macedon was also the perpetrator of horrible massacres, including some that were probably moved by racial/cultural refusal of diversity, as it happened with the case of the *Branchidai*"[9]. Another example: "George Washington played a fundamental role in the development of the modern idea of democracy, citizenship and rule of law; yet, as many of his contemporaries, he owned slaves, which leads to the question of how a man of his time could perceive the range and sphere of intangible rights that belong to a human being, with no distinction related to race, color, gender, and so on"[10].

---

[9] See, for further considerations, Mairs (2014); Reggio (2022c).
[10] See Derschovitz (2020); Rampini (2021).

I do not consider as belonging to 'cancel culture' (b) those revisions of historical narratives meant to overcome stereotypes and myth-building rhetoric, according to which some symbols and narratives are inaccurately considered or depicted. An example of this kind of discourse could be that intended to show that the use of 'medieval' as synonym of 'backwardness' does not take into account the many outstanding outcomes, or even progresses which, in different sectors, happened during those centuries: from the preservation of ancient books, to the birth of universities to technological and scientific discoveries, to the some outstanding examples in philosophy (from Augustine to Thomas Aquinas), art (Giotto's frescoes, the Romanic and Gothic Cathedrals) and literature (Dante Aligheri's Divine Comedy or Geoffrey Chauser's Canterbury's Tales)[11]. Another example of this category could regard those discourses meant to remark how important discoveries that promoted technological revolutions were not a European merit, but instead were imported from other cultures (let us think, for instance, of paper or gunpowder or press-technologies from China; algebraic notions from India and from the Arabic world, and so on)[12].

Both the above-mentioned categories may overcome some previous narratives and commonly shared opinions, but they do not 'delete' something: they rather add some important information which helps to provide a more accurate reconstruction of some pages of history and cultural acquisitions. In this sense, they promote a sounder and more critical picture, not meant to remove but rather to reconsider some aspects that had not been (sufficiently) considered. To do so, the discourses belonging to these categories are expected to offer some sound argumentations able to sustain the revised narrative, thereby asking for some reinforced motivation.

What I tend to reconnect to the category of 'cancel culture' are (c) those narratives and discourses that are directed at demonizing other narratives, figures, symbols and celebrations, to the point of promoting their (c1) removal from public memory, and/or their (c2) substitution with some counter-narratives which represent a polarized opposition or a label meant to remove the possibility of embracing even part of a previous discourse whose removal is sustained. To recall the previously chosen examples: (I) "Alexander was a very blood-thirsty conqueror, who suppressed civilizations and promoted the massacre of anyone who opposed his imperial ambitions"; (II) "Cristoforo Colombo's project was not connecting via sea to Asia, neither to promote the opening of new navigation routes: his only purpose was to discover new lands to be dominated and exploited by the Spanish"; (III) "Before the dawn of modernity, with the discovery of a truly scientific approach to knowledge, the western world was living dark ages, characterized by a superstitious vision of the world, often justified only by religious discourses". As we can see, these examples not only express quite a judging attitude, but tend to oversimplify the picture of a certain figure or situation, to deconstruct, and ultimately discard its appealing charm and historical importance.

This matter is ideally related to justice in its role of *rebalancing past unbalances*: justice, also in the traditional iconography in the West, holds a scale, in fact. Justice, nevertheless, is depicted holding a sword, too: an ambiguous symbol which reminds the need to avoid circles of vengeance between and

---

[11] On the importance of roots as a way for understanding the present, and as a way for understanding that history implies an interaction between identities and diversities, see Veneziani (2001); Reale (2003). See, more recently, as an approach that also affects the field of legal studies, Ansuategui Roig (2017); Reggio (2021a); Reggio (2021b).
[12] See, for a first overview, Agazzi (2018).

among private 'actors' in the civil societies, but which similarly recalls the fact that the reaction to past injustice may involve causing 'wounds', as swords are indeed meant to 'cut'[13].

This is the point where Anne Frank's quote, from which this Paper took its first steps, provokes any society at any time, questioning the way to deal with past injustice so to prevent its return, even in disguised ways: "what is done cannot be undone, but at least one can keep it from happening again" (Frank 1944). To my understanding, this question not only considers the importance of (a) *avoiding injustice*, to say the risk of 'repeating' those forms of injustice that need to be condemned, but also provokes a reflection (b) on how *to do justice* in a way that *does not imitate* the logic, the structure, or the effects of the kind of violations from which distance needs to be taken. It is a question on *justice with just means*.

3. An improper connection? The sense of approaching the debate on 'cancel culture' through the lens of restorative justice

The topic of this paper touches, in a broad sense, '*the role of memory/celebrations/social narratives and the removal or cancellation of such referrals when they are related to persons, ideas or behaviours that appear to conflict with one or more values which are esteemed as worth to be protected*'[14]. On the background of these reflections there is the question on the possibility that certain measures, despite being meant to react to situations which relate to a 'past injustice', can deepen rather than cure, wounds that keep hurting the social body, thereby encouraging, if not boosting, possibilities of social conflict and future violence.

Issues and problematics related to cancel culture do not only touch (I) historical phenomena and narratives and the problem of (II) rethinking cultural heritages and collective memory. They also involve a wider reflection involving (III) the evolution of social consciousness, related to topics potentially able to cause controversy between social groups. Moreover, it is not infrequent to witness that some actions inspired by cancel culture are directly or indirectly connected to (IV) the perceived need of addressing past systemic and cultural injustice, or to prevent them from happening again. Finally, as already mentioned with reference to what Derschowitz recently pointed out, (V) some of 'cancelling' actions can indeed determine legal implications, involving fundamental rights like the freedom of speech or the due process[15].

The question on *justice with just means* goes to the heart of the perspective and proposals which belong to the world of restorative justice (here also RJ), meant not as a 'theory of justice' but - as Jennifer Llewellyn suggests - "as a theory about the meaning of justice"[16].

Restorative justice can be undoubtedly best framed within a debate which has taken place around the issue of crime and punishment. Here, from different angles, the traditional theories and paradigms that justified and structured the reaction to crime (mostly in modern times and in the West) have been

---

[13] See, on this topic, Mannozzi (2003); Mannozzi – Mancini (2022).

[14] This paper elaborates some considerations presented in June 2022 during the biennial conference of the *European Forum for Restorative Justice*, held in Sassari. I would like to thank, for their interesting observations in that occasion, my dear colleagues Mara Schiff and Dominic Barter.

[15] Derschovitz (2020).

[16] Llewellyn (2007: 355). See also, on the relationship between RJ and the concept of justice, Claes – Foqué – Peters (2005); Zernova (2007); Mazzucato (2010); Mannozzi-Mancini (2022).

questioned in both their efficacy and legitimacy[17]. It has often been argued that, when a reaction to injustice does not cure but even widens the wounds that wrongdoing has caused, this only adds sorrow and pain to the overall system of relationships involved[18]. Moreover, such reaction often fails in the goal of truly 'rebalancing' unbalances (as Howard Zehr puts it, disempowering an offender does not re-empower a victim, in fact) but also in the aim of preventing future wrongdoing. This is exactly where restorative justice, as a *paradigm of justice*, shows its fully provocative power, as it challenges the reaction to wrongdoing to be designed and performed in a way *that does not repeat, imitate or perpetuate the logics of violence*: "Justice understood restoratively is fundamentally concerned with restoring the harm caused to relationships by wrongdoing" (Llewellyn 2007: 355). Such an approach depends also on the fact that within a restorative perspective crime is not merely understood as a lawbreaking, but mostly as a "violation of people and relationships" which creates "the obligation to make things right"[19], in a way that possibly results reparative, participative and open to solutions mutually agreed by those who are at stake in the offense[20].

The way in which doing justice is conceived and practically realized turns to be fundamental in a wholesome justice process, and, to the eyes of a restorative perspective, justice is mostly about 'making things right', rather than answering to wrongdoing through the inoculation of pain and deprivation, or even vengeance, yet under different justificatory schemes (e.g., retribution; deterrence; incapacitation; re-education)[21]. The restorative perspective offers the chance to look at the justice process not only within a retrospective look (ascertaining facts, outlining responsibilities, understanding harms) but also with a 'glance towards the future', which looks at the reaction to wrongdoing (and violence) in both a constructive and participatory way. Therefore, the potential of restorative justice has been connected to its capacity of preventing reoffending and promoting actions directed at 'working on' the relational textures affected by violence, and potentially involved in future violations[22]. It is no surprise, then, that among restorative justice scholars and proponents, there is an increased attention towards the potentials of a restorative approach to situations and issues which are not confined within the sector of criminal justice, opening to a reflection on restorative justice's

---

[17] In a sense, restorative justice appears to offer a 'confluence basin' to a plurality of 'rivers', often sharing a criticism towards the modern theory and practice of punishment, but not always characterized, as the restorative paradigm is, by a constructive theoretical proposal, sustained, or even preceded (like in this case) by practical applications. It is possible to detach, for instance, abolitionist influences e.g. [Hulsman – Bernat de Celis (1982); Bianchi – Van Svaanigen (1986); Christie (1977); Blad – Van Mastrigt – Uitdriks (1987)]. In the North-American context,very influential and innovative proposals can be found in Barnett – Hagel (1977); Galaway – Hudson (1990) and Abel – Harsch (1984). As for the South-American context, see also Rojas (2000).

[18] As John Braithwaite has pointed out, "restorative justice is about the idea that because crime hurts, justice should heal": Braithwaite (2004: 28).

[19] This is at the core of Howard Zehr's first thematization, in Zehr (1990). See also Wright (1991) and Cragg (1992).

[20] Reggio (2010: 323-324). It is important to notice, though, that Restorative Justice is still facing some issues with its internal vagueness [Johnstone – Van Ness (2007)], which may even imply problems of definition [Wood – Suzuki (2016: 149)], to the point of hosting, within the same framework, alternative visions, as shown in Wright – Zernova (2006: 91-108). See, for a philosophical-legal reading, Reggio (2020).

[21] See, for a comparison between restorative justice and traditional theories of punishment, Brunk (2001: 31-56). The critique to criminal justice as a way of delivering pain has been widely explored, mostly since the 70's [see e.g. Christie (1977; 1981)], often putting a strong accent on punishment as functional to power dynamics rather than to reconciling people, communities and societies [see, e.g., Foucault (1976); Hulsman – Bernat de Celis (1982); Garland (1990); Bianchi (2004)].

[22] See Pavlich (2001); Walgrave (2008).

contribution to conflict prevention and transformation of conflict in a broad sense (from conflicts in schools to environmental issues, not forgetting, of course, transitional justice)[23].

Although this paper is conceptually located outside the field of criminal justice, it attempts to restoratively envision the problems related to cancel culture as a phenomenon which affects our contemporary societies mostly in the Western World, stating deep and urgent questions about the way we can deal with the evolution of social conscience around certain themes and rights.

If these first considerations should already prevent the reader from discarding the worthiness of considering the restorative approach as a potentially constructive way of addressing some of the most problematic issues related to cancel culture, there are, indeed, further reasons for considering the possibility to consider the importance of a restorative lens to this regard.

First of all, (1) *addressing past injustice* calls for an idea of justice not relegated only to legal or criminal justice systems. Moreover, if the initiatives which are assumed to 'do justice' are, in a sense, presented as a way to 'undo an unbalance' or to 'restore a balance', or even to 'repair' past injustice, then, these kinds of narratives immediately recall the argumentative patterns involved in the debate(s) in which restorative justice is normally at stake. One of RJ's most challenging proposals, in fact, is the suggestion to reframe justice's 'movement' of rebalancing in a way that does not involve 'retaliation' or 'retribution' (as a replication of evil vs evil), but rather in a way that aims at 'reparation' and 'reconciliation' between people, with a potential in pacifying relationships[24].

Secondly, (2) *social consciousness* is not peripheral to the sensitivity of restorative justice sustainers, as RJ cares of the impact of crime on people and relationships, looking at the environment from which criminal behaviour can stem[25]. In a paradigm which does not consider 'wrongdoing' only as breaking legal rules, dealing with crime means dealing with its underlying conflict, understood as a relational structure that operates at different levels, from interpersonal, to communitarian, to social in a broad sense[26].

Furthermore, the (3) *importance of memory* should not be forgotten, since RJ looks at crime as an experience, and restorative practices bring stories, narratives and memories into the 'scene' of doing justice and restoring people and relationships. In restorative practices, memory has a very important role in assessing the effects of a violent behaviour: from the need to acknowledge it, to deal with its aftermath, to the importance of promoting a restoration aimed at re-framing an event, with a look at the future as well, which happens when the reaction to wrongdoing works also its causes and not only on its effects. Mostly when it is meant to address structural forms of injustice, a restorative approach, or at least an approach well informed to restorative values, can help stakeholders in the process of *re-storying* their experience, in a way that hopefully creates a narrative able to meaningfully overcome the aftermath of a harm[27].

---

[23] See Johnstone – Van Ness (2007); Clamp (2016), and, on the experiences of Zwelethemba model in South Africa, and on the FP7 Alternative Project, "which applied restorative approaches in intercultural contexts", Pali (2019: 156-160).

[24] See, from different angles, Zehr (1995); Braithwaite (2002, 2003); Walgrave (2008) and, from an external viewpoint, yet close to some of RJ's main proposals, Zanuso (2009).

[25] See, for a first overview, Zehr (1990); McCold-Wachtel (1998); Walgrave (2002), and, on some ambiguities regarding the relationship between the notion and role of 'community' and the restorative approach, Pavlich (2001, 2007); Reggio (2010).

[26] See, in a broader relationship with its pacifying potential, Sawatsky (2008).

[27] It is interesting, on this point, the intersection between reflections on justice issues, photography and interviews, by which Howard Zehr showed interesting examples on the possibility of re-storying real-life stories of crime victims and offenders, through a restorative way of learning and telling their stories See, for example, Zehr (1996, 2001).

Finally, *the involvement of historical issues*, related (4) to potential or actual, past or present conflict situations, is not new to the field of restorative justice, involving a reflection on the possibility of dealing restoratively with historical phenomena. Although probably not fully interpretable as RJ, it is undoubtful that the South African experience of the *Truth and Reconciliation Commissions* (TRC) played a role in the debate on RJ, opening further questions and scenarios on the possible use of RJ in facing past injustice at a systemic level, in mass extended forms of violence, situations of structural injustice, also in relation to transitional justice. Of course, it must be acknowledged that the relationship between restorative justice and transitional justice is not at the core of this Paper and, moreover, deserves further exploration and is open to debate, so it is important not to consider those two concepts as (fully) overlapping[28].

In any case, the experiments meant to deal with a series of widespread and horrible crimes outside the lens of a merely punitive approach and with the aim of promoting forms of reconciliation and, maybe, reparation, require to face the issue about how to work on the social memory and collective perceptions related to forms of injustice, or even violence, that had been institutionalized, and therefore cannot be seen only within a legal framework, but also within a political one. Back to the example of South Africa, crimes related to institutionalized form racism and apartheid open a very broad question on how to promote a way to deal with these facts in a context of political transition, with the hope of promoting an overall pacified social texture.

4. Cancel culture as a social sanction

At this point, it is possible to briefly schematize the problem related to 'cancel culture' as a form of addressing past injustice.

The core-issue I am focussing on, here, regards how to (I) assess forms of past/present injustice, embodying inequality, injustice, discrimination, especially when this has vehiculated structural effects, such as, for instance, extended forms of violence and oppression. At the centre of this problem there is, furthermore, (II) the relationship between those forms of (past but maybe also ongoing) injustice and historically-rooted symbols and narratives, which may have been long celebrated, and then appear, to a certain community or to a part of the population, as incorporating, justifying or even perpetuating those injustices. The question that arises is whether (III) "justice can be done" by deleting symbols, cancelling celebrations, erasing historical narratives, or even by creating counter-rhetoric or counter-frames meant to "restore" a balance in a way that puts to silence any attempt to refer to any narrative, symbol or character "related" to those situations that are deemed as condemnable (by a certain group of people).

Moreover, as some authors have pointed out, mostly in relation to the more personal and interpersonal aspects of cancel culture, some cancelling measures can be interpreted as forms of "social punishment" and as forms of enforcement of morality through informal sanctions[29]. This is not at all inconsistent with themes which touch different sides of the reflection on restorative justice, including the relationship between sanctions and social control and between the way a sanction is delivered, being

---

[28] See, on this point, Pali (2019).
[29] Radzik, Bennett, Pettigrove, and Sher (2020, *passim*).

either merely punitive or able to transform the destructive energies of conflict into a constructive response.

With reference to the 'historical side' of cancel culture, as some authors have outlined, the interventions on historical symbols and narratives are often (explicitly or implicitly) justified by recurring to an idea of justice as a way for dealing with previous imbalances, as it happens when 'cancelling measures' are deemed as a "redistribution of attention" (Spreeuwenberg - Janssens 2022). The question is strongly related to one at the heart of the restorative paradigm as an attempt to envision the reaction to injustice in a way that interprets such 'rebalancing' with a constructive meaning: reparative, rather than retributive; inclusive rather than exclusive; dialogical and participatory rather than competitive and adversarial[30].

The adoption of a restorative approach, though, is not a merely conceptual option: following Howard Zehr's proposal of "10 ways to live restoratively"[31], the following considerations accept the challenge of assuming a restorative perspective as a sort of "way of life": such lens, in fact, embody principles, perspectives, and a way of looking at things and situations that affects us beyond the sole purview in which restorative theory and practice is usually at stake. For the purpose of this article, three of the principles suggested by Zehr in the above mentioned discourse appear quite provocative and fruitful if related to the issue of cancel culture: "(7) Listen to others deeply and compassionately – try to understand even when you disagree; (8) Engage in dialogue with others even when that's difficult – be open to learning from them; (9) Be cautious in imposing your 'truths' and views to other people and situations". In the following paragraph, I will try to embrace these principles and attempt to look at the phenomena related to cancel culture in a way that is informed by a restorative vision, which means, first, trying to understand some of the arguments that may underlie them. This is not an easy task, though, because from what we have seen so far in this study, it is easier to find reasoning that criticise cancel culture than argumentative paths directed to show its legitimacy. Cancel culture seems to be mostly 'practiced', in fact, even if it is still possible to trace some arguments that may serve as an indirect justificatory background: the following lines will try to outline a hypothetical set of arguments in this sense.

5. Cancelling actions as part of an evolutionary process within social conscience?

If we truly take the challenge to reflect on elements that can probably sustain the legitimacy of some actions inspired by cancel culture, we must probably start from considering (which is not sustaining) the idea that reacting to past injustice can lead to a strong reframing of symbols, memories and narratives, to the point of allowing some forms of cancellation or censorship, at both a personal and societal level. Moving from this very general premise, we can try to outline a few further points.

a) *Symbols and (collective) memory have a political meaning and can be politically driven.* Collective memory, celebrations, symbolism not only reflect but also deliver certain messages, including values and elements that contribute to shaping identities, even at a societal level. So, societies can and do choose among their memories and decide (according to their decision processes) which narratives and

---

[30] Zehr (1990).
[31] Zehr (2019: 1-15).

symbols are meaningful to convey a certain set of idea(l)s, values and even warnings or lessons which should not be forgotten. This involves a selection and, necessarily, something is discarded and, ultimately, forgotten or willingly deleted.

b) *Therefore, symbols and memories are not neutral*: they often reflect the mind-frame and the set of values and priorities of a certain predominant group/class/elite. Culture is, moreover, not a neutral element, as it can be seen in divisive, exclusionary, and even discriminatory ways (Brunilda Pali).

c) *Not only symbols and memories are not neutral, but they can be de-constructed and re-shaped*, as they can be politically and socially driven. This means that we can see, within the cultural and social changes, a change of narratives involving even what is considered to be worth being celebrated, taught and proposed.

d) Conscience, values, societal sense of belonging, identities: all these *elements evolve, change across time,* and therefore also (I) historical narratives can change, as mirror of an evolving society. Moreover, a change of narratives and symbolism can become (II) a driving factor for promoting deeper and wider changes in the social body. This normally happens, for instance, when certain values or goals are esteemed to be worth being promoted and therefore are embodied in a set of different messages that are being proposed to the people to stimulate their perception and even adoption of those values and goals. Here, historical narratives and symbols can become even (III) *motors for change.*

f) *When symbols and narratives which in the past embodied, justified, or simply did not condemn situations that now conflict with values considered as fundamental* (by a certain group, which has acquired a remarkable voice in a certain society, or even by a majority of citizens), *they can be substituted.* These narratives and symbols no longer represent something that is worth the while[32].

g) This is nothing new in human history, as *it has happened also in the past, as part of an evolutionary process in social conscience.* The Greeks applied ostracism on political dissidents; the Romans, and other civilizations, applied *damnatio memoriae* as a sanction involving a removal from public memory[33].

h) In recent times, some pages of history related to almost universally condemned experiences of mass-violations (think of the symbolism related to totalitarian regimes), led to actions, also at a political and legal level, meant to prevent the celebration and even the proposition of symbols and narratives bound to those regimes. The evolution of democratic states, sustaining human rights through a variety of national and international legal and political tools, includes the fact that different European states, for instance, do not authorize any forms of celebration related to what may sustain those ideologies.

If these arguments may appear convincing to some degree, they have indeed some problematic aspects which should not be neglected.

---

[32] This thesis appears at the core of a ground-breaking initiative, called the '1619 project', which had a very vast visibility in the U.S., thanks also to the role of the New York Times. See, on this point, Hannah-Jones (2019).

[33] As Angelo Crepaldi observes, "There have been many waves of 'culture cancellations' or 'erasures' down through history. I am not really referring to the *damnatio memoriae* that each victor has applied to the culture of those vanquished. Every war has produced phenomena of that ilk. I am referring to the willingness to start over again 'from scratch' which is typical of many philosophical cultures of modernity. One of the most typical cases was that of Descartes, who cast doubt on all the knowledge of the culture to which he belonged, practically all Western culture, precisely in order to start over from scratch. The same would then be done by the Enlightenment and later on with the positivists. This same resolute commitment is also manifest in Marxism. Of course, all of them – and others whom it is not possible to recall here – already had a new culture in mind when they wanted to cancel their old culture. Descartes wanted a culture based on geometrical science, the Enlightenment on operational reason, positivism on experimental science, and Marxism on praxis. The 'new' was already present when they strove to erase the old": Crepaldi (2022: 1).

If we think of a topical moment in the evolution of Western culture, also in philosophical-legal and socio-political terms, as the French Revolution, we cannot neglect how that moment of radical change embodied a deconstruction (or even destruction) of certain narratives and symbols, related to the power and to the political order, and their substitution with others. For instance, revolutionary forces needed to remove the perceived sacrality of the sovereign (already the beheading of king Charles during the English Civil War was significant in this sense, and the French revolution beheaded more than 'just' one king)[34]. They, moreover, sought to undermine the religious background of the ancient regime and create new symbols related to the ideals of *libertè, egalitè, fraternitè* (such as Goddes Reason). This very radical reframing implied the creation of a partially new vocabulary (the names of months were renamed, for example) and the promotion of new cultural frameworks meant to sustain the background of the new regime (Diderot and D'Alembert's *Encyclopedie* was likely assumed as a manifesto of this phenomenon). These examples show that, especially when some memories, symbols and narratives are somehow related to forms of (perceived) injustice, actions meant to do justice can legitimately imply a strong influence on symbols and narratives, including actions directed to suppressing historical memory and celebration; deleting symbols; creating counter-narratives and counter-labels, often used to demonize past symbology and narratives.

The example of the French Revolution reveals indeed some dark sides of the phenomenon, though, if we consider, for example, the very violent developments it brought, especially during the times of the so-called 'terror'. We should also not forget the ambiguity of its underlying values, which poured into part of the rhetoric that sustained the rise of Napoleon and his imperialism. So, from a contemporary perspective, we could envision bright and dark sides of that peculiar moment of western history, without necessarily being entitled to label it as either absolutely positive or negative.

The issue turns to be even more problematic when it involves polyvalent historical, whose contribution to the development of human culture and civilization can be sustained through a series of arguments. For instance, today we can remark that the old Greek and Roman societies were mostly led by elites, male-driven, based on slavery-sustained economy, and certainly this exposes part of their social and political culture to criticism from the perspective of a contemporary beholder; yet, their contribution to the western culture in terms of philosophy, art, literature, and even to the development of political and legal culture that still belongs to the common wealth of contemporary civilizations should be taken into account, at least for reasons of intellectual honesty.

6. Further problematic questions

The question that thus arises regards the possibility that the 'evolution of social conscience' includes also forms of removal not only from 'celebration' *but even from historical memory*, to the extreme extent of preventing studies focused on cultural or historical heritages which do not match with the current predominant vision of the world. Wouldn't this prevent from forming a true critical conscience?
At an even deeper level, we can find an underlying, problematic question regarding the possibility of confusing the *overcoming* of a certain culture with its *cancelation* and the possibility of misunderstanding

---

[34] This is, indeed, an example of a secularizing tendency well integrated in the Western culture, mostly in relation to its attitude to seeing the world as an ordered reality, as well as law and politics as means for mirroring or creating that order. See, on the ancient origins of this approach, Manzin (2008).

the difference between *criticizing* certain aspects of a cultural experience with the full *disavowal* of its historical importance[35].

Moreover, in the cases of historical experiences widely recognized as condemnable, isn't memory fundamental in keeping a critical conscience alive within the younger generations, who did not personally experience such violations?

These questions clearly outline that dealing with historical heritages is quite a complex and problematic issue for any society at any time, and the way these heritages are being considered may influence the configuration that the present assumes. For instance, if we take for granted that narratives and symbols can promote a change, does this necessarily mean that those who are willing to enable this change are allowed to create counter-symbols, counter-narratives, and, even, counter-stereotypes, meant to correct a partial and particular vision of the world with another that is partial and particular as well?

Moreover, if substantial equality implies correcting imbalances, to say, rebalancing things, and this involves dynamics of empowerment, does it also include forms of disempowerment, which occur at a symbolic and narrative level? A rather problematic point comes when we try to wonder whether equality may include forms of 'reverse discrimination', which is, still a form of discrimination. At the beginning of this paper, we assumed that doing justice with just means is a way to prevent further injustice. There is, instead, always the possibility that some 'medicines' do not cure, but even enlarge the wounds of the past. Can cancel culture be one of them?

Another problematic question regards other aspects of the 'measures' which cancel culture assumes as a way to 'react' to perceived injustice. Cancelling measures, at a personal level, can operate, as said, as forms of social sanctions directed to people whose behaviours or words have been interpreted as harming some values or prerogatives of a certain group. The problem is that, differently from those legal systems characterized by the rule of law, also in their sanctioning processes, these ways of providing an informal reaction to a behaviour does not respect the base-principles which underlie a justice system: the principle of legality, the presumption of innocence, the right to a fair trial, the right to defence, the burden of proof. To sanction or 'cancel' someone for a sentence or a behaviour, it is enough that someone, or a certain group of people, 'condemn' that person and put in action some forms of informal sanctions, involving, more or less explicitly, shaming processes (in which it is not in principle necessary to distinguish between the behaviour and its author as a target of very strong criticism, or even ostracism). I personally envision the possibility of a praxeological contradiction: to protect certain categories esteemed as vulnerable, to protect certain fundamental rights, there is the risk to suspend the validity of other human rights, as those connected to the right to a fair trial and to the principle of legality.

If the 'personal' side of cancel culture clearly involves personal rights, legal implications are less visible when cancelling actions are aimed at removing historical memories or at preventing not only the celebration, but even the study, the teaching and the possibility of naming certain characters, moments of history, or historical experiences. The possibility of confusing apology with the preservation

---

[35] "Multiculturalism, which is often and passionately encouraged and fostered, is sometimes mostly embodied in abandoning and denying what belongs to oneself. It turns into an escape from the self. But multiculturalism cannot subsist witout commonalities and constants, without signposts for orienting oneself, starting from one's own values" [Ratzinger (2004: 67), my translation: "La multiculturalità, che viene continuamente e con passione incoraggiata e favorita, è talvolta soprattutto abbandono e rinnegamento di ciò che è proprio, fuga dalle cose proprie. Ma la multiculturalità non può sussistere senza costanti in comune, senza punti di orientamento a partire dai valori propri"].

of a historical heritage, possibly also critically considered, can indeed lead to forms of censorship which affect the freedom of speech and, indirectly, become legally remarkable, when – as it has been documented by recent enquiries – they lead to measures that affect someone's right not only to manifest their personal opinion, but even their right to work. Indeed, these are measures that typically characterized totalitarian regimes, whose actions were often justified by 'superior reasons', or by the need to protect and promote neglected categories (a race, a class...)[36].

In both cases, cancel culture operates as a shaming process that is meant to create sanctions against those whose ideas are considered 'censorable' by a certain group or community of people, and to act as a deterrent against the possibility of (at least publicly) embracing an opinion that is no longer seen as acceptable by a group who seeks to impose their view. The distance between this phenomenon and a form of informal social control appears, indeed, very narrow.

An important contribution to the studies on the mechanisms of informal social control rendered by community-involvement can be found in John Braithwaite's sociological studies on the role of *shame* as an instrument of 'indirect' or 'informal' social control[37]. In his book *Crime, Shame and Reintegration* (1989), Braithwaite suggested that shame and shaming procedures have a vital role in granting the sanction's effectiveness[38]. The author distinguishes, nevertheless, between a 'stigmatizing' shame and a 'reintegrative' one: the first would push people towards an increase of conflict, while the latter would instead have the opposite effect, resulting as a 'preventing factor'. In order to be 'reintegrative', shaming should denounce the offence and not the offender, and provide opportunities for shame to be removed or transformed and, therefore, for the reintegration of the formerly-shamed person[39]. *Reintegrative shaming* outlines, therefore, a dynamic of social control which appeals to the capability of showing to the offender the reproachfulness of his/her behaviour and – in the meanwhile – to the ability of offering a welcoming attitude towards such a person when they desist from the behaviour which has caused or represented a harm (in the case of Braithwaite's study, a crime). Community – or at least social bonds – would have a vital role in this.

This theory offers some conceptual signposts to reflect on informal sanctions, as those which are in a way incorporated by cancel culture: it suggests, for instance not to confuse the person with the problem, and to keep a door open to someone's reintegration, thereby avoiding stigmatizing and polarizing mechanisms that normally act as dividers within social relationships, often promoting reinforcement loops that can result in fostering conflict[40].

Although it was highly influential in the literature on Restorative Justice – Braithwaite himself is now accounted as one of RJ's most eminent scholars – it is important to notice that between the sociological theory of *reintegrative shaming* and the restorative paradigm several remarkable differences emerge, regarding both their perspective and goals. Both RJ and *reintegrative shaming* emphasize the

---

[36] See, again, Derschovitz (2020); Rampini (2021); Bertolini (2021).

[37] The latter studies, although not directly involved in the 'originary' debate on the forming idea of RJ, have influenced it from the very beginnings; Braithwaite himself later emerged as one of the most productive and influential scholars of Restorative Justice.

[38] See Braithwaite (1989).

[39] The four pillars of 'reintegrative shaming' can be so resumed: 1) disapproving the offence; 2) maintaining and fostering a relationship of respect with the offender, without 'labelling' him/her as bad or evil; 3) do not allow to see the offence as the main feature of the offender; 4) re-accept the offender, show that he will be reintegrated in the community.

[40] The importance of systemically analysing these dynamics can be seen, for instance, within the paradigm of conflict transformation, as effectively shown in Lederach (2005).

primary role that inter-personal and social relationships can play in causing and/or solving social conflicts and crime; both insist in the importance of involving stakeholders (including the offender, who should never be 'stigmatised') and in the need of overcoming a merely formal/legalistic interpretation of crime: but their core-issues and goals are and remain completely different[41]. The *fulcrum* of Braithwaite's conception is not placed in a reparative and participatory model of justice: it puts strong accent, instead, on the maintaining of a certain social order (or at least to fostering a sanctioning system's effectiveness) rather than on orienting the response to crime towards to the reparation of a personal and relational harm[42]. In a few words, while *reintegrative shaming* is finalised to improving the sanction's *effectiveness*, RJ tries to re-discuss the *goal* of the sanction itself, and the way in which it should be determined and put into practice[43].

Apart from these remarkable differences, *reintegrative shaming* ought to be carefully evaluated – especially when its sociological-descriptive contents are taken as normative indications[44]: the idea of 'reintegration' emerging from such a theory recalls a form of 're-socialization' which, apart from the 'peaceful' (non-stigmatizing...) appearance, may result instrumental for forms of prevarication. It is not clear, for instance, whether 'reintegration' represents a 'reconstruction of social bonds' in which the individual's subjectivity and diversity are protected, or whether it promotes instead a form of conformism to the majority's (or the community's) will[45].

By seeking to produce an informal psychological coercion on the 'deviant', shaming can be a rather intrusive and barely controllable instrument of social control: it is not clear, moreover, how 'non-stigmatization' and 'reintegration' can provide an authentic limit and warranty for the 'deviant'[46]. Reintegration, in fact, could be the prize for the offender's interior desistance from the reasons which brought him to their behaviour, but it is not clear, from the theory's formulation, what makes a certain behaviour deserve (collective) shame: someone can wonder, for instance, whether what meets some community's disapproval is subjected to collected shame because it is disapprove-able or just because it is factually disapproved[47]. Such a question reveals the concrete risk of transforming 'community' into

---

[41] See Johnstone (1999: 197-216); Maxwell – Morris (2003); Retzinger – Scheff (1996).

[42] The possibility of envisioning 'reparation' as the justification and the goal of the reaction to crime has been thematized, in different moments, also within the Italian legal-philosophical tradition, as visible, for instance, in Del Vecchio (1959) and, later, within a different argumentative path, in Cavalla (1998).

[43] As Zehr observes, about the effectiveness of RJ in reducing re-offending: "reduced recidivism is a *byproduct*, but *restorative justice* is done first of all because it is the right thing to do. Victims' needs should be addressed, offenders should be encouraged to take responsibility, those affected by an offence should be involved in the process, regardless of whether offenders catch on and reduce their offending": Zehr (2002: 10).

[44] See, for a critique in this sense, Reggio (2010).

[45] Such an interpretation is all but new in the context of the modern (and contemporary) reflection on punishment: remarkable theories, in facts, (as Francesco Cavalla warns, with specific reference to the special preventionist approach) emphasized an idea of 'crime' intended as a "unfaithful will, dangerous and non-conformed to some (presumed) popular values": Cavalla (1998: 30, my transl.).

[46] Some eminent scholars warn from the risk of a 'totalitarian' shift of community-based social control: see, e.g., Walgrave (1999); Pavlich (2001, 2007).

[47] The 'totalitarian' risk mentioned by Pavlich as one of the risks of devolving upon informal, community structures [Pavlich (2001)] is embedded with the function of providing a more or less indirect social control. As Francesca Zanuso observes, on social control, if something has to be considered disapprove-able only because it is disapproved, "someone's guilt does not depend on having performed actions whose content is disapprove-able, but it simply depends on having produced thoughts or authorised acts of will which result not to conform to the predominant values": Zanuso (1993: 101).

a tribal entity which is lacking authentic limits for the protection of individuals' subjectivity and liberty[48].

Cancel culture, indeed, relies on some communities as surveillants[49] on some values or categories whose protection is deemed as very important for contemporary societies (showing here a possible relationship also with the so-called 'woke' culture), and then entrusts those groups or even wider groups to 'enforce' various forms of informal sanctions directed to those whose thoughts or actions appear to contrast with those values. If this shows an increase of sensitivity of communities in taking active part in the promotion and protection of social values, the way this protection is concretely put to practice can lead to very different consequences[50]. Some can even contradict those social values that had inspired an increased attention on vulnerable cases and situations: in this case, community not only serves as a relevant factor in 'contrasting' or 'fostering' ideas or actions that might endanger social bonds and the respect of fundamental rights. It emerges like a potential danger itself[51]. This is another point in which RJ can be of some help: the restorative approach emphasizes informal and flexible approaches, and certainly is in favour of a direct involvement of people and communities in the process of assessing harms to people and relationships. Nevertheless, it is also careful about the goals and the means that such involvement assumes to avoid that the reaction to a certain offence results itself equally, or even more, harmful than the offence itself.

---

[48] An example that might effectively show how community-based practices may result rather intrusive and violent – although formally applying shaming procedures which are open to reintegration – can be found in practices like *female genital mutilation*, which recently brought to the attention of that many legislators and courts in Western countries some rather problematic questions. Anthropological studies showed that these practices – which result to be physically invalidating and appear to attack social values as well as fundamental rights – are not primarily aimed to offend women's integrity or personal safety: they are rather meant to have an 'initiatic' role, that is welcoming a grown-up woman in the adults' community, whose main consequence is acquiring previously denied rights and prerogatives. Studies on these types of practices show that they rely on dynamics of shaming in order to 'force' women's will not to undergo genital mutilation, while apply 'welcoming' rituals that are meant to celebrate the full integration in the adults' community. See World Health Organization, *Eliminating Female Genital Mutilation*, Geneva 2008 and, for some philosophical considerations on the underlying ethical questions of such an issue, Zanuso (2009b).

[49] See, again, Foucault (1976); Pavlich (2001, 2005 and 2007).

[50] This is also due to the fact that the social and cultural background that offered a fertile ground for cancel culture appears to be widely characterized by reciprocal mistrust between different communities and groups of interest, with the effect of increasing polarizing dynamics and negative reinforcement loops that foster conflict and suspect. On the importance of rediscovering a space for trust in law and law as a space for building and protecting trust between individuals, see Greco (2021).

[51] The idea of preventing interpersonal conflicts (crime included) by mean of an indirect social control shows analogies with some reflections that – in the Modern age – emerged from J. J. Rousseau's philosophy. According to Rousseau – as Zanuso observes – "the priority of criminal law is to protect the community, granting conformity. Nevertheless, criminal law appears to be limited, and not always effective in providing such results; Rousseau suggests, therefore, to support the criminal justice system with other procedures meant to assure social conformity": Zanuso (1993: 97-98). Rousseau's proposal anticipates the topical issue of distinguishing 'deterrence' from 'integrated social prevention' – with evident similarities with the current debate on the role of community as promoter (and enforcer) of informal social control.

7. Overcoming polarization, embracing complexity, being dialogic. A few remarks from a restorative perspective

For what I have argued so far, I doubt 'cancel culture' is compatible with a restorative approach. There is, indeed, the risk that 'cancelling actions' embody forms of violence and counter-discrimination that foster conflict and prevarication, rather than help overcoming them. It is not unlikely to imagine that these kinds of actions will instead sooner or later require some pacifying activities meant to transform the conflicts that may have arisen, some of which may take profit by a restorative response.

One of the core-principles of RJ is that justice cannot be conceived and delivered as an imitation of injustices. From a restorative viewpoint, you cannot repeat or imitate the logic of wrongdoing, albeit with inverted polarities. So, if wrongdoing occurs, thinking of a response based on retaliation, revenge or replication of the logic that had inspired wrongdoing is basically only adding evil to evil, rather than trying to restore what had been previously violated. This means that if violence puts to silence some fundamental principles that sustain the necessary respect of someone's subjectivity, the reaction to it cannot be delivered in a way that treats its perpetrator as an object, denying therefore their subjectivity as well[52].

Thus, a restorative approach is particularly careful about legitimating any action based on the premise that 'restoring balance' is delivered mostly through actions specifically meant to create a counter-imbalance. Responding to disempowerment with another disempowerment only adds more reification and frustration to the whole system. In fact, to say it in Latin, a response oriented by *malum contra malum* (evil vs. evil) does not rebalance anything, it only adds suffering and, systemically, ends up fostering social conflictuality[53].

If RJ warns about the risk that the response to crime adds violence to violence rather than healing the wounds, the question is even more problematic when we are dealing with violations that have not been (legally) ascertained but only claimed by a certain group and with responses that are not in principle meeting any (legal) limitation. Despite being critical towards some formalisms that belong to legal theory and practice, restorative justice (in any case) acknowledges he importance of legal principles and limitations, outside of which anybody could claim to be a victim of a violation and hold someone responsible as an offender, with no need of proving the soundness of such claims.

Returning the issues related to cancel culture, if it is important to condemn discriminations, a counter-discrimination only inverts the polarities of a discriminating action but does not overcome and transcend its logic and remains a form of violence[54]. So does a counter-stereotype a counter-labelling,

---

[52] See, with slightly different argumentative paths, the philosophical-legal proposals suggested by Del Vecchio (1959); Cavalla (1998); Zanuso (2009); Reggio (2013).

[53] This argument had been developed, within a legal-philosophical discourse, by Del Vecchio (1959). Recently Giovanni Grandi has dedicated specific attention to this matter, through a moral-philosophical lens which rediscovers also heritages rooted in the ancient and medieval philosophical tradition. See Grandi (2020). Several sources belonging to different ancient traditions suggest that responding to evil with evil is not morally justified, or simply unwise. Some of these examples can be found, for instance, in Plato's Republic (see, for further reflections, Bettineschi 2021), but also in some readings of the Biblical model of Justice [see, i.e., Zehr (1990); Ost (1999)] and moreover in the New Testament's idea of Justice [see, e.g., Wiesnet (1980), Lind (1986); Marshall (2001). Some interesting examples can be found also in the Buddhist tradition, as show in some readings which recently outlined a connection between them and a reparative/reconciliative approach [see, e.g., with reference to the Milindapañha, Reggio (2020), and also to Ashoka's edicts, Rizzotto-Reggio (2022)].

[54] Even culture can become a polarizing and prevaricating factor, in this sense, as Pali (2019) has interestingly shown.

and so on. Moreover, if informal reactions can be a way to promote accountability at a social level, when they turn into a form of rough justice administered by a barely accountable crowd, the risk of turning an aspiration to justice into a stoning is quite close.

Already in ancient Greece, tragedies often questioned, in the artistic form of theatrical representation, the risk of seeing justice as the monopoly of those who retain power (as masterly shown in Sophocles' *Antigone*)[55] but also as the occasional outcome of irrational movements within an impersonal crowd (as it emerges, for instance, in Euripides' *Orestes*)[56]. This ancient wisdom showed that the justice process can be emptied out and turned into an exercise of violence when it prevents true dialogue and confrontation between conflicting parties[57]. Despite seeking a way of delivering justice that does not only rely on the legal trial, but instead promotes more informal and flexible ways of dealing with conflict, restorative justice is strongly based on the value of dialogue[58]. Dialogue, in this sense, is not only meant as a communicative experience, but also as a way to enable people in being relational and conscious of the fact that they are not 'absolutes' and self-referral[59]. Dialogue, then, shows the need to provide reasons able to sustain our positions and choices, and invites to take responsibility for the arguments we provide in that sense.

RJ advocates place attention on labels and stereotypes and learn to separate the person by the problem, the offender by the offence (exactly as an offender who committed a thief is not a lifelong stealer, unable to release the mask of his past offence, and, therefore, likely stuck into a social role that may even lead to reoffending). A restorative approach teaches that people are more complex than one single fact or behaviour, and 'shrinking' them into that is not only a form of objectivation but also a potential source of conflict, preventing mutual understanding and true responsible accountability[60]. This further shows that 'cancelling' is not a way to promote confrontation, but rather to stigmatize and to put someone into a corner.

Memory plays a role in this, both at an interpersonal and systemic level: it is thanks to memory that we can acknowledge past mistakes and recognize them it they represent themselves in the future. As Heinrich Heine warned, decades before the holocaust: "Where they burn books, they will, in the

---

[55] See, on this point, and on Antigone's influence across the centuries, Steiner (1996).

[56] Reggio (2022b). On the importance of Greek Tragedies as a basis also for a contemporary rethinking of the way we collectively approach conflict, its violent outcomes, aftermath and transformation, see also Morineau (1998) and, more recently, with a specific reference to RJ, Soulou (2021). On the intersection between these profiles and psychodrama, see also Stouraiti (2021).

[57] This has been brilliantly argued in Cavalla (2022).

[58] As it has been underlined mostly in the 'dialogical justice' approach formulated in Reggio (2010, 2013), later refined in Reggio (2017, 2020).

[59] "Relationality is neither the product of personal will nor results from the imposition of a collective entity, ideal or historical-sociological" – as Sergio Cotta observed [Cotta (1989: 81)]. In facts, there is no authentic relationality without subjectivity, since relational communication presupposes differences and identities to connect, as well as a 'common texture' that is an indispensable condition for making relations possible [see Chiereghin (1997)]. On the other hand, neither subjectivity can be even thought without relationality, since the perception of subjectivity itself requires the capability of distinguishing oneself from the rest of the world: in human experience the 'I' perceives himself as a 'self' only as long as he is able to address a '*Thou*' to whom he recognizes equal dignity and by whom he is recognised, in turn, in his full human dignity [I am here in debt with Martin Buber's argumentations, for which see Buber (2000)]. See, for an analysis that connects this philosophical-anthropological background to a 'dialogical' vision of justice, Reggio (2013), and, for some further considerations related to the field of criminal justice, Tzitzis (2004).

[60] See, with an insight on how these elements strongly distinguish RJ from traditional approaches to criminal justice, Pelikan (2007).

end, burn human beings, too"[61]. Moreover, as it has been recently suggested, there can be a reparation *through culture*, and this happen by transmitting and preserving historical heritages, studying them in their complexity, i.e., being able to distinguish legacies and elements we can criticize from our present viewpoint (but you can criticize what you actually know and study, otherwise I do not see true counter-measures against the risk of turning criticism into inquisition, and social accountability into burning witches)[62].

Restoration, to be a chance to put right the wrongs, implies the introduction of a different logic than the one that imitates wrongdoing or aims at 'deleting' it and the memory of it. Restorative action involves (a) active responsibility; (b) confrontation; (c) reparation, and therefore, the 'transformative' potential of restorative action does not rely on retaliation, nor on dynamics of power, but rather through the promotion of the potential of dialogue, the value of understanding and the importance of actions directed to making things right to the maximum extent possible[63].

If this shows that there are several reasons for being very cautious, from a restorative justice viewpoint, towards cancel culture, it does not mean that the answer is 'cancelling cancel culture', which would be again a contradiction and not a way to promote a higher level of understanding of a phenomenon. Indeed, cancel culture may mostly act acts as a divider in many contemporary societies: nevertheless, its inspiration should be considered also in its underlying needs, which involve also the protection of important values, of vulnerable categories, and the aspiration to a society that is careful about forms of discrimination, thereby inviting to reinforced forms of social accountability and social engagement.

In my opinion, there are several reasons why a restorative approach could offer some precious contributions to facing issues related to cancel culture, in a way that enables a deeper understanding of some problematics underlying this phenomenon. It is important, in fact, to assess the social unease that might be found around this phenomenon and its effects, without falling into the temptation of either condemning both its most problematic manifestations and its underlying concerns or justifying any of its outputs only because they are motivated by the protection and promotion of values that are widely acknowledged as worthy.

RJ is sensitive to elements which affect the request for substantial justice and are normally 'invisible' to the categories of legal systems, as they are, in a sense, immaterial and hard to be framed within legal concepts. A restorative lens involves a sensitivity towards a variety of factors, involving symbolism (restorative actions can easily involve forms of symbolic reparation, for example), narratives (e.g. the stories that lay behind and accompany a conflict and the experience of it in the lives of victims, offenders, and their communities), and also relational and conceptual frameworks (as RJ considers the relational textures that are involved in conflict as resources for its transformation). This is why, thinking restoratively can be related to a transformative approach, as it approaches conflict in a systemic and

---

[61] Heine, quoted in Derschowitz (2020: 65).
[62] This is a proposal outlined by Paolo Bettineschi in his book "Etica del Riparare". See Bettineschi (2021, 124-136).
[63] An attitude to transforming conflict, as Lederach suggests, requires (a) to envision ourselves in a network of relationships involving also our 'enemies' (which implies promoting a bigger picture, rather than tearing away parts of it); (b) paradoxal curiosity, which implies moving beyond common opinions, preferring complexity to oversimplified labels, overcoming dualism ("para-doxa"). It also requires the (c) willingness to overcome the logic of violence: Lederach (2005, *passim*).

relational way, in which the people and the dynamics at stake can have a voice and a role in promoting and managing a constructive change[64].

The question now regards how we can deal restoratively with complex historical heritages and with manifestations of thought that hurt the sensitivity of certain categories of people.

Being conscious that the following proposal is tentative and open to debate, I will try to summarize it in some points:

a) *Understand and accept complexity*: human history is as human beings, characterized by a complex variety of factors, and reading it in black and white does not only miss all the shades and nuances that characterize a picture: is oversimplifying and often ideological. Most of all, such an attitude does not help personal, mutual, and social understanding. As Islamic poet Rumi provokes us, "*out beyond ideas of wrongdoing and rightdoing there is a field. I'll meet you there*". This does not mean relativism, it means that no-one possesses an objective vision of the world, because we are all 'in' the world and cannot see it from outside[65]. Therefore, we need to open to complexity, conscious of both our human limitedness and of the fact that being limited is inherent to being human. This is a mutual condition, where each human being is 'reciprocal' to each other and entitled to ask questions and provide answers[66].

b) *Being limited, being relational, means being open to dialogue.* As it emerges within an approach that relates related restorative justice to the dialogic character of human beings, no human being is superfluous; no human being can be silenced or set free from asking and providing reasons; and no one, in fact, is provided with definitive reasons or arguments for claiming that another human life is meaningless and therefore able to be treated as though it was an 'object'[67]. Limitedness puts us in a situation in which no contingent expression or idea can claim to be definitive: therefore, everyone is bound to a dimension of continuous 'asking' that expresses both her/his own inherent limitedness and her/his own capacity to try and search for answers and provide reasons in support of personal convictions. According to this perspective, all human beings are *reciprocal* to each other and mutually involved as subjects entitled to ask questions and offer answers[68]. Limitedness opens and binds human

---

[64] My approach is in debt with the transformative paradigm, for which I recall Lederach (2003, 2005). See also, for a cross-section between RJ and peacebuilding, under the concept of 'justpeace', Sawatsky (2008).

[65] As Hilary Putnam pointed out, "Like Relativism, but in a different way, Realism is an impossible attempt to view the world from Nowhere. In this situation it is a temptation to say, 'So we make the world' or 'our language makes up the world' or 'our culture makes up the world'; but this is just another form of the same mistake. If we succumb, once again we view the world – the only world we know – as a *product*": Putnam (1990, 28-29). Such a model – as Harold I. Brown states – it is required "that rationally acceptable claims be justified, and that the justification proceed from rationally acceptable principles in accordance with rationally acceptable rules. Each of these demands leads to an infinite regress until we can find some self-evident rules from which to begin, but these have not yet been found, and there is no reason to expect that they will be forthcoming": Brown (1988: 77). In this sense, there is a remarkable similarity between realism and relativism: either by denying the truth or by claiming it as a stable 'possession' of human rationality, the truth is mostly conceived in terms of object. As Ronald Dworkin suggests, these influential theories are 'archimedean', since "they purport to stand outside a whole body of belief, and to judge it as a whole from premises or attitudes that owe nothing to it. Of course they cannot stand outside thought altogether, to deny real truth to every thought. For even archimedeans need some place to stand, as their progenitor conceded. They must assume that some of what they think (at an absolute minimum their beliefs about the good reasoning) are not just their own or their culture's invention, but are true and valid- indeed 'objectively' so": Dworkin (1996: 88). See also Slob (2002: mostly 33-68).

[66] On the ethical-philosophical basis of such an approach, see also Cavalla (1990, *passim*).

[67] Reggio (2013, *passim*).

[68] Considering the main political and legal values as realised and saved "in the course of an uninhibited dialogue grounded in mutual recognition": Pelikan (2007).

beings to enter a dialogue with each other: denying such *dialogical principle* embodies both a contradiction (denying the condition of limitedness) and an act of violence (a self-absolutization)[69].

c) Limitedness works also diachronically. Therefore, *historical frames and situations must be understood in their time*. Exactly as innovations that now seem quite irrelevant were revolutionary at their time (from the wheel to electricity), so do ethical standards. If one accepts that values and visions evolve, they do, also because of some passages that saw the contributions of people in the past. This means that you can recognize someone's contribution without needing to 'measure' that person's story only through current ethical standards that that person could not even imagine. This, moreover, involves cultures and 'pages of history': they can be critically evaluated with the eyes of a contemporary beholder, but it does not mean that we are entitled to cancel them[70]. Indeed, the possibility of being critical is enabled by the studying and knowledge of those pages of history. Promoting ignorance – to mean, ignoring certain facts and pages of history – hardly matches with being informed, critical and open to understanding, which are indeed very important factors in promoting relationally competent societies, open to dealing constructively with both identities and diversities[71].

d) This means that a restorative response to the situations which sometimes provoke cancelling reactions recognizes the importance of *working for the promotion of a bigger and more complex picture*, rather than tearing away parts of it, or trying to paint over the past. Furthermore, this implies challenging labels and stereotypes, rather than creating new ones. This means understanding and acknowledging that labelling and stereotyping is intrinsically objectifying and potentially violent, in any case.

e) *Understanding is always important and does not mean justifying,* as any restorative practitioner, be it mediator or a facilitator, knows. If you don't understand, you easily create masks, preventing openness to real people and real stories. This also means creating demons and enemies, thereby fostering conflict[72].

f) As already mentioned, one of RJ's most challenging proposals implies the understanding that overcoming injustice does not happen by repeating the very same logic. This also works with discriminations and other forms of verbal violence: removing inequalities implies understanding the path that led us to understand them as they 'structurally' are. This shows that *memory is fundamental,*

---

[69] See, again, Cavalla (1990) and, with regard to RJ, Reggio (2013).

[70] As Joseph Ratzinger sustained, "There is a self-hate of the West, which is strange and that can be seen only as something pathological: the West certainly tries, and this has to be praised, to open itself to the comprehension of other, external values, but it no longer loves itself; of its history the West only sees what is despicable and destructive": Ratzinger (2004: 67, my translation). To quote from the original discourse, "C'è qui un odio di sé dell'Occidente che è strano e che si può considerare solo come qualcosa di patologico; l'Occidente tenta sì in maniera lodevole di aprirsi pieno di comprensione a valori esterni, ma non ama più se stesso; della sua propria storia vede oramai soltanto ciò che è deprecabile e distruttivo, mentre non è più in grado di percepire ciò che è grande e puro. L'Europa, per sopravvivere, ha bisogno di una nuova - certamente critica e umile - accettazione di se stessa, se essa vuole davvero sopravvivere. La multiculturalità, che viene continuamente e con passione incoraggiata e favorita, è talvolta soprattutto abbandono e rinnegamento di ciò che è proprio, fuga dalle cose proprie. Ma la multiculturalità non può sussistere senza costanti in comune, senza punti di orientamento a partire dai valori propri".

[71] According to Byung-Chul Han, this is a very critical issue in our contemporary western societies, in which the "other" has been progressively expelled in favour of an unvarying "same". See, on this point, Byung-Chul Han (2016). On the complex and vital relationship between otherness and sameness in the context of intercultural issues, see Ricca (2008, 2020). See also, with reference to the concept of hospitality, Saraceni (2017). The capacity of viewing oneself through the eyes of the other, even of the enemy, is at the core of the European culture, since its Greek roots, as argued in Fuselli (2010).

[72] Drawing from 'pop culture', Pink Floyd's song "Us and them" effectively depicts the effects of polarization.

also in understanding mistakes, limits and processes of development in social consciousness. Deleting is a reduction to indifference, which shows the danger that the cure can be worse than the disease, as reducing to indifference removes, also from personal and social conscience, what conceptually allows to distinguish between acceptable and non-acceptable behaviours.

g) *Rather than destroying symbols and narratives, the true challenge is to reframe them*, when possible, by trying to overcome an 'either/or' logic, opening to an 'and/and' one. To return to an aforementioned example, a possible scenario is to understand how one can celebrate the discovery of America and, with it, promote the memory of those populations who have been victimized (and who, this cannot be deleted, are now Americans). Promoting the memory of an event that changed the world, but also carried consequences which can be critically evaluated today, shows the importance of adding narratives, rather than cancelling others. From a European perspective, it is now impossible to merely quote as 'barbarians' those people who caused the fall of the Roman Empire, without understanding the role they played in the birth of the subsequent age, and so on. If certainly those invasions brought death and destruction, they also contributed to shaping Europe as it is, also by embracing some parts of the culture, of the language, of the customs and even of the laws belonging to the world they had invaded. Understanding that history is multi-layered should lead to the comprehension of how each ingredient involved contributes to understanding the present; trying to remove it does not help to trace where we are now, as something made possible by where we come from, even when this means that we may come from different ways.

As I tried to argue, the issues arisen from cancel culture are not merely cultural ones, but have deeper implications, involving matters of civilization, justice, and social pacification. An old proverb says: "do not throw the baby away with the wash-water", which means be careful on what you discard, also in the process of washing something from incrustations belonging to the past. And, I may add, more importantly, do not throw the baby away and keep the wash-water. Sometimes the reaction to something causing unease can be worse than its underlying restlessness, and this should lead us to be careful in either justifying or condemning certain phenomena, taking a stand before trying to understand. If this is also a matter of common sense[73], then one can also probably recognize that common sense reminds us that two wrongs don't make one right: *they are just two wrongs*.

Perhaps, then, the attempt to envision a restorative response to some problematic phenomena related to cancel culture can offer some perspectives and conceptual signposts which may add some provocative questions and suggestions to the current debate.

References

Abel, F. - Marsch, F. H., 1984 *Punishment and Restitution*, Westport-London: Greenwood Press.
Agazzi, E, 2018, *L'oggettività scientifica e i suoi contesti*, Milano: Bompiani.
Amato Mangiameli, A., 2014, *Filosofia del diritto penale. Quattro voci per una introduzione*, Torino: Giappichelli.
Ansuategui Roig, F.J, 2017, *Storia e pluralità nella comprensione moderna del diritto*, in "Rivista di Filosofia del Diritto", 1/2017: 79-96.
Bauman, Z., 2001, *Community: Seeking Safety in an Insecure World*, Cambridge: Cambridge University Press.

[73] See, on the importance of rediscovering common sense as a practical wisdom and as a guiding factor for preventing and solving conflict, Primiceri (2020).

Bernardini, M. G., 2017, *Il soggetto vulnerabile. Status e prospettive di una categoria (giuridicamente) controversa*, in "Rivista di Filosofia del Diritto", 2/2017, 365-384.

Bertolini, E., 2021, *Annullamento e boicottaggio nello spazio pubblico e immateriale*, in "Nomos" 2/2021: 1-52

Bettineschi, P., 2021, *Etica del riparare*, Brescia: Morcelliana.

Bianchi H. –Van Svaanigen R. (eds.), *1986, Abolitionism: Toward a Non-repressive Approach to Crime*, Amsterdam: Free University Press.

Bianchi, H., 2004, *Justice as a Sanctuary. Towards a non-punitive System of Crime Control*, Bloomington: Indiana University Press.

Blad, J. - Van Mastrigt, H. – Uitdriks, N. (eds.), 1987, *The Criminal Justice System as a Social Problem. An Abolitionist Perspective*, Mededelingen van net Juridisch Instituut van de Erasmus Universiteit, Rotterdam.

Blad, J., 2013, *Civilization of Criminal Justice. Restorative Justice Amongst other Strategies*, in Cornwell, D., Blad, J., Wright, M. (eds.) *Civilizing Criminal Justice*, Hook, Hampshire (UK): Waterside Press.

Braithwaite, J., 1989, *Crime, Shame and Reintegration*, Cambridge: Cambridge University Press.

Braithwaite, J., 2002, *Restorative Justice and Responsive Regulation*, Oxford: Oxford University Press.

Braithwaite, J., 2003, *Principles of Restorative Justice*, in A. Von Hirsch, J. Roberts, A. Bottoms, J. Roach and M. Schiff (eds.), *Restorative Justice and Criminal Justice: competing or reconciliable paradigms?* Oxford: Hart Publishing 2003, 1-20.

Braithwaite, J., *Restorative Justice and de-professionalisation*, in "The Good Society", 13, 1/2004, pp. 28-31

Brown, H. I., 1988, *Rationality*, London-New York: Routeledge.

Brunk, C. G., 2001, *Restorative justice and the philosophical theories of criminal punishment*, in M.L. Hadley (ed.), *The spiritual roots of restorative justice*, Albany: State University of New York Press: 31-56.

Buber, M., 2000, *I and Thou*, transl. by Ronald Gregor Smith, III ed., New York: Simon and Schuster.

Butler, J., 2004, *Precarious Life. The Powers of Mourning and Violence*, London: Verso.

Carrera, A., 2021, *Gli eccessi della 'cancel culture', malattia infantile dell'egualitarismo*, in "MicroMega", 4/2021, 49.

Cartwright, R., 1968, *Some Remarks on Essentialism*, in "Journal of Philosophy", 65/1968: 615–626.

Cavalla, F., 1990 *Sul fondamento delle norme etiche*, in E. Berti (ed.), *Problemi di etica: fondazione, norme, orientamenti*, Gregoriana (Lanza Foundation): Padova 1990, 142-202.

Cavalla, F., 1998, *La pena come riparazione. Oltre la concezione liberale dello stato: per una teoria radicale della pena*, in F. Cavalla - F. Todescan, a cura di, *Pena e Riparazione*, Padova: Cedam, 1-109.

Cavalla, F., 2022, *Diritto, principio e processo. La tragedia greca*, in S. Fuselli – P. Moro (eds.), *Al principio. Invito alla Filosofia del Diritto*, Milano: FrancoAngeli,129-163.

Cento, M., 2022, *Passare a contrappelo la storia: il mestiere dello storico ai tempi della* cancel culture, in "Paradoxa" 2/2022, 39-53.

Chiereghin, F., 1997, *Dall'antropologia all'etica. All'origine della domanda sull'uomo*, Genova: Guerini.

Christie, N., 1977, *Conflicts as Property, in "British Journal of Criminology"*, 17/1977, 1-8.

Christie, N., *Limits to pain*, Martin Robertson, Oxford 1981.

Claes, E., Foqué, R., Peters, T., 2005, *Punishment, Restorative Justice and the Morality of Law*, Antwerp-Oxford: Intersentia,

Clamp, K. (ed.), 2016, *Restorative Justice in Transitional Settings*, London: Routeledge.

Cotta, S., 1989, *Diritto, persona, mondo umano*, Torino: Giappichelli.

Cragg, W., *The practice of punishment. Towards a theory of restorative justice*, Routeledge, London–New York 1992.

Crepaldi, A, 2022, *Cancel Culture. L'eterno sogno gnostico di cominciare da zero*, in "Bollettino dell'Osservatorio Van Thuan", 2/2022, English version online su: https://vanthuanobservatory.com/2022/06/30/cancel-culture-the-eternal-gnostic-dream-of-starting-over-from-scratch/

Del Vecchio, G., 1959, *Sul fondamento della giustizia penale e sulla riparazione del torto*, in G. Del Vecchio, *La giustizia*, Roma: Studium,193-232.

Derschowitz, A., 2020, *Cancel Culture. The Latest Attack on Free Speech and Due Process*, New York: Hot Books – Skyhorse Publishing.

Dershowitz, A.M., 1979, *Fair and Certain Punishment*, New York: McGraw Hill.

Dworkin, R., 1977, *Taking Rights Seriously*, Cambridge (MA): Harvard University Press.

Dworkin, R., 1996, *Objectivity and Truth: you'd better believe it*, in "Philosophy & Public Affairs", 25/1996: 87-139.

European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe (2019/2819, RSP).

Ferrajoli, L., 1989, *Diritto e ragione. Teoria del garantismo penale*, Roma-Bari: Laterza.

Finneman, M.A, Mattsson, T, Andersson, U, (eds.) 2017, *Privatization, Vulnerability and Social Responsibility. A comparative perspective*, London: Routeledge.

Foucalt, M., 1976, *Sorvegliare e punire. La nascita della prigione*, Torino: Einaudi.

Fuselli, S., 2010, *Raccontarsi nell'altro: al principio della coscienza europea*, in M.C. Baruffi (a cura di), *Cittadinanza e diversità culturale nello spazio giuridico europeo*, Padova: Cedam, 121-134.

Garland, D., 1990, *Punishment and modern society. A study in social theory*, Chicago: Chicago University Press.

Giglietto, F., 2022, *La cancel culture attraverso la manipolazione dei media*, in "Paradoxa" 2/2022, 55-75.

Grandi, G., 2020 *Fare Giustizia. Un'indagine morale sul male, la pena e la riparazione*, Padova: Padova University Press.

Greco, T., 2021, *La legge della fiducia. Alle radici del diritto*, Roma-Bari: Laterza

Hagel III, J. – Barnett, R. E. (a cura di), 1977, *Assessing the Criminal. Restitution, Retribution and the Legal Process*, Cambridge (MA): Ballinger Pub. Company.

Han, Byung-Chul, 2016, *Die Austreibung des Anderen*, Frankfurt am Mein: Fisher Verlag.

Hannah Jones, N., 2019, *The 1619 Project: A New Origin*, New York: One World.

Hulsman, L. H.C. – Bernat de Celis, J., 1982, *Peines Perdues. Le système pénale en question*, Paris: Le Centurion

Ishay, M.R., 2008., *The History of Human Rights: From Ancient Times to the Globalization Era*, Oakland: California University Press.

Johnstone, G. – Van Ness, D., 2007, *The meaning of Restorative Justice*, in G. Johnstone – D. Van Ness (eds.) *Handbook of Restorative Justice*, Cullompton: Willan Publishing, 5-23.

Johnstone, G., 2003, *Restorative Justice, Shame and Forgiveness*, in "Liverpool Law Review", 21/1999, 197-216.

Maxwell G. - Morris A., 2005, *What is the Place of Shame in Restorative Justice?*, in H. Zehr – B Toews, *Critical Issues in Restorative Justice*, Cullompton: Willan, 133-141.

Karp, D., 2000, *Sociological Communitarianism and the 'Just' Community*, in "Contemporary Justice Review" 3/2000, 153-173.

Lederach, J. P., 2003, *The Little book of Conflict Transformation*, Intercourse (PA): Good Books.

Lederach, J. P., 2005, *The Moral Imagination. The art & soul of Building Peace*, Oxford: Oxford University Press.

Lind, M., 1986, *The Transformation of Justice: from Moses to Jesus*, in "New Perspectives on crime and Justice" 5/1986.

Llewellyn, J., 2007, *Truth Commissions and Restorative Justice*, in G. Johnstone – D. Van Ness, *Handbook of Restorative Justice*, Cullompton-Portland: Willan, 351-271.

Mairs, R., 2014 *The Hellenistic Far East. Archaeology, Language, and Identity in Greek Central Asia*, Cambridge: Harvard University Press.

Mairs, R., 2018, *The men who would be Alexander. Alexander the Great and his Greco-Bactrian successors in the Raj*, in Moore K.R. (ed.), *Brill's companion to the reception of Alexander the Great*, Boston-Leiden: Brill, 576-595.

Mannozzi, G. – Mancini, R., 2022, *La giustizia accogliente*, Milano: FrancoAngeli.

Mannozzi, G., 2003, *La giustizia senza spada. Uno studio comparato su giustizia riparativa e mediazione penale*, Milano: Giuffrè.

Manzin, M., 2008, Ordo Juris. *Alle origini del pensiero sistematico*, Milano: FrancoAngeli.

Marshall, C., 2001, *Beyond Retribution. A New Testament Vision for Justice, Crime and Punishment*, Grand Rapids: Eerdmans.

Mazzucato, C., 2010, *Appunti per una teoria 'dignitosa' del diritto penale a partire dalla restorative justice*, in "Dignità e diritto: prospettive interdisciplinari": 99-168.

McCold P. - Wachtel, B., 1998, *Community is Not a Place: A New Look at Community Justice Initiatives*, in "Contemporary Justice Review", 1/1998, 71–85.

Morineau, J., 1998, *Esprit de la Mediation*, Toulouse: Eres.

Moro, P., 2021, *Il diritto come processo. Una prospettiva critica per il giurista contemporaneo*, in Id. (a cura di), *Il diritto come processo. Princìpi, regole e brocardi per la formazione critica del giurista*, FrancoAngeli, Milano 2012, pp. 5-35.

Ng, Eve, 2020, *No grand pronouncements here...: Reflections on cancel culture and digital media participation*, "Television & New Media" 21, no. 6 (2020): 621-627.

Ost, F., 1999, *Du Sinaï au Champ-de-Mars. Lautre et le même au fondement du droit*, Bruxelles: Lessius

Pali, B., 2019, *Restorative Justice and Conviviality in Intercultural Contexts*, in G. Grandi – S. Grigoletto (eds.), "Verifiche" – Philosophical Insights for a Theory of Restorative Justice, Verifiche: Trento, 155-177.

Patterson, D., ed., 2003, *Blackwell Anthology in the Philosophy of Law and Legal Theory*, Hoboken: Wiley-Blackwell

Pavlich, G., 2001, *The Force of Community*, in H. Strang – J. Braithwaite, Restorative Justice and Civil Society, Cambridge University Press, Cambridge 2001, 56-68.

Pavlich, G., 2007, *Ethics, universal principles and restorative justice*, in G. Johnstone and D.W. Van Ness (eds), *Handbook of restorative justice*, Cullompton: Willan Publishing, 615-627.

Pelikan, C., 2007, *The place of restorative justice in society: making sense of developments in time and space'*, in R. Mackay, M. Bošnjak, J. Deklerck, C. Pelikan, B. van Stokkom and M. Wright (eds), *Images of restorative justice theory*, Frankfurt am Main: Verlag für Polizeiwissenschaft 2007, pp. 35-55.

Pierson-Brown, T., 2022, *Calls for Change: Seeing Cancel Culture from a Multi-Level Perspective*, in Cuaderno 157, Centro de Estudios in Diseño e Comunicaciòn, 2022/2023, 87-102.

Portelli, A., 2021, *Una geniale operazione di distrazione di massa*, in "MicroMega", 4/2021, 36-48

Primiceri, S., 2020, *Etica e giustizia del buonsenso*, Padova: Primiceri.

Putnam, H. 1990, *Realism with a Human Face*, Cambridge (Mass.): Harvard University Press.

Radzik, L.; Bennett, C.; Pettigrove, G. and Sher, G., 2020, *The Ethics of Social Punishment: The enforcement of morality in everyday life*, Harvard: Cambridge University Press, 2020.

Rampini, F., 2021, *Suicidio Occidentale*, Milano: Mondadori.

Ratzinger, J., 2004, *Lectio Magistralis al Senato della Repubblica*, ora in J. Ratzinger – Benedetto XVI, *Liberare la libertà. Fede e politica nel terzo millennio Presentazione del libro di Joseph Ratzinger, Benedetto XVI*, Senato della Repubblica, 2018.

Reale, G., 2003, *Radici culturali e spirituali dell'Europa. Per una rinascita dell'uomo europeo*, Milano: Raffaello Cortina

Reggio, F., 2010, *Facing dangerousness or creating new dangers? Community and informal social control in the debate on Restorative Justice*, in S. Tzitzis (ed), *Peine, Dangerosité – Quelles Certitudes?*, Essais de philosophie pénale et de criminologie, 9/2010, ed. Dalloz, Paris 2010, 323-340.

Reggio, F., 2010b, *Giustizia Dialogica. Luci e ombre della Restorative Justice*, FrancoAngeli, Milano 2010

Reggio, F., 2013, *Dialogical Justice. Philosophical Considerations for Re-thinking the Reaction to Crime in a Restorative Way*, in J. Blad – D. Cornwell – M. Wright (a cura di), *Civilizing Criminal Justice. An international Restorative Agenda for Penal Reform*, Waterside Press: Hook-Hampshire (U.K.), 315-346.

Reggio, F., 2017, *The broken Tablets of Moses and the Exodus from (Post)Modernity. On rethinking the Role and the Rule of Law in a dialogical Way*, in Aersten – Pali (eds), *Critical Restorative Justice*, Bloomsbury-Hart Publishing: Oxford, 259-281.

Reggio, F., 2020, *La nave di Milinda. La Restorative Justice fra conquiste e sfide ancora aperte*, in C. Sarra – F. Reggio, *Diritto, metodologia giuridica e composizione del conflitto*, Padova: Primiceri, 11-100.

Reggio, F., 2021a, *Per una cultura del peacebuilding: un'apertura prospettica alla ricerca storiografica. Nota editoriale*, Nota Editoriale in "Mediares. Rivista su trasformazione dei conflitti, cultura della riparazione e mediazione" 2/2021, 1-5.

Reggio, F., 2021b., *Il paradigma scartato. Saggio sulla filosofia del diritto di Giambattista Vico, IIa edizione rivista e ampliata*, Padova: Primiceri.

Reggio, F., 2022a, *Dialogherai con me come un saggio o come un re?*, in Fuselli, S. Moro P. (a cura di), *Al principio. Invito alla Filosofia del Diritto*, Milano: Franco Angeli, 50-55.

Reggio, F., 2022b, *Demagogia e processo nell'Oreste di Euripide (focus VI)*, in S. Fuselli – P. Moro (a cura di), *Al principio. Invito alla filosofia del diritto*, FrancoAngeli, Milano 2022, pp. 164-168.

Reggio, F., 2022c, *Eracle sulle rive dell'Oxus. L'ellenismo orientale e la sfida dell'interculturalità alle origini delle 'Vie della Seta'. Un approccio filosofico-giuridico e sociologico-politico*, in "Calumet" 2/2022, 151-195.

Retzinger S. M. – Scheff, 1996, T. J., *Strategy for Community Conferences. Emotions and Social Bonds*, in J. Hudson e B. Galaway, *Restorative Justice, International Perspectives*, Monsey-New York: Criminal Justice Press

Ricca, M, 2020, *Otherness, elsewhere, and the 'Ecology' of law's implications: The semiotic oceans surrounding legal signification and its discriminatory exteriority/ objectivity*, in "International Journal of Legal Discourse 2020"; 5(2), 185-237.

Ricca, M., 2008, *Oltre Babele. Codici per una democrazia interculturale*, Bari: Dedalo.

Rizzotto M., – Reggio, F., 2021, *Ashoka e le sue vittime: la Via della Pietà come cammino di riparazione*, in "Mediares. Journal on Conflict Transformation, Restorative Culture and Mediation". 1/2022: 100-111.

Rojas R. M., 2000, *Las contraddiciones del derecho penal*, Buenos Aires, Ad Hoc

Saraceni, G., 2017, *La tenda di Abramo. L'ospitalità come valore giuridico fondamentale*, in "Rivista di Filosofia del Diritto", 1/2017,181-192.

Sawatsky, J., 2008, *Justpeace Ethics. A Guide to Restorative Justice and Peacebuilding*, Eugene (OR): Cascade Books

Sciuto, C., 2021, *Contro il dogmatismo. Per un'analisi critica della cancel culture*, in "MicroMega", 4/2021, 25-35.

Slob, W. 2002, *Dialogical Rhetoric. An Essay on Truth and Normativity After Postmodernism*, Dordrecht-Antwerp: Kluwer.

Soulou, K., 2021, *The heritage of Greek tragedies as source of inspiration for restorative justice in theoria and in praxis*, in "Mediares. Journal on Conflict Transformation, Restorative Culture and Mediation". 1/2021: 47-48.

Spreeuwenberg, L., Janssens, J.,2022, *The moral implications of cancel culture*, in "Ethical Perspectives", 29, 1/2022, 89-114.

Steiner, G., 1996, *Antigones: How the Antigone Legend Has Endured in Western Literature, Art, and Thought*, Oxford: Oxford University Press.

Stouraiti, A., 2021, *The Use of Psychodrama in Mediation Training,* "Mediares. Journal on Conflict Transformation, Restorative Culture and Mediation". 1/2021: 128-139.

Tomuschat, C., 2006, *The Legacy of Nuremberg*, in *Journal of International Criminal Justice*, Volume 4, Issue 4, September 2006, 830–844.

Tzitzis, S., 2004, La *vittima e il carnefice. Lezioni domane di Filosofia del Diritto*, ed. by F. D'Agostino e F. Macioce, Milano: Giuffrè.

Van Svaanigen, R., 1998, *Critical Criminology. Visions from Europe*, London: Sage.

Vendemiati, A., 2007, *Universalismo e Relativismo nell'etica contemporanea*, Genova: Marietti.

Veneziani, M., 2001, *Di padre in figlio. Elogio della tradizione*, Roma-Bari: Laterza.

Walgrave, L., 1999 *La Justice Restaurative: à la recherche d'une theorie et d'un programme*, in "Criminologie", XXXII, 1/1999: 7-29.

Walgrave, L., 2002, *From Community to Dominion, in search for social values for Restorative Justice*, in E. Weitekamp – H. J. Kerner (eds.), *Restorative Justice. Theoretical Foundations*, Cullompton-Portland: Willan, 71-85.

Walgrave, L., 2008, *Restorative Justice, Self Interest and Responsible Citizenship*, Cullompton-Portland: Willan Publishing.

Wiesnet, E., 1980, *Die verratene Versoehnung. Zum Verhaeltnis von Christentum und Strafe*, Duesseldorf: Patmos Verlag.

Wood W. R. – Suzuki, M., 2016, *Four Challenges in the Future of Restorative Justice*, in "Victims & Offenders", 1/2016, 149-172.

Wright, M. – Zernova, M., 2007, *Alternative Visions of Restorative Justice*, in G. Johnstone – D. Van Ness (eds.) *Handbook of Restorative* Justice, London: Routeledge, 91-108.

Wright, M., 1991, *Justice for victims and offenders*, Philadelphia: Open University Press.

Zanuso, F., 1993, *Conflitto e controllo sociale nel pensiero politico-giuridico moderno*, Padova: Cleup.

Zanuso, F., 2009, *Les avantages de la justice réparatrice et la saggesse du tribunal de l'Héliée*, in S. Tzitzis (ed.), *Déviance et délinquances. Approches psycho-sociales et pénales*, Paris: Dalloz, 331-357.

Zanuso, F., 2009b, *Incontrare l'altro nel dialogo, oltre la tolleranza: infibulazione rituale e tutela dei diritti umani*, in F. Zanuso (ed.), *Il Filo delle Parche. Opinioni comuni e valori condivisi nel dibattito bio-giuridico*, Milano: FrancoAngeli, 193-211.

Zehr H., 1985, "Retributive Justice, Restorative Justice", in *New Perspectives on Crime and Justice* 4/1985;

Zehr H., 1995, "Justice Paradigm Shift? Values and Visions in the Reform Process", in *Mediation Quarterly* XXII, 3/1995, 207-216.

Zehr H., 1996, *Doing Life: Reflections of Men and Women Serving Life Sentences*, Intercourse (PA): Good Books

Zehr H., 2001, *Transcending: Reflections of Crime Victims*, Intercourse (PA): Good Books.

Zehr, H., 1990, *Changing Lenses. A new Focus on Crime and Justice*, Scottsdale: Herald Press

Zehr, H., 2002 *The little book of restorative justice*, Intercourse: Good Books.

Zehr, H., 2009, *The Intersection of Restorative Justice with Trauma Healing, Conflict Transformation and Peacebuilding*, in *Journal for Peace and Conflict Studies*, Volume 18, 1-2: 20-30.

Zehr, H., 2019, *Restorative Justice Beyond Crime: A Vision to Guide and Sustain our Lives*, in G. Grandi – S. Grigoletto (eds), *Philosophical Insights for a Theory of Restorative Justice*, Verifiche 2/2019, pp. 1-15.

Zernova, M., 2007 *Restorative Justice. Ideas and Realities*, Aldershot: Ashgate.

federico.reggio@unipd.it