

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Moon and Mars Settlement: Open Legal Issues (2)

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CIVILIZATIONAL INHERITANCE AND TRANSCENDENCE: WHY SHOULD ANCIENT LAWS
HAVE ANY INFLUENCE ON SPACE SETTLEMENT?

Abstract

Getting humans to Mars and keeping them alive on that remote, frozen, and irradiated celestial body 225 million kilometers from Earth will focus and organize humanity's resources and most advanced technology. Within our lifetime, a small but thriving human presence in space could be one of humanity's most impressive feats. Now imagine that the governance structures for humanity's outposts are based on ancient ideas – some going back to roman property concepts like *res communis* and *res nullius*, while others are from eighteenth century French and American enlightenment philosophers. Why should these ancient ideas have absolutely any bearing hundreds of years later, and over twenty-first century space exploration – especially since Martian and lunar settlers may include Chinese, Russian, or otherwise non-Western astronauts?

Rather, the greatest lessons from history are of innovation, not emulation. This presentation will make the case that governance, rights, freedoms, humanity, and many more concepts will have to be re-invented by those whose interests we cannot simulate beforehand. That international space law is a limited regime and open for innovation further supports the view that we should be legal innovators, not emulators. Notions of personhood, and our relations to one another – and to the state – will most certainly broaden and expand as new methods and styles of lifestyle and social organization in space develop.