Negative: Emotion Recognition Technology – not a problem

By “Coach Vance” Trefethen

***Resolved: The United States federal government substantially reform the use of Artificial Intelligence technology***

Case Summary: The AFF plan bans companies from using “Emotion Recognition Technology” in interviewing and hiring job candidates. It is supposedly biased against minorities and disabled people, denying them equal opportunities. ERT uses AI to look at facial expressions in a video of a job interview. It reports on the candidate’s emotions. The question should not be “Is AI accurately judging emotions?” It should be “Is AI judging emotions less accurately than humans?” The fact that AI makes mistakes doesn’t prove it’s bad, because humans make mistakes in judging facial expressions too. The AFF’s evidence about “1000 studies” saying facial analysis is bad also indict human recognition as well. And the plan banning business from using AI to make hiring decisions violates a basic property right. Property owners should have the ability to exercise their God-given right to make their own decisions about who they let on to their property and who they hire to work for them. Government taking that decision away from them violates human rights. Businesses that make mistakes and pass over well qualified candidates will suffer their own punishment: Other firms will hire those good candidates and out-compete them in the market. No need for government to do anything.

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Negative: Emotion Recognition Technology (ERT) – not a problem

OPENING QUOTES / NEG PHILOSOPHY

INHERENCY

1. New research will solve

Even if current AI isn’t accurate enough, new methods have recently been developed that work with “high accuracy” and more research is ongoing

[Yifeng Zhao](https://www.ncbi.nlm.nih.gov/pubmed/?term=Zhao%20Y%5BAuthor%5D&cauthor=true&cauthor_uid=34055043) and [Deyun Chen](https://www.ncbi.nlm.nih.gov/pubmed/?term=Chen%20D%5BAuthor%5D&cauthor=true&cauthor_uid=34055043) 2021 (both are with School of Computer Science and Technology, Harbin University of Science and Technology, China ) 11 May 2021 Expression EEG Multimodal Emotion Recognition Method Based on the Bidirectional LSTM and Attention Mechanism <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8131147/> (accessed 2 Nov 2021) (brackets added)

At present, most of the emotion recognition methods based on EEG and face videos regard the signals of two modes as time series and construct the LSTM [long short term memory] emotion recognition model for the two modes, respectively, to learn the recognition results of each sequence and finally fuse the recognition results at the decision level. Reference established a psychophysiological database, which classified the EEG, GSR [galvanic skin response], and heart rate of 30 participants exposed to the affective virtual environment. 743 features were extracted from physiological signals. Then, by using feature selection techniques, the dimensions of the feature space are reduced to a smaller subset of only 30 features. Using KNN [k-nearest neighbors], SVM [support vector machine], distinguished analysis (DA), and classification tree (four classification techniques), the emotional psychophysiological database is classified into four emotional clusters and eight emotional tags. The experimental results show that physiological signals can be used to classify emotional experiences with high accuracy. Although more and more researchers pay attention to multimodal emotion recognition technology, the overall emotion recognition rate is relatively low, which is not enough to be applied in real life. Therefore, multimodal emotion recognition will be the key research part in emotion computing.

New “multi-modal” system will be more accurate

[Yifeng Zhao](https://www.ncbi.nlm.nih.gov/pubmed/?term=Zhao%20Y%5BAuthor%5D&cauthor=true&cauthor_uid=34055043) and [Deyun Chen](https://www.ncbi.nlm.nih.gov/pubmed/?term=Chen%20D%5BAuthor%5D&cauthor=true&cauthor_uid=34055043) 2021 (both are with School of Computer Science and Technology, Harbin University of Science and Technology, China ) 11 May 2021 Expression EEG Multimodal Emotion Recognition Method Based on the Bidirectional LSTM and Attention Mechanism <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8131147/> (accessed 2 Nov 2021) (brackets added)

At present, most emotion recognition focuses on speech signals, facial expressions, ECG, EEG, and other bioelectrical signals. However, when the emotional signal of a single channel is interfered by other signals, the emotion recognition rate is often reduced. Therefore, a multimodal emotion recognition method based on the bidirectional LSTM and attention mechanism is proposed. Facial expression and EEG features are extracted based on BCN, and the attention mechanism is introduced into the LSTM network. Facial expression and EEG features are fused by a feature fusion network with a three-layer bidirectional LSTM structure to improve the accuracy of emotion recognition. The proposed method is tested on MAHNOB-HCI and DEAP datasets based on the MATLAB simulation platform. The experimental results show that the attention mechanism can enhance the visual effect of the image, and compared with other methods, the proposed method can extract emotion features in expressions and EEG signals more effectively and achieve a more accurate emotion recognition effect.

HARMS / SIGNIFICANCE

1. Wrong standard of “wrongness” – we should be comparing AI errors to human errors

**AFF’s standard of “wrongness” is that AI makes mistakes interpreting some percentage of emotions. But humans also make mistakes interpreting facial emotions too, and humans are the alternative to AI. The right standard should be: How often does AI get it wrong compared to how often humans get it wrong? If they’re pretty close to the same, then there’s no harm to using AI.**

Those “1000 studies” AFF cited: Prove that humans can’t reliably determine someone’s emotions either

Douglas Heaven 2020 (science journalist) Why faces don’t always tell the truth about feelings 26 Feb 2020 NATURE <https://www.nature.com/articles/d41586-020-00507-5> (accessed 2 Nov 2021)

“We did our best to set aside our priors,” says Barrett, who led the team. Instead of starting with a hypothesis, they waded into the data. “When there was a disagreement, we just broadened our search for evidence.” They ended up reading around 1,000 papers. After two and a half years, the team reached a stark conclusion: there was little to no evidence that people can reliably infer someone else’s emotional state from a set of facial movements.

“Accuracy” is defined as “agreeing with humans” – but humans can’t be sure what the “right” answer is when reading facial expressions

Lisa F. Barrett, Ralph Adolphs, Stacy Marsella, Aleix M. Martinez, and Seth D. Pollak 2019 (Barrett – is with Dept of Psychology, Northeastern Univ; Dept of Psychiatry, Mass. General Hospital, Boston; Martinos Center for Biomedical Imaging, Mass. General Hospital, Boston. Adolphs - is with Division of Humanities & Social Sciences, California Institute of Technology. Marsella – is with Dept of Psychology, Northeastern Univ. and College of Computer and Information Science, Northeastern Univ. and Institute of Neuroscience & Psychology, Univ of Glasgow. Pollak – is with Dept of Psychology, Univ of Wisconsin–Madison. Martinez – is with Dept of Electrical and Computer Engineering and Center for Cognitive & Brain Sciences, Ohio State Univ.) Psychological Science in the Public Interest, Vol. 20 “Emotional Expressions Reconsidered: Challenges to Inferring Emotion From Human Facial Movements” [https://journals.sagepub.com/stoken/default+domain/10.1177%2F1529100619832930-FREE/pdf](https://journals.sagepub.com/stoken/default%2Bdomain/10.1177/1529100619832930-FREE/pdf) (accessed 2 Nov 2021)

If all measures of emotion rest on human judgment to some degree, then, in principle, a scientist cannot be sure that an emotional state is present independently of that judgment, which in turn limits the observer-independent validity of any experiment designed to test whether a facial configuration validly expresses a specific emotion category. All face–emotion associations that are observed in an experiment reflect human consensus—that is, the degree of agreement between self-judgments (from the participants), expert judgments (from the scientist), and/or judgments from other observers (perceivers who are asked to infer emotion in the participants). These types of agreement are often referred to as accuracy, but this may or not be valid.

FACS ERT gives the same interpretation as humans 90-99% of the time under ideal conditions

Lisa F. Barrett, Ralph Adolphs, Stacy Marsella, Aleix M. Martinez, and Seth D. Pollak 2019 (Barrett – is with Dept of Psychology, Northeastern Univ; Dept of Psychiatry, Mass. General Hospital, Boston; Martinos Center for Biomedical Imaging, Mass. General Hospital, Boston. Adolphs - is with Division of Humanities & Social Sciences, California Institute of Technology. Marsella – is with Dept of Psychology, Northeastern Univ. and College of Computer and Information Science, Northeastern Univ. and Institute of Neuroscience & Psychology, Univ of Glasgow. Pollak – is with Dept of Psychology, Univ of Wisconsin–Madison. Martinez – is with Dept of Electrical and Computer Engineering and Center for Cognitive & Brain Sciences, Ohio State Univ.) Psychological Science in the Public Interest, Vol. 20 “Emotional Expressions Reconsidered: Challenges to Inferring Emotion From Human Facial Movements” [https://journals.sagepub.com/stoken/default+domain/10.1177%2F1529100619832930-FREE/pdf](https://journals.sagepub.com/stoken/default%2Bdomain/10.1177/1529100619832930-FREE/pdf) (accessed 2 Nov 2021)

Automated FACS coding is accurate (> 90%) compared with coding from expert human coders, provided that the images were captured under ideal laboratory conditions, where faces are viewed from the front, are well illuminated, are not occluded, and are posed in a controlled way (Benitez-Quiroz et  al., 2016). (It is important to note, however, that “accuracy” here is defined as the FACS coding produced by human judges— which may well have errors.) Under ideal conditions, accuracy is highest (~99%) when algorithms are tested and trained on images from the same database (Quiroz et al., 2016). The best of these algorithms works quite well when trained and tested on images from different databases (~90%), as long as the images are all taken in ideal conditions (Benitez-Quiroz et  al., 2016).

2. Job interview ERT is accurate even if other uses of ERT are not

Link: Cross apply #1 above – FACS is accurate under “ideal conditions”

Link: The high failure rate of ERT is for video taken in random life settings, and research will soon solve for those too

Lisa F. Barrett, Ralph Adolphs, Stacy Marsella, Aleix M. Martinez, and Seth D. Pollak 2019 (Barrett – is with Dept of Psychology, Northeastern Univ; Dept of Psychiatry, Mass. General Hospital, Boston; Martinos Center for Biomedical Imaging, Mass. General Hospital, Boston. Adolphs - is with Division of Humanities & Social Sciences, California Institute of Technology. Marsella – is with Dept of Psychology, Northeastern Univ. and College of Computer and Information Science, Northeastern Univ. and Institute of Neuroscience & Psychology, Univ of Glasgow. Pollak – is with Dept of Psychology, Univ of Wisconsin–Madison. Martinez – is with Dept of Electrical and Computer Engineering and Center for Cognitive & Brain Sciences, Ohio State Univ.) Psychological Science in the Public Interest, Vol. 20 “Emotional Expressions Reconsidered: Challenges to Inferring Emotion From Human Facial Movements” https://journals.sagepub.com/stoken/default+domain/10.1177%2F1529100619832930-FREE/pdf

Accuracy (compared with human FACS coding) decreases substantially when coding facial actions in still images or in video frames taken in everyday life, in which conditions are unconstrained and facial configurations are not stereotypical [**END QUOTE**] (e.g., Yitzhak et al., 2017). For example, 38 automated FACS coding algorithms were recently trained on 1 million images (the 2017 EmotioNet Challenge; Benitez-Quiroz, Srinivasan, Feng, Wang, & Martinez, 2017) and evaluated against separate test images that were FACS coded by experts. [**THEY GO ON LATER IN THE SAME CONTEXT QUOTE**:] In these less constrained conditions, accuracy dropped below 83%, and a combined measure of precision and recall (a measure called F1, ranging from zero to one) was below .65 (Benitez-Quiroz, Srinivasan, et al., 2017). These results indicate that current algorithms are not accurate enough in their detection of facial AUs to fully substitute for expert coders when describing facial movements in everyday life. Nonetheless, these algorithms offer a distinct practical advantage because they can be used in conjunction with human coders to speed up the study of facial configurations in millions of images in the wild. It is likely that automated methods will continue to improve as better and more robust algorithms are developed and as more diverse face images become available.

And sure enough: Job interview analysis by ERT is done under ideal conditions. They sit facing right in front of a camera

Will Knight 2021 (journalist) “Job Screening Service Halts Facial Analysis of Applicants” 12 Jan 2021 WIRED <https://www.wired.com/story/job-screening-service-halts-facial-analysis-applicants/> (accessed 2 Nov 2021)

Job seekers screened by HireVue sit in front of a webcam and answer questions. Their behavior, intonation, and speech is fed to an algorithm that assigns certain traits and qualities.

Definition of FACS system

Lisa F. Barrett, Ralph Adolphs, Stacy Marsella, Aleix M. Martinez, and Seth D. Pollak 2019 (Barrett – is with Dept of Psychology, Northeastern Univ; Dept of Psychiatry, Mass. General Hospital, Boston; Martinos Center for Biomedical Imaging, Mass. General Hospital, Boston. Adolphs - is with Division of Humanities & Social Sciences, California Institute of Technology. Marsella – is with Dept of Psychology, Northeastern Univ. and College of Computer and Information Science, Northeastern Univ. and Institute of Neuroscience & Psychology, Univ of Glasgow. Pollak – is with Dept of Psychology, Univ of Wisconsin–Madison. Martinez – is with Dept of Electrical and Computer Engineering and Center for Cognitive & Brain Sciences, Ohio State Univ.) Psychological Science in the Public Interest, Vol. 20 “Emotional Expressions Reconsidered: Challenges to Inferring Emotion From Human Facial Movements” https://journals.sagepub.com/stoken/default+domain/10.1177%2F1529100619832930-FREE/pdf

The Facial Action Coding System, or FACS (Ekman, Friesen, & Hager, 2002), is a systematic approach to describe what a face looks like when facial muscle movements have occurred. FACS codes describe the presence and intensity of facial movements. FACS is purely descriptive and is therefore agnostic about whether those movements might express emotions or any other mental event.11 Human coders train for many weeks to reliably identify specific movements called action units (AUs). Each AU is hypothesized to correspond to the contraction of a distinct facial muscle or a distinct grouping of muscles that is visible as a specific facial movement.

3. A/T “Cultural differences make facial indications impossible”

Criticism of facial analysis as being impossible due to cultural diversity is wrong, because there are universal emotional indicators, according to nearly 100 studies

Douglas Heaven 2020 (science journalist) Why faces don’t always tell the truth about feelings 26 Feb 2020 NATURE <https://www.nature.com/articles/d41586-020-00507-5> (accessed 2 Nov 2021)

According to Jessica Tracy, a psychologist at the University of British Columbia in Vancouver, Canada, researchers who conclude that Ekman’s theory of universality is wrong on the basis of a handful of counterexamples are overstating their case. One population or culture with a slightly different idea of what makes an angry face doesn’t demolish the whole theory, she says. Most people recognize an angry face when they see it, she adds, citing an analysis of nearly 100 studies. “Tons of other evidence suggests that most people in most cultures all over the world do see this expression is universal.” Tracy and three other psychologists argue[10](https://www.nature.com/articles/d41586-020-00507-5#ref-CR10) that Barrett’s literature review caricatures their position as a rigid one-to-one mapping between six emotions and their facial movements. “I don’t know any researcher in the field of emotion science who thinks this is the case,” says Disa Sauter at the University of Amsterdam, a co-author of the reply.

4. Discrimination solves itself in a free market

Businesses that don’t hire better talented people due to discrimination only hurt themselves. Other companies will hire those better employees and out-compete them

Prof. Walter Block 2011 (Eminent Scholar Endowed Chair in Economics at Loyola University, senior fellow of the Mises Institute) “Why Discriminate?” 21 January 2011 <https://mises.org/library/why-discriminate> (accessed 1 Nov 2021)

For example, suppose that whites refuse to rent hotel rooms to blacks, or to employ them. Then the latter will undergo grievous misery. But this objection is economically illiterate. If whites boycott blacks in this manner, the free-enterprise system will rise up in defense of the latter. How so? If no landlord will rent to a black person, the profits from doing so will rise; it will then be to some entrepreneur's financial advantage to supply this part of the market. Similarly in the labor field. If whites refuse to hire blacks, their wages will fall below the levels that would otherwise prevail. This will set up large profit opportunities for someone, be he white or black, to hire these people and thus be able to outcompete those with great tastes for discrimination.

Empirical example: Amazon discontinued ERT in 2018 when they believed it was promoting bias in hiring

Will Knight 2021 (journalist) “Job Screening Service Halts Facial Analysis of Applicants” 12 Jan 2021 WIRED <https://www.wired.com/story/job-screening-service-halts-facial-analysis-applicants/> (accessed 2 Nov 2021)

In 2018, Amazon [reportedly abandoned](https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G) the use of its own technology for automating the assessment of candidate résumés due to biased results.

Ultimately it is consumers, not workers nor employers, who decide (vote with their dollars) who gets hired and which businesses prosper

Dr. Gary North 1995 (president of The Institute for Christian Economics) Is There a Right to Work? 1 Sept 1995 <https://fee.org/articles/is-there-a-right-to-work/> (accessed 2 Nov 2021)

In a world of scarce economic resources, no individual can afford to buy very much of the world’s productivity. If a violation of market liberty compelled him to buy even a tiny fraction of all the things offered to him, he would be bankrupt before the day was over. He would lose his ability to include and exclude. It is his liberty to refuse to buy that is central to his life as a free man. The employer is an economic agent of future consumers. He hires and fires in terms of what he expects consumers to buy on the terms offered. The worker is also the paid economic agent of future consumers. Consumers deal with workers retroactively through employers, but ultimately it is consumers who hire and fire workers. They act through economic representatives, but it is they who act. Paraphrasing Hamlet, the consumer says: “To buy or not to buy; that is the question.” His answer determines who wins and who loses in the world of sellers of goods (employers) and sellers of labor services (workers). Anything that infringes on the worker’s ability to make offers to consumers through employers hampers the liberty of consumers. Equally, anything that infringes on the employer’s ability to make offers to consumers through workers hampers the liberty of consumers. The right to exclude is central to the free market social order. The worker is given the right to make an offer to an employer to exclude other workers. The employer is given the right to accept or reject such offers from workers. But these two correlative rights are subordinate to the right of consumers to accept or reject offers from sellers. Workers and employers are at the mercy of consumers.

5. No one has a “right” to any particular job

Declaring that someone has a “right” to be given something violates the rights of others, who must be forced to give it to them

Mark W. Hendrickson 2011 (*adjunct faculty member, economist, and fellow for economic and social policy with The*[Center for Vision](https://www.csmonitor.com/tags/topic/Center%2Bfor%2BVision)*& Values at*[Grove City College](https://www.csmonitor.com/tags/topic/Grove%2BCity%2BCollege) ) “Do you have a 'right' to a job, home, or health care?” <https://www.csmonitor.com/Commentary/Opinion/2011/0118/Do-you-have-a-right-to-a-job-home-or-health-care> (accessed 2 Nov 2021)

Now, people often claim a "right" to have certain things provided by others. One of the most famous examples of this inverted concept was [President Franklin Roosevelt](https://www.csmonitor.com/tags/topic/Franklin%2BD.%2BRoosevelt)'s "Economic [Bill of Rights](https://www.csmonitor.com/tags/topic/Bill%2Bof%2BRights)." In 1944, FDR asserted that Americans had a "right to a useful and remunerative job," "a decent home," "adequate medical care," and so on. Nobody objects to decent jobs, homes, health care, and education, but these good things can't be "rights." If one person has a legal right to have a home, then other people must be compelled to provide that home. That would [violate those citizens' rights to their own liberty and property](http://www.csmonitor.com/Commentary/Opinion/2010/0427/ObamaCare-and-the-Constitution-What-would-Jefferson-and-Madison-think).

SOLVENCY

1. Must prove humans are less biased than AI to solve the harms

**It isn’t enough to prove that “AI is biased.” To win this round, Affirmative must prove that switching back to human judgment would reduce the bias – in other words, that humans are less biased than AI. This is a problem because…**

Even if AI assigns more negative emotions to black men, perhaps AI is still doing a better job than biased humans would do

Prof. Lauren Rhue 2018 (Assistant Professor of Information Systems in the Department of Decision, Operations and Information Technologies, Univ. of Maryland) Racial Influence on Automated Perceptions of Emotions 9 Nov 2018 https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3281765 (accessed 2 Nov 2021)

AIs display racial disparities in their emotional scores and are more likely to assign negative emotion to black men’s faces. Face++ interprets black players as angrier for every level of Smile. Microsoft only interprets black players as more contemptuous for ambiguous and/or non-smiling pictures. The analysis controls for facial quality, so this finding is not a result of the pictures themselves. This paper has some limitations. First, this paper finds the presence of racial disparities in the emotional scores, but are AIs better at accurately deciding emotion than people? Perhaps the AI determines emotion more accurately than people do.

2. Harder to solve for human bias than AI bias

Finding and resolving human bias is much more difficult than evaluating algorithms. And we’re not even sure how to define what’s “fair”

Jake Silberg and [James Manyika](https://www.mckinsey.com/our-people/james-manyika) 2019 (**Jake Silberg** is a fellow at the McKinsey Global Institute (MGI). [James Manyika](https://www.mckinsey.com/our-people/james-manyika) is the chairman of MGI and a senior partner at McKinsey & Company in the San Francisco office ) 6 June 2019 “Tackling bias in artificial intelligence (and in humans)” <https://www.mckinsey.com/featured-insights/artificial-intelligence/tackling-bias-in-artificial-intelligence-and-in-humans> (accessed 2 Nov 2021)

Progress in identifying bias points to another opportunity: rethinking the standards we use to determine when human decisions are fair and when they reflect problematic bias. Reviewing the actual factors humans used (not what they say they used) when making a decision is much more difficult than evaluating algorithms. More often than not we rely on fairness proxies. For example, we often accept outcomes that derive from a process that is considered “fair.” But is procedural fairness the same as outcome fairness? Another proxy often used is compositional fairness, meaning that if the group making a decision contains a diversity of viewpoints, then what it decides is deemed fair. Perhaps these have traditionally been the best tools we had, but as we begin to apply tests of fairness to AI systems, can we start to hold humans more accountable as well?

DISADVANTAGES

1. Loss of human rights

The right of private actors to discriminate in the choices they make is part of our birthright of liberty and private property rights

Prof. Walter Block 2011 (Eminent Scholar Endowed Chair in Economics at Loyola University, senior fellow of the Mises Institute) “Why Discriminate?” 21 January 2011 <https://mises.org/library/why-discriminate> (accessed 1 Nov 2021)

But all Senator Paul was saying is that while it would be illicit for *government* to discriminate on the basis of race or sex or any other such criterion, it is a basic element of private-property rights that *individuals* be free to engage in exactly such preferences. If they were not, an important element of liberty would be lost. The howls of outrage that greeted this reasonable distinction were so great that Dr. Rand Paul felt compelled to backtrack on his statement. However, we are now discussing a book, not an election. Here, truth and justice are our only guides, not the hurt feelings of journalists working for the mainstream media and other sob sisters. It is clear that discrimination on the part of individuals, but of course not the state, is part of our birthright of liberty.

All anti-discrimination employment laws are unjust and violate multiple human rights

Laurence M. Vance 2019 (Associated Scholar of the Mises Institute, columnist and policy adviser for the Future of Freedom Foundation) 21 Nov 2019 Freedom Means a Right to Discriminate <https://mises.org/wire/freedom-means-right-discriminate> (accessed 1 Nov 2021)

Employers should have the right to discriminate against applicants on the basis of obesity for the simple reason that they should have the right to discriminate against applicants on the basis of disability. That is because they should have the right to discriminate against applicants on the basis of any medical condition, seen or unseen. But that’s not all: employers should have the right to discriminate against applicants on the basis of height, weight, age, scars, facial hair, race, color, complexion, tattoos, hair color, hairstyle, piercings, dress, or anything else related to appearance. That is because employers should have the right to discriminate against applicants for any reason and on any basis. To prohibit discrimination in employment is to infringe upon freedom of association, freedom of thought, private property, free enterprise, and the free market. All anti-discrimination laws should be repealed, regarding employment or anything else.

Business owners have an inherent right to use their property as they see fit

Dr. Gary North 1995 (president of The Institute for Christian Economics) Is There a Right to Work? 1 Sept 1995 <https://fee.org/articles/is-there-a-right-to-work/> (accessed 2 Nov 2021)

The person who owns property has rights to use it in specific ways. This was the claim by the vineyard’s owner in Jesus’ parable of the wages: “Is it not lawful for me to do what I will with mine own?” (Matthew 20:15a).