

Beyond Borders: Crafting a Cosmic Jurisprudence for Space Exploration

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This article explores the intersection of philosophical and social concepts with space law, examining their practical implications and relevance to contemporary challenges in space activities. The narrative begins by emphasizing the significance of realization in cultural execution, underscoring the importance of balance and moderation as cultural values. The discourse then transitions to the realm of space law, posing critical questions about the goals, decision-making processes, and the overall horizon of space exploration. The text evaluates the existence and impact of “soft” and “hard” laws, asserting that the effectiveness of laws lies in their impact on opportunity horizons. The role of a space lawyer is contemplated, focusing on the bridging of the gap between present realities and aspirational futures guided by relevant mythologies and ideologies. The narrative concludes with a call for a psychological understanding to accompany legal structures, asserting that laws for space activities must align with foundational cultural elements to be effective. The emphasis of the article’s exploration of space law within the broader context of philosophy and culture, calls for the need of an interdisciplinary approach to address the complexities of space activities.

Keywords: mythological narratives, ecological perspective, space law paradigm, space ideology, logos, mithras, space exploration, transjective, legal philosophy, opportunity horizon.

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Introduction

“Space: the final frontier. These are the voyages of the starship Enterprise. Its five-year mission: to explore strange new worlds; to seek out new life and new civilizations; to boldly go where no man has gone before!” The first law in the code of Starfleet command is about non-interference with poorly developed civilisations. As a clear example of a space law, it has profound philosophical and practical implications. We do not know where do we come from, what

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is our purpose and where do we go for the horizon is ever expanding and cooling and our fears of the unknown are evergrowing and everlasting. Thus, our desire to codify them in a reasonable rule book. Rule books have been our guide for thousands of years. Many speak on what is the meaning of life? While most epistemological discussions revolve around “what could it be?” The space law is not just any other law nor it can be a simple offshoot of existing understanding of what law must perform and look like. This is a law at the edge of human understanding and as such cannot be conceptual, it must be descriptive at best or handicap possible outcomes as an alternative, which would consecutively lead to conflict in order to resolve the impasse.

One has to discover a healthy balance of the practical and theoretical and that is achieved at the very basis – ecology. We have to grind our trite and overly complicated sense of understanding of reality to the finest detail where it still didn’t lose its contextual meaning. Where agent-arena relationship (Vervaeke et al., 2012) is maintained to be able to answer that question at its core and give an answer – survival. This is what space law has to be about. How else can you codify poorly understood? Only by turning those laws into an empty shell devoid of any meaning for laws are to capture what has become concrete and there is no understanding of what is concrete. Robert Heinlein once said that violence is the prime hierarchy for all of other hierarchies and that was almost true, it was least incomplete than most of other works of academic and artistic nature of its time, asserting metaphysical basics in most concrete way. We exist in a state of uncertainty, from most physical level of processes (Ulanowicz, 2009:110) of finding out tomorrow that your DNA made a mistake few months ago to most abstract consequences of our decisions in few days, weeks or decades. This makes questions like: “what would you do if you knew you couldn’t fail?” so appealing that some decide to put it into laws today, before any such endeavour materialised. How to prevent such blatant mistake? To paraphrase Moltke: Rules are long term plans that will not survive the impact with the enemy, so know thy enemy beforehand (Sun, 2020:13).

We have to go all the way back to source of our motivation as a group and as individuals – survival. To begin understanding the role of space law one has to revisit survival and how space is vital to its manifestation. We orient our uncertain far future opportunity horizons through our remote past history. And thus, in this uncertainty, we, as an organism, be it simulated reality or not, exist in an ecological dimension, perhaps the most purposeful one. Our existence as a living organism is limited to three acts: moving, adapting or dying. This much I propose we are bound by three prime hierarchies: violence, information and wealth. Nobody is beyond it but supreme beings of various fashion. It doesn’t matter that human psyche cannot falsify itself, as long as we do not descend into madness of the unstructured, we retain a modicum of civilised coherence of our worldviews and ignore the loopholes. This is the knowledge source, the Agrippa’s trilemma which is neither a trilemma nor a conflict. The three types of knowledge codification are complementary and have their psychological age. Consider dimensions of time and space we inhabit and explore by moving around space and along time. If we cannot move, we remain relatively static but we adapt, and if we cannot adapt, we move, or if neither – die. These are our processes and they are inescapable. All other human processes are bound by these three just as by prime hierarchies which I propose to be cumulatively exhaustive and interdependent.

We can clearly see those explorations of any kind, from a start-up funding runway to an imperial expedition to the far reaches of the empire to acquiring a new skill for yourself last roughly up to two years. Public budgeting is yearly, longer planning is harder the more complex your organisation is, which is why big corporations just as empires/superpowers inevitably perish. Most fail to adapt which is why they perish. Adaptation takes time to learn and is a time

dimension process, as exploration is a space dimension process which requires motion. Thus, we can consider that adaptation is relatively space-blind and exploration is relatively time blind. So are the cultures that employ one or the other as the predominant modicum of being in the environment. Former happens in the future and the latter in the now. Death being human event horizon, socially or individually. In presence of such obligations, we articulated the process of creation long time ago, notable content examples for European cultures, in word – logos, in agreement with ourselves and others – mithras. To remind ourselves about agreement with gods we put our golden circle, a contractual binder, on the head of the saints and the kings, the halo and the crown, the supranatural source of law and order in society. This is a cultural demonstration of understanding and acceptance of connection between mythohistorical layer of the society with the legitimacy of the rulers and their present legalism. Our mythologies are born and live through these processes to help us narrate the world. The first laws, rules and regulations of their kind as a form of articulated and codified reality. The proto-legalism imbued into the mythological.

What is that which does not need to move, adapt or die? How would it look like? Not like us. How do we make ourselves look like it? Where would it come from? Not here. Then we have to go to “not here”? How do we get there? How would it behave? Not like us. Then we have to behave like it. When do we go? As soon as possible. What do we need to get there? Become more like it. If it needs not to move, how then? When it is everywhere at once. And then it needs not to adapt? When it already knows everything. If it never dies? Then it ever lives for all time forever. In space and time in everything. Syntropy and entropy. Solve et coagula. Bigger than biggest and smaller than smallest. Alpha and omega. Context is same, content is different and for this reason good and bad, evil and grace do not exist. So, how does one codify such vagueness? This is the primary goal of law; to constrain vagueness in a coherent fashion. In face of such context, space law is not only divorced from the mythological but also does not narrate that which is least incomplete. It is too limiting; as Piaget mentions: the learning process is a balance between compressing the information and incorporating wider understanding when the conceptualisation becomes a limiting factor. Thus, certain mythologies have space exploration as their horizon and some do not. What makes space law legitimate for some and not for others? This is the question that leads various agents in the arena to have a hard law and a soft law separation as a middle-of-the-road solution to the complexity which lawmakers are not equipped to mediate. Thus, the mithras, the agreement, is weak in the transjective sense (Vervaeke et al., 2012) as its perception as illegitimate is sensed, consciously or unconsciously, by certain agents. The transjective fabric of the ecosystem enabled by the space law is radicalised through poorly codified legitimacy in the narration of the law.

In this regard current space law has nothing to do with space as space is poorly understood from the conditions of survival processes. It is understood from conditions of survival processes on earth only and is a mere extension of them where survival in its earthly sense becomes quite impossible. For simple fact that it is an inhospitable environment. Most of law is binding processes which are dictated by environment. Thus, even space law is oriented towards earth. Which processes are dictated by space? Environment for moving or adapting is not present, however environment for dying is excellent: extreme temperature, lack of gravity to move and lack of resources to adapt. Does space law primarily deal with death and death related activities? Does one need a death cult to successfully orient in space? No. Therefore it is not space law but an earth law about space. Its structure is about what would happen on earth if X would happen in space. Just as everything that is poorly articulated, if a selected mythology does not articulate

death well, then it will not be able to accommodate legal system that codifies it. Much less a mythology that avoids complexity of death and its relationship to adaptation and exploration. As such space law in its present form, in international context, does not exist. It is separate from mythologies that encompass space/other worlds exploration as its horizon, which would involve moving and adapting as well as dying. It is separate from multiplanetary existence. It is separate from mythological horizon that leads to such conceptions as galactic propagation. Instead, it is a rudimentary body of poorly related works that have not been adapted to the shift in the context of international relations since the early days of the First Cold War and continued with the Second Cold War commencing in 2008 with the NATO summit in Bucharest and subsequent Russo Georgian war in August that year (Mearsheimer, 2021).

Discussion

The law attempts at coherently organising human activities where death process reigns supreme and is primarily oriented at activities occurring on earth while space is a conditional to such activities. It is but an extension of a perception of what space law must be. It is limited in such form due to the simple fact that there have not been created works of ideological character that tie space capable mythologies with legal systems which would coordinate them in time and space. So, what would be prerequisites for such an ideology to emerge?

Two biggest types of cultures exist on earth: nomads and farmers. Two best survival strategies, exploratory adaptation and adaptive exploration. Death cults are short lived and therefore rare. Cultures solve that domain with transcendence tied to the other two strategies. In this regard space law as a death bound domain, a transcendent element of the international law. Successes are historically shown in form of empires of any shape or form from all corners of the planet. At the bottom of this lies mechanism older than our oldest stories – morality. Not a human construct but a biological reality we share with the rest of the animal kingdom. That of fairness, reciprocity, empathy and compassion (de Waal, 2010). Those who do not possess it are beyond the construct of good, therefore are regulated by our exhaustive, per our opinion, laws. The finite games (Carse, 2013) defined for the society to propagate itself, in the direction many think to be prudent. The imprudent shall be corrected in their course with violence (Heinlein, 1987); one of the prime hierarchies. All mythologies speak of ignorance, greed and hatred just as of understanding, generosity and love. There are rules to follow or be ready to be judged by the representative wielding the golden circle or by the supreme authority, which resides beyond confines of time, space and the need for resources. The contract with the opportunity horizon is the judge of the time, space and resource management; the energy allocation in the system.

There is a particular layer of the culture, where certain individuals exist. Not godlike but that of spirits and saints. The shamans of the tribe and the philosophers of the cave, the prophets of the congregation. Propagating ideologies that are born given the values extracted from the mythological stratos. For space, time and resources are organised in either centralised or decentralised fashion according to set of values we hold dear universally. The Mithraic context binds us together regardless our origins and points to the very limits of our existence. Scarcity, sacrifice and earning become lawful, while abundance, theft and giving become regulated to become lawful. Mithras cannot precede logos, so without mythology there can be no laws, no social contracts. Violation of this order leads to avoidance of said laws or their futility. Soft law. One can call them non-binding resolutions, codes of conduct and many more, and upon their violation everyone remains deeply concerned and carries on with their day. Soft law is not bound

to the prime hierarchies and for that reason is futile waste of resources, time, space and energy. On the contrary, the hard law, so-called treaties, are violence bound, wealth bound and data bound. Hard law is the law that respects the order of creation. Laws which ignore it historically have led to radical states of being which involved tremendous violence, abuse of wealth and time for those unwilling to accept that the creative order has been abused. Notably two authors remind us of this: "...then they came for me – and there was no one left to speak for me." – Niemöller and "Nothing is easier than stamping your foot and shouting: "That's mine!" It is immeasurably harder to proclaim: "You may live as you please."" (Solzhenitsyn, 2007). Invariably these states fail from within or from without due to the inevitability of conflict within or with other societies, to begin the process again. Pick your favourite dictatorship to fill in the blanks.

Eventually, we seek out a narrowing to the horizon of opportunities and that horizon is provided by the philosophies which extract the value out of moral mythos of one's culture. Hence, a law that attempts to be mythological puts ideologues and propagandists atop the graves of philosophers. However, that ideological narrowing captures our best attempt at finding optimal direction towards reaching the horizon given our limitations. We develop a set of systems to achieve a better understanding of how we are to achieve the horizon in a systemic fashion. This much the systems define paradigms after a set of understandings was developed, rather than forced. The conflict and the cooperation in both physical and mental space defines plausible set of finite and infinite games to achieve the results at hand. We box the concepts of mythos and ideas into digestible ready product packages that fit the market. Religion, politics, economics, military, academia, medicine, legal. We codify the network of interrelations of conflict and cooperation and we call it law. Law of all kinds; rules of the game (Carse, 2013).

All rules however follow and are limited to the four stages of negotiation. Persuasion, bargaining, violence and abstention (Walton & McKersie, 1965). We regulate these under the norms we subdivided into social and market (Ariely, 2010). We call those who operate only at two extremes of cooperation as radicals for they employ only persuasion or violence. Who does not negotiate with the terrorists? However, a child operates in all four dimensions and yet it is permissible, for the child is at the bottom of all three prime hierarchies and thus consequences of their actions are of little impact on lives of those with whom they explore the negotiation, the systems to which they pertain. The children are in the grey area between the hard law and the soft law. Entities can trade in pure market fashion or in pure social fashion. Nomads prioritise social relationships and thus concept of contractual obligation is ignored by concept of obligation to the person who is your relative, friend, or to whom you owe something in kind. Don't we all owe something to someone? On the other hand, some people do not care if you are their kin, they prefer contractual relation for it ignores social contract and enforces pure wealth hierarchy relationship. The mixture of market and social norms brings its negatives the likes of prenuptial agreement or offering monetary instead of in-kind rewards to your friends or family. Perhaps we could devise better systems but they are just a path that is defined in the narrowing of the ideology to which they pertain. Many rough moments of history emerge as we attempt to define ideas according to systems or mythologies according to ideologies, the smaller trying to become bigger will invariably fail. There is a period of hospitable frenzy before the instability of what has to be achieved emerges and becomes evidently unsustainable. The systems are in place to ensure the path is abided by the following generations without decay to the hierarchies. With passage of time it becomes impossible, as the lessons of previous generations are not transferred to the next which brings faulty execution. We of course devised methods that would allow systems to survive longer

than our inability to transfer the lessons learned from the environment. The methods are simplified direct ways of minimum effort to achieve maximum result in shortest period of time. However, it brings an error to the process, the structure becomes dogmatic and therefore more susceptible to entropy. On the other hand, keeping it flexible will allow unearned leaders to bend it to the times in which they exist, diluting the lessons learned with own genetic ignorance inherited from the ancestors. This is yet to be resolved and thus we would think that methodologies would provide solutions to such instability.

Teaching methods, working methods, praying methods, healing methods. What is the purpose of the methods? To define goals based on the purposes of the systems and ideological consideration as to what is the best direction to survive. To reach heavens, to become immortal. The evolution requires a path and methods are a discipline to the varied desires. Curtailing the inefficient and the impossible. It shaves off the unnecessary and takes away your freedoms by turning them into discipline. It is limiting as certain things cannot be done simultaneously and prioritisation takes place. This is what people who experience education system and its methods erroneously ascribe as detrimental. That it creates cogs in the machine. I ask you, how else one achieves goals without focusing everyone on those goals? As long as those goals serve the many it is more than beneficial to the many to have such methods in place. Once institutionalisation takes place (Quigley, 1961), then we can speak of detrimental degeneration of the social mechanisms. The degrees of freedom or degrees of discipline define how focused and collected you will become. How easy it would be to engage in both personal and social transformation. The priorities to be followed and devised. In the end that what defines the results we are to manifest in the world.

The need for infrastructure follows the survival strategies. The infrastructure is shaped by the previous layers and allows us to propagate ourselves physically in time and space with available resources. Be it an airplane or a fortepiano, a highway node or a cruise ship, they are either robust or efficient just as the two main survival strategies. The nomadic are quite robust but capped in growth and farmer are very efficient but tend to be brittle. In the end the infrastructure is subdivided into four categories of air, sea, land and space. The digital category is pervasive and is a combination of these, a transjective arena for infrastructure.

In the end the most vital stage at which action dominates and perception is formed is that of realisation of that which has to be achieved. The action is immediate and follows deadlines, be it slow or fast paced. It can be both an art and a science. Here, the crucial understanding is that of balance and moderation. For once we have a narrowing in the horizon and the direction has a clear path, and we possess formation of tools necessary to propagate us along that path of time and space. We have to retain a balanced approach to movement and adaptation in the execution of the culture.

Conclusion

One might ask what does this have to do with the space law or space activities in general? What is space exploration but not a horizon? How do you achieve the goals? What are the goals? How do we know what goals we must pursue? Who decides on those goals? What is the timeline and resources necessary to achieve it? Will it succeed? How do we not fall into the wishful thinking? Do we make laws that are descriptive or normative? Normative according to what? Will it work in the end? It is discussed now the existence of the soft and the hard law. There is no soft or hard law. There is law that everyone cares about because they do not want their

opportunity horizon limited and there are laws that nobody cares about because its existence is inconsequential to the activities of the agents in the arena. Therefore, descriptive laws become normative where it matters and normative laws become useless because they do not matter. The less contextually aware one of the mythological necessities the more wishful thinking and the more ineffective laws are drafted. One can argue the specificities of the definitions and the expertise on the subject and yet violence hierarchy says what it always did – “if I can, I will do what I want and no text on paper will stop me.” One can engage in mental gymnastics of Olympic standards to ensure that their worldview is retained intact for chaos is not one wishes to endure, however, those who do not adapt to what is, will remain as what once was, and what once was will be no more. One cannot simply decide to draft law and see what happens. It is too irresponsible on cultural level to perform such acts of barbarity. History is rife with examples when such was enacted and centuries of progress were wiped in conflict as a result.

What is the horizon for space activities? What mythologies define it and can encompass such horizon? What ideologies exist that allow for this? For if no ideologies exist then no political system, economic system or any other system for that matter is designed to accommodate such tasks and they will invariably fail regardless the laws you wish to propose or impose. Then, the work of space law begins with mythology that can elaborate the horizon. Then, one needs philosophers to narrow the horizon into an approximate direction and only then the time for systemats arrives to develop legal structures to narrate the limits of the finite games. Limits that have to be pragmatic, just as space and time invariably moves. Once you fail to move and adapt with it, so you begin the countdown to failure. Dogmatism, a low propensity to learn, ensures your invariable demise.

The implication for space law

Thus, what is the role of the space lawyer in today's day and age? To bridge gap between what is and what ought to be? That is hardly codifiable. The work is to identify mythologies and to prospect philosophies which point to the stars, rather than down to earth and each other's land. Almost all of space law is related to activities directed at earth for many of our mythologies have been abandoned by secular societies in the name of a fight against religious systems. Instead, confusing the mythological with the religious and thus introducing a handicap to learning. This turns ideologies into free roaming madness of petty men who wish to become the myths themselves whether consciously or unconsciously for we killed the god and wish to be in its stead (Nietzsche, 2011).

In this seemingly unsophisticated way, we must ensure that most of our actions are in line with our infrastructure, our methods and systems follow the ideology that orients us towards a future we envision. To be a space lawyer of today is to be a lawyer who wishes to work on space subjects rather than lawyer who needs space. The limitations are immense and potential hurdles to overcome are done by those who are yet to emerge and manifest the path. As much as laws for commercial space, space mining or space economy seem appealing, if psychological basis are not taken into consideration, it would either be incredibly destructive or have no effect whatsoever.

Considerations for future research

In this regard, most apt consideration is research into a synthesis of a space ideology. Given various mythologies worldwide, it will facilitate the emergence of the appropriate delineations

for space law and solidify its legitimacy through the connection between the logos and the mithras when it comes to the order of creation.

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