

The View from Above: A Review on Space Law and the Future of Lawyers

The Little Book Of Space Law

By Matthew J. Kleiman

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Reviewed by Natasha Meserve

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“Space lawyers will be at the forefront of helping the spaceflight community overcome...hurdles. Perhaps in a few years, when a rocket scientist needs a lawyer, she will be able to find one in outer space.” P.169

The emergence of space travel and activity has broadened the scope of human interaction and law quite literally out of this world. *The Little Book of Space Law* by Matthew J. Kleiman, aims to analyze the space industry’s activities and the laws that govern them in respect to minimizing risk to people and outer space property.¹ In addition to the current case law and regulation on space travel, Kleiman also writes about the importance of preventing these laws from stifling innovation while still managing the legal issues that crop up with certain aspects of

¹ Matthew J. Kleiman, *THE LITTLE BOOK OF SPACE LAW* Book Summary (American Bar Association 2014).

space travel in the four sections of the book: Launch, Orbit, Reentry and Who Owns the Moon?² This book review seeks to analyze the structure, content and helpfulness for attorneys of all experiences to understand this particular field of law.

Matthew J. Kleiman is the former Corporate Counsel at Draper Laboratory in Cambridge, Massachusetts.³ He is also a professor and teaches space law at Boston University. He is chair of the Space Law Committee of the ABA Section of Science and Technology Law and a member of the International Institute of Space Law and the American Institute of Aeronautics and Astronautics Technical Committee on Legal Aspects of Aeronautics and Astronautics.⁴ Kleiman is a New Jersey native who attended space camp in Huntsville, Alabama three times as a child; he's loved studying space his entire life and currently resides in Massachusetts.⁵ He has co-authored other publications such as *The Law of Spaceflight: A Guidebook For New Space Lawyers*, *Protecting Apollo Artifacts on the Moon*, *Patent Flights and Flags of Convenience in Outer Space* and *Patenting Pathways*.⁶

The Little Book of Space Law begins with an overview of space travel history and the overall issues that need to be addressed in regards to the ever-expanding world of space exploration and activities.⁷ This little book examines various parts of spacecraft legal issues, in the intersection between law and rocket science.⁸ It contains four parts, the first three sections bring up issues in the basic stages of spaceflight: launch, orbit and re-entry.⁹ The book is

² See Kleiman, *supra* note 1, at X.

³ See *Matthew Kleiman Faculty Profile*, (last visited March 29, 2015) available at <http://www.bu.edu/law/faculty/profiles/pdfs/matthew.kleiman.pdf>.

⁴ See *id.*

⁵ See Kleiman, *supra* note 1 at 183.

⁶ See Kleiman, *supra* note 3.

⁷ See Kleiman, *supra* note 1 at IX.

⁸ See Kleiman, *supra* note 1 at XI.

⁹ See Kleiman, *supra* note 1.

structured in an easy to follow manner, whether it be for a beginner who wants to learn the basics of the legal issues pertaining to space law or an experienced lawyer who wants to brush up on the current issues surrounding the different stages of space flight. The fourth section discusses property rights in space, which has future impacts on individual businesses that plan to harvest the landscape of outer space.¹⁰ Within each section, there are individual chapters that address specific subjects that pertain to the overall theme of the sections. For example the Launch sections includes, risk to human life and property; loss of satellite payloads and environmental impact of launch operations.¹¹ Each chapter follows the heading of the section in a logical format according to the subject matter.

Kleiman seeks to mesh the world of rocket science and the law, by highlighting issues that arise from each step of space flight in a logical, easy to read way. For example, he discusses under the Launch section the risks posed to the crew on board a spacecraft and uses the 1986 Challenger incident as an example of what could go wrong in a rocket launch.¹² He supports the points he brings up with real life examples and research on each step of the space flight with details concerning the policy and implementation of the science behind each launch.¹³ Kleiman has a very objective, informative approach to writing this book. It allows readers to be fully informed on the matter with relevant case law and events that relate to specific areas of spaceflight. The short synopsis of cases help lawyers or academics really understand the current situation of the courts on certain areas of space law. The author also adds historical literature on the policies of the laws.¹⁴ This background information helps the reader understand the short

¹⁰ See Kleiman, *supra* note 1 at XI.

¹¹ See Kleiman, *supra* note 1 at III.

¹² See Kleiman, *supra* note 1 at 9.

¹³ See Kleiman, *supra* note 1 at 13.

¹⁴ See Kleiman, *supra* note 1 at 77.

evolution of what are the main concerns with the orbital flights and the companies that partake in it. The discussion of the current policies regarding each chapter of the book shows readers that this is a well-researched and useful tool in citing legal issues in space law.¹⁵

Kleiman takes a very orderly, clear and logical approach writing this book, it is short and concise with relevant background to each point. This allows the subject matter to be more understandable to every type of audience, whether it is an interested reader or a lawyer who is trying to gain a solid foundation on the legal issues of space law. Other than the legal arguments drawn out in his book, the added information about space and NASA sprinkled into the chapters is excellent for quick tidbits of information to know.

One of the most interesting sections in the book title *Who Owns the Moon?* discusses what many people believe to be the core practice focus of space law.¹⁶ In it Kleiman discusses the ownership of real estate in outer space under Article II of the Outer Space Treaty, which does not allow for appropriation of celestial bodies by sovereignty.¹⁷ Kleiman breaks down the section into three chapters that discuss property rights issues that have created current legal issues in the space industry.¹⁸ The first chapter of the section discusses protecting the Apollo mission artifacts on the moon and analyzes the issue by citing the Outer Space Treaty and the Moon Agreement.¹⁹ While the United States does not recognize private property claims, NASA considers property extracted by their astronauts to be a part of U.S. government property²⁰ Kleiman is not afraid to critique or include stories that may not make NASA look the best, however, this adds to the realness and genuineness of the book. The second chapter is in regards to Moon Rocks

¹⁵ See Kleiman, *supra* note 1 at 90.

¹⁶ See Kleiman, *supra* note 1 at 137.

¹⁷ See Kleiman, *supra* note 1 at 138.

¹⁸ See Kleiman, *supra* note 1 at 139.

¹⁹ See Kleiman, *supra* note 1 at 156.

²⁰ See Kleiman, *supra* note 1 at 156.

specifically with an added tale of a aging grandmother who was arrested due to her trying to sell a miniscule moon rock piece that her husband had received from Neil Armstrong, while somewhat comical because no charges were filed, the story does lend to the seriousness of possession of Moon Rocks and the legal issues that arise with owning one.²¹

The third and final chapter of the section discusses the ownership of celestial real estate meaning asteroids.²² Kleiman adds a bit of film knowledge by quoting Star Wars, which adds to the impact of space law on many genres of subject matter.²³ In this chapter, Kleiman discusses an incident in 2001 of trespass of property in outer space, and a subsequent suit was brought against NASA claiming he was entitled to parking and storage fees for landing their spacecraft on his asteroid.²⁴ The General Counsel of NASA responded that he had no legal basis due to private ownership of an asteroid was not acknowledged under the Outer Space Treaty.²⁵ While these chapters are mainly focused on only one event or case, it is probably due to the fact that space law is such a new and vague field of law, and as such the case law is relatively small. The author shows an incredible knack for objectively presenting information and presenting legal issues in a way that can be understood and utilized for reference. Readers also leave this book with an idea of how much space law can change and expand in the future, which opens the door for growth in this area for young lawyers and space enthusiasts.

The Little Book of Space Law highlights the changes and future litigation issues in space law especially with a new interest in sending citizens into space for recreational space travel. Kleiman gives a great overview of how legal issues will shape the future of space law and

²¹ See Kleiman, *supra* note 1

²² See Kleiman, *supra* note 1

²³ See Kleiman, *supra* note 1 at 163.

²⁴ See Kleiman, *supra* note 1 at 164.

²⁵ See Kleiman, *supra* note 1

what the legal field can expect in the future. This book is a valuable contribution to the legal and space field, because of its concise, objective summary of what needs to be known about the merging of the two fields. Kleiman sought to promote an interest in space law by writing this book and to make audiences aware of the future track of space innovation and how the need for lawyers to regulate and ensure the legality of the operations is an upcoming expectation. The presentation and research was effective given the shortened version of the reading, Kleiman directs you to his other publications for a more in-depth reading behind the issues he presents. However, this Little Book was exactly that, a concise version of

Overall, I really enjoyed reading this book, it was written in a very easy flowing, logical and interesting way. I knew little to nothing about space law when I began reading it, but the interesting facts inserted into every chapter was a nice addition to the book and the nicely detailed description of what happens in each step of space traveling, I now feel like I have a good, solid foundation of knowledge. I think this book can be helpful and appealing to all audiences, from younger audiences who want to learn about space, to attorneys looking to get some quick knowledge about the legal issues. Kleiman was most likely, aiming for a legally educated reader because the chapters focus on how the courts and law relate to the subject and the technicality behind legal and space terms. Overall, I would recommend to anyone interested in space travel and the law who would like a quick and fun read on this topic.