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### Have you considered compliance thought experiments?

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As noted in Wikipedia,<sup>[1]</sup>

A hallmark of Albert Einstein's career was his use of visualized thought experiments (German: Gedankenexperiment) as a fundamental tool for understanding physical issues and for elucidating his concepts to others. Einstein's thought experiments took diverse forms. In his youth, he mentally chased beams of light. For special relativity, he employed moving trains and flashes of lightning to explain his most penetrating insights. For general relativity, he considered a person falling off a roof, accelerating elevators, blind beetles crawling on curved surfaces and the like.

Compliance and ethics professionals can also conduct their own thought experiments. This is particularly so regarding risk assessment.

For instance, one might pose, in a risk assessment interview, the following query:

*If the devil was given a position of considerable power in your company and also a mission of creating as much legal liability and reputational harm as possible, what specifically would he likely do?*

Given how smart, knowledgeable, and malevolent the devil is, this focus should push interviewees to identify the most dangerous types of risk they face. That is, more typical risk assessment questions allow interviewees to effectively duck the inquiry by assuming that their company does not employ individuals who would do these terrible things. The “devil question” helps the risk assessor get beyond this artificial limitation.

Of course identifying areas of risk—whether diabolically inspired or otherwise—is only the beginning of the risk assessment process. Equally important is assessing how well existing mitigation measures are designed and implemented to address such risks. Here too the thought experiment can be helpful by providing a conceptual framework for these appraisals.

<sup>1</sup> Wikipedia, “Einstein’s thought experiments,” last edited November 2, 2020, at 15:35 (UTC), <https://bit.ly/2KXkXwM>.

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