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# ON A WAGON TRAIN TO AFGHANISTAN: LIMITATIONS ON *STAR TREK*'S PRIME DIRECTIVE

*Richard J. Peltz*\*

## I. INTRODUCTION

The Prime Directive has taken on a life of its own. Born of *Star Trek* creator Gene Roddenberry's distaste for the Vietnam War, this science fiction rule that technologically advanced humans ought not meddle in the affairs of alien cultures has lent credence to noninterventionist principles in terrestrial affairs, from anthropology to international politics. And those principles have merit, intended as they are to prevent the peculiarly devastating cultural havoc that can result when two worlds meet in unmitigated collision.

But as any *Star Trek* fan can tell you, there is more, or maybe less, than meets the eye when it comes to the Prime Directive. *Star Trek* writers seem never to tire of storylines in which violation of the Prime Directive strikes starship captains and *Star Trek* fans alike as not only attractive but imperative. In many situations, it turns out, the Prime Directive is neither the primary concern nor an inviolable directive.

Part II of this article acquaints the reader with the *Star Trek* universe, both as a mirror of Western cultural development for the last three and a half decades, and conversely as a force that has had a remarkable impact on contemporary Western culture. This acquaintance provides a foundation to understand how and to what extent the Prime Directive, a product of science fiction, can be useful in understanding future intercultural contacts right here on Earth. Part III of this article reviews specifically the appearance of the Prime Directive in *Star Trek* lore, for the most part with reference to *Star Trek*'s captains Kirk and Picard. This review analyzes the fictional evolution of the Prime Directive from its straightforward origin as political commandment to its fuzzy, modern complexity as an aspirational principle.

Part IV.A transports the reader back to "the real world" to show how the Prime Directive has operated both before and since the advent of *Star Trek*, chiefly in international relations, but also in areas ranging from the hard science of space exploration to the thoughtful business of eco-tourism. Synthesizing the lessons learned from fictional starship captains with the

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practical and real world applications of the Prime Directive, Part IV.B recognizes three important and related principles in understanding and employing the Prime Directive: (1) it is not inviolable, rather its violation is inherent in its nature; (2) it is not a rule of law, rather an aspiration; and (3) it is a product of a Utopian fiction, and as such can never be fully realized on the Earth as we know it. Finally, Part IV.C applies the Prime Directive, understanding these limiting principles, in the context of the present conflict between the West and the Islamic world, concluding that the modern Prime Directive should not and cannot flatly prohibit Western involvement there.

Part V concludes that the proper and modern understanding of the Prime Directive dictates that the value of cultural autonomy must be balanced with the inevitability of cultural interference and transformation. Ultimately all that the Prime Directive can teach is that when two worlds collide, people must work together to preserve the best of both.

## II. *STAR TREK* IN CONTEMPORARY CULTURE

If ever there was debate about the permanent place of *Star Trek* in American popular culture, that debate was laid to rest when the Smithsonian National Air and Space Museum featured *Star Trek* in an “unprecedented exhibit”<sup>1</sup> of artifacts and photographs from the 1966–69 television series, along with explanations of the metaphors and criticism woven into *Star Trek* stories. *Star Trek* creator Gene Roddenberry and his writers used *Star Trek*<sup>2</sup> as a vehicle, sometimes subtly and sometimes not, to comment on

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1. E.g., Brian L. Ott & Eric Aoki, *Popular Imagination and Identity Politics: Reading the Future in Star Trek: The Next Generation*, 65 W.J. COMM. 392 (2001). The Smithsonian has owned a “3.4-meter photographic miniature of the original *Starship Enterprise*” since the conclusion of the original series in 1969. MICHAEL OKUDA & DENISE OKUDA, *THE STAR TREK ENCYCLOPEDIA: A REFERENCE GUIDE TO THE FUTURE* 453 (rev. ed. 1999).

2. *Star Trek* (NBC television series, 1966–69).

cultural issues in 1960s America,<sup>3</sup> including race relations<sup>4</sup> and United States foreign policy.<sup>5</sup>

In its later incarnations on the small and big screens, *Star Trek*'s social commentary continued, and so did its impact on popular culture. The live-action television series that started with *Star Trek: The Next Generation* (*TNG*) (1987–94)<sup>6</sup>—followed by *Star Trek: Deep Space Nine* (*DS9*) (1993–99),<sup>7</sup> *Star Trek: Voyager* (*Voyager*) (1995–2001),<sup>8</sup> and *Enterprise* (2001–present)<sup>9</sup>—tackled issues from sexual orientation<sup>10</sup> to terrorist diplomacy.<sup>11</sup>

3. STEPHEN E. WHITFIELD & GENE RODDENBERRY, *THE MAKING OF STAR TREK 21* (1968) (“Roddenberry was determined to break through television’s censorship barrier and do tales about important and meaningful things”; “like a Trojan horse, the series ideal would conceal a few surprises.”).

4. *E.g.*, *Star Trek: Let That Be Your Last Battlefield* (NBC television broadcast, Jan. 10, 1969) (involving dispute between two aliens, both of black and white skin, one of whom is black on the left side and the other black on the right side). Of course, *Star Trek* was remarkable for the very presence of an African-American, female officer on the *Enterprise* bridge. *Cf.* WHITFIELD & RODDENBERRY, *supra* note 3, at 205 (describing desirability of “international and multiracial” crew). *But see, e.g.*, Mark Juddery, *Prigs in Space*, SYDNEY MORNING HERALD, Oct. 20, 2001, at 6 (questioning the value of a “glorified receptionist” as role model).

5. *See, e.g.*, Michael Stokes Paulsen, *Captain James T. Kirk and the Enterprise of Constitutional Interpretation: Some Modest Proposals from the Twenty-Third Century*, 59 ALB. L. REV. 671, 673 (1995) (describing *Star Trek: The Omega Glory* (NBC television broadcast, Mar. 1, 1968) (written in 1965 as possible series pilot, OKUDA & OKUDA, *supra* note 1, at 337), in which protagonists explore the war-torn society of Yangs (Yankees) and Khoms (Communists)). Such commentary has become an enduring part of the *Star Trek* tradition. *See, e.g.*, STAR TREK VI: THE UNDISCOVERED COUNTRY (Paramount Pictures 1991) (employing blatant Cold War analogs to depict crisis in relations of protagonist United Federation of Planets with former nemesis Klingon Empire).

6. *Star Trek: The Next Generation* (*TNG*) (syndicated television series, 1987–94).

7. *Star Trek: Deep Space Nine* (*DS9*) (syndicated television series, 1993–99).

8. *Star Trek: Voyager* (UPN television series, 1995–2001).

9. *Enterprise* (UPN television series, 2001–present).

10. *E.g.*, MICHÈLE BARRETT & DUNCAN BARRETT, *STAR TREK: THE HUMAN FRONTIER 189–93* (2001) (discussing homosexual undertones in *DS9* and explaining history of behind-the-scenes regard for homosexuality in *Star Trek*); *see, e.g.*, Kathy E. Ferguson, et al., *Gender Identity in Star Trek*, in POLITICAL SCIENCE FICTION 214, 228–31 (Donald M. Hassler & Clyde Wilcox eds., 1997) (discussing *TNG: The Host* (syndicated television broadcast, May 13, 1991) (involving romance with transsexual alien) and *TNG: The Outcast* (syndicated television broadcast, Mar. 16, 1992) (involving romance with androgynous alien)); Paul Joseph & Sharon Carton, *The Law of the Federation: Images of Law, Lawyers, and the Legal System in Star Trek: The Next Generation*, 24 U. TOL. L. REV. 43, 67–72 (1992) (same); Ott & Aoki, *supra* note 1, at 406–09 (same).

11. *E.g.*, *Enterprise: Desert Crossing* (UPN television broadcast, May 8, 2002); *see, e.g.*, Michael P. Scharf & Lawrence D. Roberts, *The Interstellar Relations of the Federation: International Law and Star Trek: The Next Generation*, 25 U. TOL. L. REV. 577, 596–97 (1994) (discussing various *TNG* episodes involving terrorist threats, especially hostage situations); *cf.* Kent A. Ono, *Domesticating Terrorism: A Neocolonial Economy of Différance*, in

One writer observed that the ways in which *Star Trek* captains solve problems of interspecies relations reflect evolving American foreign policy, from the interventionist 1950s and 1960s, to the gun-shy post-Vietnam 1970s and 1980s, to the ad hoc crisis diplomacy of the Clinton Administration in the 1990s.<sup>12</sup> The *Star Trek* world has generated a broad range of scholarly commentary,<sup>13</sup> including two staple law review articles that explore the implications of *Star Trek* for the future of lawyering<sup>14</sup> and international law.<sup>15</sup>

The latest incarnation of the *Star Trek* franchise treats small screen viewers to a new chapter in the fictional future of humankind. Americans first met Captain James T. Kirk and the gallant crew of the U.S.S. Enterprise in 1966,<sup>16</sup> when Roddenberry's "*Wagon Train to the Stars*"<sup>17</sup> began telling a science fiction tale that evolved into a modern mythology. Thirty-five years later—after three more television series,<sup>18</sup> ten motion pictures,<sup>19</sup> a run in cartoons,<sup>20</sup> and hundreds of novels and comics<sup>21</sup>—the U.S.S. Enter-

ENTERPRISE ZONES: CRITICAL POSITIONS ON *STAR TREK* 157, 160–79 (Taylor Harrison, et al., eds., 1996) (criticizing depiction of terrorists and terrorism in *TNG*).

12. Bill Muller, *U.S. Foreign Policy Issue? Check Trek*, SUN-SENTINEL (Ft. Lauderdale, Fla.), Aug. 27, 2000, at 1D.

13. E.g., JUDITH BARAD & ED ROBERTSON, *THE ETHICS OF STAR TREK* (2000); BARRETT & BARRETT, *supra* note 10; ENTERPRISE ZONES: CRITICAL POSITIONS ON *STAR TREK* (Taylor Harrison et al. eds., 1996); THOMAS RICHARDS, *THE MEANING OF STAR TREK* (1997); ROBIN ROBERTS, *SEXUAL GENERATIONS: STAR TREK: THE NEXT GENERATION AND GENDER* (1999); see, e.g., Sarah Projansky, *Selected Bibliography of Critical Work on Star Trek*, in ENTERPRISE ZONES: CRITICAL POSITIONS ON *STAR TREK*, *supra*, app. B, at 279.

14. Joseph & Carton, *supra* note 10.

15. Scharf & Roberts, *supra* note 11.

16. WHITFIELD & RODDENBERRY, *supra* note 3, at 404.

17. *Id.* at 22.

18. E.g., Rick Worland, *From the New Frontier to the Final Frontier: Star Trek from Kennedy to Gorbachev*, 24 *FILM & HIST.* 19, 19 (1994) (referencing *TNG*, *DS9*, and *Voyager*).

19. *STAR TREK II: THE WRATH OF KHAN* (Paramount Pictures 1982); *STAR TREK III: THE SEARCH FOR SPOCK* (Paramount Pictures 1984); *STAR TREK IV: THE VOYAGE HOME* (Paramount Pictures 1986); *STAR TREK V: THE FINAL FRONTIER* (Paramount Pictures 1988); *STAR TREK VI: THE UNDISCOVERED COUNTRY*, *supra* note 5; *STAR TREK: FIRST CONTACT* (Paramount Pictures 1996); *STAR TREK: GENERATIONS* (Paramount Pictures 1994); *STAR TREK: INSURRECTION* (Paramount Pictures 1998); *STAR TREK: NEMESIS* (Paramount Pictures 2002); *STAR TREK: THE MOTION PICTURE* (Paramount Pictures 1979).

20. *Star Trek* (NBC television series, 1973–75) (Emmy award-winning animated series).

21. See, e.g., Ott & Aoki, *supra* note 1, at 392; Joseph & Carton, *supra* note 10, at 43 & n.4. *Star Trek* has also spawned, e.g., “[a] multi-million-dollar-a-year merchandizing industry of toys, games, recordings, and clothing, . . . science modules developed for teaching elementary school children about physics and medicine[,] . . . special topics courses at colleges and universities,” Ott & Aoki, *supra* note 1, at 392, and a theme Hilton hotel in Las Vegas, e.g., OKUDA & OKUDA, *supra* note 1, at 694; see *Star Trek: The Experience*, at <http://www.startrekexp.com> (last visited Mar. 3, 2003). In 1976, NASA named its prototype

prise again set out to explore the galaxy, this time in *Enterprise*,<sup>22</sup> a television series named after the starring vessel.

Now in its second season (2002–03), the latest *Enterprise* continues the *Star Trek* tradition of a Utopian future.<sup>23</sup> With hunger, nuclear threats, and other of humankind's problems of international (i.e., intra-planetary) proportions minimized if not absent—Starfleet appears to be the benign product of a planetary government—the stage is set for the magnification and thoughtful examination of esoteric social and ethical issues.

The world of *Enterprise* is at once new and old to *Star Trek* fans, as the prequel series is set about a hundred years before the original *Star Trek*.<sup>24</sup> This starship *Enterprise* is the very first to carry human explorers into interstellar space, ninety years after the invention of faster-than-light warp speed. Captain Jonathan Archer (Scott Bakula) leads a courageous and multitalented crew, but the protagonists' naïveté about the customs of interspecies interaction endows them with a more familiar, "boy next door" humanity than the shrewd self-assuredness that characterized earlier *Star Trek* heroes. In this time frame, the known "history" of the *Star Trek* universe has largely yet to unfold. There is no United Federation of Planets ("Federation"), the interplanetary government (and United Nations analog) of later *Star Trek* series,<sup>25</sup> and Starfleet, the powerful Federation military arm (no clear United Nations analog),<sup>26</sup> appears to consist now of little more than the experimental and modestly armored *Enterprise* itself.

### III. EVOLUTION OF THE PRIME DIRECTIVE

Among the *Star Trek* concepts yet to take shape at the "prequel time" of *Enterprise* is Starfleet's "General Order One," also known as the Prime

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space shuttle *Enterprise* after the *Star Trek* vessel. E.g., OKUDA & OKUDA, *supra* note 1, at 693.

22. *Enterprise*, *supra* note 9.

23. For a discussion of Utopianism generally and Utopianism in *TNG*, see Steven F. Collins, "For the Greater Good": Trilateralism and Hegemony in *Star Trek: The Next Generation*, in ENTERPRISE ZONES, *supra* note 13, at 138–42 and Ott & Aoki, *supra* note 1, at 396–99. The *Star Trek* "Utopia," created in the 1960s, has been compared to the Kennedy "Camelot." E.g., Marleen S. Barr, "All Good Things . . .": *The End of Star Trek: The Next Generation, The End of Camelot—The End of the Tale About Woman as Handmaid to Patriarchy as Superman*, in ENTERPRISE ZONES, *supra* note 13, at 231–34, 239–43.

24. The "facts" here and following about where *Enterprise* fits into the *Star Trek* world are derived from the show's first season. See *supra* note 9.

25. See, e.g., OKUDA & OKUDA, *supra* note 1, at 536.

26. Starfleet later evolves into the benign instrument of an interplanetary government. See, e.g., *id.* at 467 (describing Starfleet "authority for the interstellar scientific, exploratory, and defensive [operations] of the United Federation of Planets").

Directive. The Prime Directive dates to the original *Star Trek* series.<sup>27</sup> *Star Trek* lore does not dictate the Prime Directive word for word, but its meaning has been summed up by *Star Trek Encyclopedia* authors Michael and Denise Okuda: "The Prime Directive prohibits Starfleet personnel and spacecraft from interfering in the normal development of any society, and mandates that any Starfleet vessel or crew member is expendable to prevent violation of this rule."<sup>28</sup> The Prime Directive appeared in the three television series after the original<sup>29</sup> and has been the subject of a *Star Trek* motion picture,<sup>30</sup> the title of a *Star Trek* novel<sup>31</sup> and role-playing game,<sup>32</sup> and an imperative in a *Star Trek* computer game.<sup>33</sup>

#### A. Inception: The Non-Interference Rule

The Prime Directive is of decidedly terrestrial origin. *Star Trek* creator Gene Roddenberry "wanted the Federation to act as a corrective to [the] bloody history of exploration," not "to wipe out the Aztecs all over again."<sup>34</sup> In the context of the mid-1960s, the noninterventionist Prime Directive suggested disapproval of United States policy in Vietnam.<sup>35</sup> The original *Star Trek* series repeatedly depicted planetary societies where foreign intervention had wreaked havoc. In *A Piece of the Action*,<sup>36</sup> Captain Kirk and company encounter the people of Sigma Iotia II, who have fashioned their government and society after the Chicago mobs of the 1920s. With rival mob bosses absorbed in carrying out endless retaliatory "hits" on each other's factions, chaos reigns. The Iotians learned these wild ways from a book on

27. The concept appears in a spate of second-season episodes aired in 1968, *id.*, but originated early in *Star Trek*'s conception, see *supra* note 5 (regarding *Star Trek: The Omega Glory*, in which a character violates the Prime Directive).

28. OKUDA & OKUDA, *supra* note 1, at 385.

29. See *id.* (citing as examples: *DS9: Let He Who Is Without Sin . . .* (syndicated television broadcast, Nov. 11, 1996); *TNG: Pen Pals* (syndicated television broadcast, May 1, 1989); *Voyager: Time and Again* (UPN television broadcast, Jan. 30, 1995)).

30. STAR TREK: INSURRECTION, *supra* note 19.

31. JUDITH REEVES-STEVENS & GARFIELD REEVES-STEVENS, PRIME DIRECTIVE (1990).

32. PRIME DIRECTIVE: THE STAR FLEET UNIVERSE ROLE-PLAYING GAME (Task Force Games 1993).

33. See Paul C. Schuytema, *To Boldly Go*, COMPUTE, Mar. 1993, at 100.

34. RICHARDS, *supra* note 13, at 13.

35. E.g., Juddery, *supra* note 4; Patrick McCormick, *Final Frontier Covers Old Ground*, U.S. CATHOLIC, Mar. 1, 1996, at 46, 48 ("The 'prime directive' was Roddenberry's stricture against colonial or cultural imperialism . . . . And obviously enough, it was also his reaction to America's own failed interventions and colonial exploits in Latin America and Southeast Asia.").

36. *Star Trek: A Piece of the Action* (NBC television broadcast, Jan. 12, 1968). See generally Mark P. Lagon, "We Owe It to Them To Interfere": *Star Trek* and U.S. Statecraft in the 1960s and the 1990s, in POLITICAL SCIENCE FICTION, *supra* note 10, at 234, 237-49 (discussing *A Piece of the Action* as parable of United States foreign policy).

the subject left behind by explorers from the Earth ship *Horizon* in 2168, before the Prime Directive pertained.<sup>37</sup> The Iotians evidently misinterpreted the book as a pattern for an ideal society. Though the story is rife with humor—Kirk adopts gangster-speak to deal with the locals—it demonstrates how a developing culture can be ruined when it forfeits its identity in a bid to duplicate the success of a technological superior.

Two other episodes with the same theme quickly followed *A Piece of the Action* in *Star Trek*'s second season. *Patterns of Force*<sup>38</sup> depicts a society brutally oppressed by a Nazi regime, complete with swastikas and Gestapo. This dismal state of affairs resulted when a well-meaning human sociologist, John Gill, set out to endow the people of planet Ekos with a more orderly society than they had developed on their own. In *The Omega Glory*,<sup>39</sup> authored by Gene Roddenberry in 1965 as a pilot proposal for *Star Trek*,<sup>40</sup> Kirk and company visit Omega IV, where the starship *Exeter* had disappeared. They discover that Starfleet Captain Ronald Tracy, stranded on Omega IV when the *Exeter* crew was killed, took sides in a planetary war. Arming one faction of primitive, post-holocaust combatants with high-technology phaser weapons, Tracey dramatically shifted the balance of power. For that crime, he is arrested and removed to the *Enterprise*. Both *Patterns of Force* and *The Omega Glory* warn against interference by technologically superior cultures in the developing world, and the former episode demonstrates that sociological tinkering alone is just as hazardous as technological contamination.

*A Private Little War*<sup>41</sup> represents *Star Trek*'s most dramatic illustration of the ills of interventionist politics as well as Roddenberry's most palpable commentary on superpower intervention in the Vietnam War.<sup>42</sup> In command of the *Enterprise*, Kirk returns to Neural, a primitive, peaceful planet he had surveyed years before as a crewman aboard another ship. Kirk finds his friends "the hill people" no longer living in peace, but at war with "the villagers," who mysteriously possess firearms. Upon further investigation, Kirk and company learn that the war was spurred and the villagers were armed by Klingons, the aggressive enemies of the Federation. To prevent the annihilation of the hill people at the hands of the Klingons' allies, Kirk decides to arm the hill people with the same degree of weaponry possessed

37. OKUDA & OKUDA, *supra* note 1, at 385.

38. *Star Trek: Patterns of Force* (NBC television broadcast, Feb. 16, 1968).

39. *Star Trek: The Omega Glory*, *supra* note 5. See generally Paulsen, *supra* note 5.

40. OKUDA & OKUDA, *supra* note 1, at 337.

41. *Star Trek: A Private Little War* (NBC television broadcast, Feb. 2, 1968).

42. *A Private Little War* is certainly not the only episode that spoke to the situation in Vietnam. See, e.g., Lagon, *supra* note 36, at 241–42 (discussing Vietnam commentary in *A Piece of the Action*, *supra* note 36, and *Star Trek: The Apple* (NBC television broadcast, Oct. 13, 1967)).



by the villagers. He resists the entreaties of his primitive friends for vastly superior phaser weapons to defeat the villagers once and for all. Pressed by his confidante and conscience, Dr. Leonard "Bones" McCoy, Kirk insists that the Federation must maintain the balance of power, no more and no less, even though he realizes he is committing both the hill people and the villagers to interminable war. Of course, the hill people and the villagers, respectively armed by the Federation and the Klingons, represent the South and North Vietnamese, respectively armed by the United States and the Soviet Union. McCoy's despair at Kirk's decision evidently mirrors Roddenberry's despair at the conduct of the Cold War through Vietnamese proxies.

Thus in its inception, the Prime Directive is an edict that forbids intervention in the natural development of societies, lest those societies be cast into unnatural chaos.<sup>43</sup> How that edict translates into the conduct of the Federation's foreign affairs is not always clear, but some patterns emerge. Generally, the Federation avoids contact with pre-warp civilizations, that is, with societies in which the people lack the technology to travel faster than light so are stuck in their own solar systems. That policy makes practical sense because the existence of an interstellar society is easy to conceal from "primitive" people only as long as they stay in their own stellar neighborhood. Once they start roaming the galaxy, they are bound to run into other species. Those encounters inevitably lead to communication and trade, effectively ending the newly warp-capable society's cultural isolation.

No contact is not the rule, however. *Star Trek* explorers have a record of exploring new worlds clandestinely, or at least trying to do so. *A Private Little War* revealed that Kirk had been to that planet before to conduct a survey. Evidently he and the landing party wore the clothes of the locals and generally concealed their off-world origins. Twice in *TNG* storylines, Federation explorers, in circumstances they deem compelling, reveal their alien identities to pre-warp cultures.<sup>44</sup> And in one motion picture, Federation observers clandestinely observe what they think is a pre-warp culture, only to discover, upon inadvertent unearthing of the observers' secret installation, that the culture under study is technologically advanced but elected to eschew technology and live as an agrarian society.<sup>45</sup> Despite these bungled efforts, the rule emerges that the Prime Directive prohibits *interference*, not *contact* per se, though contact that is quantitatively excessive or qualitatively careless surely risks prohibited interference.

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43. The Prime Directive also protects the people who exercise it by discouraging entanglements that force choices between evils. *TNG: Pen Pals*, *supra* note 29.

44. *TNG: First Contact* (syndicated television broadcast, Feb. 18, 1991); *TNG: Who Watches the Watchers?* (syndicated television broadcast, Oct. 16, 1989).

45. *STAR TREK: INSURRECTION*, *supra* note 19.

## B. Growth: Preserving Cultural Autonomy

The Prime Directive is not limited to relations between pre-warp and warp-capable cultures. Indeed, during the evolution of *Star Trek*, the concept of the Prime Directive expanded to effect something akin to sovereignty in the relations of the Federation *with its own members* and with space-faring allies.<sup>46</sup> Professors Scharf and Roberts cataloged incidents in which *TNG*'s Captain Jean-Luc Picard cites the Prime Directive as militating against interference with a technologically sophisticated culture.<sup>47</sup> In *The Outcast*,<sup>48</sup> Picard refuses to interfere when an alien was prosecuted in its own legal system, even though the prosecution arguably violates human rights norms. In *The Mind's Eye*,<sup>49</sup> Picard declines to interfere "in the internal affairs of the Klingon Empire," by then a Federation ally, despite the long history of interstellar relations between the Federation and the Empire.<sup>50</sup> And in *Justice*,<sup>51</sup> Picard acknowledges violation of the Prime Directive when he frees a Federation citizen from criminal prosecution on Rubicun III, where the *Enterprise* stops for rest and relaxation.

When the Prime Directive is thus extended beyond the bright line that divides pre-warp and warp-capable cultures, problems in application of the rule are compounded. As stated previously, the bright line is practically

46. In *DS9*, *supra* note 7, *Voyager*, *supra* note 8, and *Enterprise*, *supra* note 9, the Prime Directive has been extended further to protect the time line against interference by time travelers. See BARRETT & BARRETT, *supra* note 10, at 129; see, e.g., *DS9: Trials and Tribble-ations* (syndicated television broadcast, Nov. 4, 1996); *Enterprise: Cold Front* (UPN television broadcast, Nov. 28, 2001); *Voyager: Shattered* (UPN television broadcast, Jan. 17, 2001). This "Temporal Prime Directive" overlaps in spirit with the Prime Directive in that both protect natural cultural development against the unpredictably chaotic results of even well-intentioned tinkering. But the Temporal Prime Directive also serves the end of self-preservation, because violative interference would disrupt one's own culture. A modest intervention at the right time—an alien space attack on a defenseless pre-industrial Earth, see *STAR TREK: FIRST CONTACT*, *supra* note 19, or a change in environment "at the moment when the first protein was assembled from the earth's primordial soup," BARRETT & BARRETT, *supra* note 10, at 200 (discussing *TNG: All Good Things . . .* (syndicated television broadcast, May 23, 1994)),—could erase humanity from the galactic picture. Insofar as the grounds for the Temporal Prime Directive thus surpass the grounds for the traditional Prime Directive, the former is an entirely theoretical construct without analog in "the real world," so will not be analyzed in this discussion.

47. Scharf & Roberts, *supra* note 11, at 609.

48. *TNG: The Outcast*, *supra* note 10, cited in Scharf & Roberts, *supra* note 11, at 609. The defendant, a member of a race that outlawed gender identity, was accused of a forbidden relationship with an *Enterprise* officer. *Id.*

49. *TNG: The Mind's Eye* (syndicated television broadcast, May 27, 1991), cited in Scharf & Roberts, *supra* note 11, at 609.

50. See OKUDA & OKUDA, *supra* note 1, at 244–45.

51. *TNG: Justice* (syndicated television broadcast, Nov. 9, 1987); see also Scharf & Roberts, *supra* note 11, at 610.

appealing because contact with pre-warp cultures may be averted entirely or tightly controlled. When the same culture becomes a warp-capable participant in interstellar relations, its culture invariably becomes intertwined with that of the Federation. Just as an Earth nation's foreign policies are tied to domestic policies, interstellar trade and communication affect domestic matters. Quantitatively extensive or qualitatively meaningful contact inevitably results in interference. So line drawing becomes more difficult. In *The Outcast* and *The Mind's Eye*, members of the alien culture are the principal bearers of any hardships resulting from the apparent mismanagement of their domestic affairs.

But when a Federation citizen faces execution because of a minor infraction of domestic law—the Enterprise doctor's son steps on a flower bed<sup>52</sup>—Picard dispenses with the principle that personnel are expendable to preserve the Prime Directive. Indeed, it is difficult to see why the Prime Directive should apply in that circumstance. If the Prime Directive is meant to avert the catastrophic effects that Kirk witnessed on Sigma Iotia II, Ekos, or Omega IV, that purpose is not in play on Rubicun III. The people of Rubicun III might be disgruntled at Picard's disregard for their legal system, but the development of society on Rubicun III is highly unlikely to be dramatically and irrevocably altered. The Prime Directive operates both to ensure respect for the mores of savvy, star-traveling cultures and to protect "primitive," planet-bound cultures from the revelation that they are not alone in the universe. But surely the Prime Directive operates with greater urgency in the latter context.

### C. Adaptation: "It Has Lots of Loopholes"<sup>53</sup>

Whether the Prime Directive is the bright-line rule introduced in the original series, prohibiting significant contact with pre-warp cultures, or the fuzzy rule that emerged in *TNG*, prohibiting interference in societies' domestic affairs, one should not be left with the mistaken impression that the Prime Directive is uniformly observed. To the contrary, Starfleet captains<sup>54</sup>

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52. *TNG: Justice*, *supra* note 51. The situation is arguably reminiscent of the caning of American Michael Fay in Singapore for vandalism. *See, e.g.*, GOPAL BARATHAM, *THE CANING OF MICHAEL FAY* (1994).

53. Daniel Radosh, *Keep on Trekkin'*, *PLAYBOY*, Aug. 1, 1995, at 62.

54. One problem of Prime Directive interpretation that exceeds the scope of this discussion but nonetheless merits mention is the Prime Directive's interaction with the state action doctrine. As variously interpreted, the Prime Directive seems to apply only to Starfleet personnel. But the risk of cultural contamination seems far greater from private traders, who do carry on in the *Star Trek* universe, *see, e.g.*, *Star Trek: Mudd's Women* (NBC television broadcast, Oct. 13, 1966), *Star Trek: The Trouble with Tribbles* (NBC television broadcast, Dec. 29, 1967), or from religious missionaries, *see, e.g.*, Michael Miller, *Missionary Translates Faith: Indiana Woman Put New Testament into Language of Papua New Guinea Vil-*

seem to make a habit of violating the Prime Directive. Or, as author Dave Marinaccio put it, they treat "[t]he Prime Directive . . . with as much respect as a fire hydrant at a dog show."<sup>55</sup>

The most serious charges can be leveled against Captains Kirk and Picard. While Captains Sisko (*DS9*) and Janeway (*Voyager*) cannot escape with squeaky clean records,<sup>56</sup> this discussion will focus on Kirk and Picard and give a flavor—not a comprehensive catalog<sup>57</sup>—of the circumstances that invite violation of the Prime Directive.

Besides the Vietnam allegory in *A Private Little War*, Kirk “arguably” violates the Prime Directive, according to authors Okuda and Okuda, at least three times.<sup>58</sup> Two of those times, Kirk intervenes to disrupt a machine’s control of a humanoid society.<sup>59</sup> In the third instance, Kirk disrupts an interplanetary war fought by computers that select citizens to die without having to suffer buildings being destroyed.<sup>60</sup> In some sense, then, Kirk consistently violates the Prime Directive to promote human vitality as against oppression by mechanical systems. At least in the former two cases, and perhaps in the third, Kirk’s violation of the Prime Directive empowers humanoid species to exercise free will. None of these violations is justified

lage, PEORIA J. STAR, Apr. 22, 1995, at B2. Lest its ends be rendered meaningless, the Prime Directive must somehow constrain private parties. If interstellar travel one day becomes scientifically possible and economically feasible for individual entrepreneurs, it is difficult to imagine, at least with reference to Western ideals of liberty, how freelance exploration and commercial exploitation of new worlds could be so thoroughly controlled.

55. DAVE MARINACCIO, ALL I REALLY NEED TO KNOW I LEARNED FROM WATCHING *STAR TREK* 49 (1994).

56. Okuda and Okuda cite two episodes of *DS9* depicting “arguably” Prime Directive violations on Captain Sisko’s watch, notwithstanding his personal involvement. OKUDA & OKUDA, *supra* note 1, at 385 (citing *DS9: Captive Pursuit* (syndicated television broadcast, Jan. 31, 1993); *DS9: Let He Who Is Without Sin . . .*, *supra* note 29). They cite only inadvertent Prime Directive liability on the part of Captain Janeway, *id.* (citing *Voyager: Time and Again*, *supra* note 29), though viewers are made privy to a peculiar, mandatory, and classified, but officially sanctioned, exception to the Prime Directive, by which Starfleet captains must at any cost destroy potentially apocalyptic “Omega molecules,” *id.* (citing *Voyager: The Omega Directive* (UPN television broadcast, Apr. 15, 1998)). But in the series finale subsequent to the publication of the Okudas’ book, Janeway clearly violated the Temporal Prime Directive, *see supra* note 46, to save her crew. *Voyager: Endgame* (UPN television broadcast, May 23, 2001).

57. For more details on Kirk’s and Picard’s most interesting encounters with the Prime Directive, see RICHARDS, *supra* note 13, at 15–23.

58. OKUDA & OKUDA, *supra* note 1, at 385.

59. *Star Trek: Return of the Archons* (NBC television broadcast, Nov. 9, 1967), cited in OKUDA & OKUDA, *supra* note 1, at 385; *Star Trek: The Apple*, *supra* note 42, cited in OKUDA & OKUDA, *supra* note 1, at 385.

60. *Star Trek: A Taste of Armageddon* (NBC television broadcast, Feb. 23, 1967), cited in OKUDA & OKUDA, *supra* note 1, at 385.

under a strict application of culturally relativistic principles,<sup>61</sup> by which the observance even of fundamental human rights may not be imposed on foreign cultures. But one can argue that in each instance Kirk furthers the ends of the Prime Directive by freeing cultures that had become stuck on an evolutionary stumbling block, unable to develop further without an outside "push." (Of course, one can counterargue that those cultures eventually would have, and should have been permitted, to surmount their stumbling blocks naturally, or to fail.)

Captain Picard too had his tangles with the Prime Directive. In one episode, a Starfleet Admiral specifically charges that Picard violated the Prime Directive nine times,<sup>62</sup> because, in his words, "I thought it was the right thing to do."<sup>63</sup> Picard twice violates the Prime Directive deliberately to protect the lives of Federation citizens on foreign soil, once in *Justice*,<sup>64</sup> discussed above, and once in *First Contact*<sup>65</sup> (not to be confused with the motion picture of the same name), in which an Enterprise officer clandestinely studying a pre-warp culture is accidentally lost and exposed. In the former case, as discussed previously, the society is warp-capable, suggesting appropriate mitigation of the Prime Directive.<sup>66</sup> In the latter case, the society is close to warp-capable, thus one might argue *de minimis* injury.<sup>67</sup> In a third case, in *Pen Pals*,<sup>68</sup> Picard uses Enterprise technology to stop geological devastation that would otherwise obliterate higher life on a pre-warp planet ignorant of extraterrestrial life.

Again, in none of these cases is Picard's position justifiable under a strict application of culturally relativistic principles. And though all three cases involve life or death decisions, only *Pen Pals* follows "the Kirk principle" in pushing a society over an evolutionary stumbling block. In *Justice* and *First Contact*, the notion that the Prime Directive outweighs the lives of Starfleet personnel, and perhaps Federation citizens, either is disregarded or yields to the mitigating principle at play in technologically contemporary cultures, as discussed previously.

Because both Kirk and Picard continue to serve as Starfleet captains after violating the Prime Directive, the Prime Directive, whatever its precise

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61. For a discussion of cultural relativism in *Star Trek*, see generally BARAD & ROBERTSON, *supra* note 13, at 3-23.

62. *TNG: The Drumhead* (syndicated television broadcast, Apr. 29, 1991), *cited in* Scharf & Roberts, *supra* note 11, at 609.

63. *TNG: A Matter of Time* (syndicated television broadcast, Nov. 18, 1991), *cited in* Scharf & Roberts, *supra* note 11, at 609.

64. *TNG: Justice*, *supra* note 51.

65. *TNG: First Contact*, *supra* note 44.

66. *TNG: Justice*, *supra* note 51.

67. *TNG: First Contact*, *supra* note 44.

68. *TNG: Pen Pals*, *supra* note 29.

meaning, clearly is no sort of inviolable edict.<sup>69</sup> In this sense, it looks much less like a formal rule of law—suggested by the name, “General Order One”—than like an aspirational principle—in fact, like a constitutional principle. Indeed, this comparison has been drawn.

Professor Paulsen has compared the Prime Directive with the First Amendment.<sup>70</sup> Describing the former in the context of *The Omega Glory*—the episode in which Kirk must correct the damage done when another officer armed one side of a low-technology planetary war with phaser weapons<sup>71</sup>—Paulsen lamented:

Apparently, the prime directive of noninterference with the peaceful development of other peoples on other worlds is a pure principle of convenience, honored when its constraints are necessary to make a challenging plot and dispensed with (often without mention) whenever its strictures would interfere with the tidy resolution of a plot in a way that the writers found desirable.<sup>72</sup>

Such selectivity, Paulsen analogized, “is sort of like the Supreme Court’s treatment of the First Amendment’s freedom of speech.”<sup>73</sup> As evidence, Paulsen urges comparison of *Texas v. Johnson*,<sup>74</sup> in which the Supreme Court struck down flag-burning regulations as infringements on fundamen-

69. See Scharf & Roberts, *supra* note 11, at 609 (“Although the Prime Directive appears to have no exceptions, it is subject to frequent breach, apparently without penalty when accompanied by a compelling justification.”). Differences in Kirk’s and Picard’s handling of interference problems are largely impertinent to this discussion, but do merit study as cultural representations. Researcher Christopher J. Galdieri examined the two captains’ conduct with respect to the Prime Directive to posit compellingly the intriguing thesis that developments from *Star Trek* to *TNG* parallel an American evolution from “democratic liberty,” a laudable youthful state of decentralized democracy, to “democratic tyranny,” a dangerous state of late democracy characterized by overly centralized governmental authority—alternatives envisioned by Alexis de Tocqueville. Christopher J. Galdieri, *Alexis de Tocqueville’s Democracy in America and the American Enterprise*, *EXTRAPOLATION*, Mar. 22, 2001, at 666.

70. Paulsen, *supra* note 5, at 671 n.1.

71. *Star Trek: The Omega Glory*, *supra* note 39. Arguably, Kirk’s conduct in *The Omega Glory* was merely corrective, to repair the contamination already wrought by Captain Tracy. See *supra* note 39 and accompanying text. In that sense, the episode might not have been Paulsen’s best choice to make his point. But Kirk’s intervention was acute, as he laid the groundwork for a particularly *democratic* society. His innate and apparently unconsidered preference for what we would call a Western model of government probably inspired Paulsen’s analysis. Cf. Juddery, *supra* note 4 (commenting that Kirk’s Prime Directive violations invariably result in “dispos[ing] of tyrants and creat[ing] democracy”) (quoting David Brooks in *The Weekly Standard*).

72. Paulsen, *supra* note 5, at 671 n.1; accord MARINACCIO, *supra* note 55, at 49 (opining that the “primary mission” of the Prime Directive is to “creat[e] dramatic conflict”).

73. Paulsen, *supra* note 5, at 671 n.1.

74. 491 U.S. 397, 420 (1989).

tal speech rights, with *Madsen v. Women's Health Center*,<sup>75</sup> in which the Court tolerated a thirty-six-foot buffer zone around an abortion clinic as a content- and viewpoint-neutral regulation despite its effective operation only against antiabortion protestors.<sup>76</sup> According to Paulsen, the Court in *Madsen* "violat[ed] the [First Amendment] prime directive where deemed inconvenient, by manipulating the 'level of scrutiny' of direct, content-based prohibition of political speech in a public forum."<sup>77</sup> Paulsen aimed "to explode the myth of judicial supremacy and judicial exclusivity in constitutional interpretation,"<sup>78</sup> and pointed to complicated analytical tools such as the public forum doctrine to support his thesis that Supreme Court jurisprudence sadly has become "unintelligible"<sup>79</sup> and enslaved by *stare decisis*.<sup>80</sup> Indeed, more recent Court feuding over the proper level of abstraction in public forum analysis<sup>81</sup> bolsters Paulsen's 1995 position.

Professors Scharf and Roberts remarked on the resemblance of the Prime Directive to article 2, paragraph 7, of the United Nations Charter.<sup>82</sup> That provision states that "[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state," except insofar as the Security Council may take enforcement action under the Charter.<sup>83</sup> Non-intervention is also a principle of customary international law.<sup>84</sup> Scharf and Roberts explain that the circumstances giving rise to Picard's violations of the Prime Directive "mirror[] the contemporary international law debate over the right

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75. 512 U.S. 753, 762-64 (1994).

76. Paulsen, *supra* note 5, at 671 n.1.

77. *Id.* (in parenthetical).

78. *Id.* at 691; *cf. infra* note 137.

79. Paulsen, *supra* note 5, at 677.

80. *Id.* at 678-82 ("It is, after all, a constitution we are expounding, not the most recent four-part, three-pronged, intermediate-lite scrutiny, balancing test propounded in the most recent plurality (or even minority) opinion.").

81. *Compare Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 540-49 (2001) (finding legal services a federal regulatory program, thus public support for private speech), *with id.* at 552-59 (Scalia, J., dissenting) (finding legal services a federal subsidy program, thus the government's own speech).

82. Scharf & Roberts, *supra* note 11, at 608. Resemblance of the Federation to the United Nations is not coincidental, rather likely reflects Roddenberry's affection for the latter. The Federation headquarters is located in San Francisco, where the United Nations was founded, and the size of the Federation membership approximates that of the United Nations. OKUDA & OKUDA, *supra* note 1, at 536.

83. U.N. CHARTER art. 2, para. 7.

84. Scharf & Roberts, *supra* note 11, at 608 (citing *Military and Paramilitary Activities (Nicar. v. U.S.)*, 1986 I.C.J. 14 (June 27)). For an interesting review of non-interventionism and other interstellar legal principles as they appear in eighteenth and nineteenth century naval regulations, see Thomas C. Wingfield, *Lillich on Interstellar Law: U.S. Naval Regulations, Star Trek, and the Use of Force in Space*, 46 S.D. L. REV. 72, 83-101 (2001).

of 'humanitarian intervention,'"<sup>85</sup> that is, "intervention to prevent gross violations of human rights or to protect nationals from imminent peril or injury in a foreign country."<sup>86</sup> Scharf and Roberts observed that the international community has generally rejected such "humanitarian intervention" reasoning for fear of its easy abuse.<sup>87</sup> They further observed that any such principle is not uniformly applied in the *Star Trek* universe anyway, as the Federation long declined "to intervene in the Cardassian subjugation of Bajor," involving profound human rights violations, which formed the background story for *DS9*.<sup>88</sup> It is too early to say how the war on terror might affect the law of humanitarian intervention, or whether any preemptive strike by the United States against or within a sovereign and resistant nation might expand the concept of humanitarian intervention to allow for homeland security. Nevertheless, events of the 1990s bolster Scharf and Roberts's 1994 reflection, as, for example, the United States intervened in Bosnia<sup>89</sup> but not Rwanda.<sup>90</sup>

Thus if the Prime Directive is to carry some weight in our popular culture, both these analyses—relative to the First Amendment and to the United Nations Charter—point to the doctrine's flexibility. Even in the realm of the original *Star Trek* series, when the Prime Directive seemed more the bright-line, unyielding rule of law than the fuzzy, aspirational principle it later became, the rule was subject to interpretation and manipulation in much the same way that Supreme Court Justices can disagree over the meaning of the Constitution's explicit directive that "Congress shall make no law."<sup>91</sup> Or for a more recent analog, flexibility in interpreting the Prime Directive might be compared with the Bush stance that a nation's

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85. Scharf & Roberts, *supra* note 11, at 610 (citations omitted).

86. *Id.* (citations omitted); *see id.* at 610 & nn.221–22 (with regard to preventing human rights violations, noting India entering East Pakistan in 1971, Vietnam invading Cambodia in 1978, and Tanzania invading Uganda in 1979; with regard to protecting nationals, noting United States invading Grenada in 1983 and Panama in 1989).

87. *Id.* at 610.

88. *Id.* The relationship of Cardassians and Bajorans is clearly comparable to that of Nazis and Jews in World War II. *See* BARRETT & BARRETT, *supra* note 10, at 73–75; Matthew Kapell, *Speakers for the Dead: Star Trek, The Holocaust, and the Representation of Atrocity*, *EXTRAPOLATION*, June 22, 2000, at 104. In this parable the Federation plays the role of Western Europe, and the Prime Directive parallels appeasement policy.

89. *Cf.* McCormick, *supra* note 35, at 48 ("[W]hile Roddenberry's 'prime directive' may have offered a sobering corrective to the arrogance of American interventionism in the '50s and '60s, it is not always so clear that the moral response to international crises in Bosnia, Somalia, or Haiti is to stand by and watch.").

90. *See generally* Samantha Power, *Bystanders to Genocide*, *ATLANTIC MONTHLY*, Sept. 2001, at 84.

91. U.S. CONST. amend. I.



right of self-defense may justify a preemptive military strike against a foreign sovereignty.<sup>92</sup>

#### D. Maturation: Not a Rule After All

As the *Star Trek* franchise has grown and its manifestations in fiction multiplied, so has grown the available “back-story” of *Star Trek*: events that take place in our fictional future, but in the “history” of the *Star Trek* universe. The motion picture *Star Trek: First Contact* filled in back-story by way of a time-travel storyline, in which the *TNG* crew was able to witness humankind’s first warp space flight in the twenty-first century.<sup>93</sup> The new television series *Enterprise* is itself back-story, as it chronicles the adventures of humankind’s first manned exploration of interstellar space.<sup>94</sup> Both *First Contact* and *Enterprise* are remarkable in that their twenty-first and twenty-second century timelines “pre-date” the Prime Directive, offering more information about its fictional origin, meaning, and purpose in light of our non-fictional, present-day shared values and culture.

The Prime Directive, it turns out, is not entirely a human invention. In *First Contact*, we learn that humankind’s first formal encounter with aliens occurs when a Vulcan science ship lands on Earth in 2063.<sup>95</sup> What attracts the Vulcans’ attention to our little blue planet is their observation of our test of a simple, warp-capable space vessel. Vulcans, we are told, are not interested in primitive species not yet capable of interstellar travel: a standard reminiscent of the bright-line Prime Directive.

*Enterprise* picks up a century later, when Vulcans have guided humankind through interstellar nascence.<sup>96</sup> Interestingly, though, the Vulcans have acted as observers and consultants, but have not given us their superior technology. They give us star charts, but not warp-drive enhancements. Vulcan rules on this point are sketchy, but it seems they consider us either not yet capable of managing their superior technology, or they regard it as important that we develop technology at our own pace, both principles in accord with Prime Directive ideology. Thus *Star Trek* remains haunted by the Cold War vision of catastrophe resulting when a society’s technological development outpaces its evolution of cultural wisdom. Whatever the Vul-

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92. See President George W. Bush, Address to a Joint Session of Congress and the American People (Sept. 20, 2001), available at <http://www.whitehouse.gov/news/releases/2001/09/print/20010920-8.html> (last visited Mar. 5, 2003). Other aspects of the war on terror are similarly comparable, including the notion that the situation is a “war” at all absent a formal declaration under the Constitution. Is “the war on terror” somehow qualitatively different from “the war on drugs”?

93. *STAR TREK: FIRST CONTACT*, *supra* note 19.

94. See *Enterprise: Broken Bow* (UPN television broadcast, Sept. 26, 2001).

95. *STAR TREK: FIRST CONTACT*, *supra* note 19.

96. See *Enterprise: Broken Bow*, *supra* note 94.

cans' deepest motivations, this state of affairs sorely frustrates our human counterparts in the twenty-second century.

But lately *Enterprise* Captain Jonathan Archer has begun to see the light, as he has found himself in the position of the technological superior. In *Dear Doctor*,<sup>97</sup> the *Enterprise* encounters a pre-warp shuttle seemingly set on an interstellar course. Archer and company contact its occupants and follow them back to their troubled home-world, Valakis, where a disease of unknown pathology is wiping out the dominant species. Also resident on Valakis are the Menk, a separate species, paternalistically subjugated and described by the Valakians as mentally inferior. When *Enterprise* Doctor Phlox investigates, he discovers that the disease is not an illness at all, but a natural evolutionary development by which the Valakians are destined for extinction and the Menk destined to dominate their world. Phlox develops a "cure"—a treatment that will halt the evolutionary process—but urges Archer not to give it to the Valakians. After much soul searching, Archer gives them drugs to ease their pain, but not the cure, and not the warp technology they want to seek help elsewhere.

Phlox rests his reasoning on principles of xeno-bioethics, which apparently prohibit interference in the natural evolution of a species. The story does not dawdle on fine points such as the difference between apocalyptic disease and evolutionary event, and Archer's conscience is surely eased by the pitiable plight of the Menk. But Archer gets the big picture; he soliloquizes:

Someday, my people are going to come up with some sort of a doctrine, something that tells us what we can and can't do out here, should and shouldn't do. But until somebody tells me that they've drafted that directive, I'm going to have to remind myself everyday that we didn't come out here to play God.<sup>98</sup>

Therein lies the modern interpretation of the Prime Directive. This "Archer Doctrine"—one must not "play God"—is, like the Prime Directive, expressed in the language of moral absolutism, in which right and wrong, as clear alternatives, preexist any dilemma. But the Archer Doctrine's case-by-case, literally day-by-day, approach to interference problems is as malleable as Kirk and Picard's conscience-driven take on the Prime Directive. Both approaches lend themselves to the sort of constitutional interpretation that softens strict edicts with shifts in levels of abstraction. In the end, both the Archer Doctrine and the Prime Directive are moral declarations, not rules of law.

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97. *Enterprise: Dear Doctor* (UPN television broadcast, Jan. 23, 2002).

98. *Id.*

#### IV. THE PRIME DIRECTIVE IN "THE REAL WORLD"

This discussion thus far has examined the Prime Directive as a creature of fiction, with only occasional reference to "the real world" to better understand the creature's contours. But the Prime Directive exists in the real world, too. Just as the popular culture has absorbed from *Star Trek* the language of transporters ("Beam me up!"<sup>99</sup>) and phasers ("Phasers on stun!"<sup>100</sup>), when both devices were crafted from whole cloth by Roddenberry and his staff,<sup>101</sup> so "the Prime Directive" has become a pop culture reference with implicit meaning.

Of course, the Prime Directive was not without precedent. Just as phasers presented a new twist on Flash Gordon's ray gun, the Prime Directive adapted the non-interference principle of the United Nations Charter and customary international law, as discussed previously. Roddenberry named and developed a concept that already existed. But naming a thing empowers it, especially when the name carries a positive connotation; consider the effect of proclaiming United States expansionism "Manifest Destiny."<sup>102</sup> Thus the Prime Directive was re-incorporated into American culture with a life of its own.

##### A. A Prime Directive for All Seasons

In its coldest scientific application, the Prime Directive is in some sense a practical policy for exploring new worlds, whether on or off Earth. Scientists planning the moon landing recognized the risk that astronauts could carry back to Earth unwelcome passengers: alien microbes, maybe even diseases to which humankind would have no resistance, natural or otherwise.<sup>103</sup> For fear of such "back contamination," astronauts returning from the moon were quarantined, though "[t]he safety procedures were largely symbolic: After all, who knew the incubation period for some hypothetical other-worldly microbe?"<sup>104</sup> When Mars exploration became a realistic goal in the 1960s—and later the frozen oceans of Jupiter's moon, Eu-

99. *E.g.*, RICHARDS, *supra* note 13, at 2 (also mentioning "phaser," "warp," and "space, the final frontier").

100. *See, e.g.*, STEVEN M. CASEY, SET PHASERS ON STUN: AND OTHER TRUE TALES OF DESIGN, TECHNOLOGY, AND HUMAN ERROR (2d ed. 1998).

101. *See generally* LAWRENCE M. KRAUSS, THE PHYSICS OF *STAR TREK* (1996); WILLIAM SHATNER & CHIP WALTER, *STAR TREK: I'M WORKING ON THAT: A TREK FROM SCIENCE FICTION TO SCIENCE FACT* (2002).

102. Inversely, a name with a negative connotation can disempower a concept; consider "appeasement" policy preceding World War II. *Cf. supra* note 88.

103. Richard Greenburg & B. Randall Tufts, *Infecting Other Worlds*, AM. SCIENTIST, July 1, 2001, at 296.

104. *Id.*

ropa—scientists began to worry as well about “forward contamination—that is, the infection of alien ecosystems by terrestrial organisms hitchhiking on a spacecraft”<sup>105</sup>—the same problem that wreaked devastation when European explorers arrived in the New World. Planetary astronomer Richard Greenburg and planetary geologist B. Randall Tufts described the extraterrestrial problem in *American Scientist*:

By definition, forward contamination does not affect the Earth, so why care? To a large extent this question is one of ethics: Is it morally right to endanger life elsewhere? There are practical dimensions as well. One is the far-out possibility that we might antagonize potentially proactive enemies. That hazard seems remote . . . . A more plausible prospect is that a campaign of exploration would contaminate another planet before fully characterizing life there. If space probes destroyed or modified extraterrestrial life before finding out about it, they would fail to achieve one of the key goals of planetary exploration.<sup>106</sup>

But an absolute Prime Directive could bring much of space exploration “to a halt,” because we lack the technology for perfect decontamination.<sup>107</sup> Greenburg and Tufts discussed various compromise principles under consideration and in development to address these problems and cautioned against further exploration until adequate safeguards are in place.<sup>108</sup>

Russian radio astrophysicist Vladimir Strel'nitski, vice president of that country's Search for Extraterrestrial Intelligence (SETI), considered the related but somewhat more abstract problem of scientific and social contact between humans and aliens.<sup>109</sup> But Strel'nitski opined that nothing so morally complicated as the Prime Directive should be required in the event of sporadic radio contact across light years at the dreadfully slow speed of light.<sup>110</sup> Philip Burnham for *The Washington Times* branded Strel'nitski's “philosophy of interplanetary contact” as “post-Soviet pragmatism.”<sup>111</sup> Strel'nitski was quoted, “Maybe some exchange of information would take place, but we have to develop by our own forces. It is self-development that matters—struggle, competition, the search for new forms and methods.”<sup>112</sup>

For a pragmatic occasion to employ the Prime Directive, one must look back on Earth and away from the hard sciences. Interference is a problem

105. *Id.*

106. *Id.*

107. *Id.*

108. *See id.*

109. Philip Burnham, *Scientists Hope To Host First ET Call-In Show*, WASH. TIMES, Mar. 3, 1992, at E1.

110. *Id.*

111. *Id.*

112. *Id.*

anthropologists face as a matter of course, and their professional principles account for it. Dr. Michael Shermer wrote:

It is simply impossible for anthropologists to observe anything remotely resembling *Star Trek's* "prime directive," where one never interferes with the subject of one's study. To get to know the people you have to interface with them on numerous levels, and no one has ever gotten around the problem of the "observer effect" and still had anything worth saying about a people.<sup>113</sup>

Anthropology ethics are obligingly "vague"; scientists are exhorted, Shermer quoted:

To avoid harm or wrong, understanding that the development of knowledge can lead to change which may be positive or negative for the people or animals worked with or studied.

To respect the well-being of humans and nonhuman primates.

To work for the long-term conservation of the archaeological, fossil, and historical records.

To consult actively with the affected individuals or group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved.<sup>114</sup>

These fuzzy principles do not make the anthropologist's job any easier than the starship captain's. Thus Shermer described ethical questions of interference as "[a]nother venomous snake in the viper pit of the anthropology wars."<sup>115</sup>

For both scientist and captain, perfect observation of the Prime Directive is impossible because exploration *means* interference.<sup>116</sup> Professor Thomas Richards explained, "Violating the Prime Directive is thus a matter not of principle but of degree."<sup>117</sup> Unfortunately there are examples of an ill-struck balance between observation and interference. Richards recounted:

Th[e] history of anthropology is full of examples of anthropologists who discover a society only to have that discovery exploited for political or

113. Michael Shermer, *Spin-Doctoring the Yanomamo*, SKEPTIC, Spring 2001, at 36.

114. *Id.* (quoting the American Anthropological Association's *Code of Ethics*).

115. *Id.* (writing in context of an article describing conflicts between anthropologists over involvement with Amazonian people studied).

116. RICHARDS, *supra* note 13, at 15 ("[T]he Prime Directive is not only an unattainable ideal but also a scientific impossibility."). Of course, the starship captain has more sophisticated tools than the anthropologist to carry out clandestine observation.

117. *Id.* ("No observation is or can be neutral. Observers are necessarily participants.").

economic purposes. After years of isolation, these societies can often break down under intense scrutiny. This happened to the Tupí in Brazil. Frequently, as in the case of the Guaraní in Paraguay, they are wiped out before they have a chance to join the larger world community.<sup>118</sup>

The "observer effect" is not limited to anthropology.<sup>119</sup> It is experienced by journalists who struggle for detachment<sup>120</sup> and by communication facilitators, such as mediators.<sup>121</sup>

The balance between observation and interference is the heart of the matter when the Prime Directive is discussed in connection with Third World development and "eco-tourism." Even a secondary student working on a class science project to develop a solar power tool for the Third World worried whether her group's "final design would violate the 'Prime Directive' . . . by changing a culture adapted to the rain forest."<sup>122</sup> Indeed, there is ample criticism of Third World development efforts, such as World Bank projects, that arguably fail to take account of their impact on local culture.<sup>123</sup> Eco-tourism, that is, the tourism of environments or ecological systems, presents a related problem as it strives to preserve rare environments against industrial development by promoting to First World travelers the value of the environments per se. But eco-tourism "walk[s] a tightrope between imposing on wildlife and achieving the close interactions that tourists expect."<sup>124</sup> Alex Markels wrote in *Audubon* magazine that "[i]n Africa, safaris have caused veritable traffic jams in the savanna, scarring the landscape and interrupting animal life. Tourists flocking to Mexico's monarch butterfly

118. *Id.* at 21.

119. "Observer effect" is interestingly similar to the problem of quantum mechanics by which scientists' observation of particles or waves seems to change their behavior in experiments. *Cf. id.* at 15 (relating observer effect to Heisenberg Uncertainty Principle).

120. See Robert C.L. Moffat, *Mustering the Moxie To Master the Media Mess: Some Introductory Comments in the Quest for Media Responsibility*, 9 U. FLA. J.L. & PUB. POL'Y 137, 148-49 (1998) (deploring the "manufacturing" of "news" by "modern aggressive news-gathering techniques," and lamenting that "[n]eutral observation," per a sort of Prime Directive, "is a distant memory").

121. See Rebecca Weldon, *The Handbook of Group Communication Theory and Research*, S. COMM. J., July 1, 2001, at 354 (book review) (analogizing to the Prime Directive in reference to group communication facilitation to explain difficulty in "identify[ing] problems and assist[ing] groups in making changes without risking rejection or interfering with . . . group's 'natural' existence").

122. Michael E. Gorman, Jonathan A. Plucker, & Carolyn M. Callahan, *Turning Students into Inventors: Active Learning Modules for Secondary Students*, 79 PHI DELTA KAPPAN 530, 530 (1998).

123. See generally, e.g., Dana L. Clark, *The World Bank and Human Rights: The Need for Greater Accountability*, 15 HARV. HUM. RTS. J. 205 (2002).

124. Alex Markels, *Guide to the Guides: Is Ecotourism an Oxymoron? What You Should Know Before You Get Really Close to Nature*, AUDUBON, Sept.-Oct. 1998, at 66 (quoting Craig Sholley of International Expeditions, a United States-based nature-tour outfitter).

reserves kick up clouds of dust, erode trails, and pollute water.”<sup>125</sup> The tourist’s tension between observation and interference is like that which anthropologists face, whether in the twentieth, twenty-first, or twenty-fourth century, and so presents a similar Prime Directive dilemma.

Outside these contexts—in interstellar biology and communications, and in terrestrial anthropology, environmentalism, and development—the Prime Directive is routinely invoked to raise, defeat, or merely describe concerns about interventionism or cultural interference. Usually these concerns arise in the context of international relations. Scholar Joakim E. Parker even wrote a law review article, *Cultural Autonomy: A Prime Directive for the Blue Helmets*,<sup>126</sup> proposing a legal norm valuing cultural autonomy as against interference in the name of United Nations peacekeeping.<sup>127</sup> Past presidential candidate Alan Keyes, writing in *The Baltimore Sun* in 1993, counseled against returning peace-keeping forces to Somalia on “Prime Directive” grounds.<sup>128</sup> In a 1995 *Chicago Tribune* editorial, Timothy J. McNulty urged “earthly governments to seek wisdom from [the Prime Directive]” in setting policy on Bosnia.<sup>129</sup> In 1999 scholar Ziauddin Sardar analogized *Star Trek* antagonist “the Borg” to Japanese society and called for cultural tolerance in the American mindset, per the Prime Directive.<sup>130</sup> Columnist Bill Muller described the Prime Directive to illustrate United States foreign policy as an issue in the 2000 election, even though he regarded “Capt. Kirk [as] more Douglas MacArthur than Colin Powell.”<sup>131</sup>

Asked by *Reason* magazine to recommend content “that would clearly portray American character and culture to an immigrant,” writer Jonathan Rauch suggested the original *Star Trek* series.<sup>132</sup> The contradiction of the Prime Directive and its perennial violations—or specifically the quasi-imperialist American drive to explore, for omniscience, but not conquer, for omnipotence—Rauch found especially representative of United States foreign policy.<sup>133</sup> He wrote, “What contradiction? Where aliens can be enlightened in the ways of equality and justice, so they should be: preferably by example, rather than by force.”<sup>134</sup> He further explained:

125. *Id.*

126. 55 U. PITT. L. REV. 207 (1993).

127. *Id.*

128. Alan L. Keyes, *Prime Directive*, BALT. SUN, June 22, 1993, at 13A.

129. Timothy J. McNulty, *As Global Cop, U.S. Is Subject to Dangers of Domestic Fights*, CHI. TRIB., June 4, 1995, at 1.

130. Ziauddin Sardar, *Science Friction*, NEW STATESMAN, May 31, 1999, at 35.

131. Muller, *supra* note 12.

132. Jonathan Rauch et al., *The Contents of Our Character*, REASON, Dec. 1995, at 36.

133. *Id.*

134. *Id.*; see also Lagon, *supra* note 36, at 243 (“While the United States might hypocritically ignore tenets of international law providing for nonintervention in other nation’s affairs, it does so in the name of promoting democracy.”); Paul Christopher Manuel, “In

I am not sarcastic, not for a moment. The universe of the *Starship Enterprise* is silly but also exalted. Ronald Reagan thought that if the Soviet rulers could only see America up close, they would come around to its superior virtue. That is naïve, yes; but also rather grand, and utterly American. The barrel-chested culture of Victorian Britain, brilliant though it was, could never have produced a *Star Trek*; neither could the scintillating, cynical culture of ancient Greece, or the bluntly brutal culture of imperial Rome, or any other imperial culture before America's . . . [*Star Trek*] captures us, perhaps, embarrassingly well.<sup>135</sup>

The Prime Directive has been invoked as well in a context entirely apart from interstellar science and international policy. One commentator called for Congress to observe the Prime Directive in telecommunications regulation, or deregulation, to allow for natural evolution in the technological marketplace.<sup>136</sup> Thus the Prime Directive may be cited to refer broadly to any laissez faire policy that allows a human system to develop unimpeded by government controls.

#### B. Will the "Real" Prime Directive Please Step Forward

We have then, in our culture, a concept of non-interference called "the Prime Directive." The name of the thing, combined with its origin in the American *Star Trek* mythology, gives it weight, as if it represents some good unto itself. But scholars and pundits should be wary because the Prime Directive is too often invoked in careless or deliberate ignorance of its own inherent limitations. These limitations stem from the fundamental problem described by Richards, the same problem that plagues anthropology: an inextricable co-dependence between the variables of observation and interference, rendering the Prime Directive impossible to obey as a bright-line rule. The Prime Directive is not without merit. But when invoked in the context of our contemporary culture, its limitations, which may be expressed as three related principles, must be born in mind.

First, the Prime Directive is not inviolable. To the contrary, the capacity to choose between obedience to the Prime Directive and violation of it in extraordinary circumstances is the very stuff of a heroic starship captain, or of a great statesman. Kirk's and Picard's experiences demonstrate that

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*Every Revolution, There Is One Man with a Vision": The Governments of the Future in Comparative Perspective*, in POLITICAL SCIENCE FICTION, *supra* note 10, at 183, 195 ("Captain Kirk and Captain Picard often lectured alien worlds about the virtues of governmental policies favoring human and civil rights.").

135. Rauch, *supra* note 132; see also Collins, *supra* note 23, at 137, 155 (positing similar viewpoint).

136. Steve Effros, *Think About That for a Minute: "The Prime Directive,"* CABLEFAX, Jan. 25, 2001.



worldly problems cannot be reduced to idealistic analysis. "Good," or "right," is rarely a clear or absolute outcome at which one can arrive simply through a proper course of conduct. Rather, even in circumstances of overwhelming stakes, ad hoc review of competing values can be the only effective means to address thorny problems of cultural interaction and evolution.

Second, the Prime Directive can be only an aspirational principle, never a rule of law. Whatever absolute terms one chooses to define the Prime Directive, those terms invariably will be subject to manipulation via the analytical tools that have enabled courts, of whatever political stripe or motivation, to manipulate and adapt the plain text of constitutions and laws to solve real problems of fact and policy.<sup>137</sup> However much a judge or a starship captain might crave (or eschew) a roadmap to solve particular problems, and however much legislators and policymakers might (or deliberately might not) strive to anticipate every contingency, the Prime Directive can and will remain only an idea, or an ideal, against which one measures the anticipated effects of alternative courses of action.

Third, and most importantly, the Prime Directive is a product of fiction, specifically, Utopian fiction.<sup>138</sup> It comes from a world in which people explore principally for sake of exploration, not for the accumulation of wealth or exploitation of resources.<sup>139</sup> The Federation has ample resources, so it can afford to be magnanimous.<sup>140</sup> Additionally, the light years' separation between planets makes their enforced isolation feasible. International relations pose quite a different challenge on a small planet saturated with teleconnectivity and widely accessible by mass transportation. Thus, it does

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137. In an address to students and alumni of the University of Arkansas at Little Rock William H. Bowen School of Law on September 26, 2002, author, lawyer, economist, and comedic personality Ben Stein observed that appellate judges invariably decide cases according to innate, even subconscious, biases, because cases that advance on appeal tend to have viable substantive arguments on both sides.

138. See *supra* note 23; see also Kapell, *supra* note 88 (criticizing "Star Trek's comforting vision," in which "the [Federation] and Starfleet (also known as Big Government, Big Science, and Big Military) are benevolent and honorable institutions, not authoritarian or duplicitous regimes"). Compare McCormick, *supra* note 35 ("[T]he real foreign-policy lesson of *Star Trek* was its supranational vision of cooperation in the [Federation], an obvious endorsement of the United Nations as our best chance for real peace."), with R.B.J. Walker, *After the Future: Enclosures, Connections, Politics*, 9 *TRANSNAT'L L. & CONTEMP. PROBS.* 427, 435-43 (1999) (suggesting that the world envisioned by the Prime Directive or the comparable provision of United Nations Charter naively fails to account for inexorable problems of political sovereignty).

139. See, e.g., *STAR TREK: FIRST CONTACT*, *supra* note 19 (Captain Picard: "The acquisition of wealth is no longer a driving force in our lives. We work to better ourselves and the rest of humanity."); see also Kapell, *supra* note 88 (finding "comforting" but unrealistic future vision in which "[s]cience has even liberated humans from their earthly constraints, and made them calmer, wiser, even braver").

140. This idea comes from Thomas J. Peri, headmaster of Towson Catholic High School in Maryland, in discussion with the author.

not follow that where the Prime Directive would be good and virtuous interstellar policy, it would be good or virtuous terrestrial policy.

These three principles, or limitations, are consistent with the observations of Dave Marinaccio in his book *All I Really Need To Know I Learned from Watching Star Trek*.<sup>141</sup> When Captain Kirk plays fast and loose with the Prime Directive, what, Marinaccio asked, do we learn? That “[p]eople are more important than rules. Enforce the spirit of the law above the letter of the law.”<sup>142</sup> Indeed, bearing directly on the subject of the symposium for which this article was written, “Imagining the Law: Lawyers and Legal Issues in the Popular Culture,”<sup>143</sup> which studied the impact of law on fiction and vice versa, Marinaccio criticized the justice system for failing to exercise the same good judgment as Captain Kirk: “We hate lawyers because they use the letter of the law to their own purposes,” he griped. “They make the right wrong, and the wrong right.”<sup>144</sup> In contrast, Captain Kirk elevates people above rules.<sup>145</sup>

### C. Packing the Prime Directive on a Wagon Train to Afghanistan

The Prime Directive, redefined by these principles, or limitations, to operate effectively in the real world, is pertinent to the developing international and intercultural relations between Western and Islamic societies. This modern Prime Directive can justify neither strict Western non-interventionism nor harsh Western imperialism. Rather peace between the West and the Islamic world must come from a balance as complex as the Prime Directive truly is.

#### 1. *Captain Kirk and the Loya Jirga*

The Taliban in Afghanistan were not unlike the Nazis and their fictional counterparts the Cardassians. As the Taliban committed human rights atrocities against the Afghan people, and cultural atrocities such as the destruction of ancient artifacts, the West was unable or unwilling to intervene, pursuing a policy akin to, if perhaps more condemnatory than, Western Europe's appeasement of Hitler (or later United States isolationism when war broke out in Europe), or the Federation's reliance on the Prime Directive vis-à-vis the Cardassian occupation of Bajor. But when the Taliban truly threatened the United States through the radical World Trade Center

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141. MARINACCIO, *supra* note 55, at 50.

142. *Id.*

143. This symposium, the Ben J. Altheimer Symposium, was held October 31–November 1, 2002, at the University of Arkansas at Little Rock William H. Bowen School of Law.

144. MARINACCIO, *supra* note 53, at 50.

145. *Id.*

attack on September 11, 2001, the West brought its superior forces to bear. Similarly, Axis and Cardassian powers ultimately forced noninterventionists to go to war.

The destruction wrought by allied forces in Afghanistan in 2001 through 2002 is surely interference, not only with the governing Taliban regime, but with the cultural autonomy of Afghanistan. That the Loya Jirga of 2002, assembled to install an Afghan government, appeared at once to be both a traditional and democratic entity belies its true nature as an instrument of the allied powers because Islamic tradition does not posit a democratic model. Make no mistake; however Islamic the people of Afghanistan, the United States brought them democracy just as Captain "Douglas MacArthur" Kirk (re-)introduced democracy to the Yanks of planet Ekos. Strictly speaking, such statecraft interferes with cultural autonomy. That interference would violate the United Nations Charter's "Prime Directive," article 2(7), were it not for the sanction of the Security Council.<sup>146</sup>

Pertinent here is simply that to *some* extent, interference in Afghan affairs is justifiable. First, the Prime Directive is not inviolable; rather, its violation is sometimes a staple of statecraft, here arguably justified to save countless lives and alleviate a serious threat to world peace. Second, the Prime Directive is not a strict rule of law; rather, it is a flexible standard subject to interpretation. Here the allies, with the approval of the United Nations Security Council, have justified unprecedented offensive action in the asserted cause of self-defense, reshaping international legal norms in the process.

Third, the Prime Directive is not readily applicable outside Utopia, that is, in the real world. Afghan people share a cultural heritage with all of humankind;<sup>147</sup> thus all people have a legitimate interest in the cultural relics located in Afghanistan. Additionally, Afghanistan is on the map of the real world and is in fact, both historically and contemporarily, a critical geographic crossroads. Afghanistan cannot be simply listed as a "pre-warp" culture and avoided by the developed world. Unlike the inhabitants of planet Neural in *A Private Little War*,<sup>148</sup> Afghans know that the universe beyond Afghanistan is inhabited by a great variety of people. This knowledge is not itself dispositive of Prime Directive (in)applicability, as Captain Archer declined to aid the pre-warp but modestly space savvy people of Valakis. But unlike the situation on Valakis, where people were dying in the course of an intrinsic evolutionary process, the people of Afghanistan suffer

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146. See U.N. CHARTER, *supra* note 83.

147. *Star Trek* posits a common genetic heritage for many humanoid species, e.g., *TNG: The Chase* (syndicated television broadcast, Aug. 26, 1993), but of course mere genetic origin does not trigger the same weight of interests at stake in the Middle East.

148. *Star Trek: A Private Little War*, *supra* note 41.

from a complicated political situation deeply entwined with Afghanistan's extrinsic affairs.

Thus, to some extent, a Western hand in the cultural redevelopment of Afghanistan is justifiable. To *what* extent that interference is proper is a separate, murkier question better left for another day.

## 2. *Westernization and the Middle East*

As events continue to unfold in the Middle East, it is clear that the confrontation between the West and Islam is far from over. By confrontation, I do not mean the war on terror, but the bigger picture: the possibly inevitable collision of the Western model of government—deist, republican, and focused on individual rights—with the Islamic model of government—theist and community-centered. And I use the word “Islam” here realizing full well that Islam does not equate with terror or anti-occidentalism, and the war on terror is not, as the Bush Administration has insisted ad nauseam, a war on Islam.

The Islamic model of government differs fundamentally from the Western model.<sup>149</sup> Even though the Islamic model respects individual rights and is in no way inherently oppressive—the Taliban almost admittedly departed from Islamic tradition, consolidating their power and abandoning early promises to install a proper Islamic government—differences between Western and Islamic views of government can strain the Westerner's professed penchant for culturally relativistic tolerance. This discussion is not the place for a thorough exposition of Islamic thought; suffice to say that at its heart, Islamic government differs from Western in that the highest power in the former rests with God. The will of God, not the will of the people, reigns supreme. The clergy, Islam's proper governing officials, are in the business of effecting the will of God, not the people's constitution. And while such a system might seem vulnerable to abuse—one can hardly appeal God's commands to the top—Islamic government actually involves much more community-based decision-making than Western government. Islamic clergy are more office runners than CEOs. After all, God does not have \$10,000-a-plate fund raisers. *Everyone* has a personal relationship with God. And for that reason, everyone in the Islamic community has a responsibility to participate in governance of the community. This responsibility is one and the same with each person's religious duties, for there is no distinction between the secular and the religious. Thus ideally, both Islamic government and secular democracy can be responsive to their peoples.

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149. This paragraph and the next draw on the following sources: HAMID MOWLANA, *GLOBAL COMMUNICATION IN TRANSITION: THE END OF DIVERSITY?* 113–75 (1996); AHMED RASHID, *TALIBAN* 1–140 (2000).

But Islamic society has suffered a growing tension between secular and religious leaders—it was not supposed to have any of the former—ever since the Crusades introduced Western ways. This dichotomy within Islamic society mirrors the confrontation, referenced previously, between the West and Islam, because indeed, secular leaders wishing to wrest power from religious leaders tend to advocate for Westernization.

This tension is well illustrated in Turkey. The reforms of Kemal Atatürk heavily favored secular development, leaving Turks in the peculiar and unique position of an Islamic people sympathetic to their Middle Eastern brethren but with a democratic government eager to please the European Union.<sup>150</sup> Some rural parts of eastern Turkey are barely serviceable by the country's otherwise enviable bus network and are too unruly for Westerners to visit. But the rural landscape of Turkey on the whole is dotted with mosques and peopled by the faithful. Meanwhile in western Turkey, the commercial capital İstanbul looks more every day like any other bustling European center. People worship in the skyline-defining mosques, but the streets are filled as well with business-attired women and foreign tourists. The secular and the religious in Turkey are in peaceful if precarious co-existence, though Western secular influence is on the upswing. Whether this co-existence can be maintained or duplicated anywhere else is anyone's guess.

Arguably the problem the modern world poses for Islam is the same problem modernity posed to communism: the West's unflinching ability to starve out the opposition. The lowest-common-denominator appeal of capitalism places an unbearable strain on any system that focuses on anything other than individuals, or individual rights, as supreme. Not through any ill will, but by simple economics, the West drains its global cohorts of talented individuals seeking opportunities for personal fulfillment and personal enrichment.

This creeping pattern of Westernization clearly shapes foreign cultures and so can be regarded as at least a passive violation of the Prime Directive—more subtle and slower but ultimately no less definitive than the “régime change” effected in Afghanistan. But like the régime change in Afghanistan, Westernization is not inherently wrong because it violates the Prime Directive. Nor is Westernization inherently right, as an end to pursue notwithstanding countervailing concerns about cultural autonomy. Rather, any deliberate policy or inadvertent state of affairs that effects Westernization must be measured for whether it draws the proper balance between

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150. This paragraph draws on the author's observations in Turkey and on the following sources: TOM BROSNAN ET AL., *TURKEY* (7th ed. 2001); Rob Moritz, *Turkey: How Is the Turkish Government's Attempt To Gain Entry into the European Union Affecting Press and Freedom of Speech?* (Apr. 24, 2002) (unpublished student paper, on file with author, referenced with permission).

cultural autonomy and cultural interference. That measurement must take place in light of circumstances, and those circumstances must be viewed in light of the limitations inherent in the Prime Directive: namely, its ultimate impossibility. Here on Earth, that balance will more often favor interference over autonomy than in an interstellar context because our various cultures are already inextricably intertwined. But the balance will never be struck easily, and the same hard choices that keep Starfleet captains up at night will perpetually confront humanity at home.

## V. CONCLUSION

In the two-part *TNG* episode *The Best of Both Worlds*,<sup>151</sup> Captain Picard is “assimilated” by the Borg and has his body converted into an eerie, pale hybrid of human and machine, part of the Borg’s collective “hive” mind. He is then recaptured by the Enterprise crew and returned to his human form and identity. In many episodes thereafter, Picard is haunted by his Borg abduction.<sup>152</sup> The Borg, it turns out, are just doing what comes naturally to them, indeed to every living thing: to improve themselves through evolution. In light of the Prime Directive, Picard struggles to reconcile that understanding with the urgent need to protect the Federation against a Borg incursion.<sup>153</sup> Thus “The Best of Both Worlds” seems to refer to the hypothetical reconciliation of Borg and Federation existence, a peace that Picard might be uniquely situated to bring about.

But the balance between cultural autonomy and cultural interference—that is, the solution, or at least resolution, to the Prime Directive dilemma, or more simply the problem of “observer effect”—is as difficult to achieve in any case as a Borg-Federation peace. Invoking the Prime Directive and

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151. *TNG: The Best of Both Worlds* (syndicated television broadcast, June 18, 1990 & Sept. 24, 1990).

152. *E.g.*, *TNG: Family* (syndicated television broadcast, Oct. 1, 1990); *TNG: I, Borg* (syndicated television broadcast, May 11, 1992).

153. Pundits have commented on the seeming impertinence of the Prime Directive to the Borg. *E.g.*, Sardar, *supra* note 130, at 35. It is easy to exercise academic objectivity when a Borg cube ship is not busily assimilating your species; indeed, the Prime Directive might be expected to yield in the name of its own preservation. *Cf. supra* notes 58–61 and accompanying text (regarding Captain Kirk’s tangles with machines that dominated humanoid destiny). For a terrestrial analog, consider the argument that in the war on terror, civil liberties might have to yield to preserve, in the long run, a civilization that cherishes civil liberties. *See, e.g.*, Michael James & Peter Hermann, *Torture Likely Tool in Anti-Terror Fight: Inhumane Methods Used To Gain Key Information, Say Experts on Topic*, BALTIMORE SUN, Oct. 10, 2001, at 11A; *cf.* Lee Nichols, *Media Clips: Journalists Shed Objectivity To Lobby for Open Government*, AUSTIN CHRON., Apr. 2–8, 1999, available at <http://www.austinchronicle.com/issues/vol18/issue31/pols.media.html> (calling on journalists to forsake objectivity to preserve freedom of information).

nothing more is no solution. Rather than meaning to end a debate, referring to the Prime Directive should evoke the will to analyze and to compromise.

Addressing an audience at the University of Arkansas at Little Rock on September 25, 2002, former Pakistani Prime Minister Benazir Bhutto said that the only hope for future peace depends on the harmonious reconciliation and coexistence of Western and Islamic societies. If she is right, then the peace depends on both sides coming to the table. As the failure of the bright-line noninterventionist Prime Directive teaches, it is unlikely that the Western world or the Islamic world will emerge from this conflict with cultural autonomy unconditionally preserved. Inversely, intercultural "contamination," or cultural cross-fertilization, is inevitable, but must be managed to avoid devastating consequences. Thus as human society faces this colossal challenge, the Prime Directive in its modern, fuzzy incarnation is instructive. It tells us to seek our salvation in the solution that preserves the best of both worlds.