

The Constitution of Asgardia: Stepping Stones to Tyranny

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edited: 27 Apr 2018 grc - added part VIII

edited: 30 Apr 2018 grc - updated 3 parts (V, VI, VII)

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(over 130 pgs)



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I. Introduction

I have been asked to condense my thoughts on the primary issues with the constitution which may lead to oppression, tyranny, and fascism in Asgardia. Here is my attempt at '*condensing*'. My Commentary on the Asgardian Constitution has 14 pages of my first pass comments on the constitution. There is a lot of good there, but also some very, very troublesome things to which I will talk about below.

There are 7 main factors present that need to be dealt with:

1. People Other Than the Electors Decide if MP's Take Office
2. Subjective Morality
3. Enforced Nationalism
4. Tyranny of the Majority
5. HoN's Unfettered Legislative Power
6. HoN Dynastic Appointments
7. Kingdom?

NOTE: Also, I should state that this takes into account extra-Constitutional texts (*the Asgardian Website*) which at this point is effectively on par with the Constitution itself until as such time as that assumption by the public at large and the interim government is rescinded by the interim and acting Government.

II. People Other than Electors Decide if MPs Take Office

From the website - [bottom of the Election Page](#): Keep in mind we have no idea what part of this means, because it is not explained, but is very problematic, especially because of how open it is, and I do not think this is mentioned directly in the constitution either:

"Candidates who receive most votes in their electoral districts will move on to the interview round conducted by the Central Election Committee of Asgardia. Elected MPs cannot take office until they have been interviewed by the Central Election Committee of Asgardia and approved by the Head of Nation."

This is problematic on two potential fronts for significant democratic reasons:

MP CEC Interview: From the standpoint of democratically elected representatives, I am not at all keen on a random and potentially partisan committee being able to tell the people that who they voted for arbitrarily cannot take on the job. This is somewhat analogous to America's Superdelegates or the Electoral College members deciding on someone other than who the voters selected will take office. It does not work there and it sure as hell will not work here either.

There are no constitutional requirements nor guidance investing in the CEC to validate candidates or how to determine valid candidacy, so it could be left to opinion on whether or not the candidate likes teddy bears or whether or not they support the King's views. This stands as quite anti-democratic and a violation of core premises of democracy.

Now, if this was only there to verify that they met the resume/ID/Recommendation requirement, then that would be one thing, but should be done prior to voting or listing them as a candidate. Otherwise it results in having the citizen waste their vote and prevent them seeking a qualified representative, and preventing their voice from being heard, but this does not seem to be what this is about, since verification of candidacy is already done prior to being listed.

Head of Nation Approval: HoN also has to approve the candidate that has already been approved by the electorate and the CEC? (not in constitution) This is inherently anti-democratic. Members of Parliament should be voted in by the people, period. This part states, effectively that the HoN gets to pick his parliament.

Nothing could possibly go wrong there! Not ever!! I would love it if the President of the United States would get to pick his Congress. Oh, the horrors that would be wrought. Seriously, this is one is horrific and wrong, beyond all rational belief. You may say we do not have a king, but if this is left to stand then we most assuredly do!!! .

III. Subjective Morality

Article 17.4.a “the spread of moral ideals;”

Article 22.5 “ Asgardia shall prohibit any propaganda of immoral and antisocial behaviour, and any production and circulation of information on any storage media, which contains mass information, that is harmful to morality and/or aims to undermine or diminish its Supreme Values.”

Article 23.3 To ensure information security, the Government regulates the circulation of certain types of information on the basis of the Constitution of Asgardia and in accordance with the procedure set by Asgardia’s laws.

What are moral ideas? Morality is quite subjective and can vary from culture to culture, from religion to religion. Some may demand the stoning to death of someone who does not believe in their god on moral grounds or that women be required to cover themselves at all times. We are one citizen referendum away from a moral tyranny, especially when combined with 23.3 which controls the circulation of information - here comes censorship and political oppression!! Anti-social? As an introvert I have been called antisocial. Am I a referendum away from jail or some other punishment. These words are poorly selected, but are also endemic to potentially very damaging constitutional precedents of protecting arbitrary ‘moral’ beliefs.

IV. Enforced Nationalism

26.5. Asgardian citizens shall respect and protect Asgardia’s national symbols. Any disrespect towards Asgardia’s national symbols shall be subject to liability in accordance with the procedure set by Asgardia’s laws.

26.6. Any use of national symbols in violation of the procedure set by Asgardia’s laws shall be prosecuted in accordance with such laws.

26.5 and 6: 5. and 6. Both are really messed up and need to be removed. It violates freedom of expression and is a powerful tool to suppress political dissidents. Such laws are used by authoritarian regimes like Myanmar and fundamentalist Islamic countries to destroy political commentary, political dissidents, political controversy, and it goes against the very foundations of free speech. These are trappings of a monarchy, feudalism, authoritarianism, and horrendous levels of social and intellectual regression. Ugghhh!. Super BAAAAD!!!

V. Tyranny of the Majority

“Article 16.7: 7. The supreme form of the expression of public will in Asgardia is a referendum. Referenda shall be used to resolve the most important national matters of Asgardia. Referenda shall be held in accordance with Asgardia’s laws.”

“Art 30.1 Asgardia shall be governed by its citizens through referenda.”

There are no constitutional methods for alleviating the issues of the tyranny of the majority or focusing the government to be antimajoritarian and protecting minority rights which is a constitutional problem and should be dealt with in there on a basic level with checks, but it does not, hence the tyranny of the majority through referendum.

There are significant problems with ruling by referenda as the US saw in California during the Prop 8 debacle. \$20 Million was spent in a campaign of fear and lies for months prior to this vote, which was eventually overturned by the Supreme Court. This allows for the Tyranny of the Majority to run wild over the country with no protection for minorities or minority viewpoints of any kind. This is going to be a long term significant problem. All it takes is one powerful statement or a charismatic person to move the masses by fear and anger to destroy progress or the rights of others by a single...Referendum.

There needs to be a significant check on this. Direct citizen referenda is pretty much a bad idea all around. The constitution's attempt at values is a start, but what should have been done to from the beginning is integrating the Universal Declaration of Human Rights, which my constitutional rewrite does. I also address this by removing citizen referenda and initiating a consensus based democratic process which is inherently antimajoritarian. You can see the process that I posted for parliamentarians to consider with my [Legislative Process for a Consensus Based Digital Democracy](#).

And the fact that post facto repeals are a thing in the world. An unethical or illegal law can still be passed and go into effect especially with a powerful and persuasive speaker or mob mentality and it may be a while before such a law gets rectified doing its damage. I [blogged about my annoyance with post facto repeals](#) quite a while ago when I was studying constitutional law.

VI. HoN's Unfettered Legislative Power

32.10 *"The Head of Nation issues decrees that are mandatory for the governmental bodies and Asgardian citizens. Head of Nation decrees shall not be contrary to the Constitution and Asgardia's laws."*

The Head of Nation gets to make laws without approval of anyone. There are no checks, no balances, no limitations, no order of precedence, or anything, and they are binding to the government and to the citizens. Nothing can go wrong here. The Head of the Nation is a king in all but name. This needs to be drastically rewritten or removed completely.

You say *"Well, the HoN only has the power granted to them by the constitution and Asgardia law. So parliament can lay down some laws to prevent corruption there!"*

Not necessarily. The issue here is that constitutionally there is no limit to the HoN's power, which could be legally argued that they do not have a limit because the constitution does not say so, which is a massive failing.

How can you pass laws against a king with unfettered power when, with his unfettered power, he can just issue a decree saying no you cannot pass a law doing as such or just reject the law out right because he has the power to sign it into law or not (no parliamentary override).

You cannot rely on parliament to do so when they do not have the explicitly constitutionally granted power to do as such. If the constitution explicitly said this then we would be a different conversation. As it stands they do not explicitly have this power and it could be conceivably and very easily be prevented by our king.

VII. HoN Dynastic Appointments

32.4: 4. *"One year prior to reaching the age limit or in the event of a voluntary resignation, the Head of Nation shall nominate a candidate (on the basis of genealogy or on any other basis) for the position of Head of Nation. Two other candidates or the same candidate for the position of Head of Nation shall be nominated by the Parliament and the Supreme Space Council. The election of the Head of Nation is put to a referendum in accordance with Asgardia's laws."*

Not a good idea. This should be scrapped altogether.

Along with the unfettered power issue, a decree could be placed to influence or control this too ("or the same candidate"), so dynasties are very much possible. There is an incredible potential to create dynasties by appointment even if the parliament gets a pick - provides potential for deal making and corruption.

This process also removes the people from being able to choose. The candidate that the king chooses does not have to be anyone from an elected position - someone who has been chosen to be in the government by the people. It could be someone completely unqualified nor interested.

This should be changed to an order of succession with an election to soon follow with the interim head having limited powers, unless in certain circumstances. You say we do not have a king? A king in all but name with dynastic appointment possible.

VIII. Kingdom?

A. Pernicious Effects of Asgardia as a Kingdom

Chapter 2, Article 1 "The terms "Space Kingdom of Asgardia" and "Asgardia" are synonymous."

Years ago, when I was looking for a micronation, I specifically did not want a kingdom due to their potentially feudalistic and backwards ideals, which had me eventually choose the Republic of Talossa. Republic was in its name, which boded well.

Honestly, for Asgardia, "kingdom" is a bit misleading since we do not yet bear significant numbers of traits of Earthly historical kingdoms (*lords, titles, patriarchy, prima nocte, theocracy, peasantry*). Thankfully, we have just a few malingering (4) ones as I have detailed above which need to be excised from our constitution with extreme Asgardian prejudice.

Anti-Asgardian: The word "**kingdom**" implies and its Earthly histories have such traits as: monarchy, patriarchy, theocracy, feudalism, regression, oppression autocracy and enforced nationalism with ideas based in subjective morality, superstition and ignorance. Honestly, using the word kingdom and all that it stands for violates the very values to which Asgardia says that it stands for: equity, ethics, secular, science based, transcending humanities regressions, etc. In essence using the word "kingdom" in our name is very much anti-Asgardian.

Word Drives Desire for More Feudal Traits: Plus, if we call ourselves a kingdom then our citizens and legislators will eventually start to think of us as a kingdom and may want to start implementing things that shall give us the trappings of one: lords, titles, theocracy superstitions, and so on. Hell, such qualities are reflected in our name, the thing that defines what we are, so why shouldn't we have these things otherwise we are bearing false advertising as to what we are and are living a lie.

Tyranny of Majority = More Feudal Traits: As mentioned above in the Tyranny of the Majority, we are one persuasive speaker and one citizen referendum away from having such things as the horrors of a theocracy and other feudalistic traits. The constitution be damned... or because of. It is in the name, one of the first things mentioned in the constitution - Kingdom. We already have a head start with dynastic appointments (*feudalism*), subjective morality laws (*theocracy*), punishments for abusing national symbols (*authoritarianism*), and the kings unfettered ability to create binding laws (*autocracy*). Honestly, why should we stop there?

Violating Asgardian Unity: Using the word Kingdom, also fosters the hideous disease of nationalism which separates us from the rest of humanity which our founding documents say we would really like to transcend.

B. Other Descriptors for Asgardia

Honestly, ridding “**Kingdom**” from the name of the country may lend more credibility to us - just Asgardia, The Space Nation or The Space Nation of Asgardia. Even that would be a huge improvement.

However, if we really want to drop the trappings of nationalism and other isms present in the world, those things that Asgardia really says it wants to transcend, then maybe we should consider dropping the word “nation” too, so that we can *really* be forward thinking so we can really push ourselves forward, so we can attempt to honor and acknowledge our interdependence upon one another, our unity as is in our motto. Nothing separates the people of the world and incites distrust, hatred, anger, and violence more than the rancorous disease of nationalism and patriotism. The very idea and word violates the idea of unity within Asgardia and of all of Humanity.

For Asgardia, perhaps we should really choose a label which is more fitting of the government of the future, something that is more fitting to what Asgardia says it wants to be, so we can strive for and push for something greater than what the world has now, something greater than *WE* currently have. And not of one that is thankfully long dead and relegated to the horrors of human history.

Here are some other names/descriptors that would be more effective and reflect the government of the future and of Asgardia’s supposed ideals:

- Humanocracy of Asgardia
- Technocratic Humanocracy of Asgardia
- Interstellar Technocratic Humanocracy of Asgardia
- Technocracy of Asgardia
- Asgardian Collective
- Asgardia