

Legal Foundation of the Third Imperium

The Third Imperium is so named because it is the third recorded attempt to govern the reaches of known space referred to as the Humaniti. It is not the 'proper' name of the government. Just as the First Imperium was actually the 'Ziru Sirka' (ZS) and the Second Imperium was the 'Rule of Man' (RM), the Third Imperium is actually the 'Grand Empire of the Stars' (GES).

The Rule of Man vs. The Rule of Law

The Third Imperium demonstrates the Rule of Man as opposed to the Rule of Law. Although the Emperor is legally ratified by the Imperial Moot, the Moot does not inhibit the rule-making ability of the Emperor.

Although the Imperium demonstrates the rule of man in many ways, it is cloaked in the rule of law. The Imperial Constitution provides the legal foundation for the administration of government. It is the document that grants the power. "The powers of the Imperium shall be vested in an Emperor, who shall maintain that title and powers until his death or voluntary abdication." Article II.

This power is further limited by the role of the Moot. By its terms, the Emperor cannot take action or create laws without the "advice and counsel" of the Imperial Moot. Article III. Two additional significant restrictions exist on the power of the Emperor: the power to dissolve the Imperium, and the right to disqualify an heir, albeit only for "just and proper cause." Article IV.

The Imperial Constitution and the Warrant of Restoration

The principal organizing document of the Third Imperium is the Imperial Constitution. It consists of a preamble called the 'Warrant of Restoration' and eight Articles. The Warrant lays out the scope of the concerns and goals of the Third Imperium.

"On the foundations of the past, in order to promote safe travel among the stars, the exploration of worlds circling those stars, the pursuit of knowledge, mutually profitable trade and commerce, the active exchange of information and technology, the individual pursuit of personal betterment, and the collective pursuit of community good, we hereby reestablish the Grand Empire of the Stars."

The Articles enumerate the specific duties and responsibilities of both the Imperium and its member worlds:

The Supremacy of Imperium Law

The most important article is Article I. It provides in part, "The purpose of the Imperium shall be to provide for the defense of all of the member worlds as a group, and to bring the rule of law to the spaces between the worlds. No interference with local law or custom is contemplated, except where such local law or custom is in conflict with Imperial law."

This is essentially a 'supremacy' clause, because where the member world's law is in conflict with Imperial law, it is overridden. The only thing that limits the total exercise of Imperium law over the laws of member worlds, is that the Imperial Constitution limits the areas in which it will exercise its authority. Presumptively, all member world's law in areas not specified to the Imperium are valid and will be recognized and respected by the Imperium.

However, Article VIII contains an expansive and essentially unlimited Imperial authority. In pertinent part, it states "The Imperium . . . reserves to itself the power to unilaterally enact changes in any or all

aspects of the relationship between itself and any member world or citizen." Because when a world accepts membership into the Imperium, it accepts these conditions, that world is legally bound by this grant of authority to the Imperium.

As expansive as the grant is, there is a limitation upon it. The ability to act unilaterally in this fashion requires that it be "for the purpose of ensuring [the Imperium's] continued safety and stability." Theoretically, anything that conflicts with the wishes of the Emperor would qualify as a threat to the safety or stability of the Imperium. Fortunately, Emperors have rarely exercised this power. And when they have the results have been catastrophic.

Personal Jurisdiction

The Imperium has jurisdiction over all of its citizens. Article I provides: "No immunity, protection, right, or privilege granted by the Imperium to a citizen of the Imperium may be abridged or denied by any member world." This provision is actually a sweeping claim to authority, because it effectively forces all member worlds to recognize the full scope of Imperial rights for Imperial citizens within their jurisdiction. Thus, as the number of Imperial citizens increases and travels to more worlds, Imperial rights and laws are practiced on a wider scope and are likely to become incorporated into the laws of member worlds.

Trade Law

In Article IV, in a short and plain statement, the constitution provides that the Imperium will "support free trade among its members." Thus, as a consequence of the Supremacy Clause of Article I, the trade laws and restrictions of member worlds are invalid if they conflict with Imperial law.

This language can be stretched to cover virtually any thing that may effect free trade. The scope of authority exercised under this provision varies from place to place and from time to time. It is not an absolute preclusion of member worlds legislating on trade and related issues. It is argued by some scholars that even protective measures that a member world may enact, such as tariffs, trade embargoes and the like, can be valid under Imperial law. This point of view interprets Article IV language "among members" to presume that trade should be fair and balanced. It justifies measures so long as they are protective of the member world's economy and not unnecessarily restrictive. Thus, a member world would be free to enact whatever laws are reasonably necessary to protect its economy from economic dependence on other worlds. Scholars who disagree charge that this school of thought is primarily responsible for the wide diversity of technology advancements among the member worlds of the Imperium. In addition to these restrictions, member worlds are prohibited from engaging, tolerating or allowing its territory to be used for piracy or smuggling, or from issuing letters of marquee.

Extra-Territoriality and Starports

In the early history of the Third Imperium, Article VII often created difficulty. The problematic language is: "The governance and operation of starports or other territories ceded to Imperial use is reserved to the Imperium." The question is whether the reservation to the Imperium applies to all starports, or only those starports "ceded to Imperial use"? As many legal issues, it is a question of grammar. If the 'ceding' restriction applies to starports, then the Imperium's exercise of jurisdiction is limited to just those starports. But if the 'ceding' restriction only applies to the more general 'territories', then all starports are reserved to the Imperium. The implications can be severe.

Emperors have generally practiced a compromise, requiring that all member worlds cede at least one major starport to the Imperium. Member worlds with starports that significantly effect interstellar trade

are heavily encouraged to accept Imperium rule there, and where challenged, the Imperium has taken it by the authority of both Articles VII and IV. The reason for the concern is that within such territory, the member world has no jurisdiction, not to exercise its laws or even to enter without permission.

Slavery

There is an Imperial prohibition on chattel slavery, that is, enslaving sophonts as personal property. It is straightforward and applies to the entire Imperium, its territories, and its member worlds. But it goes even further by prohibiting member worlds from having any 'dealings' with territories that allow slavery.