**DATING APPS**

In 2022, Pew Research reported that 53% of Americans aged 18-29 have used dating sites or apps, and that 20% of partnered adults (i.e. married, living with a partner, or in a committed romantic relationship) aged 18-29 met their partner on a dating app.[[1]](#endnote-1) Since their introduction, a common but controversial feature on many of these apps is the ability for users to filter out potential matches by preferred characteristics such as age, height, and ethnicity. In 2020, popular LGBTQ+ dating apps Grindr, Jack’d, and Scruff removed ethnicity filters in response to the Black Lives Matter movement, but most apps such as Hinge, OKCupid, and eHarmony continue to offer them.

Critics of ethnicity filters argue that they reinforce racist preferences. For example, data from OKCupid shows that Black women and Asian men are rated by users as the least desirable groups.[[2]](#endnote-2) Ethnicity filters enable a prejudiced user to avoid interacting with these groups entirely. When race-based filters are not available, encouraging diverse interactions can weaken existing prejudices. One study of a large dating app shows that users who receive a cross-race message temporarily become more likely to initiate a cross-race interaction.[[3]](#endnote-3) Some critics argue further that dating apps are a form of public accommodation, and therefore it is unjust for apps to facilitate racial discrimination.[[4]](#endnote-4)

Defenders of ethnicity filters argue that preferences for romantic partners are protected forms of speech and association. A Match.com spokesperson defends ethnicity filters as giving users “the ability to find others that have similar values, cultural upbringings and experiences that can enhance their dating experience.”[[5]](#endnote-5) Some defenders even argue that filters are a way for racial minorities to combat racism. On this view, the ability for e.g. Black women or Asian men to exclusively pursue intra-racial interactions is “a way to personal empowerment” and “a means of evading harassment and fetishization.”[[6]](#endnote-6)

What do you think? Should dating apps allow users to filter potential matches based on protected characteristics?

*While I think that allowing an individual to preferentially filter for protected characteristics could create a sort of confirmation bias in a dating search, I still think that the preference of the user should supersede any outside pressure to do otherwise.*

*Intimate relationships are very personal; I don't think the government should get in the middle of that.*

*Religion is the protected characteristic that I am stuck on, as it can be so fundamental to a person's interest in finding a partner. Although I do not personally hold those same religious reservations, I know some who do.*

*Because you say yes/no on dating apps it makes no sense to allow extra discrimination*

*The purpose of a dating app is to help a user find a match that fits THEIR preferences, not to provide equal opportunity for all members to be seen. There are a wide variety of reasons why somebody might prefer one group over another, and these reasons can be shaped by personal factors that have nothing to do with the other person.*

**TARGETED ADVERTISEMENTS**

Data collection functions as the backbone of the internet, and makes possible personalized or targeted advertising, a trend most people have experienced. These ads are made possible by collecting data from the platforms a consumer visits. Yet, a 2019 Pew Research Center survey found that “a majority of Americans feel as if they have little control over data collected about them by companies and the government.”[[7]](#endnote-7)

Following the COVID-19 pandemic, personalization has begun to play an increasingly important role in a consumer’s decision-making process. For instance, a survey and report compiled by McKinsey found that over 70% of consumers expect personalization from the companies or brands they support, including in the form of personalized ads.[[8]](#endnote-8)

However, data collection for targeted advertising has been used by landlords, employers, and retailers to target renters, job seekers, and consumers—which can serve as a proxy for race.[[9]](#endnote-9) Mortgage brokers have used data collected for personalized advertisements to identify and offer higher interest rates to minority groups based on location services and user behavior.

What do you think? Should advertisers be able to target ads to people based on protected characteristics?

*You gave up your data when you allowed for the cookies. Advertisers know everything about you and your protected characteristics serve as inputs into the algorithm. You made your bed, now you must lay in it.*

*I'm assuming this is referring to internet ads. I think internet ads are getting too much information from us that is tailored to our desires. It's scary.*

*People have different perspectives and interests that may be correlative to their race, gender, or age*

*I think that advertising is all about targeting audiences and in some ways I do think it is good to dedicate resources towards the individuals that you know will resonate with your product or ideas. I do, however, also recognize that that same ability to target specific communities for positive reasons can also be used for predatory practices that ultimately create misinformation, distrust, financial ruin, among many others in communities that are already disadvantaged.*

*I think it will take prohibitions like this for us to reach social equality between individuals of protected characteristics in this country.*

**CONSUMER DISCRIMINATION**

Studies show that customers do discriminate based on race, gender, and other protected characteristics throughout market transactions.[[10]](#endnote-10) A study found that “[b]uyers were 17% less likely to include their name in e-mails to black sellers, 44% less likely to accept delivery by mail, and 56% more likely to express concern about making a long-distance payment.” Additionally, customers responded more negatively to iPod ads that featured a black hand than ads that featured a white hand. A study found that female waitresses received less tips than their male counterparts. Despite this well documented problem, current law does not prohibit discrimination by customers. Opponents of customer discrimination find the existing discrimination and lack of regulation are unacceptable and only allow current prejudices to continue.

One argument why potential discrimination by customers is not regulated is because of efficacy. It might be enough and easier to regulate firms, focusing on large firms, than individual behaviors. Another argument why customer discrimination is allowable behavior is because of concerns for personal autonomy and privacy. Proponents fear that restricting consumer choice may deepen any existing prejudices customers may have. Additionally, some consumer discrimination may even be socially desired. Customers have boycotted goods and services to effect social change; bus boycott in Montgomery, Alabama against racial segregation, in 2005 a “girlcott” against Amerbercrombie & Fitch for promoting unhealthy standard for girls, a boycott of Russian vodka in response to the country’s anti-gay laws.

What do you think? Is it OK for consumers to take account of sellers’ protected characteristics when making purchase choices?

*Buyers should be free to purchase from whomever they choose with no strings attached. For any reason. There is nothing wrong with choosing to support a black owned business, female owned business, etc. of course, this also means that people will choose to support businesses owned by people who are anti-LGBT, etc but this is the other side of the coin.*

*Morally, no. I don't know how we could ban that though.*

*I am torn on this one. I believe that people should be able to boycott sellers supporting causes that they deem harmful. I could see protected characteristics easily bleeding into causes (i.e., you aren't boycotting me for my donation to a cause, but rather because of my religion, which is why I made that donation).*

*I don’t think from a legal standpoint that there is any way to enforce consumers to not give preferential treatment when in it comes to their own beliefs. I think people have the right to be preferential in the businesses that they give money and attention to regardless of whether it is morally just. I don’t personally think that’s it’s okay but I don’t believe that there is a reason solution that doesn’t put an undue burden on the consumer or infringe of their rights.*

**SURVEY**

Add the numbers of your responses together. This will help us pair people up for discussion.

**Prompt A**: Should dating apps allow users to filter potential matches based on protected characteristics?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt B**: Should advertisers be able to target ads to people based on protected characteristics?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Prompt C**: Is it OK for consumers to take account of sellers' protected characteristics when making purchase choices?

1. Yes. 2. I have no opinion or my opinion is conflicted. 3. No.

**Total: \_\_\_\_\_\_\_\_**

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2. Ashley Brown, *“Least Desirable”? How Racial Discrimination Plays out in Online Dating*, NPR (2018). [↑](#endnote-ref-2)
3. Kevin Lewis, *The limits of racial prejudice*, 110 Proceedings of the National Academy of Sciences 18814–18819 (2013). [↑](#endnote-ref-3)
4. Sonu Bedi, *Online dating sites as public accommodations*, Free Speech in the Digital Age 189–206 (2019). [↑](#endnote-ref-4)
5. Orly Lobel, Could dating apps help mitigate racial bias in dating-instead of exacerbating it? Literary Hub (2022), https://lithub.com/could-dating-apps-help-mitigate-racial-bias-in-dating-instead-of-exacerbating-it. [↑](#endnote-ref-5)
6. Zhiqiu Benson Zhou, *Compulsory interracial intimacy: Why does removing the ethnicity filter on dating apps not benefit racial minorities?*, 44 Media, Culture & Society 1034–1043 (2022). [↑](#endnote-ref-6)
7. Brooke Auzier et al., *Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information*, Pew Research Center (Nov. 15, 2019). [↑](#endnote-ref-7)
8. Nidhi Arora et al.r, *The Value of Getting Personalization Right or Wrong—Is Multiplying*, McKinsey (Nov. 12, 2021). [↑](#endnote-ref-8)
9. Samantha Lai & Brooke Tanner, *Examining the Intersection of Data Privacy and Civil Rights*, Brookings (July 18, 2022). [↑](#endnote-ref-9)
10. Katharine T. Bartlett & Mitu Gulati, *Discrimination by Customers*, 102 Iowa L. Rev. 223, 224 (2016). [↑](#endnote-ref-10)