

“A social engineer or a parasite on society”

The moral responsibility of enabling (un)ethical
business conduct

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Abstract

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I reflect on the role of professional service providers, with a focus on the corporate legal profession and commercial banking, and what they ought to do when advising corporates on and supporting corporates with business transactions that may be harmful or morally wrong. I discuss in particular harms related to corruption, human rights, and climate change. Reflecting on the conditions of indirect responsibility, I aim to understand in what ways an advisor or facilitator could be regarded as (or even held) morally responsible for the impacts of the companies they facilitate and in what ways the corporate profession, through its regulatory bodies, could be regarded as (or even held) collectively responsible for not addressing the tension between corporate interests and lawyers’ ethical obligations. This responsibility can be seen as potentially in tension at times with their professional obligations, like acting in the interest of their clients versus serving the public interest, and I am particularly interested in situations where the lawyer can play an important enabling role that could be seen as complicit in the harms caused by their clients. Furthermore, I am interested in how these providers publicly respond to these claims of responsibility against them. Finally, noting that the issues discussed in this thesis are complex, systemic and multijurisdictional in nature, I look at professional advisors as another actor that should be involved in collective action initiatives.