

BUSINESS, LAW AND REGULATION: ETHICAL ISSUES

In the first weeks of January 1993, the dealers in Mercabarna, the food wholesale central market in Barcelona, saw an increasing movement of foreign trucks loaded with vegetables, many of them coming from the Netherlands. Spain is a country naturally gifted for Mediterranean crops, whereas the Dutch must resort to greenhouses to obtain cheap vegetables. Nevertheless, Dutch foodstuffs began to invade the Spanish markets as soon as the regulations and barriers to the free circulation of goods and services were dismantled by the Single European Market on January 1, 1993. The Spanish farmers and dealers immediately understood that the competitive conditions in their markets had changed. Many of them had already prepared for the new competition; others adapted to it after the invasion, and others preferred to ask the government for more protection. But the erection of new trade barriers was no longer feasible: after 1993, opportunities, profits, life itself will be different for many Europeans.

This paper deals with certain ethical problems that arise between the State and businesses as a result of laws and regulations. It consists of two parts with an introduction. The first part attempts to justify the existence of the State, the moral duties it imposes on businesses, why firms must obey the law, and the ethical challenges that this duty poses for companies. The second deals in more detail with the ethical problems of a special form of relation between the State and businesses: regulation.

Business and the State

If we are to believe the economists, economic freedom is the normal setting for business, because the absence of restrictions guarantees an optimal allocation of resources, under certain conditions. Nevertheless, economic life is far from unrestricted freedom. And this is good for companies: when the law of the jungle dominates, business disappears. Moreover, governments like to have power and influence. And many lobbies or interest groups succeed in getting regulations that benefit them, even if they damage consumers and competitors. Finally, in many cases ideology curtails economic freedom in the name of supposedly higher principles.

Law and regulations are, then, an important part of the background of business. They restrict the set of possible actions and decisions available to businesses and lay charges and costs (*e. g.*, taxes) upon them, using the coercive power of the State. They also protect

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Table of Contents Business Law Research Paper

1. Understanding the eBook Business Law Research Paper
 - The Rise of Digital Reading Business Law Research Paper
 - Advantages of eBooks Over Traditional Books
2. Identifying Business Law Research Paper
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Business Law Research Paper
 - User-Friendly Interface
4. Exploring eBook Recommendations from Business Law Research Paper
 - Personalized Recommendations
 - Business Law Research Paper User Reviews and Ratings
 - Business Law Research Paper and Bestseller Lists

5. Accessing Business Law Research Paper Free and Paid eBooks
 - Business Law Research Paper Public Domain eBooks
 - Business Law Research Paper eBook Subscription Services
 - Business Law Research Paper Budget-Friendly Options
6. Navigating Business Law Research Paper eBook Formats
 - ePub, PDF, MOBI, and More
 - Business Law Research Paper Compatibility with Devices
 - Business Law Research Paper Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Business Law Research Paper
 - Highlighting and Note-Taking Business Law Research Paper
 - Interactive Elements Business Law Research Paper
8. Staying Engaged with Business Law Research Paper
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Business Law Research Paper
9. Balancing eBooks and Physical Books Business Law Research Paper
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Business Law Research Paper
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Business Law Research Paper
 - Setting Reading Goals Business Law Research Paper
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Business Law Research Paper
 - Fact-Checking eBook Content of Business Law Research Paper
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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