

Revisiting the Corporate and Commercial Determinants of Health

We trace the development of the concept of the corporate determinants of health. We argue that these determinants are predicated on the unchecked power of corporations and that the means by which corporations exert power is increasingly unseen.

We identify four of the ways corporations influence health: defining the dominant narrative; setting the rules by which society, especially trade, operates; commodifying knowledge; and undermining political, social, and economic rights.

We identify how public health professionals can respond to these manifestations of power. (*Am J Public Health*. 2018;108:1167–1170. doi:10.2105/AJPH.2018.304510)

Martin McKee, MD, and David Stuckler, PhD

In 2013, Millar coined the term “corporate determinants of health.”¹ He described how some companies acted in ways that promoted health, embracing a “triple bottom line” that encompassed “people, planet, and profits.” They paid living wages and their fair share of taxes, empowered their workers, and mitigated their effects on the environment. Others, many employing the language of corporate social responsibility, pursued profit above all else, marketing unhealthy products, exploiting workers and suppliers, and giving nothing back to society.

Research on corporations, and the power they exert, draws on several strands of scholarship. It recognizes that they may be a force for good or bad. Many corporations make positive contributions: through their primary activities, such as the discovery and development of medicines; indirectly, through philanthropic activities; or in a growing number of health-related public-private partnerships.² Historians have adopted more critical perspectives as they chronicle the impacts of early transnational corporations, such as the Dutch East India Trading Company, “the original corporate raiders,” and the Royal Africa Company, which was active in the Atlantic slave trade. Development economists describe contemporary examples of exploitation—although the property involved is often intellectual rather than physical, such as indigenous knowledge,

and slavery has given way to the exploitation of illegal migrants. Public health researchers studying diverse topics such as tobacco,³ alcohol,⁴ pharmaceuticals, and injuries attributable to motor vehicles⁵ or firearms⁶ have realized the importance of corporations as vectors of their spread.

There is an emerging conversation on why it is necessary to respond to corporate determinants of health, reflecting in part a growing appreciation of their enormous power. For example, Walmart and Exxon-Mobil would rank as the world’s 25th and 30th biggest countries, respectively, by their revenues.⁷ In 2005, Freudenberg called on public health advocates to challenge corporate practices.^{8,9} In a 2008 article with Galea, he reviewed three egregious examples: trans fats, sports utility vehicles, and the drug Vioxx.⁹ Freudenberg and Galea noted that some measures, including legislation and litigation, had achieved some degree of success but viewed these as piecemeal responses. They proposed a multifaceted response that included enhancing rights to information; restricting marketing, especially to children;

constraining lobbying; and sanctioning deliberate scientific distortions.

In 2016, Kickbusch took these ideas further. Drawing on growing evidence of the adverse health consequences of transnational corporations’ activities, she explored the “commercial determinants of health,”¹⁰ a term she had introduced earlier.¹¹ She identified four channels through which influence was exerted: marketing, lobbying, corporate social responsibility strategies to “whitewash tarnished reputations,” and extended supply chains. Kickbusch also decried the piecemeal response and called for us to “systematise our efforts.”

We have studied the actions of global corporations and their consequences using the internal documents of the tobacco, alcohol, and food industries^{12,13} and by applying natural experiments in trade and fiscal policy.¹⁴ We conclude that at the heart of an extremely complex subject lies the nature of power. An effective response to the corporate and commercial determinants of health must address the power imbalance between global corporations, which are accountable only to their owners and shareholders, and governments,

ABOUT THE AUTHORS

Martin McKee is with the London School of Hygiene & Tropical Medicine, London, UK. David Stuckler is with the Department of Policy Analysis and Public Management and Donde Research Centre, University of Bocconi, Milan, Italy.

Correspondence should be sent to Martin McKee, Centre for Global Chronic Conditions, London School of Hygiene and Tropical Medicine, 15-17 Tavistock Place, London WC1H 9SH, United Kingdom (e-mail: martin.mckee@lshtm.ac.uk). Reprints can be ordered at <http://www.ajph.org> by clicking the “Reprints” link.

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which are accountable to their citizens.

We examine four ways corporations exert power and suggest how the balance might be restored to align corporate behavior more closely with the public good. We do not pretend that this list is exhaustive, but we believe that it offers a basis for action.

THE CHANGING NATURE OF CORPORATE POWER

The power of the 16th-century trading corporations was obvious when heavily armed ships sailed into view, consistent with Dahl's definition of power as the ability of "A to get B to do something that B would not otherwise do."^{15(p204)} Modern corporate power is more subtle and includes A's creation or reinforcement of social and political values and practices that permit consideration of only issues that are innocuous to A.¹⁶ Later theorists added the ability to shape the preferences of others so that A can influence B to share A's desires, even when contrary to the interests of B¹⁷; this is sometimes referred to as "false consciousness." These concepts can be thought of as visible, hidden, and invisible facets of power, respectively. Thus, visible power takes the form of laws and regulations that are often backed up by legal or economic sanctions. Hidden power, which often underlies visible power, takes the form of access to key decision-makers or rules of procedure that include or exclude certain groups. Invisible power legitimizes or delegitimizes certain discourses, especially those that threaten the interests of the powerful. Consequently, in seeking to understand

the commercial determinants of health, we must go well beyond what happens in public, such as deliberations in legislatures and public consultations, to understand the hidden and invisible influences on public policy.¹⁸

Our four manifestations of corporate power fall primarily within the second and third definitions of power. They are the ability to define the dominant narrative; set the rules and procedures by which society is governed; determine the rights, living, and working conditions of ordinary people; and take ownership of knowledge and ideas. We now look at each of these in turn.

DEFINING THE NARRATIVE

Corporations are able to frame dominant narratives on the determinants of health, thereby exerting invisible power. One pathway is through their ownership of mass media—such as News Corporation, a US multinational mass media corporation—which can determine whether obesity, diabetes, heart disease, and other health threats are framed as issues of individual or societal choices and responsibilities.¹⁹ They create doubt about issues when, in reality, there is scientific consensus, for example, on the health effects of smoking and the causes of climate change. Oreskes and Conway show how the same scientists often appear in different subject areas but always supporting the corporate agenda.²⁰ Corporations can also directly influence these determinants through their marketing activities (which may include influencing which issues are covered in programs or networks they advertise on), determining what is available

in stores and at what price and therefore what people consume,²¹ as well as how people work, live, and seek pleasure (such as whether tobacco or alcohol use are acceptable social norms). They influence people's beliefs, cognitions, and perceptions on how society should deal with its most pressing health threats, using discourse that stresses the failure of public services, condemns any measure that can be portrayed as restricting the right of the individual to be "free to be foolish,"²² elevates the primacy of individual choices over social solidarity, decries "welfare cheats," and divides the poor into "deserving" and "undeserving" or "self" and "other."

Corporations can influence the boundaries of what political scientists have called the "Overton window" or the "window of discourse."²³ Policies falling inside this window are considered acceptable, or even desirable, whereas those falling outside it are deemed unacceptable, unworthy of even being discussed. However, the window can move, so that something once considered the norm, such as slavery, becomes unacceptable, whereas policies once considered unacceptable, such as women's suffrage, become the norm. Crucially, the window can move in both directions and can be influenced by those with power over the media. Thus, in the United States, the rollout of Fox News on cable in different cities and at different times in the late 1990s created a natural experiment that, when evaluated, showed a significant shift to support for the Republican Party.²⁴ Similarly, when the *Sun* newspaper in the United Kingdom—which, like Fox News, is owned by Rupert Murdoch—shifted its political allegiance in 1997, there was

a demonstrable effect on the voting behavior of its readers.²⁵ Thus, it is unsurprising that Glenn Beck—a conservative commentator and former Fox News host—chose *The Overton Window* as the title for his novel about a man coming to accept views that he first considered ludicrous.²⁶

The growth of social media creates many opportunities for those with resources to influence norms and values and mine individuals' online profiles to target messages to them that address their concerns and reinforce their beliefs²⁷; this was seen in 2016, in the US presidential election and the UK vote to leave the European Union.²⁸

SETTING THE RULES

There is a paradox at the heart of the relationship between corporations and governments. Although corporations often rail against government actions, in particular increases in taxes and regulatory burdens, they also depend on them to, for example, uphold protection of their intellectual property and enforce contracts. Thus, the historian Gabriel Kolko proposed that governments and large corporations worked together to develop regulations designed to reduce the power of small companies.²⁹

As the regulatory reach of governments has increased, corporations have found new ways to influence how and where decisions are made and to create mechanisms that ensure that they will survive and prosper, many with implications for health. They deploy their technical and research expertise to define global standards, as exemplified by the way that the tobacco industry set the standards for measuring cigarette tar content

and the machines used for this purpose³⁰ and the predominance of corporate scientists representing agri-food industries at Codex Alimentarius meetings. Corporations influence regulatory bodies by placing their advisors on committees or by creating revolving doors that enable officials to move into lucrative consultancies once they have retired. They capture elected officials, who vote for the interests of their elite funders.³¹ They determine where disputes will be resolved, advocating alternatives to courts that rule in public on the basis of law.³² They prefer secret tribunals to hear investor state dispute resolution cases and promote trade liberalization that will enable their products to dominate emerging markets (e.g., the Trans-Pacific Partnership Agreement).³³ Finally, they seek to capture the means by which the public health community might hold them to account, such as health impact assessments, promoting their concepts of “good epidemiology” and “sound science.”^{34,35}

COMMODYFING KNOWLEDGE

Corporations have affected health through their growing commodification, and thus control, of knowledge needed to improve health. They have done this by extending the concept of intellectual property. One example is their commodification of “insurgent knowledges,”³⁶ which create dependence among indigenous farmers by promoting patented genetically modified foods.³⁷ Another example is exploitation of their power over medicine discovery and development by failing to invest in those for which they see no

market, typically those for treating diseases of the poor, while lobbying for ever greater intellectual property protection that impedes market entry of those who could make those medicines affordable.³⁸ However, despite arguing for shrinking the role of the state in areas such as welfare provision, they advocate mechanisms by which they receive state subsidies to generate their intellectual property, such as research funding and access to basic science research undertaken in government facilities as well as state mechanisms to enforce these property rights.

POLITICAL, ECONOMIC, AND SOCIAL RIGHTS

Although multinational corporations’ foreign direct investment can, in some circumstances, improve wages and working conditions, for example by improving health care for their employees and their families, it can also worsen them.³⁹ Much depends on the context in the country concerned. There are several ways corporations have been able to undermine political, economic, and social rights. Large multinational corporations often determine the working conditions of workers by either shifting jobs to countries with weaker labor protections or simply threatening to, thereby reducing the effects of collective bargaining and legislation on health and safety and minimum wages. They can slow, or even reverse, the expansion of universal health coverage, promoting international trade deals that challenge national policies through investor–state dispute resolution procedures.

Multinational corporations have exploited the global financial crisis, recasting it as excessive spending on welfare rather than a failure of regulation of the financial sector, thereby justifying austerity measures that disproportionately hit the most vulnerable. They also use their political power, which is supported by media campaigns and reports from think tanks, to shape health systems to minimize their redistributive elements and to become vehicles for private capital accumulation.

Finally, they use the complex web of deregulated global finance. For example, they institute large transfer payments and internal loans that shift their reported profits to low tax jurisdictions to minimize what they contribute to the creation of public goods (domestically) and global public goods (internationally). This defies the advice of the US jurist Oliver Wendell Holmes, who said, “Taxes are what we pay for civilized society.”^{40(p275)}

WHAT CAN BE DONE?

As these examples, and many others, illustrate, it is impossible to take a comprehensive view of global health and health policy without considering the distribution of power at a global level and within countries. We agree with Hastings, who, in 2012, argued that tackling corporate power should be a public health priority.⁴¹ However, we are not so naïve as to believe that public health professionals can put right all of the problems we have described, especially as the global political situation in 2018 is hardly propitious for concerted international action. But neither do we believe that they are as impotent as they often appear.

We envisage several actions that the public health community can undertake. First, they can challenge dominant narratives. For example, those focusing on social determinants of health can show where and how people’s choices are structured by forces outside their immediate control. More can be done to reveal how corporate actors have shaped these narratives, as when the tobacco industry manufactured the belief that smokers had heart disease because of the stress that caused them to smoke and not the tobacco⁴² and exaggerated the role of illicit trade to argue against tax increases.⁴³

Second, they can shape norms for healthy policymaking, supporting measures that impose checks and balances on corporate power. One example is Article 5.3 of the Framework Convention on Tobacco Control, which excludes the tobacco industry from health policymaking; even here there is no room for complacency: the new Philip Morris Foundation risks circumventing it.⁴⁴ They can ask whether it is acceptable that alcohol and fast food industries still retain a seat at health policy tables. To inform this debate, researchers can systematically document corporate behaviors that affect health.⁴⁵

Third, they can support communities that have stood up to powerful corporations and won, such as local administrations adopting soda taxes^{46,47} and indigenous communities opposing threats to their environments and working conditions.⁴⁸ They can evaluate and communicate these successes using innovative ways to reach the population, including social media. They can also take advantage of transnational systems of information exchange, such as the Peoples’ Health Movement and Globalink.

Finally, echoing Wiist's 2006 plea, they can align with other social movements committed to challenging the concentration of power in the hands of these corporations,⁴⁹ as is beginning to happen as the environmental and health movements identify cobenefits to health from "greening" the economy.

In these ways, it is possible to empower a new generation of health professionals who can work closely with civil society organizations and the public to begin the process of holding powerful global corporations to account for their impacts on health. **AJPH**

CONTRIBUTORS

Both authors contributed equally to this commentary.

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