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METALAW AND THE INTRINSIC VALUE OF EXTRATERRESTRIAL ORGANISMS

Abstract

January 6, 2015: NASA's Kepler spacecraft detected its one-thousandth planet existing beyond our solar system. Several of these worlds are rocky, like Earth, and orbit within the habitable zone of their parent stars – the region where temperatures are just right for supporting liquid water on a planet's surface.

Discovery of extraterrestrial life – in any form – would have a profound effect on the collective human consciousness, calling into question our deepest political, economic, and religious beliefs. Such an event could rival the Copernican revolution, which displaced the Earth and its inhabitants from a central position in the cosmos.

Under current jurisprudence, there is no equality among different terrestrial species (let alone all members of the human species). If we suddenly found ourselves face-to-face with an organism originating from another world, would it be given legal protection? Under public international law, the answer is unclear. Under U.S. law, there is no answer at all. How would we recognize the intrinsic value of other living beings?

Metalaw may provide some guidance regarding how we should treat extraterrestrial life. It also may shed light on the more immediate concern of how we should treat life here on Earth. A legal framework that expands beyond the scope of human beings also raises fundamental questions for contemporary environmental ethics. A noble, moral stance toward extraterrestrial life would logically instigate a noble, moral stance toward the many other forms of life on our own planet.

This paper will examine the present legal regime governing contact with extraterrestrial organisms, explore the jurisprudence of metalaw, and discuss the implications of accepting a legal framework that extends to non-humans. In order to develop a body of metalaw to enable future interactions with these beings, we must set aside the long-held understanding of our place in the universe. With our vision continually reaching deeper into space, we must assume that our global ecosystem, like our solar system, is just a single fish in the ocean.