

THE GOVERNMENT'S ROLE IN PROTECTING CITIZENS FROM PSYCHOLOGICAL HARM

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Abstract

Capitalism in the United States has created economic obsession regarding the profit of businesses. Industries will go to great lengths to ensure that they receive a sizable profit. These industries use the insecurities of society to plant instability within customers to best promote their products and increase sales. However, the government is responsible for protecting citizens from harm, which includes the psychological harm caused by industries. Not only are customers psychologically harmed as a byproduct of capitalism, but employees are also psychologically harmed through this process. The prevalence of workplace stress and mental illness is only increasing in the United States. Seeing that it is a responsibility of the government, they need to construct regulations that manage how industries treat their customers and employees. To restore the damage that these corporations have caused, it would be in the best interest of the government to incorporate proper mental health resources within the industrial environment.

Introduction

Private enterprise in the United States has created a fixation on the economy concerning the benefit of organizations. These enterprises utilize the frailties of society for the betterment of their own business, without concern about how this affects society. The government is answerable for protecting citizens from

harm, which includes the mental anguish brought about by enterprises. Customers are not exclusively mentally harmed because of private enterprise, as employees are likewise psychologically harmed. The pervasiveness of the work environment into every area of our lives causes stress. The government needs to hold these industries and corporations accountable, as they must regulate the power and influence that businesses hold in society.

The Responsibilities of the United States Government

One of the earliest, yet most fundamental, foundations of government is to protect and guard its citizens against harm.¹ When a region becomes defined as an independent territory, those within the state borders become supervised and regulated by a government. Instability and vulnerability befall a society “without a government to provide the safety of law and order, protecting citizens from each other and foreign foes.”² It is the government’s responsibility to “protect citizens from violence and the worst vicissitudes of life.”³ Citizenship entails “the duty of the Government to protect; and of the subject to obey.”⁴

As it is the duty and responsibility of the government to guard its citizens against any form of harm that comes forth, and it is important to understand the parameters of harm. Harm, as defined by the Oxford English Dictionary, is “physical injury, especially that which is deliberately inflicted.”⁵ The

¹ Anne-Marie Slaughter, *3 responsibilities every government has towards its citizens*, World Economic Forum, 2017,

<https://www.weforum.org/agenda/2017/02/government-responsibility-to-citizens-anne-marie-slaughter/>, (last visited April 7, 2021.)

² Id.

³ Id.

⁴ Steven Heyman, *The First Duty of Government: Protection, Liberty, and the Fourteenth Amendment*, pp. 546-554, Duke Law Journal, 1991,

<https://scholarship.law.duke.edu/dlj/vol41/iss3/2/>, (last visited April 7, 2021.)

⁵ *Definition of HARM*, Oxford Dictionary, <https://www.lexico.com/definition/harm>, (last visited April 7, 2021.)

definition of harm is specifically classified as the purposeful imposition of physical injury. However, that is not the only form of harm that exists. Harm can present itself in the following categories: financial, physical, psychological, sexual, and neglect.⁶ Although harm takes many forms, psychological harm has become incredibly prevalent today, causing mental and emotional distress to a significant number of citizens. Psychological harm can be defined as “hurtful words used to frighten, threaten, humiliate or control another person, or make individuals feel isolated.”⁷ The capitalistic society of the United States has turned humans into numbers and a dollar sign, causing industries to abuse employees and customers in order to make a profit. “As the welfare state has evolved, its critics have come to see [the government] more as a protector from the harsh results of capitalism, or perhaps as a means of protecting the wealthy from the political rage of the dispossessed.”⁸ As it is the government’s responsibility to protect citizens, this includes protecting citizens from psychological harm.

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 provides conditions in which employers are forbidden to discriminate against employees. Section 703 of Title VII, states that “it shall be an unlawful employment practice for an employer to discriminate against any individual because of such individual's race, color, religion, sex, or national origin.”⁹ In addition to the many provisions set out by the United States government, there are labor laws in place for different workplace conditions regarding lawful and unlawful employer behavior. These labor laws along with Title VII, prohibit

⁶ *What is harm?*, Act Against Harm, Safer Scotland Scottish Government, <http://www.actagainstharm.org/what-is-harm>, (last visited April 7, 2021.)

⁷ *Id.*

⁸ *Id.*

⁹ *Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission, EEOC.gov, <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>, (last visited April 7, 2021.)

discrimination, as well as abuse and harassment due to an individual's background.

Although the government has these regulations in place, the issue here is that these regulations do not include harm derived from abuse and harassment from a psychological viewpoint. Physical maltreatment is not the only maltreatment that exists. The prevalence of psychological abuse of employees is far too high in industries.¹⁰ Not only are employees psychologically harmed, but customers are too. These laws and acts are focused on how employers should treat employees, but not on how industries should treat customers. Along with guidelines regarding employer behavior, the government needs to also create guidelines that industries are required to follow regarding the creation of products and contracts that instigate psychological distress among customers.

The Truth About Industries

The culture of capitalism feeds off society's self-doubts. Industries turn these widespread insecurities into products that are marketed as solutions and profit from those sales. For example, "the \$382 billion global "beauty" industry has effectively targeted every aspect of appearance, ranging between hair-care, hair removal, makeup, plastic surgery, skin-care, diet plans, and perfumes."¹¹ The beauty industry allures women, especially teenagers and young adults, by "[building] as much on promises for attractive as on fears of ugliness, products targeting the superficial guarantee not only better looks but happiness too."¹²

¹⁰ Zubair Akram, Yan Li, and Umair Akram, *When Employees are Emotionally exhausted Due to Abusive supervision*, A Conservation of Resources Perspective, International Journal of Environmental Research and Public Health, Sept. 8, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6765885/>, (last visited April 7, 2021.)

¹¹ Hanna Khalil, *Profit, Self-Worth, and the Ugly Side of the Beauty Industry*, Washington University Political Review, 2018, <https://www.wupr.org/2018/03/03/profit-self-worth-and-the-ugly-side-of-the-beauty-industry/>, (last visited April 7, 2021.)

¹² Id.

Studies have revealed that 53 percent of female teenagers in the United States are dissatisfied with their physical appearance.¹³ “These low feelings of self-worth...are a direct result of the constant, targeted messaging surrounding appearance, beauty, and perfection.”¹⁴ The beauty industry takes advantage of insecurities by placing ideations of a negative self-image into the minds of women customers through their advertising. This way, the industry can assure their customers that happiness and perfection are guaranteed when using these products. The trick of false satisfaction is a ploy to increase sales and maximize profits. Unfortunately, the beauty industry is not the only industry profiting from society’s vulnerabilities. It is not uncommon for industries to have hidden agendas behind their sales pitches of their products, which is to economically benefit the company at the expense of a vulnerable society.

While customers are inherently targeted by industries for financial gain, employees of these industries are psychologically harmed behind closed doors. “Psychologically traumatic workplace events (known as critical incidents) occur within various work environments, with workgroups in certain industries vulnerable to multiple incidents.”¹⁵ Employees have great levels of stress due to their jobs. Stress, defined as “the adverse reaction people have to excessive pressures or other types of demands placed upon them,” not only comes from being overworked resulting in mental and physical exhaustion, but also comes from the mistreatment and devaluation of employees.¹⁶ The negative psychological impact of work-related stress can present itself in numerous ways, “such as anxiety and depression, loss of concentration and poor decision making.”¹⁷ Not only that, but the

¹³ Id.

¹⁴ Id.

¹⁵ G.S. DeFraia, *Psychological Trauma in the Workplace: Variation of Incident Severity among Industry Settings and between Recurring vs Isolated Incidents*, The International Journal of Occupational and Environmental Medicine 155-168, 2015, <https://pubmed.ncbi.nlm.nih.gov/26174992/>, (last visited April 7, 2021.)

¹⁶ T Rajgopal, *Mental well-being at the workplace*, 14 Indian Journal of Occupational and Environmental Medicine 63, 2010, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3062016/>, (last visited April 7, 2021.)

¹⁷ Id.

psychological harm from work-related stress has been reported to cause adverse effects on employees' physical health as well. "Work-related stress could also manifest as heart disease, back pain, headaches, gastrointestinal disturbances or various minor illnesses."¹⁸ Customers and employees alike are being exploited by industries for their benefit, and it is time that they are held accountable for their unlawful actions.

Is the Government Fulfilling its Responsibilities?

The pursuit of happiness, a right guaranteed to citizens and mentioned in the United States Declaration of Independence, is the ability for an individual under the law to achieve a life of contentment, full of happiness, provided no other citizen is harmed in the process.¹⁹ The rights of citizens will always be limited in the case that another individual's rights are infringed upon or their safety is compromised. However, in today's world, the right to the pursuit of happiness has not been upheld. It is instead as if citizens must fight to survive, instead of being able to live as if it is their given right. The widespread growth of mental illnesses in the United States is alarming. "Even before COVID-19, the prevalence of mental illness among adults was increasing. In 2017-2018, 19% of adults experienced a mental illness, an increase of 1.5 million people over last year's dataset."²⁰ Individuals not only suffer from psychological pain but have also lost their motivation to pursue happiness. "Suicidal ideation among adults is increasing. The percentage of adults in the U.S. who are experiencing serious thoughts of suicide increased 0.15% from 2016-2017 to 2017-2018 – an additional 460,000 people from last year's dataset."²¹

¹⁸ *Id.*

¹⁹ *Declaration of Independence: A Transcription*, National Archives, 2021, <https://www.archives.gov/founding-docs/declaration-transcript>, (last visited Mar 25, 2021.)

²⁰ *The State of Mental Health in America*, Mental Health America, 2021, <https://www.mhanational.org/issues/state-mental-health-america>, (last visited April 7, 2021.)

²¹ *Id.*

The prevalence of mental illness calls for better access to mental health resources. Those who are uninsured have no access to these resources, which indicates that they have no means of rehabilitation. However, whether insured or uninsured, citizens' needs for treatment are not being met. The government has a responsibility to protect citizens from psychological harm, which they are currently not fulfilling. The right to the pursuit of happiness is an entitlement that hundreds of thousands to millions of citizens are not even able to attain.

Legislative and Judicial Action

A great deal of improvement needs to take place for society to be in a state of recuperation. The government must hold industries and corporations accountable for using the insecurities of society to gain a profit. The vulnerability of citizens should never have been used as a selling point, and it is time that the government speaks out on this issue as it is a breach of the responsibilities of the government. Secondly, the government needs to establish psychological harm as unlawful and amend the specifications of the current labor laws and civil rights acts that are already in place. To ensure that these regulations are being followed properly, it is imperative for the government to closely supervise and manage the actions of industries.

To diminish the effects of psychological harm, the government needs to provide better access to mental health resources for citizens. This will not only repair the current damage but will also decrease the prevalence of mental illness. According to the Centers for Disease Control and Prevention, “workplace health promotion programs have proven to be successful, especially when they combine mental and physical health interventions.”²² The Centers for Disease Control and Prevention also provides recommendations regarding mental health-related issues that can act as a solution for federal and state governments to take:

²² *Mental Health in the Workplace*, Centers for Disease Control and Prevention, 2019, <https://www.cdc.gov/workplacehealthpromotion/tools-resources/workplace-health/mental-health/index.html>, (last visited April 7, 2021.)

- Federal and state governments can:²³
 - Provide tool kits and materials for organizations and employers delivering mental health and stress management education.
 - Provide courses, guidance, and decision-making tools to help people manage their mental health and well-being.
 - Collect data on workers' well-being and conduct prevention and biomedical research to guide ongoing public health innovations.
 - Promote strategies designed to reach people in underserved communities, such as the use of community health workers to help patients access mental health and substance abuse prevention services from local community groups (for example, churches and community centers).

Conclusion

One of the most fundamental responsibilities of the United States government is to protect citizens from harm. And psychological harm has become increasingly apparent within our current culture. The insecurities of citizens are exploited by industries for financial benefits. This exploitation violates many of the government's guidelines regarding the treatment of others and may be considered unlawful conduct. However, customers of these industries are not the only ones being exploited. The employees of these industries are being overworked and abused, causing them great stress and psychological harm. The time and exertion spent working requires employees to expend a considerable amount of an individual's life, time, and effort. The industry's blatant disregard of employee needs including their self-respect, severely influences and contributes to a negative sense of self. Due to these issues, new improvements need to be made to better protect citizens from psychological

²³ Id.

harm. The government must establish psychological harm as unlawful and amend laws to include this distinction. The government needs to tightly regulate industries to ensure that citizens are protected from psychological harm. Lastly, better access to mental health resources is necessary for citizens who have been psychologically traumatized. These modifications will establish the protection of citizens from psychological harm and allow for the betterment of society.