

Pursuing a communitarian ethic for corporate governance to strengthen health promotion: A scoping review

Authors:

*Ms Judith King¹

[0009-0002-9081-1108]

Prof. Bernhard Gaede²

[0000-0002-2766-2501]

Ms Noluthando Ndlovu¹

[0000-0001-9263-9845]

Affiliation:

¹ Health Systems Trust,
South Africa

² Department of Family
Medicine, University of
KwaZulu-Natal, South
Africa

E-mail:

*judith.king@hst.org.za

gaedeb@ukzn.ac.za

noluthando.ndlovu@hst.

org.za

DOI:

10.15249/18-1-365

Keywords:

commercial determinants
of health; communitarian
ethics; corporate
governance; non-
communicable diseases;
health as a human right;
health promotion

*corresponding author

Abstract

The magnitude of South Africa's diet-related non-communicable disease burden calls for scrutiny of sugar-sweetened beverage manufacturers' business ethics in terms of the commercial determinants of health. We gathered and analysed relevant literature from five electronic databases to determine whether a communitarian ethic can strengthen corporate governance in support of public health. Twenty-nine of 648 results were selected for data extraction and analysis. Six thematic categories were identified: the reciprocal nature of the corporation in society; perspectives on 'corporate citizenship'; integrative approaches to corporate sustainability; critiques of Corporate Social Responsibility; legal regulation to engender communitarian consciousness; and the social contract perspective. We found that in tackling the human and economic toll of South Africa's obesogenic environment, a diverse range of theoretical and practical perspectives supports the concept that a communitarian ethic for corporate governance can normalise accountability for population health as a human right.

1. Introduction

Excess body weight among the South African population is fuelling the country's high and burgeoning burden of non-communicable diseases (NCDs). In 2016, obesity-related diseases were the fifth-highest cause of mortality in the country (Statistics South Africa, 2018), and by 2021, 11.3% of South African adults – over 4.2 million people – were diabetic (IDF, 2021). Half of all adults in South Africa are overweight (23%) or obese (27%) (Boachie, 2022; Boachie et al., 2022), and according to the World Obesity Federation (2022), 50% of

women and 23% of men in South Africa will be obese by 2030. Obesity among children under five is at 13% (more than twice the global average), and 31.3% of 15 to 19-year-old females are overweight or obese (UNICEF, 2022).

A key underlying structural factor stimulating the high consumption of sugar-sweetened beverages (SSBs) – which heightens the risk of diet-related NCDs – is competitive commercialism and corporate individualism practised by SSB manufacturers (Delli Bovi et al., 2017; Lobstein, 2014; Okop et al., 2019). As a Lancet editorial (2022) points out, “attending to the commercial determinants of health and the proper regulation of industry to create health-promoting environments must be a priority”.

This scoping review sought to deepen understanding of what ‘corporate citizenship’ means for the global development agenda and health promotion in principle by confronting the intentions and responsibility of business entities in the face of syndemics that require multisectoral responses. A key motivation for reviewing related extant literature was to explore the potential for communitarian values to inform corporate governance in general and for health promotion in particular, specifically in relation to policy and practice regulating sugar consumption in South Africa. This would help to determine whether a cogent rationale could be offered for why SSB manufacturers might adopt an authentic communitarian ethos to inform market-growth opportunities that genuinely promote health and thereby support South Africa’s prevention and control of diet-related NCDs. Such a rationale would align with South Africa’s Constitution in terms of the right to health (RSA, 1996), Sustainable Development Goal 1 for improved nutrition, and Sustainable Development Goal 3 for good health and well-being (UNDP, 2012).

1.1 Scoping review objective

The scoping review was designed to produce a database of relevant evidentiary sources on communitarian approaches to strengthen corporate governance in relation to health promotion. The collation of the findings was intended to offer useful perspectives on how a communitarian ethic for corporate governance might be adopted by SSB manufacturers to protect and preserve population health. This would be of value for health, legal, and ethics professionals and researchers, policy-makers and implementers, civil society activists, and corporate leaders interested in systemic responses to the prevention of diet-related NCDs in South Africa.

2. Methodology

In March 2022, the lead author developed a protocol based on a five-stage methodological framework for scoping reviews (Arksey & O’Malley, 2005) that was in line with the Preferred Reporting Items for Systematic reviews and Meta-Analyses extension for Scoping Reviews (PRISMA-ScR) guidelines, which was approved by a three-person review team. This entailed (i) identifying the research questions, (ii) searching for material relevant to the research questions, (iii) selecting items for inclusion in the review, (iv) charting the information and data within the included items, and (v) synthesis and reporting of the results.

2.1 Search strategy

The following research question informed the search terms for the scoping review: *How, if at all, can a communitarian ethic strengthen corporate governance for health promotion?* This question was crafted to determine whether communitarian ethics could guide SSB manufacturers in building a culture of applied ethical conduct that promotes health.

Limited to items published from 2002 to April 2022, the following search terms were specified: commercial determinants of health AND industry influence OR corporate influence AND diet-related non-communicable diseases AND prevention and control; communitarian ethics for corporate governance; corporate governance AND health promotion.

Because this exercise involved mapping a broad topic, gathering appropriate results required multiple structured searches with adaptation of search terms, a variety of term combinations, and some hand-searching.

2.2 Exclusion and inclusion criteria

To be considered relevant, all sources of evidence on this question had to address one or more aspects of the proposed communitarian model (e.g. regulatory policy, law, rules, shared value, and ethics) to offer a cogent solution for health promotion that could be adopted by SSB companies. The material had to offer arguments around a communitarian approach as a means of translating mandatory compliance with policy-based legal regulations relating to products' sugar content into voluntary commitment by SSB manufacturers. It also had to indicate whether and how a communitarian ethic could persuasively balance the promotion of health as a public good with commercial interests in a cross-sectoral manner for a normative definition of corporate moral agency that addresses South Africa's diet-related NCD burden.

2.3 Search process

During April and May 2022, a comprehensive search using key terms was conducted in the EBSCO Host, Google Scholar, ProQuest, PubMed, and Scopus databases to cover a range of literature on social science, law, and business ethics in relation to public and global health. To ensure focused and productive results, Boolean operators were used as conjunctions to combine or exclude keywords in a specific search term. The search was limited to English-language articles, editorials, and other forms of commentary in peer-reviewed academic publications and qualitative grey literature citing expert opinion (media, conference proceedings, theses, textual and narrative data from reputable sources). Grey literature can help to overcome publication bias and is needed for contemporary questions that have not received much academic attention.

No items on clinical responses or pharmacotherapy for overweight and obesity were included. The focus of the search prioritised the concepts, themes, and types of evidence rather than the strength of evidence and quantitative findings. Critical appraisal of the quality of the data extracted from each item was not undertaken because the material

yielded by the search was heterogeneous, and the review methodology was instead used to provide a general understanding of the evidence base.

2.4 Limitations

Our methodology focused only on English-language articles in a specific set of databases, which could have potentially excluded valuable research published in other languages or found in other databases. Although our process aimed to include grey literature to overcome publication bias, the inclusion of grey literature may have introduced its own biases as it often lacks a peer-review process. Additionally, the reliance on a specific set of databases may have also limited the scope of research included in our synthesis.

2.5 Selection of evidence sources

The first phase of screening entailed each reviewer independently reading only the title or headline of the evidence found. The evidence sources were then marked as: 'Relevant', 'Not relevant', or 'Uncertain'. The team consolidated their individual findings on the results records and excluded duplicates and sources deemed to be better classified as 'background' rather than central to the focus of the research question. If the evidence was found to be clearly relevant or uncertain at this juncture, the item was obtained in full. This evidence was used to conduct the second phase of screening, whereby each reviewer independently read the abstract or first paragraph of the 'Relevant' or 'Uncertain' items to identify those that met the inclusion and exclusion criteria for use in the evidence extraction and synthesis phases. The retrieved material was then screened for the individual outputs' titles, abstracts, and index terms. This was followed by the third phase of screening, with each reviewer independently reading the full texts of the included items, sharing their findings, and reaching a consensus on the final set of items deemed to be eligible for review.

2.6 Records found

The overall search yielded 648 records. After initial exclusions for duplicates and off-topic items, 72 records were screened by title. Of these, 59 were selected for screening by abstract. Fifty items were chosen for full-text assessment and 29 articles were found to be eligible for data extraction and analysis. Table 1 summarises the phased search results.

Table 1: Summary of phased search results

Scoping Review Search						
Search phase	EBSCO Host	Google Scholar	Scopus	PubMed	ProQuest	Total
Initial database search yield	266	46	124	172	40	648
Screened by title	10	40	0	14	8	72
Screened by abstract	9	34	-	9	7	59
Screened by full text	7	26	-	5	5	50
Final inclusion for review	5	19	-	1	4	29

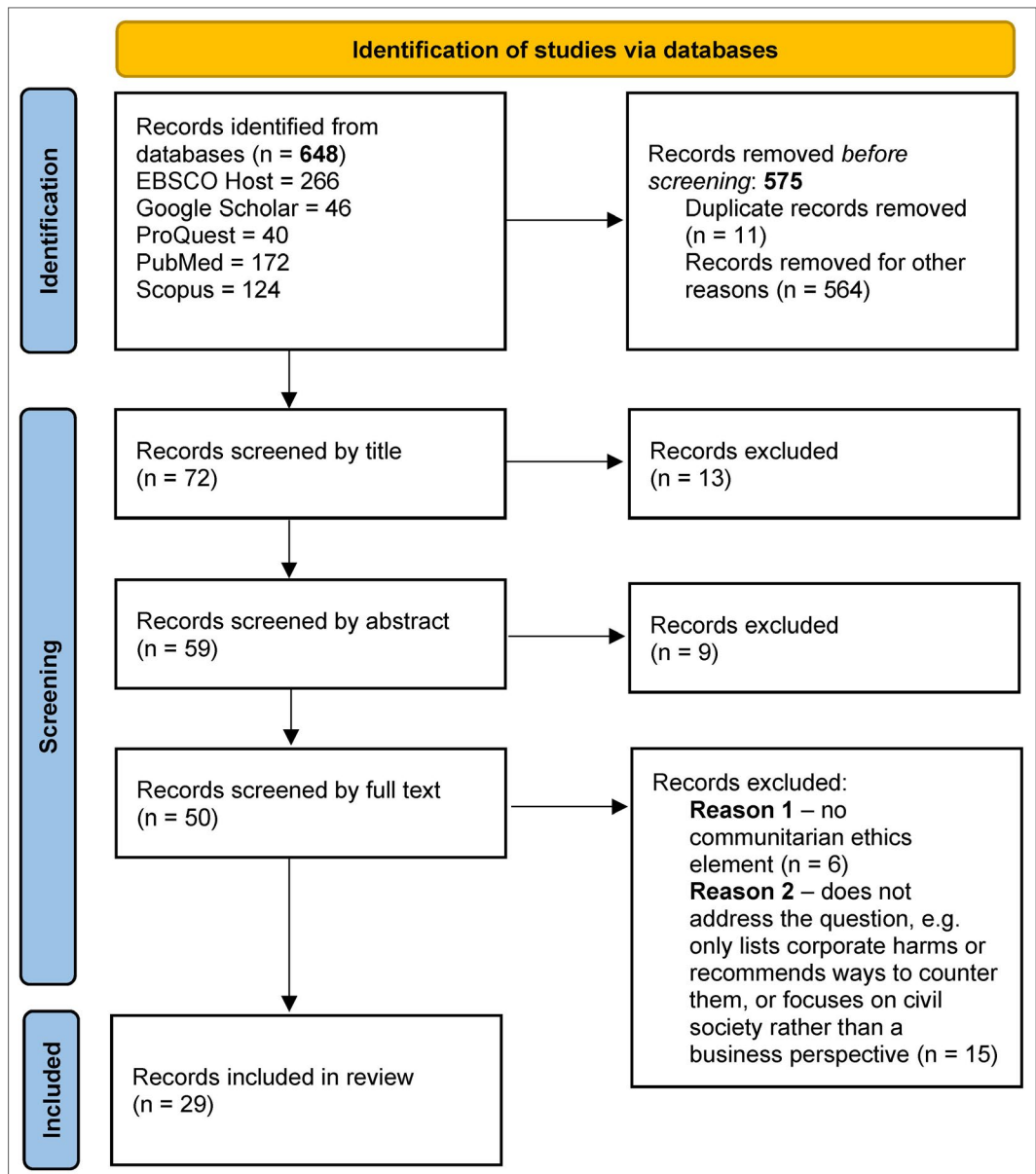


Figure 1: PRISMA flow diagram for database search

2.7 Data charting process

Results from the five database searches were exported into EndNote for bibliographic management. Using a Microsoft Excel data collation form, the required citation information was extracted from the exported items, capturing the author's/s' name/s; year of publication; title of the item; type of publication; name of publication (plus volume number, issue number, and page numbers); abstract text; access date; and database source name. The lead investigator developed an annotated bibliography of the selected evidence by summarising and interpreting each reference through paraphrasing. This

content and the relevant publication details were consolidated in a data-charting format. Using reflexive thematic analysis, key data from the bibliography were extrapolated and organised into common themes and sub-themes of the research topic for synthesis and analysis.

2.8 Synthesis of results

A frequency table was created to reflect the total count of extracted data in the following six thematic categories derived from the summary descriptions: (i) the reciprocal nature of the corporation in society; (ii) perspectives on ‘corporate citizenship’; (iii) integrative approaches to corporate sustainability; (iv) critiques of Corporate Social Responsibility; (v) law reform/legal regulation to engender communitarian consciousness; and (vi) the contractarian/social contract perspective.

All 29 articles addressed the reciprocal nature of the corporation in society, which was the primary inclusion factor for the review because this egalitarian approach is the foundation of the communitarian ethic. The two other frequently represented categories were perspectives on ‘corporate citizenship’ (48.28%) and integrative approaches to corporate sustainability (42.8%). Critiques of CSR also featured strongly with 34.5% representation. Recommendations for law reform/legal regulation to enforce communitarian consciousness accounted for 27.6% of the evidence content, and the contractarian perspective of mutual benefit through social cooperation was addressed in 20.7% of the articles.

3. Results

The review of 29 articles to assess the potential of a communitarian ethic to enhance corporate governance for health promotion identified six thematic categories, with varying levels of representation. As the outcome of reflexive thematic analysis – which Braun and Clarke regard as an appropriate approach for conceptual work – the descriptive presentation of these findings under these categories is an attempt to show “patterns of shared meaning underpinned by a core concept” so that conclusions can be drawn based on “interpreting and creating” rather than “discovering ‘the truth’” (Braun & Clarke, 2019).

3.1 The reciprocal nature of the corporation in society

On the premise that the generation of unlimited profits by companies producing unhealthy products constitutes exploitation of consumers’ vulnerability and cannot be ethically defended, human welfare must replace profit as a measure of success, as the communitarian tradition of commitment to society is central to the agent’s identity (Allen et al., 2019; Hastings, 2012; Kolstad, 2007; Schrempf-Stirling, 2014). The experience of COVID-19 demonstrated the nexus between business and society and how health crises affect all levels of business, thereby validating the logic of corporate citizenship

being extended to all stakeholders (Paine, 2020) and the requirement for normative accounting and reporting on public health (Nwobu, 2020).

All corporate actors are responsible for their networks causing specific social harm (Schrempf-Stirling, 2014), because ‘social connection logic’ requires them to consider the broader consequences of their activities and products, and the various facets and layers of corporate power having a negative impact on public health (Lacy-Nichols & Marten, 2021). Obesity is a typical example of ‘Big Food’ companies’ structural liability for harm to population health (Tempels et al., 2017).

The call by McDaniel & Malone (2009) for more explicit discussions on requirements for the conduct, products, and power differentials of an authentically credible company in terms of human well-being aligns with the reference by Williams (2018) and Cragg (2002) to the United Nations Global Compact (UNGC), which sets corporate governance standards that uphold “the full flourishing of all human beings” because corporations are part of society.

South Africa’s King Code of Corporate Practices and Conduct¹ espouses the social role of business by advocating for companies to adopt a universally communitarian ethic as an expression of African culture (*Ubuntu*) that transcends the tensions between profits and caring in the face of important health challenges (Gstraunthaler, 2010; King, 2005; King & Nixon, 2012). The King Code’s socially benevolent aims for sustainable success apply to the organisational ecosystem, not only large or listed companies (Thakhati et al., 2021). *Ubuntu*, communitarian ethics, and social contract theory can be interpreted and synthesised for managerial practice with a focus on relationships as opposed to self-development for the greatest good and a world view of the firm being a community within and of society (Auchter, 2017). The *Ubuntu* ethic serves as the foundation for Metz’s principle of right action for organisational decision-making within a relation-holder theory. This principle emphasises the firm’s obligations to those who affect and are affected by its operations (Woermann & Engelbrecht, 2019).

Organisational change that serves communities authentically should focus on the interior of corporations to benefit the exterior world and on internal self-regulation that goes beyond mere compliance to moderate and redirect self-interest and maintain high standards of corporate conduct (Iivonen, 2018; Mish & Scammon, 2010; Monachino et al., 2014; Norman, 2011; Parker, 2007; Santos & Lacznia, 2009). For true legitimacy, corporations should adopt an alternative set of values centred on equity, and a shift from a firm-centric to a social perspective that deals inclusively with the rights and claims of all stakeholders, such that the company sees itself as “one among many inter-connected social partners constituting the socio-commercial nexus in a complex adaptive system” for human well-being (Lacy-Nichols et al., 2022; Lacznia & Murphy, 2012).

1 IodSA (Institute of Directors Southern Africa). (2016). King IVTM Report on Corporate Governance for South Africa. https://cdn.ymaws.com/www.iodsa.co.za/resource/collection/684B68A7-B768-465C-8214-E3A007F15A5A/IoDSA_King_IV_Report_-_WebVersion.pdf

Shared value is a lens through which to integrate social, environmental, ethical, and human rights concerns into core business operations and strategy in close collaboration with stakeholders (Macassa et al., 2017), and places the corporation within a communitarian perspective as an ordered structure with a shared goal (O'Brien, 2009). Corporate accountability thus requires deeper reflection on businesses contributing to the alleviation of societal challenges while thriving commercially (Malan & Ungerer, 2018). Corporations have a role in policy development only if it is harnessed for human flourishing so that mutual dependency is recognised through communitarian corporate citizenship (Matten et al., 2005). Principle-based stakeholder marketing should focus on interconnectedness and earned legitimacy by upholding a view of stakeholders as ends in themselves with needs and rights (Mish & Scammon, 2010), and taking responsibility for health promotion and protection among the most vulnerable in society (Monachino & Moreira, 2014). This argument aligns with the idea that a 'virtuous firm' operating on the basis of a moral community would not exploit the vulnerabilities of consumers and would abide by laws that protect stakeholders' interests (Santos & Lacznia, 2009).

3.2 Perspectives on 'corporate citizenship'

The history and unfolding meaning of 'corporate citizenship' as a concept is explored theoretically by Matten et al. (2005) in terms of companies' legal and political status enabling them to participate in civic processes but to counter abuse of this status, such as through policy interference, specific criteria should determine whether companies could be considered as "metaphorical citizens" by virtue of such participation.

'Credibility' in terms of corporate citizenship hinges on authenticity as a public perception, which requires true contrition over misdeeds or mistakes and taking responsibility for harmful products. However, companies tend to be satisfied with the mere appearance of contrition and responsibility through their Corporate Social Responsibility (CSR) efforts (McDaniel & Malone, 2009). Voluntary CSR is widely regarded as a measure of corporate citizenship, but the corporate agenda for health promotion activities should be scrutinised for the adoption of any sociological approach, particularly for marginalised communities (Monachino & Moreira, 2014).

Serving the common good rather than blind pursuit of self-interest, taking responsibility for sustainability and inclusiveness seriously, and establishing this ethos as a normative duty to society are associated with good corporate citizenship (O'Brien, 2009; Tempels et al., 2017; Thakhathi et al., 2021). Accounting for how the organisation's activities affect public health issues is a company board mandate (Nwobu, 2020), and the King Code requires corporate leadership to embody the 'personal character' of the corporate citizen as an ethical organisation through the virtues of integrity, fairness, trust, respect, and empathy (Santos & Lacznia, 2009), with the addition of transparency as to how the company has positively or negatively affected society (Gstraunthaler, 2010). The King Code identifies the corporate citizen as a communitarian self that is "non-discriminatory, non-exploitative, and responsible with regard to environmental and human rights issues", with a relational concern for social challenges arising from the recognition

that all are affected by human suffering (King, 2005; King & Nixon, 2012). Woermann & Engelbrecht (2019) contend that the fullness of the corporate persona depends on the quality of its relationships and participation in the community as a way of being and that communitarianism perfectly justifies the concept of corporate citizenship in the sense that a person's relatedness and interdependence precede and give form to personhood.

However, because morality cannot be legislated, firms have to respect the 'unwritten rule' of doing good as an institutional practice (Norman, 2011). This may be adopted instrumentally to maintain a positive corporate reputation or legitimacy, as in the case of tobacco companies denormalising certain negative industry practices to shed their 'pariah' status (Lacy-Nichols & Marten, 2021).

3.3 Integrative approaches to corporate sustainability

Implementation of the King Code through integrated or 'triple-bottom-line' reporting that covers the nature, extent, and progress of companies' economic, sustainability, and environmental (ESG) management policies and practices can advance equilibrium between economic and social goals as a moral obligation (King, 2005; King & Nixon, 2012). The King Code introduced sustainability action and reporting as a key duty of corporate governance based on the recognition that a corporate citizen is a 'person' who should operate in a sustainable manner (Gstraunthaler, 2010). The King Code is distinct from other countries' codes in that it defines corporate governance as an ethos of "accountable leadership" rather than merely a system, and integrates sustainable development as a core principle rather than as an ad hoc interest (Thakhathi et al., 2021). Through its focus on shared purpose, the King Code embodies the idea that sustainability requires a deliberate intervention to ensure relation-holding for the common good (Woermann & Engelbrecht, 2019).

The "business case for population health" requires responsible leadership to maximise long-term market value on the basis that there is a direct link between profitability, survival, and growth and corporate contributions to the health of a society (Macassa et al., 2017). An integrative orientation encompassing a company's business connections, internal stakeholder cognition, and external stakeholder pressure should inform corporate responsibility for harmful outcomes (Schrempf-Stirling, 2014). A model for such integration features interconnectedness, shared value propositions, and earned legitimacy as a corporate governance approach for longevity, stability, innovation, and leadership (Mish & Scammon, 2010).

Health promotion is crucial for economic well-being and is a multi-stakeholder responsibility, including for corporate entities (Nwobu, 2020), but rigorous standards should be applied to counter the risk of private-sector interests dominating those of others in multi-lateral decision-making (Lacy-Nichols et al., 2022). Corporate sustainability requires a just marketplace characterised by fairness and equity in all business dealings (Santos & Laczniak, 2009) and adherence to the UNGC's Ten Principles can foster sustainable value for all stakeholders (Williams, 2018). For example, the Coca-

Cola Company acknowledges that business continuity entails synergising consumer and company health (Iivonen, 2018).

3.4 Critiques of Corporate Social Responsibility (CSR)

There is a paucity of research on how CSR can support health promotion as an essential component of corporate strategy (Monachino & Moreira, 2014). While CSR presents opportunities for firms to support improved population health and social sustainability through ethical and integrative means, CSR can be coercively applied, politically and instrumentally, to appease social pressures and neutralise opposition to corporate power, and such cases should be scrutinised to address the commercial determinants of health (Lacy-Nichols & Marten, 2021; Macassa et al., 2017). Empirical evidence shows that in many instances, CSR policies are essentially insincere and mask the profit motive (Kolstad, 2007), are fraudulently used as a public relations tool for reaching new audiences, reputation management, political lobbying, and avoiding regulation (Mish & Scammon, 2010), and pay lip-service to social concern (Malan & Ungerer, 2018).

'Stakeholder marketing' is company-centric with stakeholder inclusion in CSR strategy being driven by a financial rather than a moral mandate and designed to manage stakeholders' claims in a way that "does not trump the economic imperatives of the firm" (Laczniak & Murphy, 2012). There is a need for marketing practice that adopts a normative view of CSR as upholding stakeholder needs and rights, i.e. as ends in themselves (Mish & Scammon, 2010) rather than as a means of wealth creation and self-interest. This communitarian view is echoed by Parker (2007), who argues that CSR must be based on an inner commitment to institutionalising morality through "ideals as well as obligations, values as well as rules", authentically built into the company's structure and enterprise through meaningful processes. Companies' board CSR sub-committees should oversee these processes, and because diseases have cost implications for communities and companies, corporate reporting on how business operations affect public health should align with the standards set by the Global Reporting Initiative and UNGC (Nwobu, 2020).

3.5 Law reform/legal regulation to enforce communitarian consciousness

With the public's easy access to unhealthy foods being caused by industry actors exploiting "people's biological, psychological, social and economic vulnerability" (Allen et al., 2019), "regulation of corporations is necessary because obesity must be reframed to emphasise the reciprocal nature of the interaction between the environment and the individual". Corporations should obey the law and treat their stakeholders ethically because they are legal artefacts that exist through society having created the legal framework necessary for their existence (Cragg, 2002).

Meta-regulating law (MRL) centres on the external regulation of corporations' "internal corporate conscience mechanisms", such as making ethical behaviour a condition of licences or permissions required for a company to trade or set up in a certain location, and

introducing a seal or logo to mark recognition of the company's superior performance as a moral organisation (Parker, 2007). Norman (2011) recommends that governments should reinforce good practice for normative self-regulation by mandating the reporting of internal regulatory plans, publicising related performance, studying the impact thereof, and threatening regulatory legislation if companies fail.

Authentic norms for ethical corporate behaviour can be identified in explicit contracts, laws, or written rules for communal benefit (Auchter, 2017). Revision of South African corporate law around the "common social purpose" could entail a system of tax incentives for companies that behave ethically and tax sanctions for those who flout moral principles (Mish & Scammon, 2010). Government regulation (including progressive taxation) is the most important evidence-based mechanism to protect public health (Lacy-Nichols et al., 2022), and society needs additional government legislation and rule-setting to curb the negative corporate impacts on population health (Tempels et al., 2017).

Thakhathi et al. (2021) observe that micro-level corporate governance practice and the human agency of accountable leadership are required to ensure authentic adherence to, as opposed to mere compliance with, the King Code principles. Although the King Code has influenced landmark court judgements and set new common law precedents that have ultimately instantiated its legitimacy within South Africa's legal regime, "the Code exerts augmentative forces of its own upon the macro-environment around it, rendering it mutually transformative through a dialectic between the King Code and South African common law".

3.6 The contractarian/social contract perspective

In the contractarian tradition of mutual benefit, social cooperation is part of the circumstances of justice, so that ethical consideration must entail an engaged relationship with the demands, needs, claims, and lives of others (Kolstad, 2007). Social connection is the crux of corporate responsibility for obesity, on the premise that the causal relation of fault for harm can be shown through companies' ability to manufacture and sell unhealthy foods. Even though corporations dispute the causal link between SSBs and obesity – and therefore, their legal liability – co-responsibility is evident because corporations are socially connected to these issues through their operations, and rules, standards, and regulations must be adjusted to address this (Schrempf-Stirling, 2014)

Auchter (2017) synthesises social contract theory with communitarian ethics for managerial practice around relationships as opposed to self-interest, arguing that we need a community-orientated society in which individual corporate citizens are connected through social ideals. The concept of shared value is the nexus for the social contract and a means of re-inventing capitalism, which requires corporate leaders to have relational skills to identify and drive mutually beneficial solutions for social value (Macassa et al., 2017; Malan & Ungerer, 2018). While relationships formed through shared value and the communitarian ethic may not lend themselves to legal contractual terms, the idea of the social contract (i.e. a licence to operate) should guide the company towards moral

behaviour by measuring the extent to which its operations develop community, serve the common good, and affirm the humanity of others (Woermann & Engelbrecht, 2019).

The moral case is viable as good business practice, but needs normative intentionality based on optimised collective value to contribute positively to society. Most South African signatories to the UNGC – whose commitment to its principles entails action to “ensure healthy lives and promote wellbeing for all at all ages” (Sustainable Development Goal 3 – United Nations, 2015) – emphasised the business rather than the moral case in their communications on progress (Malan & Ungerer, 2018).

4. Discussion

The evidence mapped for the question of whether a communitarian ethic for corporate governance can strengthen health promotion supports the notion that critical public health and business ethics are allied, intersectional, and mutually reinforcing. The shared focus of population health and commercial activity is a contract with society as a whole – legitimised by policies and law to contextualise health as a human right – and is therefore communitarian in nature.

Four sources align this thinking with broad-based human rights, the South African Constitution (RSA, 1996), and the King Code (IoDSA, 2016) by offering various perspectives on how greater managerial accountability through substantive hyper-norms of people-centred supportiveness and co-operation can be achieved through a communitarian ethic (Auchter, 2017; Laczniak & Murphy, 2012; Malan & Ungerer, 2018; Mish & Scammon, 2010). SSB manufacturers and marketers – as corporate citizens and economic power-holders – have moral duties that must align with national health policy concerns. Their profits carry a substantial opportunity cost for their target market – people who depend on government health services and social grants and do not have the option of purchasing healthier drinks – resulting in the poorest in the nation suffering the gravest long-term consequences of diet-related illness and deepening poverty. Moreover, South Africa’s NCD burden undermines the country’s health system to the degree that individuals’ right to health care is severely jeopardised, if not violated. Therefore, addressing corporate interests as a distal and a structural health determinant is urgent and complex, requiring a relational mindset and an affiliation of values.

The review evidence raises the issue of addressing the strategic and comprehensive use of CSR to boost SSB manufacturers’ corporate credibility as an ally in the global fight against obesity (or at least as a risk-management tool), while resisting regulation and fostering government inaction. This exposes the commercial quest for profitability through unfettered growth, rather than a philanthropic or ethical motive. It is this systemic hypocrisy that must catalyse a more in-depth interpretation of ‘good corporate citizenship’, and a richer and wider understanding of how the King Code might serve to entrench a more socially conscious SSB industry. The review findings indicate that the King Code is seen as a benchmark for stakeholder inclusivity and shared purpose to create a communitarian culture of accountable corporate governance (Gstraunthaler,

2010; King, 2005; King & Nixon, 2012; Thakhathi et al., 2021; Woermann & Engelbrecht, 2019). Using the King Code as a tool to facilitate greater corporate responsibility alongside financial success gives companies the opportunity to advance humanity responsibly and sustainably – albeit not without intentional voluntary agency (Thakhathi et al., 2021).

The King Code offers guidance on creating an ethical organisational culture, enhancing the social value generated by companies, and ensuring their legitimacy and good reputation (including a context of trust with all stakeholders) for the flourishing and sustainable society envisaged in the Ottawa Charter for Health Promotion (WHO, 1986). However, neither of these instruments is enforceable in law. The King Code’s authors hold that legislative regulation and enforcement thereof cannot ‘convert’ a company into being a caring corporate citizen. Yet, without a legal obligation to be ethical, companies continue to undermine health promotion, which necessitated the government’s introduction of South Africa’s Health Promotion Levy (HPL) (SARS, 2018). Because the behaviour of companies renegeing on their own voluntary commitments to health promotion is immoral but not illegal, it could be argued that the King Code principles are not merely a matter of moral reasoning, but also of law.

This gives rise to two key lines of enquiry:

- Can legislation engender corporate accountability beyond mere compliance?
- If not, could the communitarian model’s vision of an ethical bridge between law and morality be a viable proposition for SSB industry actors to contemplate?

Ideas for mutually beneficial solutions that fulfil profit-making and social value are expounded in three sources (Macassa et al., 2017; Malan & Ungerer, 2018; Mish & Scammon, 2010). Six sources (Mish & Scammon, 2010; Monachino & Moreira, 2014; Norman, 2011; Parker, 2007; Santos & Laczniak, 2009; Thakhathi et al., 2021) describe the rationale for and methods by which companies can and should go beyond compliance with legal requirements for responsible business operations. Thakhathi et al. (2021) offer a phenomenological, normative, epistemological, and theoretical framework that accommodates micro, meso, and macro levels in business ethics that can aid in establishing normative and ‘top of mind’ corporate governance and informing practitioners of what they are not doing. Notably, Laczniak & Murphy (2012) aver that public policy will force companies to comply with delivering value that improves social well-being. Lacy-Nichols et al. (2022) argue that government regulation, including progressive taxation, is one of the most important evidence-based mechanisms for protecting and promoting health. Parker (2007) concludes that internal corporate conscience cannot be discretionary, but rather must be externally regulated for specific social policy goals.

Norman (2011) favours making higher standards into law by “advancing arguments that say: *You cannot do X because even though it is not (or is not yet) illegal, it should be [illegal]; and profiting from X is a perversion of the market system itself*”. This would lead to specific normative recommendations whereby, at the very least, ethical firms would not “engage destructively with attempts by government and others to find reasonable regulatory solutions” like sugar taxation, and firms living up to ethical and legal obligations could

then deservedly be seen as and claim to be ‘stakeholder-friendly’, ‘socially responsible’, and exemplary corporate citizens. In seeking solutions for a dialectic between legal and ethical requirements, Norman (2011) envisions a normative conceptual scheme that would support managers and corporate leaders in balancing interests for beyond-compliance obligations. Crucially, he examines this through the realm of ‘regulation versus self-regulation’, i.e. imposition of law versus voluntary moral choices – noting that ‘responsibility’ is a vague term compared to ‘obligation’ or ‘right’.

What emerges from this evidence is an ineluctable sense of the need for a company to be conscious of the drivers, impacts, and effects of its products on public health, as encapsulated by Kickbusch et al. (2016) in their definition of the commercial determinants of health – specifically framing “corporate social responsibility strategies, which can deflect attention and whitewash tarnished reputations”. This is a level of corporate influence that fuels the NCD pandemic in particular. As Tempels et al. (2017) point out, “connecting the debates on public health ethics, CSR, health sciences, and business ethics opens up room to work towards a more sophisticated and inclusive approach to responsibility for public health by the food industry ...”.

Towards raising compliance standards, Norman (2011) proposes synergising economics, political science, sociology, history, public policy, and law for a deeper understanding of the moral grounds for business regulation in “a philosophical and meta-ethical thrust”, which echoes the call by Kickbusch et al. (2016) for “deep interdisciplinary collaboration” that is needed to counter the systemic corporate power that plays a major role in perpetuating diet-related NCDs. The review findings therefore underscore the argument that a veneer of ‘corporate citizenship’ articulated in annual reports through heart-warming accounts of CSR projects and similar perception-management tactics will not suffice to protect and promote population health.

Aspects of communitarian ethics for corporate governance regarding health promotion that surfaced from the review evidence suggest that there is potential to empower industry – philosophically and practically – with a governance approach that aligns with the health promotion ideals of the Ottawa Charter (WHO, 1986), and engenders a communitarian respect for policy and laws that support long-term sustainability (as espoused in the King Code).

As such, implementation of the Ottawa Charter and the King Code could be energised if SSB manufacturers, as moral agents, catalyse innovation in their business practices through compliance with evidenced-based laws and being informed by communitarian ethics. By engaging with the intersecting and interdependent dynamic of economic, social, and political needs, SSB industry actors could help to enable a social compact of key sectoral partnerships for the prevention and control of diet-related NCDs in South Africa.

Because consumers, government, and the health sector are stakeholders with rights, roles, and needs that are affected by private-sector corporate practice, SSB companies’ adoption of a communitarian ethic could support the resilience and sustainability of

health policy implementation to achieve the outcomes-based United Nations 2030 Sustainable Development Goals (UN, 2015) to which South Africa is committed. Realising the right to health as a shared agenda requires re-thinking the corporate defence that the competitive nature of business and the market must subvert ethical ideals in favour of protecting companies' profit margins at all costs.

It could be argued that there is little evidence of the moral culture of businesses operating in South Africa having improved since the advent of the King Code in its various iterations. While acknowledging that the King Code seems not to have gained significant traction in this regard because it is a 'soft-law' instrument for which compliance is voluntary, our view is that the proposed communitarian model, as an exemplar of Parker's vision for meta-regulating law, could promote the King Code's implementation by signalling the human right to health as a means of facilitating greater corporate responsibility in a sustainable manner. Legislation that sets out specific obligations for commercial actors to protect the best interests of society, combined with the indigenous King Code as extended law, might at least regulate intentionally reckless or negligent behaviour. This could create a more robust framework for holding corporations accountable for their actions and address gaps in enforcement to ensure that companies prioritise the well-being of society in their decision-making processes.

5. Conclusion

South Africa, as "a country facing the vital challenge of reconnecting the creation of wealth with the power of conscience" (Prozesky, 2003), needs moral imagination for the prevention and control of NCDs. The scoping review evidence indicates the potential for legal reform to formalise the application of the communitarian principles of the King Code as 'extended law', and for related systems-wide change towards 'extended leadership' that requires a company's sustainability credentials to be as important as its profits.

For companies that persist in evading this responsibility, a legally enforceable instrument such as the nascent UN Binding Treaty on Business and Human Rights (UN, 2018) may offer recourse through regulating activities that threaten public health, based on the premise that the right to do business bears a prior obligation and normative concrete duties to observe all human rights. Additionally, the involvement of civil society organisations and human rights advocates can help to hold corporations accountable for their actions and ensure compliance with ethical standards.

The expert insights of specialist informants can broaden our thinking on whether or not laws – and in particular, 'soft law' such as the King Code – can steer the desired ethical corporate behaviour, at least to the extent of guiding the setting of expectations for managing strategic business risk to population health.

Ethics clearance

This study was conducted under ethics clearance granted by the University of KwaZulu-Natal's Humanities and Social Sciences Research Ethics Committee (Protocol Reference Number: HSSREC/0003203/2021).

Supplementary material

A PDF of charted data is available from the authors on request.

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