

THE RIGHTS OF MARS

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In the past, new lands have served as laboratories for “noble experiments” in which new sets of rights could be tested as means of organizing human society on a more progressive basis than deemed practical in well-settled and organized home countries. The author believes that there is a need for this process of experimentation to continue, and that Mars could serve as the laboratory for a further set of noble experiments, that could help humanity find its way to a still more human form of society

Why would anyone but a few scientists want to go to Mars, to live in domes and face water rationing and numerous other privations that will undoubtedly accompany the early years of Martian settlement? Well, people will emigrate to Mars, despite any material hardship and personal risk, if by so doing they obtain a higher level of freedom. Such freedom can be created, if Martian law is made to embody a deeper and more far-reaching notion of human rights than any currently existing on Earth. Thus, as the young United States did in its time, Mars can and must serve as another “noble experiment,” in which a more progressive version of law is introduced than that prevailing, or considered feasible by sophisticated people, in previous societies. Mars will succeed, both for itself and for all mankind, if it can retain and innovate further the best forms of law, culture, and society Earth has to offer and leave the worst behind.

Let's therefore start with the best, the rights of man embodied in the U.S. Declaration of Independence, Constitution and Bill of Rights. The Declaration of Independence makes a commitment to the general notion that “all men are created equal and are endowed by their creator with certain inalienable rights, among them life, liberty and the pursuit of happiness.” This commitment is elaborated in the Constitution, Bill of Rights and subsequent amendments and laws as including:

1.

Freedom of Religion, Assembly, Speech and of the Press

2.

The Right to Bear Arms

3.

The Right to Due Process and Trial by Jury

4.

The Right to Face One's Accusers

5.

The Right to be Free of Arbitrary Arrest or long imprisonment without trial

6.

The Right to Vote for Representative Government

7.

The Right to Own Property

8.

The Right to be Free of Chattel Slavery

9.

The Right to Equal Protection under the Law regardless of Race, Creed, Color, or Country of National Origin.

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In addition, there is an emerging consensus and body of law tending toward the establishment of an additional right which can be phrased;

10.

The Right to Equal Opportunity regardless of Race or Sex.

This is the best that 20th century Earth has to offer. Mars must therefore include it, but move beyond it. I therefore propose that Martian law also incorporate the following as fundamental human rights:

11.

The Right to Self Government by Direct Voting

12.

The Right to Access to Means of Mass Communication

13.

The Right to all Scientific Knowledge

14.

The Right to Knowledge of all Government Activities

15.

The Right to be Free of Involuntary Military Service

16.

The Right to Immigrate or Emigrate

17.

The Right to Free Education

18.

The Right to Practice any Profession

19.

The Right to Opportunity for Useful Employment

20.

The Right to Initiate Enterprises

21.

The Right to Invent and Implement New Technologies

22.

The Right to Build, Develop Natural Resources, and Improve Nature.

23.

The Right to have Children

24.

The Right to a Comprehensible Legal System based upon Justice and Equity.

25.

The Right to be Free from Extortionate Lawsuits

26.

The Right to Privacy.

This list will no doubt be controversial, both by what it includes and what it omits. While we don't have enough room here to adequately consider all (or any!) of the inclusions or omissions, let's briefly discuss a few.

Consider rights 11-14 and 24-26, above, whose purpose is to establish an actual democracy—of the people, by the people, for the people. In America, today, people do have individual rights, elaborated by items one through ten, above, which protect them from various kinds of abuse. But we do not, in fact, have a democracy. We have an oligarchy. Ordinary citizens have very little control over the government, as their elected representatives mostly do as they please, or their Beltway consultants suggest, and only respond to the public when massive pressure is evidenced. In addition, many government operations are secret, and the legal system is unfathomable. Of course, when the United States was founded, such indirect representation was the best approximation to democracy that was feasible. But today, with the availability of the internet and other forms of instantaneous electronic communications, there is no fundamental technological reason why the general public could not directly engage in voting on legislation, taxation, expenditures, and other issues, up to and including those of war and peace. It might be argued that the general public is not qualified to do so. Personally, as one who has interacted with some of those calling the shots within the present system, I see no evidence for the public's inferiority. Such skepticism of the people's capacity to engage in direct government is reminiscent of similar skepticism offered by sophisticated European observers of the practicality of the Founding Fathers' notions of the viability of representative democracy, freedom of religion, the press, the right of the people to bear arms, trial by jury, etc. To the establishment 18th century mind, all of these concepts were prescriptions for chaos. It took a "noble experiment" in a new land to prove their viability. Until that was done, it was impossible to implement most of them in Europe. Similarly, the representative system in the U.S. will never yield to actual democracy until the latter is proven somewhere. For that, a new "noble experiment" will be necessary.

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Rights numbers 15-23 have all existed, explicitly or implicitly, to one extent or another, at one time or another, in the United States and many other countries. Many of these, however, have become significantly constricted in many nations recent years, and there will be increasing pressure to do so further on Earth, especially if the *pax terrestris* should result in a stagnant

zero-growth world. A Martian civilization which offered these as fundamental rights could become the magnet for the dreams and hopes of millions.

But are they practical? Can the public really govern itself? Judge itself? Can a society really function with people free to practice professions without our present set of caste or guild-like certification systems? Can a society function with people free to invent and implement new technologies without interference by government regulators? Perhaps there are other rights that should be added. Could a society function and progress with people guaranteed food, clothing, shelter, medical care and other necessities as fundamental rights?

I don't know, and I don't think anybody else does either. To find the answers, a lot of noble experiments will have to be run, with various combinations of these or other rights. The ones that work will lead to societies that succeed, and thus be remembered, and copied.

Like Hegel, who believed that the efficient Prussian bureaucracy was the ultimate development of human government, Prof. Fukuyama believes that current representative systems are the final answer. I disagree. I don't know what it is, but I'm sure we can find better. And our best chance of finding it, of taking our next giant step, will occur, when once again, in a new and as-yet unstructured land, a group of serious minded people equipped with the experience and most advanced thought of their era, gather around a blank sheet of paper, and with all the force of their reason, begin to write:

“We hold these truths to be self evident...”