

Governments Are Built on More Than Hope: The Importance of Human Rights in Transitions of Power

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INTRODUCTION

A triumphant C-3PO exclaims, “They did it!” while watching the second Death Star explode over the forest moon of Endor with friends—Chewbacca, R2-D2, and the ewoks—in the conclusion to the *Star Wars* original trilogy.¹ The celebration on Endor remains one of the most iconic scenes of all the *Star Wars* movies, as it represents the triumph of the good and the light over the evil and the dark.² C-3PO’s jubilation and relief over finally defeating the evil emperor leaves the audience with the impression that the galaxy is on track for a happy ending.³ However, the war with the Empire did not end with the Battle of Endor, and approximately thirty years later, the First Order rose to replace the Empire and obliterated the seat of the New Republic’s government with one shot of its super weapon, Starkiller Base.⁴ The New Republic met the same fate that many

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¹ STAR WARS EPISODE VI: THE RETURN OF THE JEDI (Lucasfilm 1983) [hereinafter THE RETURN OF THE JEDI]. This Note contains spoilers for the plotlines of various *Star Wars* films, books, and television programs.

² See *id.*; Sean T. Collins, *The 50 Greatest Star Wars Moments, Ranked*, VULTURE, <https://perma.cc/H7R5-TYN5> (last updated Dec. 30, 2019) (ranking the celebration on Endor scene as the fourth greatest *Star Wars* moment).

³ See THE RETURN OF THE JEDI, *supra* note 1.

⁴ STAR WARS EPISODE VII: THE FORCE AWAKENS (Lucasfilm 2015) [hereinafter THE FORCE

newly formed democracies face as they transition away from authoritarian rule.⁵

The exuberance of the rebels on Endor can be juxtaposed against the defeated Resistance fighters as the handful of them that survive pile into the Millennium Falcon and escape the triumphant First Order.⁶ The New Republic's failure to properly remedy the victims of the Empire's many human rights abuses helps to explain why the level of support that the Rebellion experienced did not translate into the same level of support for the Resistance.⁷ From its creation, the New Republic lacked the legitimacy that it needed to last longer than the generation of people who initially fought against and defeated the Empire in the Galactic Civil War.⁸ A new regime's focus on transitional justice while recovering from an autocratic regime is an essential factor in building popular support and legitimacy to protect against the resurgence of authoritarianism.⁹ The fate of the New Republic is a cautionary tale of what can happen to a transitional government that does not or cannot properly remedy the victims of the previous regime.¹⁰

This Note will argue that a new government's focus on the prosecution of perpetrators or the reform of laws and institutions is not enough to give the new regime the legitimacy it needs to survive relapsing back into authoritarian control. This Note will illustrate the argument by using the example of the transition between the Empire and the New Republic in the *Star Wars* universe. This Note will argue that the New Republic's failure to institute societal reform calibrated to increase legitimacy and belief in the government in addition to military and legal reforms contributed to the

AWAKENS]. See generally CHUCK WENDIG, *STAR WARS: AFTERMATH: EMPIRE'S END* (2017) [hereinafter WENDIG, *EMPIRE'S END*] (depicting the Battle of Jakku, which happened approximately a year after the Battle of Endor, as the official end of the Galactic Civil War between the Empire and the New Republic).

⁵ See Monika Nalepa, *Transitional Justice and Authoritarian Backsliding*, 32 CONST. POL. ECON. 278, 278–300 (2021), <https://perma.cc/L6G8-YQBS>.

⁶ *STAR WARS EPISODE VIII: THE LAST JEDI* (Lucasfilm 2017) [hereinafter *THE LAST JEDI*]; *THE RETURN OF THE JEDI*, *supra* note 1.

⁷ See generally *STAR WARS EPISODE IX: THE RISE OF SKYWALKER* (Lucasfilm 2019) [hereinafter *THE RISE OF SKYWALKER*] (illustrating that the galaxy at large failed to respond to the Resistance's call for help).

⁸ See Ana Dumaraog, *The Mandalorian Is Already Showing Why Star Wars' New Republic Wasn't Good*, SCREEN RANT (Dec. 4, 2019), <https://perma.cc/8JUR-HNTM> (explaining why some *Star Wars* characters viewed the New Republic as a joke).

⁹ See INT'L CTR. FOR TRANSITIONAL JUSTICE, *WHAT IS TRANSITIONAL JUSTICE?*, (2009), <https://perma.cc/LL7Z-BYTS> [hereinafter *WHAT IS TRANSITIONAL JUSTICE?*].

¹⁰ See *THE FORCE AWAKENS*, *supra* note 4.

downfall of the New Republic a mere thirty years after the fall of the Empire. This Note will then compare and contrast transitional justice approaches taken in countries such as Taiwan, Colombia, and Solomon Islands to further illustrate that in order for a new regime to be successful in the long-term, it must be legitimate in the eyes of the people, and one way to help accomplish that is by growing civil society and the rule of law.

Part I of this Note provides an overview of international human rights laws related specifically to transitional justice and a brief history of events leading to the destruction of the New Republic. Part II discusses why newly formed democratic regimes are fragile and the relevance of preventing authoritarian backsliding in the current political climate. Part III explores the transition between the Empire and the New Republic under the transitional justice framework and the shortcomings of the New Republic's approach. Part IV argues that the most successful transitional justice regimes focus on building popular support and legitimacy through civil society reform in addition to institutional and military reforms by considering modern-day successes and failures.

I. Background

A. *Historical Background and Evolution of Transitional Justice*

1. Historical Development of Human Rights

The United Nations defines "human rights" as rights inherent to all human beings that the state has a duty to protect.¹¹ The concept of human rights gained international prominence and significance and entered permanently into the global consciousness in the aftermath of World War II.¹² However, the origin of human rights has more ancient roots, as the concept of innate rights of humanity can be traced back to the teachings of Mohamad, the Magna Carta (1215), and the Bill of Rights to the U.S. Constitution (1789).¹³ The end of the 1940s witnessed the extension of human rights from existing primarily at the state level to the international stage, culminating in the Universal Declaration of Human Rights in 1948.¹⁴

¹¹ *Human Rights*, UNITED NATIONS, <https://perma.cc/A2WZ-72EK> (last visited Mar. 22, 2022) (identifying the right to life and liberty, freedom from slavery, freedom of expression, and the right to education as examples of core human rights).

¹² See Frans Viljoen, *International Human Rights Law: A Short History*, UNITED NATIONS: UN CHRON., <https://perma.cc/A8WA-9W6K> (last visited Mar. 22, 2022).

¹³ Meer Khan, *Evolution of Human Rights*, COURTING THE L. (June 16, 2019), <https://perma.cc/4MQL-36Q8>.

¹⁴ Viljoen, *supra* note 12.

International understanding of what constitutes human rights has evolved since the 1940s.¹⁵ The so-called first generation of human rights encompasses civil and political rights.¹⁶ Civil and political rights promise human beings' freedom from governmental interference with their liberty, safety, and security.¹⁷ The second generation of human rights includes social and economic rights, which includes protections for workplace safety and an emphasis on financial security.¹⁸ Collective rights such as the right to a healthy environment and self-determination comprise third-generation rights.¹⁹ Western democracies at the end of World War II advocated for human rights most in line with first-generation rights, though over time, their notion of human rights slowly began to include second- and third-generation rights as well.²⁰ The emergence of the concept of transitional justice in the 1980s and 1990s reflects the international community's awareness that human rights beyond first-generation rights deserve protection.²¹

Transitional justice grew, in part, out of the transitions of many Latin American, Eastern European, and Asian countries from authoritarian rule to democratic rule in the 1980s and the 1990s.²² The Nuremberg Trials that sought to hold some high-ranking Nazi officials responsible for the atrocities and genocide they conducted during World War II are seen as a historical precursor to the modern discipline of transitional justice.²³ Other key events that influenced both the emergence and evolution of transitional justice include: a meeting in 1979 with scholars discussing how to deal with the legacy of authoritarian regimes, the fall of the Argentinian dictatorship in 1983, the collapse of the Soviet Union in 1989, the creation of the International Criminal Tribunal for Yugoslavia in 1993, and South Africa's

¹⁵ See NYSUT & RFK Ctr. for Justice & Human Rights, *A Short History of Human Rights*, SPEAK TRUTH TO POWER (2010), <https://perma.cc/TY4X-BAZM>.

¹⁶ Viljoen, *supra* note 12.

¹⁷ See "International Covenant on Civil and Political Rights," A/RES/2200A (XXI) (16 Dec. 1966), <https://perma.cc/6LMG-7TU4>.

¹⁸ Viljoen, *supra* note 12.

¹⁹ Viljoen, *supra* note 12.

²⁰ See Viljoen, *supra* note 12.

²¹ Marcos Zunino, *The Origins of Transitional Justice*, INT'L L. UNDER CONSTR. (July 9, 2019), <https://perma.cc/7JBM-ATHU>; Viljoen, *supra* note 12.

²² See Zunino, *supra* note 21; see Kora Andrieu, *Transitional Justice: A New Discipline in Human Rights*, SCIENCESPO (Jan. 18, 2010), <https://perma.cc/QM4Z-UUFU>.

²³ See, e.g., Nir Eisikovits, *Transitional Justice*, STAN. ENCYCLOPEDIA OF PHIL., <https://perma.cc/M45D-ADG8> (Jan. 26, 2009) (identifying the Nuremberg Trials as one of the most prominent historical examples of a war tribunal).

Truth and Reconciliation Commission created in 1995 after the end of apartheid.²⁴ At its core, transitional justice grew out of the belief that past authoritarian regimes responsible for human rights abuses and atrocities needed to be held responsible to the people most harmed by their actions.²⁵

2. The Modern Transitional Justice Framework

The doctrine and practice of transitional justice has grown beyond a singular focus on holding authoritarian regimes and their leaders responsible through trials and tribunals.²⁶ A successful exercise of transitional justice requires both a new regime and the international community to work closely together to protect the rights and dignities of human rights victims from past abuses.²⁷ Though a general framework for what transitional justice could encompass exists, there is no set formula or theory.²⁸ One common feature of different transitional justice frameworks is a commitment to respect and remedy past human rights abuses and atrocities.²⁹

Criminal prosecutions for high-ranking officials of a former regime responsible for human rights crimes and atrocities is one commonly used framework for transitional justice.³⁰ The basic theory behind war tribunals and criminal prosecutions is that they support a new regime's focus on instilling the rule of law by punishing those in charge ordering the commission of mass atrocities.³¹ Criminal prosecutions represent one of the most visible portions of transitional justice, and victims often demand them to hold their abusers responsible.³² Though popularized by the Nuremberg Trials at the conclusion of World War II, criminal prosecutions are controversial for both logistical and substantive reasons.³³ Other thorny

²⁴ MARCOS ZUNINO, *JUSTICE FRAMED: A GENEALOGY OF TRANSITIONAL JUSTICE* 59–61 (2019).

²⁵ See *WHAT IS TRANSITIONAL JUSTICE?*, *supra* note 9.

²⁶ See Zunino, *supra* note 21.

²⁷ See *WHAT IS TRANSITIONAL JUSTICE?*, *supra* note 9.

²⁸ Susanne Buckley-Zistel et al., *Transitional Justice Theories: An Introduction*, in *TRANSITIONAL JUSTICE THEORIES* 1–4 (Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun & Friederike Mieth eds., 2014).

²⁹ See Dustin N. Sharp, *Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice*, 26 *HARV. HUM. RTS. J.* 149, 152 (2013) (arguing that a community level approach focused on the victims should characterize effective transitional justice).

³⁰ *WHAT IS TRANSITIONAL JUSTICE?*, *supra* note 9.

³¹ Int'l Ctr. for Transitional Justice, *Criminal Justice*, ICTJ, <https://perma.cc/5H5U-Q7LR> (last visited Mar. 22, 2022) [hereinafter *Criminal Justice*].

³² *Id.*

³³ See Eisikovits, *supra* note 23 (listing criticisms of criminal prosecutions, including the

issues about criminal prosecutions include whether the state or individuals should be held accountable, or whether the new regime should extend amnesty in the name of reconciliation and moving on.³⁴

A second popular transitional justice approach is that of truth-seeking commissions by non-judicial bodies.³⁵ Truth-seeking aims to provide acknowledgement and recognition of the traumas suffered by victims by seeking out the specific facts and circumstances related to the human rights abuses.³⁶ In contrast to criminal prosecutions, truth-seeking commissions do not seek to punish but rather to identify past abuses and make recommendations to ensure they do not happen again.³⁷ Additionally, truth-seeking attempts to deal with past abuses as a way to move forward.³⁸ Truth-seeking is more symbolic in nature, and some critics argue that it functions to overshadow the institutional problems of states by focusing on the most gruesome of atrocities.³⁹

Reparations are another commonly used tool of transitional justice.⁴⁰ Often seen as one of the most direct methods of transitional justice, reparations can take a monetary or symbolic form and provide a state with the opportunity to directly make amends for the suffering it caused.⁴¹ The concept of remediation in the context of human rights violations is especially important because it provides a state with a direct mechanism to redress its victims.⁴² Despite reparations' central role in transitional justice efforts, logistical challenges related to finding a proper program to distribute them plagues the implementation of reparation programs.⁴³ Reparations are also criticized because of their backward facing nature and the risk that they

appearance of victor's justice and the selectivity of holding only certain officials responsible).

³⁴ See Laurel E. Fletcher, *A Wolf in Sheep's Clothing? Transitional Justice and the Effacement of State Accountability for International Crimes*, 39 *FORDHAM INT'L L.J.* 447, 453 (2016); Milena Sterio, *Rethinking Amnesty*, 34 *DENV. J. INT'L L. & POL'Y* 373, 387 (2006).

³⁵ WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

³⁶ See Int'l Ctr. for Transitional Justice, *Truth and Memory*, ICTJ, <https://perma.cc/XB2G-BWFM> (last visited Mar. 22, 2022) [hereinafter *Truth and Memory*].

³⁷ See Andrieu, *supra* note 22 (explaining that truth finding belongs to the field of restorative justice that aims to create social transformations).

³⁸ See Andrieu, *supra* note 22.

³⁹ Eisikovits, *supra* note 23.

⁴⁰ WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

⁴¹ Int'l Ctr. for Transitional Justice, *Reparations*, ICTJ, <https://perma.cc/74N6-A5ZW> (last visited Mar. 22, 2022) [hereinafter *Reparations*].

⁴² See Lisa J. Laplante, *Negotiating Reparation Rights: The Participatory and Symbolic Quotients*, 19 *BUFF. HUM. RTS. L. REV.* 217, 220 (2012).

⁴³ See Lisa J. Laplante, *Just Repair*, 48 *CORNELL INT'L L.J.* 513, 518 (2015).

might trivialize the suffering of victims.⁴⁴

A final typical feature of transitional justice plans is institutional and legal reforms.⁴⁵ Common types of reform performed in transitional justice initiatives include structural reform, judicial reform, demilitarization, ethical reform, and educational reform.⁴⁶ Institutional reform, especially to help develop a governmental and judicial system capable of performing successful transitional justice, is a traditional hallmark of transitional governments.⁴⁷ Reforms can be less successful when new regimes focus on trying to ensure the physical security of the state before working to establish a domestic rule of law.⁴⁸ Lustration, the institutional process of screening former government officials into the new regime, also plays an important role in institutional reform, as it regulates how and if old governmental officials can participate in the new government.⁴⁹ Critics of lustration argue that it prevents a clean break from the past that many citizens need to restore trust in the government.⁵⁰ The above listed approaches are not exclusive of one another and are often used together in many transitional justice efforts.⁵¹

B. *Transitional Governments Are Especially Vulnerable to the Return of Authoritarian Rule*

Human rights are often considered in tandem with the concept of democracy.⁵² For example, the U.S. government lumps human rights and democracy together as one of its most paramount foreign policy objectives.⁵³ Historically, the international community often believed that a democratic form of government was the only governmental structure that could

⁴⁴ Andrieu, *supra* note 22.

⁴⁵ Int'l Ctr. for Transitional Justice, *Institutional Reform*, ICTJ, <https://perma.cc/ZE3Q-2AQM> (last visited Mar. 22, 2022) [hereinafter *Institutional Reform*].

⁴⁶ *Id.*

⁴⁷ See Markus Schultze-Kraft, *Security and the Rule of Law in Colombia and Guatemala: Priorities, Trade-Offs, and Interdependencies*, 4 HAGUE J. ON THE RULE OF L. 135, 136 (2012).

⁴⁸ See *id.* at 135.

⁴⁹ Eisikovits, *supra* note 23.

⁵⁰ Eisikovits, *supra* note 23.

⁵¹ WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

⁵² See, e.g., Peter G. Kirchsclaeger, *The Relation Between Democracy and Human Rights*, in GLOBALISTICS & GLOBALIZATION STUDIES 112, 112–13 (Leonid E. Grinin, Ilya V. Ilyin & Andrey V. Korotayev eds., 2014) (explaining that democracy is, in part, built on the idea that human rights inherently belong to all people).

⁵³ See *Human Rights and Democracy*, U.S. DEP'T OF ST., <https://perma.cc/BEF7-E6V3> (last visited Mar. 22, 2022) (stating that the concept of human rights in the United States has its roots in the establishment of American democracy).

adequately promote and protect people's human rights.⁵⁴ Recently, some international law experts criticize the assumption that only democracies can successfully coexist with individualized human rights as displaying too much Western and Liberal influence.⁵⁵ Underlying this criticism are the inherent risks that democratization presents to countries emerging from years of authoritarian rule and human rights abuses.⁵⁶

The term democratic backsliding describes the increasingly common phenomenon of both established and new democracies eroding back towards some form of autocratic control.⁵⁷ Democratic backsliding does not necessarily mean a complete reversion or transition back to autocratic rule, but rather the gradual breakdown of the institutions that serve as a democracy's backbone.⁵⁸ Newly transitioned states need time to build up the capacity and institutions necessary for democracy to flourish.⁵⁹ The absence of stable public institutions, the rule of law, norms regarding free and fair elections, and trust in the newly elected government creates a greater risk for newly transitioned states to slide back into authoritarian rule.⁶⁰ The fragility of newly transitioned states presents risks of additional human rights abuses as such states are not yet strong enough to promote and protect the human rights of their people, even if the states might still be considered democracies.⁶¹

Recently, the fields of international law and political science have shown more awareness of the relationship between democratic backsliding and transitional justice.⁶² For example, political science professor Monika Nalepa and her colleagues have created a data set designed to track the role that

⁵⁴ See Pauline H. Baker, *The Dilemma of Democratization in Fragile States*, UNITED NATIONS: UN CHRON., <https://perma.cc/9AYZ-RPZ8> (last visited Mar. 22, 2022).

⁵⁵ See, e.g., THANDIWE MATTHEWS, *TO BE EQUAL AND FREE: THE NEXUS BETWEEN HUMAN RIGHTS AND DEMOCRACY* 17, 22 (2019) (arguing that when Liberal democracies focus solely on individualized human rights it limits the society wide protections that human rights should provide).

⁵⁶ See Baker, *supra* note 54.

⁵⁷ See, e.g., Aziz Huq, *This Is How Democratic Backsliding Begins*, VOX (Mar. 15, 2017, 9:00 AM EDT), <https://perma.cc/F2SC-N83H> (asserting the erosion of democracy happens gradually through small reforms rather than through big, dramatic events).

⁵⁸ Ellen Lust & David Waldner, *Unwelcome Change: Coming to Terms with Democratic Backsliding*, 21 ANN. REV. POL. SCI. 93, 95 (2018).

⁵⁹ Baker, *supra* note 54.

⁶⁰ See Baker, *supra* note 54; Huq, *supra* note 57.

⁶¹ See Baker, *supra* note 54.

⁶² See generally Nalepa, *supra* note 5 (explaining how the lack of transitional justice may lead to authoritarian backsliding).

personnel transitional justice plays in strengthening democratic institutions.⁶³ Utilizing the new data set, Nalepa concludes that the process of vetting unknown collaborators of the old government is more conducive for democratic state-building than simply conducting purges of known collaborators.⁶⁴ Ultimately, transitional justice provides another avenue that newly transitioned states can take to help build the institutions necessary to help protect from a resurgence of authoritarian rule.⁶⁵

C. *The Rise and Subsequent Fall of the New Republic*

A long time ago, in a galaxy far, far away, Sheev Palpatine consolidated power when as a senator from the planet of Naboo he won election as the Supreme Chancellor of the Galactic Republic.⁶⁶ Over the next thirteen years, in part by orchestrating the Clone Wars, Chancellor Palpatine kept himself in control by invoking emergency powers to stay on as Supreme Chancellor after his term expired.⁶⁷ Chancellor Palpatine transformed himself into Emperor Palpatine when he implemented Order 66 to kill all the Jedi and transitioned the Galactic Republic into the Galactic Empire.⁶⁸ Though he kept the senate for strictly ceremonial purposes, Emperor Palpatine began a rule of the galaxy that focused on gaining subservience through fear and violence.⁶⁹

Throughout the reign of Emperor Palpatine, groups of citizens across the galaxy began to form small cells to resist the Empire's tyranny, and eventually these small cells consolidated into the Rebellion.⁷⁰ The Rebellion

⁶³ Genevieve Bates, Ipek Cinar & Monika Nalepa, *Accountability by Numbers: A New Global Transitional Justice Dataset (1946-2016)*, 18 *PERSPS. ON POL.* 161, 162 (2020) (defining personnel transitional justice as transitional justice policies that are not criminal in nature).

⁶⁴ *Id.* at 179.

⁶⁵ See generally Nalepa, *supra* note 5; WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

⁶⁶ STAR WARS EPISODE I: THE PHANTOM MENACE (Lucasfilm 1999).

⁶⁷ See generally STAR WARS EPISODE II: ATTACK OF THE CLONES (Lucasfilm 2002) (depicting Jar-Jar Binks voting to give Chancellor Palpatine emergency powers at the outset of a galactic conflict commonly known as the Clone Wars); STAR WARS EPISODE III: REVENGE OF THE SITH (Lucasfilm 2005) [hereinafter REVENGE OF THE SITH] (illustrating how Chancellor Palpatine retained his power by bringing Anakin Skywalker to his evil side).

⁶⁸ REVENGE OF THE SITH, *supra* note 67.

⁶⁹ See generally STAR WARS EPISODE IV: A NEW HOPE (Lucasfilm 1977) [hereinafter A NEW HOPE] (explaining that the Chancellor maintained his rule by mandating that all Jedi were to be killed and that the Imperial Senate was finished, which gave the Chancellor full power over the galaxies).

⁷⁰ See generally *Star Wars Rebels* (Disney XD television series 2014–2018) (chronicling how one of these rebel cells, led by pilot Hera Syndulla, became integrated into the larger Rebellion to

struck their first major victory against the Empire when a group of Rebels stole the plans of the Emperor's superweapon, the Death Star, which enabled them to blow up the Death Star during the Battle of Yavin.⁷¹ The destruction of the Death Star ignited the five-year Galactic Civil War between the Empire and the Rebellion that culminated in the Empire's official surrender to the New Republic.⁷² Unbeknownst to the New Republic, high-ranking officials of the Empire followed coordinates to the unknown regions of the galaxy to begin training a new regime and army to control the galaxy.⁷³

As the First Order began to consolidate its power undetected from the New Republic, the New Republic government began to weaken and fracture along ideological lines after its first Chancellor resigned.⁷⁴ The First Order successfully wiped out the seat of the New Republic when it obliterated the planet Hosnian Prime, prompting the newly formed Resistance to attempt to stop the First Order from reinstating the Empire's rule.⁷⁵ After suffering many casualties and losses, the Resistance eventually prevailed over the First Order and sought to reverse the authoritarian rule that the First Order reintroduced into the galaxy.⁷⁶

II. The Issues Being Addressed

In November 2020, the United States held one of the most unusual elections in its history—not because of the way the COVID-19 pandemic altered voting procedures, but rather because the sitting U.S. president spent the months leading up to the election invoking baseless fears of voter fraud.⁷⁷ Months of disinformation about election fraud and Donald Trump's refusal to concede his election loss to then President-Elect Joe Biden coalesced in the form of an angry, riotous mob that stormed the U.S. Capitol Building as both houses of Congress met to officially confirm Biden's electoral victory.⁷⁸ The

oppose the Empire's tyranny over the galaxy).

⁷¹ ROGUE ONE: A STAR WARS STORY (Lucasfilm 2016); A NEW HOPE, *supra* note 69.

⁷² See generally WENDIG, EMPIRE'S END, *supra* note 4; STAR WARS EPISODE V: THE EMPIRE STRIKES BACK (Lucasfilm 1980); THE RETURN OF THE JEDI, *supra* note 1.

⁷³ WENDIG, EMPIRE'S END, *supra* note 4, at 85–88.

⁷⁴ See generally CLAUDIA GRAY, STAR WARS: BLOODLINE (2016) [hereinafter GRAY, BLOODLINE] (revealing that a senator of the New Republic helped fund the creation of the First Order without being detected).

⁷⁵ See generally THE FORCE AWAKENS, *supra* note 4.

⁷⁶ See generally THE LAST JEDI, *supra* note 6; THE RISE OF SKYWALKER, *supra* note 7.

⁷⁷ See Ishaan Tharoor, *Trump's Bitter Fight and the Fragility of U.S. Democracy*, WASH. POST (Jan. 6, 2021, 12:00 AM EST), <https://perma.cc/AZ9Z-PUCG>.

⁷⁸ Julian Borger, *Insurrection Day: When White Supremacist Terror Came to the US Capitol*, THE GUARDIAN (Jan. 9, 2021, 11:22 EST), <https://perma.cc/CFA2-876F>.

storming of the U.S. Capitol building was a jarring image for a myriad of reasons, but chief among them was its signaling of how fragile the United States' democracy became under the Trump presidency.⁷⁹ Thus, the election of 2020 represented the first time in the two hundred plus year history of the United States' democracy that a peaceful transition of power between different parties did not occur.⁸⁰

The Capitol riots of January 6, 2021, illustrate that the concepts and ideals underpinning transitional justice can have application in established democracies in addition to newly transitioned regimes.⁸¹ Transitional justice can help build back trust in the rule of law and the power and security of elections that democracies require in order to survive the pull of authoritarianism.⁸² Thus, transitional justice represents one way that a new government can help build back the trust of the people to ensure that further encroachment of authoritarian rule does not continue.⁸³ The events in the United States could have been far more catastrophic if the mob actually succeeded in overturning the results of a free and fair election, but nonetheless demonstrate why the procedures of transitional justice should be considered even in states with an entrenched democratic tradition.⁸⁴

Exploring the application of transitional justice in unique settings can better equip the global community to deal with human rights abuses in all situations.⁸⁵ Likewise, applying the various tools of transitional justice to a set of facts unblemished by the real-world politics that may color attempts at transitional justice, in this case the fall of the New Republic from the *Star Wars* universe, provides an important opportunity to develop a more concrete model of transitional justice ready to be applied in all situations that implicate human rights abuses.⁸⁶ Works of fiction, especially *Star Wars*, often reflect anxieties from the so-called real world and provide an important framework for examining problems plaguing present-day society, such as non-peaceful transitions of power and the human rights abuses they can

⁷⁹ See Patrick J. McDonnell et al., *After Attack on the U.S. Capitol, Some Wonder About the State of Democracy Around the World*, L.A. TIMES (Jan. 9, 2021, 2:00 AM PT), <https://perma.cc/7E9M-AMTN>.

⁸⁰ Craig Bruce Smith, *Transition of Power: Greatness Meets Infamy*, THE HILL (Jan. 10, 2021, 2:00 PM EST), <https://perma.cc/28XZ-6EJS>.

⁸¹ Kelebogile Zvobgo, *'This Is Not Who We Are' Is a Great American Myth*, FOREIGN POL'Y (Jan. 8, 2021, 6:13 PM), <https://perma.cc/Y3XB-4LT3>.

⁸² See *id.*

⁸³ See WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

⁸⁴ See Zvobgo, *supra* note 81.

⁸⁵ See generally WHAT IS TRANSITIONAL JUSTICE?, *supra* note 9.

⁸⁶ See *infra* Part IV.

produce.⁸⁷ Accordingly, studying the *Star Wars* universe through a transitional justice lens will provide answers that will better equip the international community to remedy human rights abuses.⁸⁸

ANALYSIS

III. The New Republic Failed to Fully Utilize the Transitional Justice Framework

A. *The New Republic Focused Primarily on Demilitarization and Secondarily on Criminal Prosecutions*

1. The New Republic Pursued Demilitarization and Democratic Reform

After the Rebellion defeated the Empire and its two highest ranking officials, Emperor Palpatine and Lord Darth Vader, the Rebellion faced the challenge of transitioning from opposing an autocratic government to actually governing the galaxy.⁸⁹ As the Rebellion transformed into the New Republic and re-established the Galactic Senate, the New Republic immediately faced the dual challenge of soundly defeating the remnants of the Empire while showing the galaxy how different its regime would be from the Empire, similar to the challenges faced by many newly transitioned regimes.⁹⁰ Mon Mothma, the newly appointed chancellor of the nascent New Republic, decided to advocate for and pursue a policy of demilitarization to help ensure a peaceful transition of power from the Empire.⁹¹ Even though demilitarization often focuses on disbanding paramilitary groups, the New Republic's military reform focused more on reducing the regime's military

⁸⁷ See Christopher Klein, *The Real History That Inspired "Star Wars"*, HIST. (Dec. 17, 2015), <https://perma.cc/US9C-K4G4> (identifying historical influences on George Lucas's vision of *Star Wars*, including Nazi Germany, the Vietnam War, and Ancient Rome).

⁸⁸ See *infra* Part III.

⁸⁹ THE RETURN OF THE JEDI, *supra* note 1. See generally CHUCK WENDIG, STAR WARS: AFTERMATH (2015) [hereinafter WENDIG, AFTERMATH] (documenting in this first book of the Aftermath Trilogy how the leadership of the Rebellion established the New Republic while fighting Imperial remnants).

⁹⁰ See CHUCK WENDIG, STAR WARS: AFTERMATH: LIFE DEBT 194–98 (2016) [hereinafter WENDIG, LIFE DEBT]; WENDIG, AFTERMATH, *supra* note 89, at 84–88; see also TED PICCONE, PEACE WITH JUSTICE: THE COLOMBIAN EXPERIENCE WITH TRANSITIONAL JUSTICE (2019), <https://perma.cc/8AD2-WKYN> (explaining how Colombia faced a dual challenge of continuing to fight against militia groups while trying to redress the needs of its population).

⁹¹ WENDIG, AFTERMATH, *supra* note 89, at 84–88.

presence.⁹²

The New Republic's demilitarization reform movement culminated in the Military Disarmament Act.⁹³ First proposed by Chancellor Mothma, the New Republic Senate passed the Act to go into effect after the official defeat of the Empire.⁹⁴ The Act reduced the New Republic's centralized military force by ninety percent.⁹⁵ As a result of this policy, the majority of the ships of the New Republic military were stationed with the seat of the New Republic's government on Hosnian Prime and used primarily in diplomatic and non-military functions.⁹⁶ Chancellor Mothma viewed this policy as the New Republic's best tool to restore democracy and peace to the galaxy in the wake of the Empire's atrocities because of the message demilitarization would send to the people.⁹⁷

In actuality, the New Republic's demilitarization efforts ultimately left the New Republic government vulnerable to the rise of the First Order.⁹⁸ The decision to emphasize demilitarization as the government's main tool of transitional justice was controversial at the time the New Republic first implemented it because of fear that remaining imperial regiments still posed a serious risk to the New Republic and its people.⁹⁹ This initial ideological divide deepened as the New Republic grew to the point of a complete political stalemate that rendered the government practically useless.¹⁰⁰ In

⁹² *Institutional Reform*, *supra* note 45; see WENDIG, *AFTERMATH*, *supra* note 89, at 84–88.

⁹³ PABLO HIDALGO, *STAR WARS THE FORCE AWAKENS: THE VISUAL DICTIONARY* 8 (2015).

⁹⁴ See WENDIG, *AFTERMATH*, *supra* note 89, at 84–88.

⁹⁵ See generally ALEXANDER FREED, *STAR WARS: SHADOW FALL* (2020) (depicting that the New Republic's scaled down forces were the result of the Military Disarmament Act).

⁹⁶ See generally GRAY, *BLOODLINE*, *supra* note 74 (describing how a New Republic lieutenant complained about the lack of exciting military action he participated in with the New Republic military).

⁹⁷ WENDIG, *AFTERMATH*, *supra* note 89, at 88; see *Disarmament, Demobilization, Reinsertion, and Reintegration: Definitions and Conceptual Issues*, PEACE BUILDING INITIATIVE, <https://perma.cc/2VRP-PQ8Z> (last visited Mar. 23, 2022) (illustrating the important role that demilitarization has in modern conceptions of effective peacebuilding and transitional justice movements).

⁹⁸ See Chris Wermeskerch, *What the New Republic Should Have Learned from the Old Republic*, *ELEVEN-THIRTYEIGHT* (Sept. 5, 2016), <https://perma.cc/2BDH-9ZS8>. See generally GRAY, *BLOODLINE*, *supra* note 74 (documenting how unbeknownst to the rest of the Senate, a senator used the political stalemate to her advantage and began funding what would turn into the First Order military).

⁹⁹ See WENDIG, *AFTERMATH*, *supra* note 89, at 84–88; WENDIG, *LIFE DEBT*, *supra* note 90, at 194–98.

¹⁰⁰ See generally GRAY, *BLOODLINE*, *supra* note 74 (illustrating that the ideological divide between the Populists and Centrists is so deep that the government cannot act to combat

addition to the political ramifications of demilitarization, the policy left the New Republic and later the Resistance, a military group that operated independently of the New Republic, without the military resources necessary to protect the galaxy from the rising threat of the First Order.¹⁰¹ Instead of protecting the many victims of the Imperial military and its might, the New Republic's policy of demilitarization and disarmament had the opposite effect, leaving those victims at the mercy of criminal organizations and imperial remnants that grew powerful under the New Republic.¹⁰²

2. The New Republic's Flawed Approach Towards War Criminals

The official end of the Galactic Civil War occurred when the Empire formally surrendered to the New Republic by signing the Galactic Concordance.¹⁰³ The Concordance designated that all Imperial officers who did not abide by the terms of the surrender would be considered war criminals.¹⁰⁴ Further, the Concordance also granted conditional pardons to non-combatant functionaries.¹⁰⁵ Thus, the Concordance attempted to balance the competing interests of holding perpetrators responsible for their actions, which is inherent in criminal prosecutions of war criminals, with the desire to forgive and move on.¹⁰⁶

Criminal prosecutions of Imperial officers did not play the most prominent role in the New Republic's transition of power because of both the new regime's desire to focus on establishing democracy and peace and the fact that the most notorious and highest-ranking Imperial officials died during the Galactic Civil War.¹⁰⁷ Nevertheless, the New Republic carried out

growing threats, such as an increase in organized crime).

¹⁰¹ See JASON FRY, *STAR WARS THE FORCE AWAKENS: INCREDIBLE CROSS-SECTIONS 12* (2015) (explaining that because of the New Republic's demilitarization efforts, finding manufacturers to produce X-Wings posed a problem for the Resistance); see also Matthew Rudoy, *The Mandalorian Shows the New Republic's Weaknesses*, DORK SIDE OF THE FORCE, <https://perma.cc/6XMW-FCYW> (last visited Mar. 22, 2022) (arguing that the Military Disarmament Act resulted in New Republic prisons being primarily staffed by droids instead of people).

¹⁰² See generally *THE FORCE AWAKENS*, *supra* note 4; GRAY, *BLOODLINE*, *supra* note 74.

¹⁰³ WENDIG, *EMPIRE'S END*, *supra* note 4, at 404.

¹⁰⁴ WENDIG, *EMPIRE'S END*, *supra* note 4, at 404.

¹⁰⁵ WENDIG, *EMPIRE'S END*, *supra* note 4, at 404.

¹⁰⁶ See Eisikovits, *supra* note 23; cf. Sterio, note 34, at 87 (comparing the values the Geneva Convention saw in holding war criminals responsible for their actions to the interests of the fictional post-war Concordance).

¹⁰⁷ *THE RETURN OF THE JEDI*, *supra* note 1; see WENDIG, *AFTERMATH*, *supra* note 89, at 84–88

the terms of the Concordance by imprisoning ex-imperial officers and interviewing and assessing ex-imperial personnel in “Imperial Shantytowns” to determine how valuable each person could be to the New Republic’s interests balanced against the risk that person posed to the new government.¹⁰⁸ Ex-imperials were limited in how they could interact with the New Republic, as they were barred from voting or taking government contracts.¹⁰⁹ However, the New Republic did not hesitate to work with ex-imperials—even those directly involved in horrific human rights violations—if the New Republic believed a specific person renounced all allegiances to the Empire and he or she had knowledge that could help the New Republic defeat the Empire.¹¹⁰

Criminal prosecutions are often criticized for their retroactivity and selectiveness, which the New Republic’s approach to war criminals and their treatment demonstrates.¹¹¹ On the one hand, the New Republic faced criticism for working with an ex-imperial pilot who participated in an air campaign that conducted a genocide of a planet instead of prosecuting her for the crimes she committed.¹¹² However, the Rebellion, and later the New Republic, had a long history of providing refuge for ex-imperials who could not stand by the Empire’s continued atrocities and allowing these people the opportunity to show their commitment and dedication towards making the galaxy a more just place.¹¹³ Thus, criminal prosecutions of ex-imperials

(2015); *see also* *Criminal Justice*, *supra* note 31 (explaining that criminal prosecutions produce the most effective results for victims of human rights abuses when it focuses on the “planners and organizers” of such abuses).

¹⁰⁸ *See* ALEXANDER FREED, *STAR WARS: ALPHABET SQUADRON* 8–9 (2019) [hereinafter FREED, *ALPHABET SQUADRON*] (describing a former rebel base converted into a so-called imperial shantytown where imperial defectors were detained while the New Republic assessed their threat levels); CLAUDIA GRAY, *STAR WARS: LOST STARS* 537 (2015) [hereinafter GRAY, *LOST STARS*] (depicting former Imperial Officer Cienna Ree imprisoned in a New Republic facility).

¹⁰⁹ *See* ALEXANDER FREED, *STAR WARS: VICTORY’S PRICE* 460 (2021) [hereinafter FREED, *VICTORY’S PRICE*].

¹¹⁰ *See generally* FREED, *ALPHABET SQUADRON*, *supra* note 108 (depicting that the New Republic willingly worked with former imperial pilot, Yrica Quell, to take down her old squadron despite the fact she participated in the burning and bombing of the planet Nacronis during Operation Cinder).

¹¹¹ *See* FREED, *VICTORY’S PRICE*, *supra* note 109, at 435–39 (depicting a conversation between two New Republic officials discussing how best to discipline former imperial soldiers); Eisikovits, *supra* note 23.

¹¹² *See generally* FREED, *supra* note 95 (describing how Quell’s squadron mates reacted very negatively when they discovered Quell’s role in Operation Cinder).

¹¹³ *See* REBECCA ROANHORSE, *STAR WARS: RESISTANCE REBORN* 147–48 (2019) (showing a scene where Resistance members share their imperial pasts and where Resistance pilot Poe

played a secondary role in the New Republic's transitional justice approach and illustrated the New Republic's struggle between punishing imperials and forgiving imperials to promote a more peaceful government.¹¹⁴

3. The New Republic Did Not Meaningfully Pursue Truth-Seeking or Reparations

The New Republic did not meaningfully seek the truth surrounding the Empire's human rights abuses and atrocities and instead focused their transitional justice approach primarily on demilitarization.¹¹⁵ Truth-seeking commissions often encompass non-judicial bodies probing the root causes and effects of a prior regime's abuses to help bring closure and peace to the victims.¹¹⁶ The New Republic did create a reconciliation project that sought to give victims a chance to heal by introducing them to ex-imperials that caused their suffering.¹¹⁷ However, the project was limited in scope, and the New Republic instead primarily focused on disarming New Republic military to demonstrate the difference between the new government and the former Empire.¹¹⁸ This strategic decision was motivated in part by obviousness to many of the Empire's human rights violations and the New Republic's desire to move forward into an era of democracy and peacefulness.¹¹⁹

Nor did the New Republic provide an opportunity for many of the Empire's victims to receive financial reparations, in part because of the lack of resources the New Republic faced during its transition.¹²⁰ In addition to money, reparations often take the form of symbolic measures, including apologies or constructing memorials.¹²¹ The only instance of monetary reparations offered by the New Republic was to individuals enslaved by the Empire.¹²² One of the New Republic's only other attempts at reparations was

Dameron remarks, "My point . . . is that many of us have dubious beginnings, but it is how we end that counts").

¹¹⁴ See Sterio, *supra* note 34, at 386. See generally FREED, VICTORY'S PRICE, *supra* note 109.

¹¹⁵ WENDIG, AFTERMATH, *supra* note 89, at 84–88.

¹¹⁶ *Truth and Memory*, *supra* note 36.

¹¹⁷ See FREED, VICTORY'S PRICE, *supra* note 109, at 455–60 (describing Senator Wyl Lark's role in spearheading the New Republic's reconciliation project).

¹¹⁸ WENDIG, AFTERMATH, *supra* note 89, at 84–88.

¹¹⁹ See WENDIG, AFTERMATH, *supra* note 89, at 84–88; see also A NEW HOPE, *supra* note 69 (blowing up the planet Alderaan represents one of the most obvious and egregious examples of the Empire's human right abuses and served as a reason to defect for some imperials).

¹²⁰ See WENDIG, EMPIRE'S END, *supra* note 4, at 56–61.

¹²¹ *Reparations*, *supra* note 41.

¹²² See GRAY, LOST STARS, *supra* note 108, at 490 (describing how an individual who received

when it erected a statue of the famous rebel and Alderaanian Senator Bail Organa, who died when the Empire blew up his home planet with the Death Star.¹²³ The dedication of Bail Organa's statue provided the highly partisan New Republic Senate with a moment of unity, thus showing the power that reparations of any form can have on the victims of human rights abuses.¹²⁴ Despite the statue dedication ceremony's brief power to unify, the New Republic did not fully utilize reparations in its transitional justice approach.¹²⁵

B. *The People Did Not Have Faith in the New Republic*

Enthusiasm and belief in the New Republic's ability to successfully replace the Empire as a more just government characterized many rebels' beliefs immediately after the Rebellion's victory on Endor.¹²⁶ The founders of the New Republic genuinely believed that establishing a democratic government would help lead the galaxy in a more positive direction towards peace.¹²⁷

However, approximately twenty years later, the majority of senators and other New Republic government officials no longer shared an optimistic view of the New Republic.¹²⁸ Senator Leia Organa's observations of the state of the New Republic suggests that the structural weaknesses and shortcomings of the New Republic date back to the New Republic's transition away from the authoritarian rule of the Empire.¹²⁹ In particular, the focus on demilitarization during the New Republic's transition served as an ideological divide between the two factions of the New Republic.¹³⁰ Thus,

reparations planned to spend the money upgrading his ship).

¹²³ See GRAY, *BLOODLINE*, *supra* note 74, at 5–8.

¹²⁴ GRAY, *BLOODLINE*, *supra* note 74, at 5–8.

¹²⁵ See GRAY, *BLOODLINE*, *supra* note 74, at 5–8. See generally JUDY BARSALOU & VICTORIA BAXTER, *THE URGE TO REMEMBER: THE ROLE OF MEMORIALS IN SOCIAL RECONSTRUCTION AND TRANSITIONAL JUSTICE* 9–10 (2007) (criticizing transitional justice movements that overlook the positive effects that memorialization can have in supporting other transitional justice strategies).

¹²⁶ See GRAY, *LOST STARS*, *supra* note 108, at 489–90 (describing a rebel's point of view that establishing the New Republic was worth the sacrifice and lives lost because it righted the worst wrongs of the Empire).

¹²⁷ See WENDIG, *AFTERMATH*, *supra* note 89, at 88.

¹²⁸ See GRAY, *BLOODLINE*, *supra* note 74, at 5–6 (illustrating that many senators, including Leia Organa, became disillusioned with the gridlock, partisanship, and inaction of the New Republic).

¹²⁹ See GRAY, *BLOODLINE*, *supra* note 74, at 7–12.

¹³⁰ See generally GRAY, *BLOODLINE*, *supra* note 74.

the New Republic's decision to focus its transitional justice efforts primarily on military reform demonstrates the limitations of focusing on just one aspect of transitional justice, especially a controversial aspect, as such a narrow focus works to politicize and weaken a new regime rather than strengthen it.¹³¹

On the whole, people throughout the galaxy did not meet the establishment of the New Republic government with the same level of enthusiasm and optimism that members of the New Republic initially shared.¹³² While the New Republic focused on securing peace and stability on a larger, galaxy-wide scale, organized crime and gang activity exploded in areas where these criminal enterprises no longer feared the Empire and did not believe the New Republic was powerful enough to stop them.¹³³ Organized crime rose to become more and more of a threat to the financial and physical security of many worlds far away from New Republic oversight; the New Republic did not have the resources necessary to effectively combat many of the new cartels and gangs that rose to power in the vacuum that occurred after the defeat of the Empire.¹³⁴ The New Republic's failure to live up to its promise to effectively combat and curtail the devastating effects of organized crimes represents one example of why many people throughout the galaxy lost their trust in the capability of the New Republic to protect them as promised.¹³⁵

The New Republic's lack of resources and its inability to follow through on its promises contributed to the popular belief that the New Republic was

¹³¹ See GRAY, BLOODLINE, *supra* note 74, at 7–12; see also Kora Andrieu, *Confronting the Dictatorial Past in Tunisia: The Politicization of Transitional Justice*, JUST.INFO.NET (Aug. 31, 2015), <https://perma.cc/HU3F-785P> (arguing that for transitional justice to be successful in Tunisia, it needs to focus on the victims and avoid focusing on political hierarchies and divisions).

¹³² See FREED, ALPHABET SQUADRON, *supra* note 108, at 158–59 (depicting a man who expresses doubt that the New Republic would help him defend his town against gang activity within the first year of the New Republic's transition).

¹³³ See WENDIG, AFTERMATH, *supra* note 89, at 166–68.

¹³⁴ See GRAY, BLOODLINE, *supra* note 74, at 20–22 (showing a representative from a world overrun with cartel activity accusing the New Republic of failing to enforce its own regulations on organized crime and of breaking its promise of protecting the victims of organized crime under the Empire's reign).

¹³⁵ See GRAY, BLOODLINE, *supra* note 74, at 20–22. See generally INT'L CTR. FOR TRANSITIONAL JUSTICE, JUSTICE MOSAICS: HOW CONTEXT SHAPES TRANSITIONAL JUSTICE IN FRACTURED SOCIETIES 9, 19, 26 (Roger Duthie & Paul Seils eds., 2017) (identifying history of violence and organized crime as a factor that should be considered while engaging in transitional justice, highlighting the severity of organized crime on violating people's human rights).

ineffective.¹³⁶ One specific example is when a Mandalorian bounty hunter, Din Djarin, decides to take matters into his own hands when he suspects an old imperial remnant on the planet Nevarro was doing nefarious things to a bounty he recently turned over to them.¹³⁷ Djarin refers to the New Republic as a joke and regularly defies New Republic regulations and laws when he believes they will be more of a hindrance than a help to his mission to protect his adopted son Grogu, popularly known as Baby Yoda.¹³⁸ Additionally, local, planetary governments and security forces reluctantly worked with the New Republic also out of the belief of the government's irrelevance to local matters.¹³⁹ For example, when a New Republic security officer arrives on the moon Yavin IV to conduct an investigation into a spice running cartel, the planetary security forces deliberately delay meeting and cooperating with the New Republic out of reluctance of getting involved with New Republic bureaucracies.¹⁴⁰ These examples provide more evidence that the New Republic's reputation and lack of resources led to a general distrust in the New Republic's ability to assist other planets.¹⁴¹

C. *The Absence of the Jedi Hampered the New Republic's Transition*

The most successful transitional justice initiatives utilize all available resources, including non-governmental organizations (hereinafter "NGOs") and the international community.¹⁴² Newly transitioned states usually are weak and fragile and benefit immensely from having a stable organization

¹³⁶ See Dumaraog, *supra* note 8.

¹³⁷ See *The Mandalorian: The Sin* (Disney + streaming service broadcast Nov. 22, 2019) [hereinafter *The Sin*] (showing that the bounty in question was a living being).

¹³⁸ See *id.*; see also *The Mandalorian: The Prisoner* (Disney + streaming service broadcast Dec. 13, 2019) (breaking into a New Republic prison ship to release a prisoner with no fear of the New Republic stopping him); *The Mandalorian: The Believer* (Disney + streaming service broadcast Dec. 11, 2020) (using the help of a New Republic marshal to retrieve a New Republic prisoner from a work camp out of belief he could help Djarin rescue Grogu).

¹³⁹ See ALEX SEGURA, *STAR WARS: POE DAMERON: FREE FALL* 34–39 (2020).

¹⁴⁰ *Id.*

¹⁴¹ See *id.*; see also Habib Nassar, *The Failure of Top-Down Approaches to Transitional Justice: What Iraqis and Syrians Teach Us*, PEACE LAB (Dec. 13, 2018), <https://perma.cc/K6DM-SF3A> (explaining that transitional justice approaches that do not take victim's needs and desires into account, such as Djarin who is a survivor of the purge on his adopted home world, will not generate the support needed to build a successful transitional justice movement).

¹⁴² See, e.g., Int'l Ctr. for Transitional Justice, *Sustainable Development Goals*, ICTJ, <https://perma.cc/M62B-NQMP> (last visited Mar. 23, 2022) (summarizing the organization's goal of coordinating governments, NGOs, and other international organizations to help address human rights violations in transitioning countries).

provide them the resources necessary to move on from past atrocities.¹⁴³ NGOs and other external actors can play an especially important role in helping to establish truth-seeking commissions by mobilizing popular support and engagement in the overall transitional justice process.¹⁴⁴ Non-governmental assistance does not relieve a new government from pursuing any institutional reforms, prosecutions, or reparation programs to redress human rights victims, but rather it bolsters a government's transitional justice approach by strengthening the rule of law and thus helping build trust and legitimacy in the new government.¹⁴⁵

The lack of NGOs or any other non-governmental support for its transitional justice efforts represented the New Republic's greatest challenge in successfully undergoing transitional justice.¹⁴⁶ The New Republic often gets compared to the so-called Old Republic, the government that existed prior to the Empire, but one of the biggest differences is the absence of the Jedi Order.¹⁴⁷ Historically, the Jedi Order served as peacekeepers and visited all different kinds of worlds to provide humanitarian aid and relief.¹⁴⁸ Even in more recent Republic history, before the start of the Clone Wars, Jedi knights were sent to worlds to assist with local conflicts and help local governments maintain peace as much as possible.¹⁴⁹ Though not entirely independent from the government, the Jedi Order could have served a role

¹⁴³ See Melissa Ballengee, Comment, *The Critical Role of Non-Governmental Organizations in Transitional Justice: A Case Study of Guatemala*, 4 UCLA J. INT'L L. & FOREIGN AFF. 477, 479 (2000).

¹⁴⁴ KIRSTEN MCCONNACHIE, TRUTH COMMISSIONS AND NGOS: THE ESSENTIAL RELATIONSHIP 9 (2004).

¹⁴⁵ See *id.* at 32 (explaining that NGOs can help bolster civil society in transitional justice movements by connecting with people who are not usually involved in the government); see also Eric Brahm, *Transitional Justice, Civil Society and the Development of the Rule of Law in Post-Conflict Societies*, 9 INT'L J. OF NOT-FOR-PROFIT L., Aug. 2007, <https://perma.cc/4K77-EA5R> (arguing that NGOs can help bolster civil society and the rule of law by allowing victims to better put pressure on the government to address their grievances, thus increasing the legitimacy of the new government).

¹⁴⁶ See generally GRAY, BLOODLINE, *supra* note 74 (illustrating that the New Republic Senate did not have any NGOs to assist with its governance).

¹⁴⁷ See, e.g., Wermeskerch, *supra* note 98. See generally THE FORCE AWAKENS, *supra* note 4 (focusing on the search for missing Jedi, Luke Skywalker, as it is believed he is the last known Jedi in the galaxy).

¹⁴⁸ See generally, CHARLES SOULE, STAR WARS: THE HIGH REPUBLIC: LIGHT OF THE JEDI (2021) (introducing the High Republic era of *Star Wars* and documenting the traditional role of the Jedi as peacekeepers).

¹⁴⁹ See CLAUDIA GRAY, STAR WARS: MASTER & APPRENTICE 64–69 (2019) (showing Jedi Master, Qui-Gon Jinn and his padawan, Obi-Wan Kenobi, being assigned to the planet Pijal to help with a potentially violent political dispute).

in the New Republic's transitional justice effort akin to that of an NGO's role in helping to build civil society.¹⁵⁰

As a part of his plan to consolidate power and establish his rule as emperor, Supreme Chancellor Palpatine planned and executed Order 66 to eliminate the Jedi by implanting mind-control chips in the clone troopers who served under the Jedi in the Clone Wars.¹⁵¹ Consequently, the Jedi Order did not exist when the New Republic formed, as the few known Jedi who survived Order 66 were not involved in the creation of the new government.¹⁵² Even though Luke Skywalker, the only known Jedi with any sort of ties to the New Republic government, attempted to restart the Order, his efforts were quashed when his student and nephew, Ben Solo, turned to the dark side and murdered all his students.¹⁵³ The New Republic, therefore, did not have the benefit of an outside organization that could have played an essential role in the transitional period.¹⁵⁴ The absence of the Jedi or any similar organization left the New Republic's institutional and military reform vulnerable to erosion without corresponding support at a more micro-level to directly support the victims of human right abuses.¹⁵⁵

Ultimately, the New Republic's transitional justice focus on institutional and military reform was incomplete because it lacked the needed mechanisms to ensure individual victims felt properly remedied.¹⁵⁶ A lack of popular support and trust in the New Republic resulted as a consequence of the incomplete and uneven transition of power.¹⁵⁷ The overall weakness of the transitional period left the New Republic vulnerable to its eventual demise at the hands of the First Order.¹⁵⁸

IV. A Successful Transitional Justice Approach Should Focus on

¹⁵⁰ See *id.*; Brahm, *supra* note 145.

¹⁵¹ *Star Wars: The Clone Wars: Orders* (Lucasfilm television broadcast Mar. 7, 2014).

¹⁵² See generally REVENGE OF THE SITH, *supra* note 67 (showing that Yoda and Obi-Wan survived Order 66).

¹⁵³ THE LAST JEDI, *supra* note 6.

¹⁵⁴ See JO-MARIE BURT, TRANSITIONAL JUSTICE IN THE AFTERMATH OF CIVIL CONFLICT: LESSONS FROM PERU, GUATEMALA AND EL SALVADOR 84 (2018) (identifying that external organizations dedicated to advancing and protecting victim's human rights should be important attributes for transitional justice movements); see also THE FORCE AWAKENS, *supra* note 4.

¹⁵⁵ See Eric Brahm, *supra* note 145 (explaining the important role non-governmental organizations play in promoting transitional justice during periods of civil conflict).

¹⁵⁶ See BURT, *supra* note 154, at 84; see also *supra* Part III(A).

¹⁵⁷ See Nassar, *supra* note 141; see also *supra* Part III(B).

¹⁵⁸ See THE FORCE AWAKENS, *supra* note 4.

Building Popular Support and Trust

An analysis of the New Republic's transitional justice failures provides important insights and lessons that can be applied in both identifying and assessing transitional justice efforts.¹⁵⁹ One of the New Republic's ultimate failures stems from a sense of complacency that emerged among many New Republic government officials because they truly believed that defeating the Empire and enacting the Military Disarmament Act would lead to peace.¹⁶⁰ In fact, the regime change and demilitarization did not have the society-altering impact needed to ensure the long-term success and stability of the New Republic.¹⁶¹ The New Republic's failure to change the daily realities of people throughout the galaxy illustrates the importance of conducting transitional justice reforms on a smaller scale in addition to large scale institutional reform.¹⁶²

The experiences of Colombia during its transitional justice movement mirrors the shortcomings of the New Republic's approach by focusing too narrowly on the physical security of the country.¹⁶³ In 2016, Colombia signed a peace treaty with the country's largest paramilitary group, FARC, to end fifty years of armed conflict and to begin the healing process for its citizens impacted by the decades of violence.¹⁶⁴ However, the transitional justice movement in Colombia has its roots in the 2005 Justice and Peace Law ("JPL"), which provided for the demobilization and subsequent reintegration into society of members of paramilitary organizations.¹⁶⁵ The JPL faced criticism for being too lenient on former militias without focusing strongly enough on individual truth and reconciliation.¹⁶⁶

Similarly to the New Republic, Colombia's focus on securing the demobilization of opposing forces limited the government's overall effectiveness in transforming society, as it took until the 2016 peace treaty to

¹⁵⁹ See *supra* Part III.

¹⁶⁰ See HIDALGO, *supra* note 93, at 56–57 (describing how the New Republic Senate branded Leia Organa as an alarmist and warmonger for suggesting that the New Republic did not take enough steps to protect the galaxy against the resurgence of Imperial rule).

¹⁶¹ See SEGURA, *supra* note 139, at 207–08 (showing that a space station's quality of life was not improved by New Republic rule because the New Republic did not have the resources to effectively govern Outer Rim planets).

¹⁶² See Nassar, *supra* note 141.

¹⁶³ See Schultze-Kraft, *supra* note 47, at 137.

¹⁶⁴ PICCONE, *supra* note 90, at 3.

¹⁶⁵ Int'l Ctr. for Transitional Justice, *Colombia, ICTJ*, <https://perma.cc/6NFG-6YKL> (last visited Mar. 23, 2022) [hereinafter *Colombia*].

¹⁶⁶ See Schultze-Kraft, *supra* note 47, at 142.

address the causes of the conflict with the paramilitary groups in the first place.¹⁶⁷ But unlike the New Republic, the Colombian government continued implementing transitional justice, albeit at a slow pace, rather than accepting the JPL as the country's main transitional justice law.¹⁶⁸ Colombian efforts at transitional justice demonstrate a more long-term commitment than the New Republic displayed and show the importance of implementing reforms beyond demilitarization and demobilization.¹⁶⁹

Colombia's experience with transitional justice illustrates the important role that NGOs and the international community play in the demobilization of military forces.¹⁷⁰ After the 2016 peace treaty, representatives from the UN assisted with the implementation of the demobilization requirements for the FARC to ensure the group's compliance with the terms of the peace treaty.¹⁷¹ This represents another difference between Colombia's methods and the New Republic's approach—the New Republic did not have any external support in both demobilizing former imperials and demobilizing its own forces.¹⁷² International support, in addition to Colombia's long-term commitment to transitional justice, provides another reason why its transitional justice efforts were ultimately more successful than the New Republic's.¹⁷³

The history of transitional justice in Taiwan shows the importance of truth-seeking and long-term commitments to transitional justice.¹⁷⁴ The year 1987 marked the beginning of Taiwan's democratization as the government lifted martial law and abolished free speech restrictions.¹⁷⁵ Prior to 2016, the Taiwanese government conducted only limited transitional justice policies, including apologies and monetary reparations to victims and their families.¹⁷⁶ In 2018, democratically elected president Tsai Ing-wen helped

¹⁶⁷ PICCONE, *supra* note 90, at 1 (identifying the underlying causes of the conflict as "rural poverty, marginalization, insecurity, and lawlessness").

¹⁶⁸ *Colombia*, *supra* note 165.

¹⁶⁹ See HIDALGO, *supra* note 93, at 56; *Colombia*, *supra* note 165.

¹⁷⁰ See PICCONE, *supra* note 90, at 4.

¹⁷¹ PICCONE, *supra* note 90, at 4.

¹⁷² See WENDIG, *AFTERMATH*, *supra* note 89, at 84–88.

¹⁷³ PICCONE, *supra* note 90, at 4 (demonstrating that Colombia's own transitional justice efforts were bolstered by UN assistance).

¹⁷⁴ See Hung-Ling Yeh & Ching-Hsuan Su, *Never Too Late—The Work of the Transitional Justice Commission in Taiwan*, 28 WASH. INT'L L.J. 609, 610 (2019) (explaining that Taiwan experienced two phases of transitional justice, the first from 1987 to 2016 and the second from 2016 to the present).

¹⁷⁵ *Id.* at 613.

¹⁷⁶ Huang Yu-zhe, *Transitional Justice Requires Time*, *TAIPEI TIMES* (June 17, 2020),

create the Transitional Justice Commission (“TJC”) to complement the reparations to victims of horrific government atrocities and to identify the truth and those responsible for those human rights violations.¹⁷⁷ The TJC includes four divisions that work to create a more comprehensive transitional justice approach in Taiwan.¹⁷⁸

Both Taiwan and the New Republic faced the challenge of implementing transitional justice against a polarized political backdrop.¹⁷⁹ Transitional justice had long been considered controversial in Taiwan because the political party implementing the policies was the same party that inflicted the human rights abuses that warranted transitional justice in the first place.¹⁸⁰ Thus, in this respect, the New Republic actually was better positioned to carry out transitional justice than Taiwan because the New Republic was not responsible for the atrocities that occurred under the Empire.¹⁸¹ However, the experiences in Taiwan and the New Republic began to diverge because the New Republic government became more polarized about transitional justice policies over time, whereas Taiwan became more unified in pursuing comprehensive transitional justice policies after the 2018 transfer of power.¹⁸²

Even though Taiwan’s democracy and the New Republic lasted for roughly the same amount of time, Taiwan’s democratic traditions strengthened over time while the New Republic’s began to erode.¹⁸³ Taiwan’s initial transitional justice efforts were limited in scope, but they grew and evolved as Taiwan successfully enjoyed its third peaceful transition of power, securing its position as one of the most successful East

<https://perma.cc/8DS9-2GYN>.

¹⁷⁷ *Id.*; Yeh & Su, *supra* note 174, at 611.

¹⁷⁸ Yeh & Su, *supra* note 174, at 611–13 (identifying the four departments as: The Historical Truth Restoration, Department of Authoritarian Relics Handling, Department of Redressing Past Judicial Wrongs, and the Department of Rebuilding Social Trust).

¹⁷⁹ See THOMAS J. SHATTUCK, TRANSITIONAL JUSTICE IN TAIWAN: A BELATED RECKONING WITH THE WHITE TERROR 44 (2019); WENDIG, LIFE DEBT, *supra* note 90, at 194–98.

¹⁸⁰ SHATTUCK, *supra* note 179, at 39 (explaining that the controversy over transitional justice became exacerbated after the 2018 elections).

¹⁸¹ See WENDIG, AFTERMATH, *supra* note 89, at 87 (announcing plan to demilitarize the government by 90% and keep the remaining 10% as a peacekeeping force).

¹⁸² See Yu-zhe, *supra* note 176. See generally GRAY, BLOODLINE, *supra* note 74 (characterizing the New Republic senate as full of partisan gridlock with no further commitment to transitional justice policies).

¹⁸³ See Yu-zhe, *supra* note 176. See generally GRAY, BLOODLINE, *supra* note 74 (showing a deadlocked and democratically fragile government).

Asian democracies.¹⁸⁴ In contrast, the New Republic's approach to transitional justice was more stagnant because many New Republic senators believed the Galactic Concordance and demilitarization were sufficient to protect against the resurgence of the Empire.¹⁸⁵ Transitional justice is best understood as an evolving and changing field, so regimes that utilize a more dynamic transitional framework, such as Taiwan, are more successful at maintaining stability and fostering legitimacy among its people than regimes that do not.¹⁸⁶

The Solomon Islands witnessed violent conflicts and land disputes between 1998 and 2003 that included beatings, arsons, kidnappings, and extrajudicial detentions.¹⁸⁷ The conflict ended when an international envoy titled Regional Assistance Mission to Solomon Islands ("RAMSI") arrived at the Solomon Islands to help facilitate transitional justice.¹⁸⁸ RAMSI, through both its physical presence and financial assistance, helped aid the transitional justice movement in the Solomon Islands.¹⁸⁹ In 2008, the Solomon Islands' government passed legislation that established the country's Truth and Reconciliation Commission (hereinafter "TRC") to investigate the human rights abuses that occurred during the conflict years.¹⁹⁰

One of the biggest criticisms of the TRC is that it did not adequately capture the indigenous culture of the Solomon Islands.¹⁹¹ Even though the Solomon Islands had an opportunity to craft the TRC with its own culture as a blueprint, the government opted to adopt the TRC model from external sources.¹⁹² The lack of creating transitional justice policies that adequately reflect the culture and concerns of the people the government seeks to remedy represents one way that governments fail to properly build the

¹⁸⁴ Yu-zhe, *supra* note 176.

¹⁸⁵ See HIDALGO, *supra* note 93, at 66 (explaining that Chancellor Villecham of the New Republic believed that the First Order did not pose a significant threat to peace in the galaxy).

¹⁸⁶ See Yeh & Su, *supra* note 174, at 617.

¹⁸⁷ Int'l Ctr. for Transitional Justice, *Solomon Islands*, ICTJ, <https://perma.cc/7RTD-LRJU> (last visited Mar. 23, 2022) [hereinafter *Solomon Islands*].

¹⁸⁸ LOUISE VELLA, TRANSLATING TRANSITIONAL JUSTICE: THE SOLOMON ISLANDS TRUTH AND RECONCILIATION COMMISSION 3 (2014), <https://perma.cc/T8EB-WWLR>.

¹⁸⁹ See generally Nicole Dicker, *Aiding Transitional Justice in Solomon Islands*, 21 BUFF. HUM. RTS. L. REV. 77, 84–85 (2014) (explaining that RAMSI played significant roles in carrying out criminal prosecutions, establishing a truth commission, and assisting with institutional reform of the judiciary).

¹⁹⁰ VELLA, *supra* note 188, at 1, 8.

¹⁹¹ See VELLA, *supra* note 188, at 14.

¹⁹² VELLA, *supra* note 188, at 14.

support and trust of the people.¹⁹³ Echoes of this failure can also be seen in the New Republic because the New Republic Senate adopted one uniform transitional justice approach without considering individual planets and cultures.¹⁹⁴ However, despite the international community's limitations in helping the Solomon Islands implement effective transitional justice, the existence of this external support provided the Solomon Islands with a greater chance of success than the New Republic.¹⁹⁵

Despite its overall mixed success in implementing meaningful transitional justice, the Solomon Islands demonstrate the integral role that external actors play in the transitional justice process.¹⁹⁶ In addition to complementing the transitional justice movement itself, the international community also played an integral role in ending the conflict and helping to hold accountable those responsible for the atrocities.¹⁹⁷ The New Republic did not have the same level of external support available to it as the Solomon Islands did, thus limiting the New Republic's ability to build a comprehensive transitional justice framework.¹⁹⁸ In particular, external assistance provided the Solomon Islands with the support needed to establish an integrated, long-term transitional justice mechanism that continued beyond the official end of the conflict.¹⁹⁹ The New Republic's transitional justice approach lacked both of the above listed qualities, helping to explain why the New Republic was particularly vulnerable to collapse and the resurgence of authoritarianism.²⁰⁰

The above examples of transitional justice movements illustrate that there is not a definitive blueprint for successfully addressing the horrors of past human rights abuses, and that even the most successful movements will fail to adequately remedy and appease everyone.²⁰¹ However, comparing the

¹⁹³ See Brahm, *supra* note 145.

¹⁹⁴ See WENDIG, *AFTERMATH*, *supra* note 89, at 84–88.

¹⁹⁵ See Dicker, *supra* note 189, at 127–28.

¹⁹⁶ See generally Dicker, *supra* note 189 (chronicling how important foreign aid and involvement was to the transitional justice movement in the Solomon Islands while also identifying the limitations of this external support).

¹⁹⁷ *Solomon Islands*, *supra* note 187.

¹⁹⁸ See generally *THE FORCE AWAKENS*, *supra* note 4 (depicting the overall absence of the Jedi and the isolation of the Resistance from the New Republic).

¹⁹⁹ See VELLA, *supra* note 188, at 3–4.

²⁰⁰ See generally GRAY, *BLOODLINE*, *supra* note 74 (showing a gridlocked government that is in a poor position to implement more transitional justice reform beyond what the government did initially after the fall of the Empire).

²⁰¹ See Dicker, *supra* note 189, at 125 (arguing that although RAMSI and its foreign aid played a significant and important role in institutional reform in the Solomon Islands, the influx of

New Republic to the experiences of Colombia, Taiwan, and the Solomon Islands highlights just how essential a varied and comprehensive approach focused on individuals is in promoting long-term peace and stability.²⁰² The New Republic lacked the trust and support of its constituents needed to properly come to terms with the horrors the Empire caused.²⁰³ Though the fall of the New Republic occurred more dramatically and suddenly than most democratic regimes, the lack of comprehensive transitional justice mechanisms gradually eroded support and trust in the government that facilitated the First Order's rise to power.²⁰⁴

CONCLUSION

No perfect solution exists for the thorny issues that states face as they emerge from periods of authoritarian rule or military conflicts that resulted in human rights abuses. This case study of the New Republic presents an objective analysis that constitutes successful transitional justice practices without the real world politicization that sometimes colors analyses of important topics. The failure of the New Republic's transitional justice strategy demonstrates that institutional reform of a very political nature is not sufficient itself to create a stable, long-term government. Institutional reform, such as demilitarizing after a costly war, is an important step on the path to recovery. But it is not the only step that must be taken. After the initial conflict with the Empire ended, the New Republic lost sight of what truly mattered: ensuring that all species under its jurisdiction felt safe and secure in the new regime. A macro-level approach to reform and reconciliation without a corresponding micro-level approach will alienate people from the new regime, lessening its legitimacy and trust in the eyes of the public.

The New Republic's ultimate failure also reflects the importance of external actors and NGOs in creating strong transitional justice programs. An organization, such as the Jedi, could have helped the New Republic effect

foreign aid will make it more difficult for the government to be self-sufficient in the future); *see also* PICCONE, *supra* note 90, at 23 (explaining that even though Colombia's newly established TRC commission is an important bedrock of its transitional justice initiative, its complexity may render it unable to effectively prevent new conflicts); Yu-zhe, *supra* note 176 (chronicling the successes of Taiwan's TRC in making data about investigations into past abuses fully accessible to the public while still being concerned about the long-term success of regaining public trust because of the political nature of the commission).

²⁰² *See* Yu-zhe, *supra* note 176.

²⁰³ *See* *The Sin*, *supra* note 137.

²⁰⁴ *See* THE FORCE AWAKENS, *supra* note 4; *see also* Huq, *supra* note 57.

change on a more individual level that could have led to greater legitimacy for the regime. The absence of the Jedi or an equivalent organization was out of the New Republic's control, but their absence further underscores the importance of utilizing external resources in implementing transitional justice policies. The Resistance movement eventually defeated the resurgent First Order, thus presenting the successor to the New Republic with a second chance at implementing a more successful transitional justice approach.

Lessons from failure of transitional justice and transitional justice's best practices are incredibly relevant to the current political climate. Further, the policies and ideologies behind transitional justice can be utilized even in countries with well-established democracies. The example of the New Republic emphasizes this point. Analyzing and applying transitional justice practices in non-traditional contexts will make the practice more accessible to a greater number of victims of human rights abuses. Ultimately, the New Republic fell in part because of its inadequate transitional justice approach in the wake of the Empire's mass atrocities. Studying and understanding what went wrong with the New Republic can help ensure other states do not suffer a similar fate. May the Force be with future transitional justice movements.