

The State of Nature and Excusing Corporate Wrongdoing

Abstract: If we take corporations to be moral agents that can have distinct obligations of their own, two questions arise: What are these obligations? And, under what circumstances are firms excused for failing to fulfilling them? The latter question is particularly important given the distinctly competitive environment in which corporations exist. There is a nascent idea that corporations are in a kind of “state of nature” given the level of competition between them. In this article we take this thought seriously, developing a Hobbesian framework for understanding when agents are excused from fulfilling their obligations in the state of nature. We find that when people have no assurance that their vital interests are secure, they are excused for acting in ways to secure those vital interests. We then evaluate whether corporations are the right kind of agent in the right kind of condition to be able to claim this excuse. We find that, assuming that corporations are agents, it is plausible to think of them having morally significant vital interests and that they are in a kind of state of nature situation, permitting them to claim this excuse. We conclude by evaluating the significance of this excuse for corporate conduct.