

Compliance Lessons from Star Trek

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1. Visions of the Future

To the uninitiated, it may not be immediately obvious how the job of monitoring criminal-regulatory risks on behalf of a company could possibly be helped by insights from a long-running US sci-fi franchise. Nevertheless, there is much to be learned from the future imagined by Gene Roddenberry for the original *Star Trek*, first produced for syndication on US TV networks in the 1960s and beyond, which has since spawned several further generations of TV series and movies.

Fundamentally, Roddenberry's vision was of a future in which human beings had improved their lot due to a combination of technological innovation and inherent respect for a rules-based cosmological order. As we boldly go into the second quarter of twenty-first century of Earth's current calendar, it may just be worth a few thousand words' reflection on the similarities and differences between Roddenberry's world and ours.

At the outset, the United Federation of Planets clearly reflected the cultural dominance and frontier spirit of mid-1960s America, whose confidence in its own inherent moral authority was tempered by caution in the form of a Prime Directive against interference in the affairs of less developed worlds. The essential benevolence of the Federation and its Starfleet was ensured by twenty-third century humans' relationship with the pacifist, logic-bound Vulcans, personified in the original series by that between Captain James T Kirk of the Starship Enterprise and his first officer, a human-Vulcan hybrid named Mr Spock.

Where dangerous circumstances tempted Kirk to stray away from his (and the Federation's) principles, as they did on a roughly weekly basis, it was invariably Spock that drew him back to the proper path. The creative tension between the exploratory, emotionally driven impulses of this ship's captain and his conscientious, logical first officer may have some resonance for in-house counsel in a 2026 company.

Star Date 2026. First Officer Spock's Personal Log:

Earth presents a curious picture at this point in its history. Its inhabitants have divided the planet into almost two-hundred nation states, each maintaining its own laws, institutions and conceptions of acceptable conduct. At the same time, they have created private commercial organisations whose activities cross many of those boundaries and whose resources, influence and reach may rival those of the states themselves.

The resulting system is not entirely logical.

A single organisation may therefore find itself subject to several legal systems at once, together with rules imposed by regulators, contractual partners and, not least, itself. Conduct regarded as routine in one part of the planet may be prohibited in another. A transaction lawful where it takes place may nevertheless have consequences elsewhere.

Humans have responded to this complexity by developing an extensive discipline known as 'ethics and compliance'.

This is perhaps a predictable development. Early twenty-first-century humans remain engaged in the pursuit of wealth, competition and commercial advantage, while simultaneously attempting to constrain the means by which this objective may be achieved. They have constructed rules against bribery, fraud, money laundering, market manipulation, and dealings with those with whom their governments have decided should not be dealt. They then construct further rules explaining how the first set of rules is to be observed.

A Vulcan might regard greater consistency of behaviour as the more efficient solution.

Humans, however, have never been notable for selecting a course of action merely because it is logical. In a system defined by competing interests, imperfect judgement and inconsistent behaviour, the existence of an Ethics and Compliance function is therefore not merely understandable; it is entirely logical.

2. The Captain's Voice

Star Trek fans of a certain age will be familiar with the perennial 'Kirk or Picard' debate, which may fairly be seen as reflecting a divergence of preference in leadership styles. When *The Next Generation* first aired in the late 1980s, there was a certain sacrilege for some in preferring the clipped, British tones of the new captain of the Enterprise (venerated Shakespearean actor Patrick Stewart) to the charismatic, swaggering style of the original Captain Kirk (the irrepressible William Shatner). In time, the two classic captains, different as they were, would attain roughly equal status among fans and public alike.

In our own time, various governments' guidance documents stress the importance for compliance programmes of an authoritative 'tone from the top'. The UK's Ministry of Justice guidance on the Bribery Act 2010 is a prime example: recognising the challenge of a natural bias in any business towards a culture of maximising profits at all costs, it recommends a clear message at board level in UK companies against the practice of bribery anywhere in the world. This is designed to establish a corporate culture strong enough to overcome both pressures (and, perhaps, the biases of some managers from more 'classic' generations) within the company, and the still-pernicious tendency to defer to 'local customs' in unfamiliar jurisdictions.

Internal corporate messaging in 2026 does not have to use the voice of either Shatner or Stewart (though some may welcome the suggestion). What it does need is the authority of the captain (CEO, perhaps COO) to ensure that instructions about how to behave are taken seriously by everyone on the ship.

This especially applies on dangerous away missions, where a bit-part junior member of crew (famously, characterised by their costuming in the ubiquitous 'red shirt') might not have the utmost confidence of their own survival beyond the opening titles. In a scenario where ethical decisions may be felt by some as a matter of commercial life or death, to expect the decision-maker to act according to the rules requires that they know that the corporate command structure is fully behind them.

The fact that the 'tone from the top' language in a compliance context fits well with portrayals of a military structure should come as no surprise. The laws on corporate liability (increasingly so, in the case of the UK) require anyone 'on board' (not just the officer class) to respect the rules: while in 2026 a reckless crew member may not often face instant death by phaser blast, their risk of regulatory action or even criminal conviction will often be matched by the risks to the company itself. As the fearsome collectivist Borg told Picard as they prepared to assimilate him, humans' archaic structures are authority driven. Whether your CEO's style is more Kirk or Picard, it is needed to make compliance a reality.

Supplemental log: First Officer Spock. Observations on human policy-making, 2026

The concept of authority is significant to humans but presents only part of the solution. Humans have developed an extensive practice or recording the behaviour expected of them in documents known as policies and procedures.

This is curious.

Humans appear to accept that certain forms of conduct are undesirable – bribery, fraud, theft, conflicts of interest and the falsification of records among them. They nevertheless consider it necessary for commercial organisations to record these conclusions in writing, circulate them to their personnel, require periodic confirmation that they have been read and, at regular intervals, provide further instruction on their meaning.

From a Vulcan perspective, much of this might appear redundant. If a course of conduct is known to be improper, a logical individual would simply refrain from it. The provision of a forty-page policy, an online training module and a requirement to select the correct answer from four possible responses would seem unlikely to alter that conclusion.

Humans, however, have discovered that knowing a rule and applying it are not necessarily the same thing. Circumstances intervene. Commercial objectives become pressing. Relationships develop. Exceptions appear attractive. Conduct that seems obviously improper in the abstract may seem less obviously so when a valuable contract, an important customer or a senior colleague is involved.

A policy therefore performs a rather more useful function than simply stating the rule. It establishes expectations before judgement is tested, provides a common reference point when interests conflict and, perhaps most importantly, identifies the point at which an individual should stop and seek advice.

The need for such documents is perhaps less surprising than their length.

3. Strange New Worlds

The format of most of the TV series aired under the *Star Trek* name followed an episodic structure, in which the crew of the starship encountered a brand-new threat in each episode, either on a strange new world or on the ship itself (budgets dictated the balance of the two). There were occasional repeat visits for threats such as the Klingons, the Ferengi, or the puckish superbeing Q, some of whom became less antagonistic to our heroes as the seasons rolled past. *Deep Space Nine*, unusually, saw the threats come to our heroes as they crewed a space station, and stories spanning several episodes rather than one or two.

What the standard format meant in practice was that our heroes spent much of their time with analytic ‘tricorder’ devices at the ready, learning about new species and civilisations, assessing whether they came in peace (sometimes) or had phasers set to kill (often). Ethics and Compliance officers in 2026 may recognise this as a challenge in due diligence, and/or (in the *Deep Space Nine* scenario of a more permanent relationship) ongoing monitoring. When introduced to a new character, a compliance department must ask, as have numerous *Star Trek* crews over the years: what do we know about them? How are they behaving? What are their aims? Might they perhaps secretly be robots?

As in *Star Trek*, the variety of threat types is infinite in theory, perhaps less so in practice. In certain jurisdictions, we might reasonably be on notice of a risk of corruption, or of anti-competitive practices. In others, the more pertinent risk might be dealing in goods or services, or with counterparties, that are subject to sanctions regimes. In some industries, the risk may be of human trafficking or forced labour in a supply chain, or other conduct (such as environmental breaches) that may cause problems for the company under proceeds of crime laws. Occasionally, the problem may be one of preventing company personnel from facilitating tax evasion, or of committing fraud either against the company or on its behalf.

In real life, of course, we must be wary of falling prey to caricatures and assumptions about those we deal with. The writers of *Star Trek* have sometimes been less wary, which would have made compliance less of a challenge: few in the original series would have doubted the security risks presented by the warmongering Klingons, the fraud risks of doing deals with the profit-hungry Ferengi (who, notoriously, operated according to their own somewhat self-serving 'Rules of Acquisition'), or the cybersecurity implications of installing software donated by the Borg. The Dominion of *Deep Space Nine* (a rival to the Federation) were a much trickier proposition, headed as they were by the shape-shifting Changelings.

The common starting point to tackling these varied scenarios is an exercise in risk assessment, which by its nature involves a degree of imagination and creativity (tempered of course by appropriate common sense). Basic-level compliance may involve asking a new partner to sign the company's standard ethical protocols and to answer a set of standard tick-box questions. Invariably, though, the pertinent risks will be less obvious at first sight, perhaps hidden away for a devastating plot twist at the end of the second commercial break. The job of the forward-thinking Ethics and Compliance officer will involve anticipating those possible plot twists, which will often mean not taking the new partners' answers entirely at face value. This is especially important if, like the Changelings (or certain sanctioned companies), they are in the habit of disguising themselves as someone else.

Observation Log - First Officer Spock. Cultural observations and the limits of assumption – Earth, 2026

The danger of assumptions is particularly acute when humans encounter practices different from their own. Vulcans have long understood that unfamiliarity is not, by itself, evidence of impropriety. The Federation eventually expressed a related principle in its Prime Directive: other civilisations should not simply be remade in the made in the image of those observing them.

There is logic to such restraint.

Human commercial practices concerning hospitality, gift-giving, personal relationships and negotiation vary considerably across the planet. Behaviour regarded as unremarkable in one country may appear unusual in another. A risk assessment that treats the difference itself as suspicious is therefore unlikely to be a particularly sophisticated one.

It would, however, be illogical to conclude that cultural difference answers every question.

'This is how business is done here' is an explanation, not a justification. A payment does not cease to be a bribe because it is customary. A conflict of interest does not disappear because personal relationships are commercially important. Nor does respect for local practice require an organisation to abandon standards that it has chosen, or is legally required, to maintain.

The more difficult exercise is to distinguish genuine difference from conduct for which difference has become a convenient defence. That requires curiosity before judgement, but also judgement after curiosity: understanding why a practice exists, without assuming that understanding requires accepting it.

The harder question is whether a difference is genuine or merely being used to defend conduct that would otherwise be unacceptable. Genuine differences deserve to be understood - but understanding them does not mean that the rules cease to apply.

The Prime Directive is sometimes characterised as a rule against interference. Its more useful lesson may be one of humility. Approach the unfamiliar without assuming that your own customs are universal.

But keep the tricorder switched on!

4. Imagined Scenarios

Training is essential to effective compliance, and yet so much training fails the basic test of sticking in the minds of those being trained. In the real world, nothing quite sticks in the mind as well as ‘war stories’: practical scenarios, preferably true, that illustrate how compliance works – and, even better, how it fails to work.

In the earlier scenes of *Star Trek II: The Wrath of Khan*, much is made of Captain Kirk’s apparent inability to deal with a ‘no-win’ scenario, specifically a computer-devised simulation of a rescue mission for a ship called the Kobayashi-Maru, used to train Starfleet cadets, deliberately programmed so that no non-disastrous outcome was possible. Kirk was said to have acquired legendary status as the only cadet to have beaten the simulation, which it transpires was because he rewrote the computer program. Later in the movie, its titular villain contrives to trap Kirk in a position that results (inevitably, it seems) in the destruction of the Enterprise and the death of Spock.

Real-life compliance dilemmas have the messy quality of not having to have a workable solution, and there will rarely be clear answers or counter-factual hypotheses that present a perfect ‘teaching moment’. Nevertheless, the cadets of the 2026 corporate compliance world will doubtless have questions and stories that are the ideal meat and drink for memorable training. Though few would welcome the experience of an investigation or a deferred prosecution agreement, these are invariably opportunities to learn lessons that may help prevent future disasters. Even a genuinely ‘no win’ scenario can sow the seeds for future learning, and no rewriting may be necessary. (As for Spock, he returned in the third movie; a new Enterprise was launched in the fourth.)

Simulation Log (holodeck program: Earth, 2026) - First Officer Spock

The logic of simulation extends beyond the Kobayashi-Maru. Later generations of Starfleet personnel had access to the ‘holodeck’: an immersive simulated environment capable of reproducing people, places and situations with considerable realism. Its recreational applications attracted considerable attention and controversy. Its usefulness for rehearsal and training was perhaps more significant.

This is entirely logical.

A policy can describe what should happen. Training can explain why. Neither can fully reproduce the moment at which an individual must decide with incomplete information, competing pressures and insufficient time. Humans appear to learn rather more effectively when a problem ceases to be (or seem) theoretical.

Practical scenarios therefore have value precisely because they allow mistakes to be made before the consequences are real. The objective is not to necessarily discover a single correct answer. As the Kobayashi-Maru simulation sought to demonstrate, sometimes there is none. The utility of the exercise is recognising the problem, identifying the information that is missing, testing assumptions and deciding when assistance or escalation is required.

From the perspective of Earth in the early twenty-first century, the future is uncertain. Developments in artificial intelligence have the potential to make such exercises considerably more sophisticated. A computer can now create facts, documents and responses, and alter a scenario according to the decisions of those participating. Humanity may therefore be taking its first, somewhat primitive, steps towards holodeck technology, with all the risks and potential that implies. In a compliance context, for the first time, machines can create and adapt endless scenarios and potential solutions.

There is an important distinction between the intelligence of the computer that creates the simulation, and the humans that programme and experience it. A simulation can reproduce uncertainty. It cannot assume responsibility for the decision made in response to it.

Humans may eventually devise machines capable of identifying every relevant fact and applicable rule, and of devising solutions. It would be premature to conclude that judgement has therefore become unnecessary.

The Kobayashi-Maru was, after all, never really a test of the computer.

5. Choices for Humanity

When *Star Trek* deigned to include dialogue that predicted its viewers' future, sometimes covering dates that have since become our past, it invariably steered a course somewhere between pessimism and outright predictions of apocalypse. According to Q, admittedly seeking to make a point or two about humanity in the opening episode of *The Next Generation*, the atomic wars of the twenty-first century were followed by a despotic period in which judicial practice took literally the injunction in *Henry VI, Part II* to 'kill all the lawyers'. Thankfully, we are still 50 or so years away from that prediction.

With a US administration moving further away from a rules-based order and towards a 'might is right' mentality, however, few would now challenge the suggestion behind that line of dialogue: while Roddenberry had faith that humanity would ultimately establish something like the utopia sketched out in the lyrics of John Lennon's *Imagine* (no countries, no possessions, no religion), he could also contemplate that things may get worse before they got better.

For in-house counsel in a company that operates in the US, perhaps in addition to more progressive jurisdictions like the EU, the UK, or Canada, this contrast in visions about a rules-based order is now an everyday reality. The assumptions of a decade or so ago, which saw equality and diversity, corporate transparency, antitrust, and the fight against corruption as inevitable features of the global compliance landscape, have given way to a less certain future. Before long, our navigation of sanctions against Russia may become harder thanks to ever-changing US policy, as it already has for sanctions against Syria, Venezuela, and Iran.

It is, though, an essential characteristic of any company's compliance function that the people through which the company acts should have respect for rules – both individually, in each jurisdiction in which the company acts, and, as a general proposition. In this respect, the role of in-house counsel is not a million light years away from the principled, logic-driven science officer on the bridge of the *Enterprise*, constantly striving to keep the ship and its captain true to their principles, wherever they choose to go.

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