

Bill of rights and its impact on business in today's society

Law



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Business enterprises are an essential part of a country's society. Growth in the business industry would in no doubt lead to the society's advancement as well as advancement in the country's economy. The responsibilities and contribution of these businesses in the society is set by government laws and it is also through the provision of these laws that this sector of the society is being protected.

The constitution of the United States had put into legislation the bill of rights in order to protect and respect the right of every individual in the state. Several amendments were made under the said bill. Whether as an individual, group of person or in business, these amendments must be fully exercised. Taking our focus on the effects of bill of rights in the society, it can be said that almost all of the amendments have a substantial impact on business.

This paper would focus on the first and fifth amendment of the bill in relation to the condition of the business sector. The following are the statements of the first and fifth amendments respectively: AMENDMENT 1. " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances" (About. com). AMENDMENT 5.

" No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be <https://assignbuster.com/bill-of-rights-and-its-impact-on-business-in-todays-society/>

compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation” (About.com). Free Exercise of Religion in the Business Industry In the written report cited in Pew Forum on Religion & Public Life, it was shown that the United States is a home for numerous religious affiliations with 78.4% being affiliated to Christian religion, 16.1% unaffiliated and 4.7% affiliated to other religions (Muslim, Hindu, Buddhist, Jewish, etc). Involvement of individuals coming from these various religions has different approaches or style upon dealing with business transactions.

The first clause of the first amendment which states that “the congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” protects the businesses of these various religious groups to freely exercise their beliefs in conducting business. The government can not simply dictate or force any business establishments to stop their practice (which is link with religion) for this is a complete violation of the first amendment.

Respect for the different religions in the state eliminates the discrepancies that somewhat trigger unjust treatment. The government should not favor a specific religion and question their beliefs and practice. Provision of the first amendments can also be link to minimizing the discrimination in terms of religion in business. Discrimination had always been a point of discussion inside the congress. It is a common fact that discrimination on the basis of religion had been exercise in different business establishments.

Whether concerning hiring, promotion or firing personnel, discrimination is vividly seen and executed. Such discrimination is also seen when institutions are made to violate a fundamental teaching of their religion in exchange of the pursuance of their business. This social evil is needed to be eradicated for it entails a lot of loss. The most important loss that discrimination may bring is loss to the economy. Deterring a business establishment (which may be more likely to progress) would entail a negative effect on the national economy.

With the aid of the first amendment and the title VII of the civil rights act, religious groups would be protected against discrimination. Freedom of Speech and the Business Industry The second clause of the first amendment deals with the freedom of speech which basically has a substantial effect in business. This freedom (speech) allows the business enterprise to promote and advertise their products. The United States has always been known as a free country where every citizen, business and religious groups enjoys the privilege of liberty.

Focusing on the business industry, having the freedom to promote their products in such a way that they perceive it is indeed advantageous. The law guarantees the right to every enterprise to express their thoughts and ideas as long as these do not harm any individual or other enterprises (The Bill of Rights). Advertising is most likely the common way where businesses can exercise their freedom of speech. In the speech given by Rukeyser she regarded advertising as a symbol of freedom (497).

Having this freedom however, doesn't mean that business enterprise are entitled to say false things regarding their products or services but instead, <https://assignbuster.com/bill-of-rights-and-its-impact-on-business-in-todays-society/>

exercising freedom in advertising is inclined in using 'fact-finding tools of accounting to bring out the objective truth and to retell that truth interestingly, creatively and simply' (Rukeyser 498). Telling things that are untrue has certain consequences and this eventually violates the rights of consumers. Freedom of speech can also take the form of non-speech (Bill of Rights).

The choice of businessmen on the type of business that they would like to venture in is a manifestation of non-speech freedom. Such choice brings forth the idea of economic freedom. In exercising economic freedom, businessmen employ the 'right to start or discontinue their business, the right to choose technology, the right to invest and save in any way and the right to produce products and to offer it for sale at any price' (Price 651). The freedom of speech has granted several rights for any business enterprise to take in control of their industry as long as fair trade is being practiced and the rights of the consumers are not being violated.

The Due Process Clause and the Property Clause of the Fifth Amendment While the Fifth Amendment can be subdivided into several clauses, two clauses under this amendment are considerably significant to the business sector. The due process clause which explains that unless proper steps are done, the government is not employed with the right to 'take off anyone's life, freedom or property,' gives everyone a fair chance to defend their side (Bill of Rights).

Complaints or alleged crime done by a specific business enterprise should undergo the due process of law before certain actions could be done. The constitution guarantees this due process and recognized both property and <https://assignbuster.com/bill-of-rights-and-its-impact-on-business-in-todays-society/>

contract rights as essential (Heilman 81). Corporations are treated as legal persons therefore; they are entitled with the same protection. In this process, it can be reflected that the government are restricted (to a specific degree) in dealing with any discrepancies happening in the business industry.

It is restricted in such a way that it can not nationalize or own the right of the business unless clear proofs have been laid. The property clause of the Fifth Amendment ensures business players the right to protest in cases wherein the state does unjust actions of owning a business property without assuring the business player with the right compensation (Bill of Rights). The right to acquire a property in private is given to business enterprises with the provision and accomplishments of the necessary papers required.

Upon turning the said property under the name of the business enterprise (stating the limit of area of authority), no actions by the government in acquiring the said entitlement of the property should be done unless proper negotiation between the owner and the government is conducted. This clause of the Fifth Amendment encourages business players to get hold of properties which they are more likely to use in business purposes. Such encouragement would in no doubt contribute to the growth in business sectors therefore improving the condition of the society as well.

Conclusion The role of business enterprises in the society is indeed significant. Through these business enterprises, development, production as well as supply of different commodities and services (which the consumers can not produce) had been made possible (Role of Business in the society 4).

Needless to say that American citizen had highly depended on the services <https://assignbuster.com/bill-of-rights-and-its-impact-on-business-in-todays-society/>

that businesses render. Employment for numerous people is also being provided upon the establishment of business enterprises.

The primary role of business in the country is to render services and goods to the consumer while it is the role of the government to make the goal of these businesses happen and set rules that is inclined to improve the economy of the country and the condition of the society as well. As an answer, the task of complete adherence to the law set by the government should be properly executed by these enterprises. ' The founding fathers of the U. S. forged together a government built on a Constitution that assured individual liberty.

It is a small document that gives very specific powers to the federal government, leaving the rest of the powers to the fifty states of the Union and the people. ' (Price 650) Amendments under the Bill of rights had substantially benefited the business sector in the society. Accompanying the law giving the permission for the enterprises to conduct their business is the protection of the rights and properties of such business establishments. The freedom being enjoyed by business enterprises is also associated with other civil and religious rights which the Americans value.

The bill of rights under the constitution assures fair trade in the business environment and also protects individuals from the threat of abuse of other individuals. The first and fifth amendments of the bill of rights bring forth opportunities for the business enterprises to establish their business without the fear of unjust treatment. The freedom in the execution of religion in the business industry opens possibilities for the minorities to take part.

Minorities (in this case) refer to those people who are affiliated with different religion other than Christianity.

The personal and economic rights of these individuals are being respected by the government. The freedom of speech clause in the first amendment guarantees the business players the freedom in terms of presenting and selling their commodity. It is important for such players to have this freedom in order to competitively compete in the local as well as in the international trade or market. After all, the back pay for such freedom will not be solely reflected on the industry but to the condition of the country as well.

The clauses discuss in the Fifth Amendment assures enough privileges for businesses to be establish and continue. In this amendment, it can be vividly seen that the jurisdiction of the power of the government inferior as compared to its citizens. It is reflected that the government acts as a servant and not as a master, hence the power is still in the hands of the citizens. If the amendments would under the bill of rights where not put into law, it can be imagined that our society's condition is not as prosperous as it is today.

Deprivation for the minorities to conduct business could cause detrimental effect to the states' economy. If freedom of speech would be restricted, then the environment of the business industry would be monotonous. If the government would be assured of the right to take possession of any establishment then competitiveness among businesses would not progress. Business players would have less enthusiasm to venture into business and the society will in no doubt suffer.

As it is mentioned in the speech of Heilman, ' individuals shall be protected against the government as that he shall be protected by the government' (81), it is through this belief that the diversity and success in business industry would be achieved. Work Cited " Bill of Rights. " 30 May 2008 . Heilman, Dean Ralph E. " American Business and the Constitution. " Vital Speeches of the Day 2 (1935): 80-84. " Key Findings and Statistics on Religion in America.

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