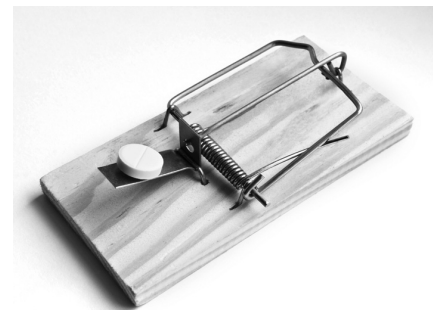


The war on bugs

Can corporations be held socially accountable for the growing global antibiotics health crisis? asks **Heather Powell**



Alexander Fleming discovered the antibacterial properties of penicillin but warned the medical world that misuse of antibiotics, through incomplete or inappropriate treatment, would cause bacteria to mutate into resistant forms (Levy, 1998). The substantial curative powers of antibiotics ensured their continued widespread use and changed the face of modern medicine (ibid). Antibiotics are, however, now routinely over-prescribed and many infectious diseases are proving resistant to them, creating 'superbugs' such as hospital acquired MRSA. There is also statistical evidence that minor infections are causing deaths across the world in otherwise healthy people: without new drugs, the public are dependent on the existing antibiotics that are becoming increasingly ineffective (Infectious Diseases Society of America (IDSA), 2013).

Various groups of people in society contribute to antibiotic resistance, from patients and doctors, to vets, farmers and health organisations. Many of the administered treatments are unnecessary and increase the risk of spread between bacteria (Levy, 1998). Proposals to contain antibiotic resistance generally concentrate on stewardship issues, such as regulating prescriptions, speedier diagnostics of specific infections (to ensure appropriate treatment) and education of the public (IDSA, 2013). The stagnation of new antibiotic research and development is often acknowledged, but the underlying assumption is that corporations are not accountable and must act in the best interests of their shareholders. Ideological mystification sees corporate executives accepting responsibility for their behaviour but neutralising

this with the idea that loyalty to the aims of the corporation supercedes any moral or legal obligations (Box, 1983). This is a commonly held assertion created and reinforced by industry, politicians and the media and one which pervades society as a whole (Hillyard et al., 2004). These techniques of neutralisation are 'embedded in the structural immortality' of corporations, giving them the power to keep corporate crimes invisible (Box, 1983).

Neglected diseases

Some critical criminologists see capitalism itself as criminogenic because it creates unequal structures and promotes individualism over the collective good (Newburn, 2007). The 'neglected diseases' which affect people in developing countries illustrates both the power of corporations to choose which drugs to invest in and the harms this can cause (Hillyard et al., 2004). The main pharmaceutical companies attend to the illnesses that affect the wealthy, namely those in western society; only 10 per cent of global health research is devoted to diseases that cause 90 per cent of the global health burden (ibid). Pharmaceutical companies have no financial reason to invest in medicines for people who cannot afford them because free market systems are predicated on profit maximisation and not peoples' health needs (ibid). The power of these structures is evident in that there is little quantitative data on corporate crime because it is commonly regarded and treated differently to street level crime (Newburn, 2007).

Traditional criminology focuses on acts where there is intent to harm but neglects harms caused by inaction or indifference (Hillyard et al., 2004; Box, 1983). The commonly accepted view is that it is morally

worse to intend harm than to be indifferent to whether your actions cause harm (Box, 1983). Reiman (cited in Box, 1983) argues that corporate crimes, where there is indifference, may be the cause of greater avoidable human suffering, and that not knowing the identity of the victim(s) does not excuse it or make it less immoral. Additionally, the criminal justice system is not constructed to punish moral indifference or inaction and the definitions within corporate regulations are vague (Hillyard et al., 2004). Giving corporations the power to decide what responsible behaviour is therefore results in little means of redress, either through judicial or non-judicial remedies, for those affected by their decisions.

Determining accountability

Corporate social responsibility (CSR) is a restorative justice concept where corporations voluntarily commit to making efforts to integrate social and economic concerns (Corporate Watch, 2006). But are corporations capable of integrating environmental and social concerns with their need to maximise profit? Corporate Watch, an independent not-for-profit research group, believe social responsibility should include responding to critical social problems, such as antibiotic resistance, and that it is for society to decide what social responsibility means, not corporations (ibid). If corporations are not just to be given the responsibility for antibiotic resistance but are also to be held accountable, then CSR programmes will not adequately address this. Corporations who do commit to CSR strategies tend to do so because the resultant PR affects their reputation positively with a commensurate impact on their profitability (ibid).

Would they commit otherwise? They make valuable charitable donations and enter into worthwhile community programmes such as Tesco's 'computers for schools' promotion: however, these strategies are entirely at the discretion of the corporation (ibid). There is no regulation that decides what action is appropriate or what happens when they do not comply with their CSR. Corporate Watch claim that corporations will not make moral choices; the only socially responsible actions they take will be the most profitable ones. These issues and the nature of organisations make it extremely problematic to determine corporate accountability for harms (Newburn, 2007).

The mainstream literature on antibiotic resistance neglects the possibility of the state being accountable. With a focus on human rights, the World Health Organization (WHO) acknowledges that pharmaceutical corporations affect rights to health, both positively and negatively, and businesses are considered to have some responsibilities, although the scope of this is still under debate (WHO, 2008). However, the WHO categorically asserts that states have the primary obligation to protect and promote human rights and are responsible for promoting the development of new drugs (ibid). Furthermore, it places an obligation on member states to help other states if they are in a position to do so. Member states are also obliged to prevent non-state parties, including businesses, from infringing on others' right to health, either domestic or in other countries. This human rights-based approach places the nation states at the heart of the solution to antibiotic resistance and encourages international state co-operation in mitigating this global health problem.

Ineffective programmes

This level of co-operation would be difficult to enforce on corporations who are in direct competition with

each other. But the ineffectiveness of voluntary CSR programmes to ensure appropriate action by corporations is emulated in the inaction of states that sign up to voluntary human rights programmes; the IDSA for instance, produced an in-depth report in 2004 with extensive recommendations for policy makers, promoting an

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innovative federal effort to stimulate research and development of new antibiotics, but their follow up report in 2013 acknowledges that little has been done (IDSA, 2013). One recommendation was to prioritise and combat antibiotic resistance in the same way the US has already prioritised national security diseases; they have established a specific task force for funding research into bio-defence drugs (ibid). It is not clear why these recommendations are ignored by the state, particularly as the risk of death from antibiotic resistance is more certain than from bio-defence drugs (ibid).

In conclusion, antibiotic resistance is a very real health threat that is not being fully addressed at a national or global level, in spite of its actual and potential ability to cause immense social harm across the globe. The withdrawal of pharmaceutical corporations from the antibiotics market is exacerbating the position but all members of society have a part to play in an effective solution. Attributing accountability to corporations is difficult due to techniques of neutralisation, whilst neo-liberal policies and infrastructures built around corporations have diffused the lines of accountability and responsibility, taking attention away from the state. A human rights approach acknowledges corporate responsibility but puts accountability firmly on the states. However, Michalowski and Kramer (cited in Newburn, 2007) believe that responsibility cannot be attributed solely to one party and that criminology should focus on harms caused by the 'intersection of business and government'.

Human rights legislation reflects growing discourses that attempt to address 'global moral thought' (ibid) but it needs to expand to cover inaction and indifference to social harms. Given the lack of priority given by the member states to the issues of human rights, there needs to be effective monitoring and enforcement of human rights through legislation. In turn there should be legislation which governs the actions of multi-national corporations, or whose inaction causes human rights abuses. If it proves impossible to link punitive or restorative justice measures to indifference to social harms, then the power frameworks should be amended. The state should take on responsibility for decisions on investment in new drugs, by establishing new supporting frameworks which also enable smaller drug companies to participate in drugs research and by creating more partnerships with corporations. Specialist research should be conducted into the possibilities of nationalising this industry so that there are only stakeholders and not shareholders to answer to which would place humanitarian aims before economic ones. ■

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