responsibility for harm they cause to others." Other rationales for reparation have focused on the role of the State, including that it is the State's absolute duty to protect its citizens from crime, that the State should ensure a more equitable distribution of income through transfers to those that suffer significant harm, and that crime is the fault or responsibility of society in general and therefore the State should facilitate the expansion of those who suffer from harmful acts." The reparation of victims can also be justified using Rawls' theory of justice, that applying a soil of ignorance (when individuals are uncertain if they will be victims of actions beyond their control) can lead to some expansion of victims on fairness grounds." Bentham's utilitarian theory can also be applied, that if marginal utility from the receipt of income or any other form of reparation differs across victims and non-victims, or if non-victims gain utility from providing assistance to victims, then some form of victim reparation is likely to be required to maximize happiness."

In practice, whatever one's rationale for reparation, economic, political and social considerations will assually require that normative judgments be made as to which victim populations are to be repaired relative to other social needs, as well as how such reparation is to occur.

In the event that reparation is to occur, at least some form of material reparation is desirable. This is because different victims have different needs, with some victims perforing restitution, compensation or some other type of material reparation, and other victims perforing symbolic reporation. The addition, material reparation is thought to have symbolic value of itself, representing that the perpetrator is not above the law and indirectly expressing a commitment to making amends and taking responsibility for harm caused. Not providing any material reparation can therefore diminish the reporative effect of other efforts. Finally, purely symbolic postures following grees and systematic obsesses of human rights are unlikely to be perceived as fair or appropriate, and risk not being recognized as sufficient reparation.

What form can a reparation program take?

The design and implementation of a reparation program can involve many different and difficult decisions. This can be the case if a judicial approach to reparation is adopted, and is particularly so when remarking is undertaken as a broad political project.

Pables De Greiff of the International Center for Transitional Justice has identified different elements of reparation programs which are discussed below. 21 Each of these elements involves different decisions to be made which influence the exact form of a reparation program.

³⁰ Guirdnes, D., Fruitt in Franciscus: The Role of Fruits Commissions in Political Transition in Chile and El Salvador (1998), p. 60.

[&]quot; Michael R. E., Victor Componenties - Economic, Legal, and Political Aspects (1979), p. 2.

[&]quot;Brid, p. 2. See also Barely, J., A Phoney of Jensey (1971), pp. 136-143.

[&]quot;See Serving Browtham, Secretarities to the Principles of Menals and Engislation 11789).

^{**} Interview with Educate Pieures, Bagonii Cl Z Jamany 2007y. They also Blick, H. L., Colombia Proper: Consultation for Blick Black (2006), p. 19. Note in South Alman, most victims. Inted Enganties in their first principle and modif. Colvin, C. J., Viverview of the Reparations Program in South Africa', in De Contff, P, (ed), The Mandhoot of Reparations (2006), p. 176.

³⁶ Petrasci, C. J., Westerch Evidence: What We Knew about Apology?, Relamined Science and the Low 20 (2002): 137, p. 357.

De Greiff, P., 'Beguiring the Part: Compensation for Victims of Human Rights Violations', in De Greiff, P. (eds.).
The Manufiscol of Reportations (2006), pp. 6-13.

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Solomon W. Polachek, Konstantinos Tatsiramos

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