In defense of Private Discrimination: The case for religious freedom to deny services to individuals

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Advocates of the war against discrimination and affirmative action claim it is necessary to set up additional regulatory procedures that will defend interests of minorities who, previously, were not given enough chances to succeed. Because there is no set definition of a minority who suffered from discrimination in the past (Historically Excluded Groups [HEGs] consider all women to be a minority), law-enforcement practices are to a large degree dependent on precedence (judicial authorities) as well as the behavior of bureaucrats who have the authority to defend people against discrimination. Incentives and the true criteria for choosing minorities will be analyzed in this report.

There are practices in the USA and Israel, as well as statistics of EEOC practices (a committee on equal rights in hiring, that is a kind of specialized public prosecution office) supporting the hypothesis that the main anti-discriminatory activity aims to mobilize groups who traditionally voted against a limited government, to vote for a nanny state that provides cradle to grave care.

Keywords: historically excluded groups, pure public goods, discrimination, Limited Government

JEL codes: D72, D73, J15, K31

[1] See updated versions at SSRN: http://ssrn.com/abstract=2585281

The Problem

New path to Business' Overregulation

At the onset of Margaret Thatcher and Ronald Reagan's neo-conservative reforms, there was wide public support for the notion that government regulation of business is harmful. This view was not even rejected by a significant amount of "systematic leftists" (a classical example is Tony Blair and his followers in Great Britain's Labour Party; it was also not rejected by many social democrats in Germany and other countries.)

Support for deregulation brought forth a series of initiatives, such as the Regulatory Impact Assessment (RIA), that increased the visibility of business decision-making that was potentially harmful, and increased reproduction expenses of excessive regulation.

As a result of these practices and the public support for deregulation, economic freedom ratings in most old democracies increased impressively in comparison to those of the 1970s (see diagram 1.1.-1.4. below). Additionally, the Composite Regulation Index (EFW) significantly improved.

That said, assets and production still reversed their flow from China into old Western democracies. This was even after risks of engaging in business there increased during "anticorruption" campaigns, and the arrival of business leaders and even foreign entrepreneurs (asset and production flow were reversed even during the leadership of Deng Xiaoping and his closest followers (see Maslov & Yanovsky, 2009)). Even the massive immigration of these Chinese entrepreneurs to Canada[2] and Australia[3] did not change the picture. This immigration was widely used by the governments of these countries in the corresponding type of selective immigration (business immigration).

In recent years, the wage gap between the export sector of Chinese economy and that of developed countries has shrunk in comparison to 15-20 years ago. One

[2]See, for example https://www.henleyglobal.com/residence-canada-residence/

[3] See http://www.immi.gov.au/visas/Pages/891.aspx from an investor's visa to permanent residence etc. with the aim to gain citizenship. http://migrationalliance.com.au/en/siv/significant-investor-visa-for-permanent-resident-visa-australia.html

possible explanation is increased regulation as well as other pressures on businesses which have not yet been fully registered by business regulation experts.

F.Kurtulus (2015) founds and points out significant effect of federal contract pre-conditionality regarding affirmative actions on "protected minorities" employment share.

E.Butler (2009) told an impressive story on discrimination fighting by legislation and by Acorn's enforcement supervision grants in mortgage getting.

So, there are at least two time-tested strategies that circumvent regulation laws and practices: fighting for "preservation of the environment" and fighting against discrimination. Advocates of the latter claim fighting against discrimination does not harm, and in fact, helps business. Moreover, those businessmen who do not hire minorities from the entire spectrum of potential employees harm themselves. Meaning, coerced hiring does not limit business freedom. And even if it does, it still remains a question of morality and is, therefore, non-negotiable. Paul Rubin (1994) noted that a call for "moral" grounds for setting up bans in the academic field can only come from representatives of scientific schools and scholars who experienced bankruptcy and who need defense for their views (Marxism, Environmental Determinism etc.) to preserve their academic positions, prestige and incomes[4]. So this sort of "morality" turned to be not so morally legitimate.

As an alternative to the "moral" reasons for antidiscrimination, we suggest the hypothesis that fighters against discrimination have political interests (mobilization of nuclear electorate coalitions who stand for a big, unlimited government). Both our explanation and that of Rubin are based on a rational economic explanation in light of the Public Choice Theory.

[4] . "…If there were a free battle of ideas today, these empirically well-founded and theoretically sound theories would win and the misconceived intellectual underpinnings of civil rights law would be shown to be crumbling. In a democracy, it is difficult or impossible in the long run to implement policies that lack any intellectual justification. … If the basis for the scholarly work of academic humanists is admitted to be faulty, then their incomes could be expected to fall. If the intellectual basis for current civil rights policies were shown to be flawed, these policies would be more difficult to implement. Therefore, academic liberals and their allies prefer to avoid a free debate because they have too much to lose. There is common cause between these two groups, based on mutual self-interest."

Depended voter is wanted?

Women suffrage (Lott and Kenny, 1999; Funk and Guthmann, 2006) which caused the growth of government. Blacks enfranchisement case (after 1964) presented by Sieglie (1997), shows how this group political empowerment caused redistribution increase and budget deficit worsening. Chilean researchers (Bravo-Ortega, Eterovic, Paredes, 2014) present their finding which challenges the above mentioned conclusion. We guess, the Dataset used by Chilean colleagues (46 countries, where vast majority of observed cases never experienced taxpayers Democracy) isn't suitable for the case. Woman "married with the state" (not married, never married, single mother heavily depended on budget) are natural clients of welfare state and naturally interested in Big Government vs. small Limited Government (see Annex 1).

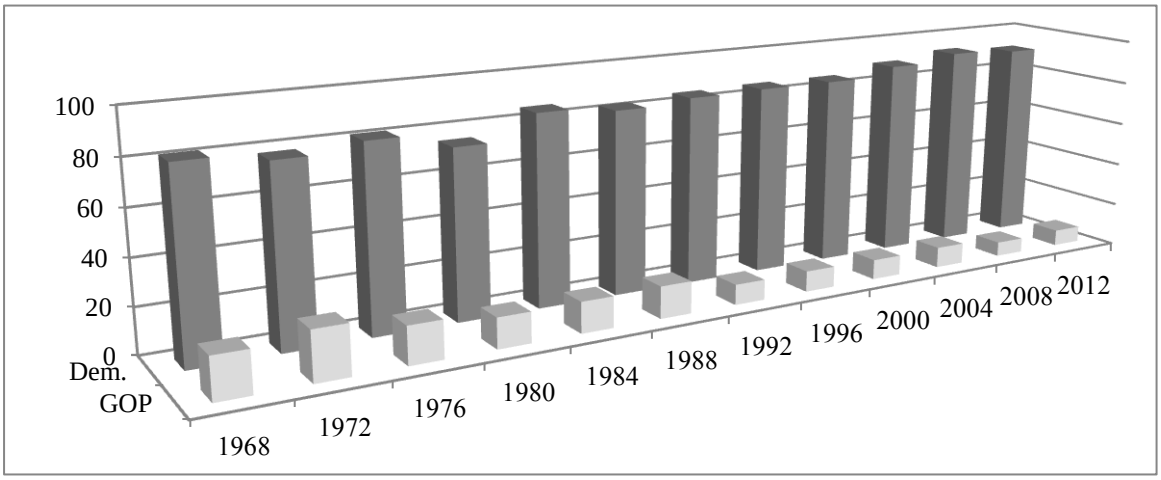

Figure 1. Voting in presidential elections in the Federal District of Columbia in 1968-2008: domination by the party of supporters of expanding social programs among formally de-politicized federal employees of the capital district. Source: Clerk's office at the US House of Representatives, http://clerk.house.gov/member_info/electionInfo/index.html.

Conflict of interests is a well-rehearsed topic which, nonetheless, usually does not concern voters. Clearly, the person "in need" is a recipient of budgetary funds, votes for higher taxes and spending, and finds himself in a situation of conflict of interests. Officials and experts, who stand to benefit from high budgetary spending, if they obtain additional income opportunities, or even if they don't but, according to Niskanen's model, gain additional career opportunities and perspectives, also find themselves in this situation (something transparently corroborated by the electoral behavior of residents of the Federal District of Columbia; see Figure 1).

2nd US president John Adams (besides danger of incentive to redistribute), addressed the Voters' Qualification issue, the problem of lack of dependent person's capacity to make responsible decision (Letter to James Sullivan, 1776): "Your Idea, that those Laws, which affect the Lives and personal Liberty of all, or which inflict corporal Punishment, affect those, who are not qualified to vote, as well as those who are, is just. But, So they do Women, as well as Men, Children as well as Adults. What Reason Should there be, for excluding a Man of Twenty years, Eleven Months and twenty-seven days old, from a Vote when you admit one, who is twenty one? The Reason is, you must fix upon Some Period in Life, when the Understanding and Will of Men in general is fit to be trusted by the Public. Will not the Same Reason justify the State in fixing upon Some certain Quantity of Property, as a Qualification".

The data presented in the Annex 1 and 2012 B.Obama's campaign "Julia" project remind us about one of hard core leftist group – unmarried, secular, heavily budget depended women.

Welfare privileges and Judiciary's activism: rising "Leviathan of Rights"?

P.Rubin (1994) pointed out the judges "successes" to reinterpret US Constitution, weakening private property's safeguards[5].

N. Seeman notes the connection between the growing problems of the quality of justice in Canada[6] and judges' activism. One of the indicators of the attempts by the court to review its place as a part of the system of power and dislodge some of the other branches of power is in the number of tries made to make use of the least clearly defined constitutional norms. Such attempts are de facto equal in their power to legislative activity. In some cases, which involve court requirements for increasing redistributive activity by providing special privileges and discounts for certain groups, interference takes place even in spheres reserved for the executive authority. The Canadian Charter of Rights and Freedoms became the object of a multitude of

[5] He points out, that: " This has happened, for example, with respect to the Takings Clause of the Fifth Amendment (Epstein 1985, Rowley 1992) and the Contracts Clause. The words in both of these clauses remain unchanged in the Constitution, but both have greatly reduced force today relative to, say, the pre-New Deal world."

[6] Seeman 2003. The problem of the quality of justice is testified to by the increase in complaints (from a few dozen per annum in the 1980s to hundreds by the end of the 1990s) to the Canadian Judicial Council. This agency, which receives complaints concerning the behavior of federal judges, is supposed to provide greater transparence of the court system and responsibility of judges. The Council is made up of senior judges, including court chairmen and their deputies, and is headed by the Supreme Court Chairman. It was instituted in accord with the law of 1971.

interpretations in Canada. Content-wise, in Seeman's opinion, many of the interpretations of the Charter increase the protection of Canadian citizens' rights. At the same time, the growing determination of Supreme Court judges to interpret some rules and regulations in their own way clears the road for unlimited expansion of the power of judges at the expense of the Parliament's and the government's prerogatives.

The most dangerous venue taken is interpreting the points set forth in Article 15 concerning equal treatment before the law.[7] The idea of "equal right to special discounts" brandishes a near explicit threat to the rights of those citizens who turn out to have been endowed with such talents and abilities as give them the income and the status which provoke the acute desire in others to redistribute the special privileges and discounts and to compensate the less fortunate co-citizens for their objectively obvious retardation.

The specifications of the constitutional Act concerning the equal right to special privileges and discounts were something the Chairman of the Supreme Court called the "Leviathan of rights," i.e., that element of the law which leaves extremely wide opportunities for arbitrary decision-making by the judge.[8]

Principal hypothesis

Fighting discrimination is used as a tool by political mobilized groups loyal to the unlimited government, supporters of a nanny state that provides cradle to grave care.

Elane Photography LLC case and 1st Amendment protection

Differentiated approach to various minorities during delivery of pure public goods: example from Israel.

Israel Cases

Case 1

Analyzed minorities: Arabs + Haredim[9]

[7] "Equal treatment before and under the law, and equal protection and benefit of the law without discrimination."
[8] LeRoy 2003.
[9] This group is often erroneously called ultra-Orthodox Jews.

The problem: equal distribution of the burden of delivery of public goods – military defense, and security, and mixed public goods –education and medical care.

History: two minorities in Israel are traditionally exempt from military service—Arabs and "ultra-Orthodox" Jews. The Tal law was passed in 2002. This law enabled these groups to fulfill their military duty through an alternative type of service. In 2013 the Tal Law was annulled by Israel's Supreme Court because it was deemed to discriminate against the majority. In 2014 the Tal Law was replaced by the Shaked Law.

The main points of the differentiation approach: According to the Tal Law, both minorities, Arabs and "ultra-Orthodox" Jews, could (although they were not obligated to) put mixed and pure public goods for all Israeli citizens in the framework of an alternative service.

Analysis of the various alternative service projects shows that in practice, the government differentiates in its approach to various minorities. While service of the majority of "ultra-Orthodox" Jews aims to deliver public goods to all Israeli citizens, service by Arab minorities, with rare exceptions, is conducted within and for the benefit of its own community.

In other words, for Jewish minorities, the alternative service is a tax payment for delivering public goods; for the Arab minority - it is an additional source that finances public goods.

The law passed in 2014 regulating military and alternative services takes into account that within 4 years the majority of Haredim will be required to serve in one of the two systems discussed above. Sanctions will be enforced on those who shirk their duties. Nothing of the sort is considered regarding the Arab minority.

Case 2

The analyzed minority: Arabs of Judea and Samaria +Jews of Judea and Samaria (the so called "settlers") + representatives of the radical ultra-left organizations.

Public good: public justice and protection against criminals

History: In the past few decades, there have been conflicts between the Arab and Jewish residents of Judea and Samaria. It is vital to note that the Jewish residents of Judea and Samaria, especially its ideologically driven core, have qualities which categorize them as a minority in Israeli society. Members of the radical left movements have taken part in these conflicts (on the side of the Arabs) over the past fifteen years.

The main points of the differentiating approach: analysis of materials published by Israeli law enforcement agencies shows that while excessive sanctions are applied against the settlers, not enough sanctions are applied against the Arabs of Judea and Samaria and members of the radical left groups. Moreover, discrimination does not only stem from actions by public authorities. The deployment of the police force within the regions and operational instructions given to policemen and other public authorities regarding the above-stated minorities, demonstrates discrimination towards Jewish residents of Judea and Samaria founded in state policy.

Additional materials on the subject: The Human Rights Organization of Judea and Samaria has concluded that damage to agriculture in Judea and Samaria will not be investigated if there is fear that the guilty party may be found to be members of the Arab sector or radical left organizations. The Legal Forum for Eretz Israel notes that criminal cases against Jewish residents of Judea and Samaria are filed more frequently than against other residents of Israel. These cases are often regarding matters not usually filed in global and Israeli practices.

Case 3

Public good: Justice, judicial defense of the human rights

History: The government finances higher education establishments and the majority of the school system. There is debate within society whether teachers in these educational establishments have a right to present ideas with a strongly marked political overtone. One of the opinions points to the importance of freedom of speech (particularly in the academic sphere). Others emphasize that nobody must finance opinions in conflict with his own. Therefore, employers financed by taxpayers do not have a right to take sides. In the past few years several cases when educators stated their own opinions on various political subjects (usually characteristic to minorities) have become public domain.

The main points of the differentiating approach: There have not been enough cases of educators expressing radical political opinions so as to conduct statistical analysis. Nevertheless, when viewing these cases, we can observe two patterns:

1.In all cases when the educator was removed from his or her position, his statements could be attributed to right-wing politics (for example, when one educator refused to teach children "Rabin's heritage") or when another related the story of the Gush Katif tragedy).

2. No cases were recorded when the educator/professor lost his position due to expressing opinions that could be associated with radical left-wing politics.

Thus, it can be said with a certain degree of conviction that the Israeli education system differentiates the legality of educator's expressing their views, depending on the content of these views.

It is customary to attribute Orthodox Jewish parties to the Right. This is false. These parties' economic positions are classical left and redistributive. Haredi parties were historically part of coalitions whose majority was headed by Labourists and who supported those coalitions on a number of issues. Shas party support in 1992-94 played a crucial role in the beginning of the Oslo Accords—agreements with the Palestine Liberation Organization (PLO) and giving it control over parts of Judea, Samaria, and Gaza and its Arab population.

Arab parties have traditionally supported Left coalitions. Settlers support various Right-wing parties very actively.

Analysis of Equal Employment Opportunity Commission

Hypothesis

Since practically, the USA's entire population consists of minorities (as long as even women are defined as a protectable minority), then, guided by universal views on justice and the fact that the legal system does not have a list of minorities, one could expect that organs of the state, including the US Equal Employment Opportunity Commission would provide equal service to all minorities. Then, in all types of cases ,race, religious, gender or other discrimination, one should not observe

a statistical connection between the frequency of complains and the share of the minorities in any given state.

Granted that during the first decade after these laws were passed (this has long passed—the commission for the Title VII of the Civil Rights Act was adopted in 1964; the Equal Pay Act in 1963), authorized officials paid more attention to those sectors of the population whose complaints led to the adoption of the Act. However, it would be logical to expect that after two generations no significant connection should be observed between law enforcement and voting in the state for one party or another. The set of "defendable" minorities should be party-neutral.

Data

We observed the trend in a specific state (Washington, D.C) during specific years (2009-2013).

Annual statistics for cases of alleged violations of anti-discrimination legislation filed by the Commission on Equal Employment Opportunity also included the total number of cases filed on discrimination based on race, nationality, or gender.

The following indicators were used: Total number of charges

Complaints about racial discrimination (Race Charges), sex discrimination (Sex Charges), violation of equal pay legislation (EPA Charges)

Independent variables – the percentage of black (African-American) population, percentage of married persons (according to the 2010 census) and percentage of women who were never married (according to the 2000 census). All this data is available as a single observation of a five-year period (making it impossible to analyze the relationship with Fixed Effect). In addition, GDP per capita was used as a control variable (there were four values available for the five-year period).

To test the hypothesis that there is a connection between the groups selected for "protection" and political interest, the voting results of the most obvious ideological elections were used—the presidential elections of 2008 and 2012 (percentage of votes for Democrats and Republicans).

Although the resulting statistical relationship was very approximate, it still allowed for interpretation.

Table 1.

Dependent variable:	(1) Race charges	(2) Sex charges	(3) Sex charges	(4) Sex charges	(5) Sex charges	(6) EPA Charges
Black population	0.0073***	0.005***				
	(0.0007)	(0.0008)				
Never married		-0.001			0.015**	
		(0.046)			(0.005)	
Married 2010			-0.129***	-0.015***		-0.0005***
			(0.002)	(0.003)		(0.0001)
GDP per capita				-0.000		
				(0.000)		
Constant	0.012		0.57***	0.649***		-0.025***
	(0.011)		(0.084)	(0.128)		(0.004)
Observations	255	255	204	204	255	255
R-squared	0.68	0.49	0.38	0.40	0.17	0.23
Number of N	51	51	51	51	51	51

Robust standard errors in parentheses; *** p<0.01, ** p<0.05, * p<0.1

Table 2.

Dependent variable:	(1) Dem	(2) Dem	(3) Rep	(4) Rep
Black population				
Never married	4.474*** (0.55)		-4.52*** (0.56)	
Married 2010		-1.945*** (0.372)		1.954*** (0.379)
Total charges				
GDP per capita				
Constant	7.73 (5.38)	123.4*** (14.0)	90.9*** (5.5)	-25.64* (14.24)
Observations	255	255	255	204
R-squared	0.57	0.35	0.57	0.35
Number of N	51	51	51	51

Robust standard errors in parentheses; *** p<0.01, ** p<0.05, * p<0.1

The relationship between the share of the African-American population and Democrat / Republican electoral support was not considered, because its affect was mainly at the county level. In the US (especially in the Old South) there is often very strong polarization: places with a high percentage of African Americans also have a high share of hard conservatives.

With the development of spatial segregation, one would expect a sharp increase in the quality of analysis when it transitions to the level of counties. Unfortunately, the main explicable variable—the number of cases filed by the Commission – makes no sense at this level, not to mention the fact that such data has apparently not been collected.

Since the statistics refute the hypothesis of equal treatment by the Commission to all minorities, as well as party neutrality of law enforcement, it is necessary to find a rational explanation for this. It seems worthwhile to pay attention to the explanation of why anti-discrimination institutions are used to mobilize the nuclear electorate coalition that opposes the idea of a limited government and supports the expansion of regulation of powers and budget expenditures.

Below, we will examine examples of such practices to further illustrate and support the hypothesis that the fight against discrimination is selective and politically motivated.

Elane Photography LLC case and 1st Amendment Protection

A lesbian couple who decided to capture the ceremony of the official registration of their union turned to photographer Elaine Huguenin to conduct the photographic session. Upon discovering that it was a completely non-traditional ceremony, the photographer thanked them for their choice, but politely declined the offer. She explained her refusal by saying she specializes in traditional ceremonies. Instead of turning to other photographers (there were about a hundred options in the area) or to friends to film their ceremony, the couple filed a complaint of discrimination in the New Mexico Human Rights Commission (NCHR).

Making an offer to a random photographer initially raises questions. As experts of the Cato Institute correctly noted, one (if she is long time local resident) does not usually turn to an unfamiliar "stranger on the street" to capture a unique family event.

Experts base their opinions on the spread (expansion) of the First Amendment protection that prohibits Congress to set standards that curtail freedom of speech or the press. The experts' long line of argumentation seems quite reasonable and logical. Importantly, their logic is based on well-known precedents.

It is somewhat surprising that although the defendants' main reason in court for refusing was a reference to their Christian beliefs, the prohibition of the First Amendment was not mentioned. Namely, to "make no law respecting an establishment of religion, or prohibiting the free exercise thereof".

Secular religion establishment cases and its' intended consequences

In a growing number of modern democratic countries, the Government has chosen atheism (agnosticism – as moderate version of the same) as an "unmixed" position vis-à-vis

the different confessions. It thereby de facto made this relatively young species of idolatry / paganism to be the state religion. The religious (idolatry, pagan) nature of atheism is most clearly evidenced by the example of official atheistic cult (cults) in the USSR. Democratic governments which copy-pasted communist pattern require actually that one believe in certain irrational secular values (multiculturalism, anti-discrimination, antitrust, "peace process"), which are being propagandized by certain individuals beyond the reaches of criticism (M. Gandhi; and up until the present time, B. Obama, Y. Rabin, and others). Insofar as a strict proof of the non-existence of God is just as impossible as a strict proof of his Being, atheism requires no lesser faith[10] than, say, Christianity or Islam.

Maimonides ("The guide to the Perplexed") defined the Idolatry as a kind of "back projection" (or, better, as a projection in totally wrong direction) in G...d – man relations[11]. Under this projection not man is made "in our (Lord's) image, after our likeness" (Genesis, 1:26) of but the G...d ("gods") are made in man's image, after man's likeness (like ancient Greek's gods – profligates, bribe takers and more). The latter projection eliminates sustainable (eternal), universal moral values and foundations for stable legislation. Because man's best intentions are unstable, self-proclaimed moral imperatives are easily correctable if his or her desires changed suddenly. Since universal moral rooted in Sinai Revelation is "repealed" and moral norms and directly related to them legislation turned to be discretionary, Government power extension becomes unlimited. The rise of totalitarian Rule becomes quite probable (in the past, both communists and Nazis openly denied universal moral values and introduced their own "moral codes" or "values", harassed religious people). So, in some sense, idolatry is incompatible with moral and constitutional rule.

We guess, the Elane Photography case is, in a greater extent, an example of establishment of special kind of "secular" religion, than fighting real discrimination. In the Elane Photographer Government established priority of "sacred anti-discrimination" against freedom of religion.

The Supreme Court has dealt with cases that demanded the removal of images depicting the Ten Commandments from public buildings, the reason being the First Amendment. It is coercion (and in public) to perform an act contrary to one's religious beliefs. In other words, this is not about forcing someone to be present in a

[10] Now if the personalities of M. Gandhi or B. Obama or Y. Rabin are compared with those of the Biblical prophets, for instance, it becomes easy to see that atheism requires of its adherents much greater emotional intensiveness.

[11] Maimonides insists, man and the Lord are basically incomparable, so "likeness between Him and us should … be considered nonexistent". In the Maimonides books' context in should be interpreted like Human likeness is pretty restricted. This likeness consist of duty to follow the G…d's ways, his virtues (to be just and impartial, mercy, his creativity etc), and of ability to make free choice

room where something is depicted on the wall connected with someone else's religion. This entails forcing someone, in public, to create such images, although for private use.

In the context of School Choice discussions, the First Amendment was interpreted as a prohibition against establishing a religion. In this context, opponents of School Choice earnestly argued that the ban includes the private choice of parents to send their children to Catholic or Protestant schools.

Israel: "Guide 2.5"[12]

The prosecutor's office in Israel, in coordination with the Chairman of the Supreme Court, issued a guide that had a decisive influence on police decisions whether to open criminal cases or not.

MK Shaked said that she recently heard of the injustices suffered by divorced fathers. "The truth is that I was shocked," she said. "I had not been familiar with this phenomenon before."

She added that she has also learned about a directive issued by former State Attorneys Edna Arbel and Dorit Beinish – called Directive 2.5 – which instructs the prosecution and police, de facto, not to prosecute women who file false complaints against men.

She promised to meet the divorced men on March 3 and to advance their rights in the next Knesset.[13]

To insert additional comments

Protection of black voters and the 2nd Amendment in the United States

Black people in the United States are disproportionately affected by homicide. Nevertheless leaders of African Americans oppose the Second Amendment right to "stand on your ground" and other guarantees of the right to self-defense. Such disregard for the interests of their own community seems surprising at first glance. However, we will focus on the minority that is inclined to defend itself against criminals with legal arms. It is reasonable to assume that they are relatively well socialized, and have incomes considerably above average for this population. Possibly

[12] Original text (Hebrew only) at Israel Justice ministry web-site http://www.justice.gov.il/NR/rdonlyres/745C69E2-CFDC-483E-BF03-0EFCF2C35992/0/25.pdf
[13] http://www.israelnationalnews.com/News/News.aspx/191775#.VSGjUcIcTcs

they are veterans of the armed forces. That is, they are groups that account for the lion's share of the 3-7% of black voters who vote for the Republicans.

Conclusions

Fighting discrimination in the private sector (in both business and academia) has dubious moral justification. There are serious grounds for believing that this fight contributes to the political mobilization of those who support the caring (cradle to grave, unlimited) form of government. First of all, it helps stimulate the asset of these coalitions (while not affecting a very wide range of individuals directly). Interpreting the fight against discrimination as a fight for justice is useful for mobilization of the core voters.

These examples show the priorities of the fight against discrimination can be discovered to be above justice that is traditionally understood to mean equality before the law. It is questionable how compatible public policy of discrimination in the private sector (in employment, provision of services, or settlement of family conflicts) is with justice that is understood as meaning equality before the court. Empowering government employees interested in increasing budgetary expenditure, and expanding their authority to make decisions in conflict situations in the private sector enables them to adopt biased decisions towards regular consumers of the budget.

Private person's or private entity's Right to discriminate turned to be essential component of freedom. We mean not religious freedom only, but freedom of speech and private property safeguards as well.

Our policy advice for new-coming democracies and for our countries (Israel, Russia) is to grant formal constitutional defense for private discrimination (or, better – constitutional prohibition of Governmental intervention to fight / to resist thereof).

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Annex 1. US voters groups propensities example (2004, 2008)

Subgroup	Bush, 2000	Bush, 2004	Obama 2008	McCain 2008
Overall	48	51	53	46
Men	52	56	50	50
Women	45	48	57	43
Married	57	60	44	56
Not married	36	40	65	35
Married men	59	61	42	58
Unmarried men	49	45	63	37
Married women	56	58	47	53
Unmarried women	31	36	66	34
Attend church weekly	56	63	45	55
Attend church nearly weekly/monthly	51	55	51	49
Seldom/Never attend church	41	40	62	38

Sources – Gallup polls: http://www.gallup.com/poll/112132/Election-Polls-Vote-Groups—2008.aspx ;http://www.gallup.com/poll/13957/How-Americans-Voted.aspx.