

PERSPECTIVE

Microaggressions, cancel culture, safe spaces, and academic freedom: A private property rights argumentation

Philipp Bagus¹  | Frank Daumann²  | Florian Follert³ 

¹Applied Economics I and Economic History and Institutions, Universidad Rey Juan Carlos, Madrid, Spain

²Faculty of Social and Behavioural Sciences, Friedrich Schiller University, Jena, Germany

³Faculty of Management, Seeburg Castle University, Seekirchen, Austria

Correspondence

Philipp Bagus, Faculty of Social Sciences, Department of Applied Economics I and History and Economic Institutions, King Juan Carlos University, Pseo. de Artilleros s/n, 28032 Madrid, Spain.
Email: Philipp.Bagus@urjc.es

Abstract

Science is critical and thrives on discourse. However, new challenges for science and academic freedom have arisen from an often-discussed cancel culture and an increasing demand for safe spaces, which are justified by their assumed protection against microaggressions. These phenomena can impede scientific progress and innovation by prohibiting certain thought processes and heterodox ideas that eventually result in new ideas, publications, statements, etc. In this paper, we use the approach of property rights ethics to shed light on these phenomena, especially in academia. First, we argue that microaggressions must be generally tolerated according to property rights ethics as the starting point for discussion. Then, we analyze cancel culture and safe spaces in academia. To this end, we distinguish between two basic cases in the educational system. We show that cancel culture and safe spaces seem justifiable in a private education system but have no place in public, tax-funded universities from the perspective of property ethics. Our essay contributes, on the one hand, to the economic analysis of science and, on the other hand, to the ethical study of new phenomena in modern societies.

KEYWORDS

academia, academic freedom, cancel culture, ethics, free speech, libertarianism, microaggressions, property rights, safe space

1 | INTRODUCTION

From time to time, scientific developments call for a departure from certain explanatory patterns and approaches previously assumed to be valid. Such a departure finally results in a paradigm shift, as described by Kuhn (1962). Across scientific disciplines, however, there are overriding principles that are considered inviolable, such as the vital role of criticism in science, as Kant (1781) emphasized. For science to progress unhindered, academic freedom is needed, so that scholars can expand knowledge and express their ideas without undue interference or fear of professional disadvantage. In this process, new ideas are exposed to discussion (i.e., to other researchers'

findings). Through this discourse, insights can be refined (in reference to Hegel, see, e.g., Popper, 1940).

However, it seems that academic freedom is currently affected by cancel culture and safe spaces. Both phenomena may inhibit the development of new, unconventional, and heterodox ideas that may seem offensive to traditionalists. However, it is precisely new ideas, which at first glance may seem unorthodox or aberrant, that can advance science. Consider, for example, the findings of Galileo and Einstein, who first had to assert themselves against immense opposition.

In this article, we examine the phenomena of cancel culture, safe spaces, and the concept of microaggressions that are indissolubly

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intertwined with cancel culture and safe spaces from a libertarian perspective, which stresses the ethics of private property that were developed mainly by Rothbard (1998 [1982]). Our arguments are also relevant to the business ethics literature because property rights analysis is applicable to any organization, whether privately or publicly owned. Our approach has the crucial advantage that unambiguous solutions can usually be found in the case of conflicts within an organization. In the case of conflicting interests, obviously, not every party can be satisfied. However, with regard to the initial function of equity, the company owner can be interpreted as the ultimate decision-maker (e.g., Follert et al., 2023). Our review contributes, on the one hand, to the economic analysis of science and, on the other hand, to the ethical study of new phenomena in modern societies.

The remainder of the article is structured as follows. In Section 2, we define cancel culture, safe spaces, and microaggressions. In addition, we illustrate the effects of these phenomena, especially in academia, and review the existing literature. In Section 3, we outline the concept of private property ethics, which is the analytical framework. The phenomenon of microaggressions and its evaluation is the starting point of the development toward a possible cancel culture in academia. Therefore, we first use private property ethics to analyze microaggressions (Section 4) before applying this approach to cancel culture and safe spaces in academia (Section 5). The last section is dedicated to the conclusions and discusses the limitations of our approach.

2 | CANCEL CULTURE AND SAFE SPACES

The terms “cancel culture” or “call-out culture” refer to a phenomenon that has existed in social networks (Mitchell, 1974) for a long time (Norris, 2023) and which recently gained further momentum through the “Black Lives Matter” and the “Me Too” movements (Bouvier & Machin, 2021; Ng, 2020) and through debates on controversial topics like COVID-19 measures or energy policy. This phenomenon's main characteristic is that individuals or groups face public criticism, social ostracism, or professional repercussions due to their controversial statements, actions, or beliefs. Norris (2023) defines cancel culture “as collective strategies by activists using social pressures to achieve cultural ostracism of targets (someone or something) accused of offensive words or deeds” (p. 148; original in italics). The development of information technology and the rise of social media have significantly expanded the possibilities for implementing cancel culture strategies. According to Norris (2023), improved information technology, as a powerful basis and indispensable prerequisite for social media, has led to “expanded opportunities for collective expression and online mobilization among like-minded networks of progressive and conservative activists, with the politics of outrage thought to be constantly reinforced by filter bubbles and echo chambers among like-minded souls on platforms like Twitter and Facebook. Patterns of social media use can be expected to amplify the reach, and expand the voice, of the younger generation on college campuses and beyond, who are typically among the most liberal and progressive sectors in society” (p. 153).

Cancel culture, which is aimed at publicly denouncing real or assumed political and moral misconduct, currently occurs mainly in the context of social media and is also discussed and analyzed in this context (Clark, 2020; Follert et al., 2023; Follert & Daumann, 2021; Saint-Louis, 2021; Teixeira da Silva, 2021). In social media, the phenomenon consists of the collective mobilization of online communities or social media platforms to “cancel” or call out individuals who are perceived to have committed offenses, often related to issues of social justice, discrimination, or morality. The basis of this call-out process seems essentially to be little thought-through opinions shared by certain groups that are expressed instinctively. Thus, deliberative, rational discussion is increasingly being suppressed in some areas. Wei and Bunjun (2020, p. 1) give an example of what forms this phenomenon can take: a brand was recommended by “an American neo-Nazi website,” which resulted in the company distancing itself from the website.

The scientific discourse on the cancel culture phenomenon in social media takes different routes. On the one hand, the literature examines the quality and extent of social media campaigns against perceived forms of racism and social injustice (Bouvier & Machin, 2021). Research findings indicate that such campaigns lead less to a more nuanced discussion of the facts and more to extreme simplifications of the matter in question (Ott, 2017). Bouvier (2019) and Papacharissi (2015) showed that simple juxtapositions of good and evil dominate the discussion of social and political topics. In addition, the use of buzzwords is widespread, but there is no differentiated examination of the subject (Bouvier & Cheng, 2019). Furthermore, studies show that users rarely deal with other users' posts but post to achieve the most attention (Papacharissi, 2015; Sampson et al., 2018). In this way, of course, there is no progressive discussion but rather a juxtaposition of the most diverse perspectives (Bouvier, 2019). Nevertheless, empirical studies show that, despite these excesses, social media discussions can provide qualitatively valuable insights and information (Ng, 2020). On the other hand, the literature covers the motives of the participants in these campaigns. Bérubé (2018) found that the users involved in such campaigns develop a sense of cooperation, of fighting for justice, and of helping the vulnerable. Users can demonstrate that they are morally on the “right” side of the discussion (Bouvier, 2020). Individuals feel that they are fighting for the right thing, for social justice, and for a better world (Bouvier & Machin, 2021). Thereby, cancel culture is closely connected with ideas about the “right” morality (i.e. political correctness). Through cancel culture campaigns, one can be on the right moral side without incurring large costs (Henderson, 2019).

A third line of research deals with the impact of social media and the threat of being canceled on the marketing position of companies. Saldanha et al. (2022) showed how social media alters the power in the consumer–celebrity–brand relationship in favor of consumers. Other research has examined how companies or brands react to corresponding social media campaigns, for example, when they come close to morally questionable groups for a variety of reasons, mostly without fault (Wei & Bunjun, 2020).

In the university sector, cancel culture expresses itself primarily in attempts by students or outside parties to prevent lectures

on specific scientific topics from going ahead, using not only social media but also a wide variety of means (protests, sit-ins, etc.). Numerous examples exist of speakers who have been invited and whose invitation was later canceled due to pressure from political groups (see National Association of Scholars, 2023). Sometimes, the “uninvitation” or no-platforming of speakers also relate to the fear of physical violence by radical activist groups at such events. The initial invitation, however, shows that there is a certain interest in these minority views and in the discourse with them. Due to the cancellation, this interest cannot be satisfied, and potentially fruitful interaction with these views is lost.

It is understandable that the risk of becoming a victim of cancel culture affects the behavior of researchers and students in the university sector. In particular, preventive behavior seems to be setting in. This is expressed by the fact that certain statements are not expressed or published (Norris, 2023; Rotolo Jr, 2022).

Safe spaces are related to cancel culture. In that cancel culture can be seen as a means of guaranteeing safe spaces at educational institutions. Safe spaces are spheres of debate in which communication is free of hate speech and microaggressions. Harpalani (2017) explains that “safe space” most commonly refers to institutions and programs devoted to supporting minority students and other marginalized groups on college campuses” (p. 119). Safe spaces can be understood in a spatial sense (e.g., a room or a building). However, a safe space can also be an intellectual “space.”

Bruno Frey (2020, translated by the authors) regards the growing demand for safe spaces as problematic:

Recently, a threatening development has been observed at American universities, including top universities such as Harvard and Berkeley. Teachers and researchers are being forced to conform to a certain set of rules. Students are to be protected from unorthodox ideas that are considered unpopular. In this context, one often hears the terms “safe spaces” and “microaggression.”

The idea of safe spaces, as applied to an entire university, enables administrators to uninvite speakers (cancel culture) who express views or present scientific findings that may be considered to represent microaggressions against certain individuals or groups of individuals. In short, the provision of safe spaces serves as a justification for cancel culture.

Several scholars have recently been attacked for their political views or their positions concerning social problems, as well as their supposed “discursive violence,” views for which they were not attacked years ago. In fall 2021, the case of Kathleen Stock, a British professor of philosophy at the University of Sussex, who spoke about transgender rights and gender identity in her writings, caused a stir. Because of her views, students called for Stock's dismissal. Despite an open letter signed by over 200 academic philosophers from the UK demanding academic freedom for Kathleen Stock, she resigned from the university (Turner, 2021).

Illuminating cases have also occurred in the U.S. For instance, in 2020, over 600 signatories demanded the removal of Professor Walter Block (Loyola University New Orleans) for opposing slavery based on reasons that were deemed incorrect and due to his politically incorrect views. In 2005, economics professor Hans-Hermann Hoppe (University of Nevada) received a letter from the university's provost alleging the creation of a hostile education environment for using politically incorrect examples in class. Hoppe left the university shortly afterward. Michael Rectenwald left NYU over free speech issues after being outed for an anonymous Twitter account (Rectenwald, 2018). In 2022, Jordan Peterson resigned from his full tenured professorship at the University of Toronto due to diversity, inclusivity, and equity mandates.

From the point of view of those scholars, academic freedom is hampered, as it is becoming increasingly difficult to put forward unconventional ideas and discuss unpleasant topics, so universities are increasingly becoming risky areas (Binder & Saliba, 2021). Binder and Saliba (2021) pointed out that the demand for political correctness manifests itself in generational conflict. Younger people, in particular, complain about a lack of sensitivity for inclusive language and for issues such as equality or climate change. The assessment that students feel verbally attacked and are open to restricting freedom of expression is supported by a survey at the University of Frankfurt/Main (Revers & Traunmüller, 2020). Revers and Traunmüller (2020) also found preliminary evidence that positions vary as a function of political self-positioning, supporting the thesis of (subtle) pressure to conform in the university. Interestingly, their article led to a discussion in the journal (Meier, 2021; Traunmüller & Revers, 2021), which underpins the vibrancy of the community and the need to address this issue.

Microaggressions are indirect, subtle, and even unintentional discrimination against minority groups, in contrast to hate speech (or macroaggressions) that express hate and overt hostility against a certain group. Both macro- and microaggressions (hate speech) may make people from a minority group feel bad. Micro- and macroaggressions are forms of “discursive violence.” Discursive violence occurs in written or spoken discourse, as opposed to physical violence, which is physically acted out in the real world.

The concepts of cancel culture, safe spaces, microaggressions, and political correctness are connected. The intention to avoid microaggressions is the basis of the case for safe spaces, which in turn justify cancel culture, while political correctness defines what microaggressions are. In this essay, we analyze the concepts of discursive violence and microaggressions from a property rights perspective because their elimination motivates cancel culture and the installation of safe spaces.

3 | PROPERTY RIGHTS ETHICS AND FREE SPEECH

Property rights determine who the legitimate owner of a good is and how the good may be used. A property right is an absolute right that

enables the right holder to exclude other people from their property. According to property rights ethics, property rights are not only absolute but also the basis for all correctly understood and genuine human rights (Rothbard, 2009 [1962]).

Every human being has the fundamental right to their own physical body (i.e., the right of self-ownership). The right to physical integrity can be derived from the right of self-ownership. No one has the right to violate someone else's body without permission. Physical violence (i.e., an act that invades and causes physical harm to someone else's property), as well as the threat of physical violence, must be considered unjustified aggression. At the same time, property rights also imply the right of self-defense, since no one can own something without having the right to use physical violence to defend it against an aggressor. Physical violence used to defend one's property against physical aggression is called defensive violence. Aggression is the initiation or threat of forceful interference against private property.

Locke pointed out that self-ownership is the starting point for other rights, such as homesteading:

[E]very man has a property in his own person. This nobody has any right to but himself. The labour of his body and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature placed it in, it hath by this labour something annexed to it that excludes the common right of other men. (Locke, 1801, pp. 353–354)

According to private property ethics, this ownership implies that the individual can use the homesteading principle (first-use, first-own) as long as the individual does not violate someone else's physical property.

From this reasoning, we can derive production and exchange rules. An owner can change the form of their property, thereby producing new goods, as long as they do not violate someone else's physical property. The owner can also exchange property, including labor services, for someone else's property. These four rules—self-ownership, homesteading, production, and exchange—summarize libertarian property rights ethics, as developed by Rothbard (1998 [1982]). All other genuine human rights can be deduced from these rules, according to Rothbard (1998 [1982]). For example, the right to free speech can be derived from self-ownership (Bagus, 2008; Rothbard, 1998). As I own my vocal cords and my mouth, I can use them to produce words freely, at least on my own property. However, there are restrictions on free speech. For instance, lying may be excluded by contractual relationships. Moreover, threatening physical violence against someone else in a conversation must be considered aggression and is not protected by “free speech rights.” Discursive planning or credible conspiring against private property,

such as “Let's kill Peter,” constitutes planning a criminal act and justifies the use of defensive violence.

Furthermore, if I am standing on someone else's private property, my possibility to speak is restricted by the rules imposed by the owner regarding the content and volume of the words and ideas I utter. For instance, a restaurant owner may prohibit clients from insulting each other or expressing racist ideas. Not following the speech rules imposed by property owners, whether an individual or a group, is an unjustified disturbance (e.g., at a public event). As Rothbard puts it:

Freedom of speech is supposed to mean the right of everyone to say whatever he likes. But the neglected question is: Where? Where does a man have this right? He certainly does not have it on property on which he is trespassing. In short, he has this right only either on his own property or on the property of someone who has agreed, as a gift or in a rental contract, to allow him on the premises. In fact, then, there is no such thing as a separate “right to free speech”; there is only a man's property right: the right to do as he wills with his own or to make voluntary agreements with other property owners. (Rothbard, 2009 [1962], p. 1338)

In short, the right to free speech is simultaneously based upon and restricted by property rights. So-called civil rights are an indirect outcome of the nonaggression axiom (and private property rights):

If no man may aggress against another; if, in short, everyone has the absolute right to be ‘free’ from aggression, then this at once implies that the libertarian stands foursquare for what are generally known as ‘civil liberties’: the freedom to speak, publish, assemble, and to engage in such ‘victimless crimes’ as pornography, sexual deviation, and prostitution (which the libertarian does not regard as ‘crimes’ at all, since he defines a ‘crime’ as violent invasion of someone else's person or property). (Rothbard, 2006 [1973], p. 27)

4 | PROPERTY RIGHTS ETHICS AND MICROAGGRESSIONS

The concepts of microaggression (Sue et al., 2007) and discursive violence are untenable from a private property rights perspective. From a private property perspective, there are only aggressions, consisting of objective physical violence and the threat thereof (Rothbard, 1998 [1982], p. 77), and nonaggressions, with nothing in between aggression and nonaggression. No gray area exists that could be called “microaggression.” Either an action physically violates (or threatens to do so) someone else's property or it does not. A “microaggression” does not violate the nonaggression axiom.

From a property rights perspective, discrimination is not aggression. The explanation for this interpretation is that anyone has the right to use their own body to form words using their own property, irrespective of whether that could hurt the feelings of a third person. Rothbard (1998) even insists that libeling may be immoral, but it is allowed by private property ethics, as no one "owns" their reputation or social status (Block & Pillard, 2020). This can be justified by the fact that reputation or social status is always conditioned by the thoughts of other individuals (Block, 1976; Hoppe & Block, 2002; Rothbard, 1998 [1982]).

Believers in microaggressions and discursive violence maintain that "language can enact violence by itself, without any attendant actions" (Rectenwald, 2019, p. 123). However, uttering words that do not imply intimidation and the threat of physical violence is not an aggression against the debating partner.

Arguing for the initiation of physical violence without having an influence on its occurrence is an interesting case. In most cases, such an argument would not justify defensive acts because it would just be wishful thinking and not constitute the planning of a concrete attack. Saying "I want a hurricane to destroy your property" is akin to "I want the government to expropriate your property" or "Tax the rich" if the person has virtually no influence on the actions of government. While these expressions could be classified as "hate speech," they do not justify defensive violence if there is no concrete attack, threat, or influence on government (or the hurricane). Note that saying "I will expropriate your property" is of a different nature and justifies defensive acts. The same applies to credible threats of physical violence. Such discourse can target individuals or whole groups with severe consequences (e.g., political speeches instigating a constituency to effectively disenfranchise and deprive certain minorities of their genuine rights and even physical property). Moreover, the expression of certain arguments could be a violation of the rules imposed by the owner of the building or land where this act is performed. But words as such are not physical violence. From a property rights perspective, there is no such thing as discursive violence.

If one subscribes to the discursive violence view, any words could constitute violence (Linville, 2017). It is always possible that someone feels bad or hurt when hearing someone else's words, be they a child criticized by its parents, a disappointed lover, or a conceited debater who has been disproved. Most importantly, the interpretation of words as something that makes the interpreter feel bad is entirely subjective. The very same words may make one person feel bad and another feel good. And often it is not what you say, but how you say it. It is even possible that the same person can interpret the same words as compliments or insults at two different points in time.

While "feeling bad" in response to certain words in a debate or an argument is subjective, true aggression (i.e., physical violence—and its threat) is objective, as it is observable from the outside (fraud is also an objective violation of contractual obligations).

If "feeling bad" due to words constitutes aggression, then persons who are feeling bad would have the right to defend themselves using defensive violence, for example, by expelling another person from their own property. Imagine a squatter occupying a house who

entered a discussion with the owner. The owner angrily demands that the squatter leave immediately. The squatter feels hurt. He considers the owner's order to be a microaggression and kicks the owner out in "self-defense."

Allowing defensive violence in response to hurt feelings has important consequences. As people do feel hurt or bad due to words all the time, this would virtually allow a war of all against all, suppress all debate, and severely hamper scientific advancement, because in all debates, all parties may mutually feel bad.

It is neither clear nor objective to decide who has a better "right" to feel bad or hurt in a debate and to be protected against discursive violence. Take the debate between a feminist and a classical (male) liberal. The feminist might feel attacked and insulted that the classical liberal is arguing against state-imposed quotas for female executives because, in her eyes, this reinforces her social oppression in a patriarchal society. At the same time, the classical liberal might feel attacked and insulted that the feminist argues for quotas because it puts him at a disadvantage as a man vis-à-vis female competitors. Who should now exclude whom from public discourse? Both parties feel bad and hurt. Both may claim that there was a microaggression and that the other party should be banned from the debate. There is no objective way to decide who is right. In all debates, different viewpoints may be expressed that may make the other parties in the debate feel uncomfortable, as they do not share the same point of view.

Moreover, the possibility of discursive violence brings legal uncertainty. As all words can be interpreted subjectively as offensive, we cannot know beforehand if the words we are going to utter will hurt someone's feelings because this depends on a subjective interpretation outside the speaker's control. However, before acting, it must be knowable if an action is just or unjust. However, a speaker cannot know with certainty beforehand if their words will hurt the feelings of anyone because this depends not on them but on the listeners' subjectivity.

The practical and logical consequence of applying the principles necessary to eliminate the possibility of so-called microaggressions is to end all debate and discussions and maybe to end all human communication. However, to discover new knowledge and advance science, debate and discussion are essential. Debates, discussions, and arguments are essential to human interaction, help establish common grounds, and often allow for the peaceful resolution of conflicts. Furthermore, the capacity to argue is one of the most human characteristics.

Let us perform a *reductio ad absurdum*. We may argue that hearing arguments in favor of safe spaces or cancel culture hurts our feelings. In other words, to propose the institution of safe spaces can be considered a microaggression (paradoxically, a microaggression intended to ban microaggressions). Therefore, no one should be allowed to argue for safe spaces at universities. Such violent discourse must be banned from public discourse.

Finally, we want to engage directly with the counterargument that psychological violence, such as hate speech, inflicts harm that should be prevented. From a private property perspective, everyone

has the right to create sounds or words on their own property. For example, someone can publish an article or video on their own website or on public providers, such as YouTube, following the rules set by the owners of the business. Then, the sounds and words can circulate in the public domain according to the rules of private property.

It is certainly true that words can have a negative impact on others. In the extreme, negative discourse can cause someone to lose their mental, and possibly physical, capacity to function normally. The psychological violence of (hate) speech could be seen as harm that justifies the exercise of power. However, from the perspective of private property ethics, this is not the case. The right not to have one's feelings hurt does not exist, as explained above. A rightful owner can use their property as long as they do not violate the physical integrity of another's property. Physical property is something objective. The owner's use of their property, including their words, may affect the market value of another's property or the feelings of another, such as a competitor. But the competitor has no right to use physical force against the owner.

A conflict exists between private property and psychological property. Either the physical property is protected or someone's feelings are protected, not both. If the feelings were protected, then no one could do anything with the property without running the risk that someone else would claim that their feelings were hurt by psychological violence and could then use physical force. In other words, private property rights would be impaired if a defense against injured feelings (or psychological violence) were allowed. In addition, if anyone who convincingly argues that they have suffered psychological violence is allowed to use physical violence in their defense, there will be numerous conflicts.

In contrast to physical violence, which is observable from the outside, psychological violence cannot be objectively determined and is a slippery slope. No way exists to objectively say that a certain type of act or expression is psychological violence because one cannot objectively identify subjective feelings. Physical property, on the other hand, sets objective limits and thereby reduces conflict.

One may argue that property seems a rather blunt concept if used only in a physical sense and claim that more abstract forms of property, such as property in ideas, feelings, or intellectual property, would lead to other conclusions. Yet, private property ethics argue that there can be property only in tangible goods. Therefore, authors such as Kinsella (2008) have argued against intellectual property because ideas are not scarce—in contrast to resources. The fact that private property ethics offer a distinct solution is not a disadvantage but rather a virtue because they offer clear, concise, and easy solutions to conflicts.

It is important to emphasize that private property ethics as such can never legitimize the use of physical force against psychological violence or hate speech. However, there are other ways to reduce and deal with hate speech within the limits of a society based on private property rights. As stated above, the owner sets the rules. For example, the owner of a business may declare that customers cannot make racist remarks on their property and may contractually require employees to do likewise. In addition, certain rules of behavior

or social norms have evolved in society, such as morality or civility (Hayek, 1973, 1988).¹ These rules can be enforced through boycotts and ostracism. That is, people who engage in behavior that is considered hate speech or who engage in unacceptable psychological violence become social outcasts. However, from the perspective of property rights, under no circumstances can other opinions be excluded from scientific discourse through the use of physical violence under the pretext of combating hate speech.

When we apply our reasoning to the scientific debate, we find that it violates the established rules of courtesy when someone shouts so loudly in a debate that it cannot continue. Moreover, this destructive shouting also violates property rights when the host has set rules to allow debate. However, it is not a violation of property rights if someone produces reasons to increase knowledge or to better understand a certain phenomenon, regardless of whether feelings are violated.²

5 | PROPERTY RIGHTS ETHICS, CANCEL CULTURE, AND SAFE SPACES IN ACADEMIA

5.1 | Property ethics and current academic institutions

5.1.1 | Private education systems

Based on the property rights ethics explained above, we now analyze the legitimacy of safe spaces in academia in two institutional settings³: first, in a private law society with a purely private educational system. Second, we analyze a system in which universities are public or indirectly state-controlled. In a private law society (Hoppe, 2002), all universities are private and based on legitimate ownership. According to the principles of private property ethics, university owners decide which classes and courses will be offered. Naturally, the owners, if they want to earn profits, must take market demand into account. In such a system, universities may not necessarily be profit-oriented but could also be run on a nonprofit basis and be financed, for example, by voluntary contributions of clubs and associations or by endowments.

The owners also determine the university's internal affairs (i.e., the teaching content, the teaching methodology, and, if there are debates, which rules these debates should follow). It is possible, for instance, that at a Catholic university the owners will not allow debates with atheists who have expressed their ideas in ways that Catholics may consider offensive.⁴ Similarly, the owners will decide which professors to hire and possibly only hire teachers of Catholic faith. Conversely, there may be no place for lecturers with creationist views at a secular university. All this is justified according to private property ethics, since private property owners can discriminate (Block, 1992, 2010; Portillo & Block, 2012).

An interesting question would be whether professors or discussants who defend communism or socialism—that is, who call for an overthrow of the private law society and an attack on the private

property of others—would be tolerated or if they would face criminal charges. Possibly, their call for an attack on private property rights would be considered a concrete and credible threat of physical violence, and they would be expelled (Hoppe, 2002). In other words, communist safe spaces could be considered places of conspiracy and revolution against the private property order.

In a private law society, universities could have Catholic or atheistic safe spaces. However, it is likely that to stimulate debate, exchange, research, and, as a consequence, prestige, some universities would prefer to eliminate safe spaces. It could be a competitive advantage for universities to attract controversial lecturers for a lively debate. Universities would gain a competitive advantage by granting academic autonomy to their academics. Academic autonomy implies that the individual academic represents their free conscience and not the university that employs them and provides the basis for a vibrant and innovative scientific landscape that makes universities attractive to students.

There could be pluralistic universities that would have Catholic, Islamic, Protestant, and atheistic chairs at the same time. In addition, there could be debates between representatives of different private universities, for instance, a debate between a representative of an atheistic university and a representative of an Islamic university. The rules for these debates would be negotiated by the university owners.

In a private law society, universities would likely be smaller and more decentralized than today. They would attend to specific and heterogeneous preferences in the market and be financed by private organizations and associations that do not have the financial power of the modern state. The decentralized nature of numerous small universities intensifies competition. Germany had very good experiences with its decentralized university system in the 19th century and the competition that goes with it (Watson, 2011). However, while small, specialized universities will likely be more widespread in a private law society, there would also be a place for large pluralistic universities. They would have the competitive advantage that they could allow and promote a particularly intensive discourse and competition.

5.1.2 | Public education systems

To solve the conflicts that arise through the contentious issues of cancel culture and safe spaces, immediate privatization or desocialization of the educational system is appropriate. In other words, giving public property back to its rightful owners is not only a logical conclusion that follows from private property ethics but it also solves the contentious issues that we experience today at universities and in public life. However, if public universities exist, the question remains of how to deal with the conflicts caused by cancel culture.

When it comes to public universities, the issue becomes less straightforward than with private universities in a private law society. Several ways exist to approach the issue from a private property rights perspective. The debate on banning certain speeches at

a university mirrors another debate on immigration that has divided libertarian scholars. The immigration debate shows that there are diverse perspectives on property rights and that there is no single standard libertarian perspective on property rights. In other words, even if we grant that the libertarian property rights position is correct, there may be different perspectives. A brief look at the immigration debate shows that there are basically two points of view that can also be fruitfully applied to the question of free speech at public universities.

In “A Libertarian Case for Free Immigration,” Block (1998) defended free immigration, arguing that the free movement of money, goods, and persons is a basic principle of libertarian philosophy. As for the case of public property, he considered it to be unowned property that anyone has the right to use. In the case of a public library, Block argued that anyone could appropriate books and use the library at will. Using Block’s reasoning in the case of cancel culture, one could argue not only that immigration should have no restrictions but also that free speech should have no restrictions on public property, and anyone should have the right to enter public universities to give speeches. Cancel culture would violate libertarian principles.

In relation to the immigration issue, other libertarians have pointed to the problem of forced integration by governments. Forced integration means that governments admit people to the territory, while no domestic citizen wants them on their property. These immigrants use public property or are directly subsidized by taxpayers. Thus, Hoppe (1998) argued that immigration cannot be free as long as public property exists but must be conditioned on a valid invitation by a domestic property owner. Furthermore, the invited person must be excluded from all public welfare. Similarly, Huerta de Soto (2009) maintained that immigration should not be subsidized and promoted by public welfare. Furthermore, immigrants should demonstrate that they will not be a burden on others. A way to demonstrate this requirement is that a domestic citizen invites or guarantees the immigrant. A third requirement by Huerta de Soto for immigration was that immigrants should not quickly get the right to vote and, consequently, should know that they must adapt to the culture of the country to which they immigrate. Finally, Huerta de Soto required that immigrants always follow the law.

It is true that the contexts of free immigration and free speech differ. In principle, anyone can have access to free speech in a university setting, including non-taxpayers and foreigners, while public welfare resources are somewhat more limited, leading to conflict if immigrants receive them. Still, in both cases, we have a conflict about the use of public goods funded by taxpayers; in one case, it is about the use of the property of public universities; in the other, it is about the use of public resources in general.

When we transfer the line of reasoning of “conditional” immigration to the issue of cancel culture, we see that one cannot simply show up to a public university and participate in a debate or give a lecture. This analogy can be drawn from the fact that taxpayers do not have the right to enter a public courtroom and start protesting – they would be rightly arrested for contempt of court because there

are rules that govern who can speak and standards for admissible evidence, standing, etc. Taxpayers cannot walk into the Ministry of Defense and demand to take part in conversations about missile purchases. The fact that a nuclear reactor is “owned” by the taxpayers does not mean that any taxpayer can enter the facility. All sorts of restrictions might be consistent with taxpayer ownership, depending on the nature and purpose of the institution, as long as it is not privatized (i.e., given back to taxpayers). However, speakers and the audience can be invited and guaranteed by a public university's professors. Naturally, the invited speakers must adapt to the university's rules in terms of the length and style of the lectures or debates. Their invitations may be sponsored by university funds for such purposes and should not be subsidized separately by the state. If these conditions are fulfilled, nothing should disturb such invited lectures or debates, as they are based on the decisions of the faculty. Canceling these invited events for ideological reasons or due to protests or pressure by students or other influential groups must be considered an attack on the very purpose and integrity of the university.⁵

While there is little room for cancel culture and safe spaces at public universities from a libertarian point of view, naturally, the rules of civilized discourse should be followed. Insults and ad hominem attacks could be banned as signs of bad manners. A problem arises when the excuse of microaggressions is used for political motives to ban certain theories or opinions that the state or influential groups within society do not like to be present in the public discourse. In other words, it makes a crucial difference to ban someone from a debate at a public university because the person is impolite, insulting, and does not follow the social rules of a civilized debate, or to ban someone because the opinion or theory expressed is not well regarded or is politically incorrect.

One could argue that some opinions are held only by such a small minority that they can be safely banned. One cannot represent every social group, however small, and its opinion at a public university. For instance, it could be argued that a group of anarcho-capitalists may be too small to merit representation. Yet, at universities, there may be a special interest in these minority opinions. All new and pathbreaking ideas start with one person, an extreme minority, and only later spread to larger groups.

The problem of cancel culture becomes even trickier when we consider that in some cases it may not be clear if a university is private or public. A university system may be so heavily influenced by state regulation or state funding that it must be considered akin to a public university. In other words, universities can be private in name only but public in essence. Today, universities are strongly regulated by the state via curricular legislation or anti-discrimination laws (for the U.S., see Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963). Sometimes they also receive funding from the state or from state-funded organizations. Moreover, one must consider that private universities today may be based on illegitimate ownership, for instance, if a public university is “privatized” and control of the private university is handed over to a member or friend of

the government. Furthermore, universities are influenced by public opinion, which in turn is shaped by state and corporate media. In such a system, and in the form of anticipatory obedience, corporations and “private” universities play along with “political correctness” to be spared increased regulations, legislation, higher taxes, or political activism.

While the ownership of some universities remains private, they are forced by legislation and public opinion to conform to majority opinion. The danger exists that “private” universities institute safe spaces, pandering to majority opinion influenced by politics and unjustifiably suppressing dissenting opinions, thereby hampering academic debate and scientific progress.

5.2 | The importance of unrestricted discourse for science

Besides the arguments against safe spaces that can be made from a property rights perspective, the importance of free speech in general can also be supported by the utilitarian argument to “achieve some greater, often ultimate, social good” (McGowan & Tangri, 1991, p. 833). The free exchange of ideas and controversial debates are of crucial importance for the advancement of science (Henderson et al., 2015), which rests on the (unrestricted) search for truth (Rothbard, 1997). Besides, as Mill writes, it is not enough to hold one's own opinion. One can only be sure of one's position if one is able to refute the opposing position defended by someone who really believes in it. Thus, only free discourse makes it possible to know one's own position correctly. In Mill's brilliant words:

He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion [...]. Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind [...]. Ninety-nine in a hundred of what are called educated men are in this condition; even of those who can argue fluently for their opinions. Their conclusion may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently, they do not, in any proper sense of the word, know the doctrine which they themselves profess. (Mill, 1947 [1859], p. 36)

Moreover, from a consequentialist perspective, it can be argued that protecting free speech at universities is also conducive to promoting social tolerance (McGowan & Tangri, 1991).

Science is organized skepticism (Merton, 1938). A critical attitude seems to be a necessary condition for the development of new ideas. That this basic critical attitude also leads to conflicts with other institutions, which rather demands the opposite of critical reflection from their followers, is a result of the nature of science. Organized skepticism involves a latent questioning of certain bases of established routines, authority, vested procedures, and the realm of the “sacred” in general. Establishing the empirical genesis of beliefs and values is not to deny their validity, but this is often the psychological effect on the naive mind. Institutionalized symbols and values demand loyalty, adherence, and respect. Science that questions every phase of nature and society comes into psychological, not logical, conflict with other attitudes toward these same data, which have been crystallized and frequently ritualized by other institutions (Merton, 1938).

There is no objection to the idea that a university should be a place where teachers and students can carry out their activities in a pleasant atmosphere, but as is often the case with overly rigid interventions, there is a risk of unintended negative effects (Froese, 2018). Froese aptly formulated this as follows:

If an atmosphere of safety is equated with one of feeling comfortable at all times, then confrontation with disagreeable topics, contentious theses, and the actors representing them also appears disruptive. This is precisely the danger of the increasingly widespread understanding of safe space as a space that is supposed to protect against confrontation with statements that are perceived as hurtful or offensive and that can trigger discomfort, at least among certain groups of people. (Froese, 2018, p. 480, translated by the authors)

An unlimited feel-good atmosphere within a scientific institution stands in natural tension with the free development of thought and could possibly hinder the further development of a discipline, while especially controversial discussions and clear language can contribute to progress and innovation (Dilger, 2017).

Controversial discussions and constructive criticism of prevailing paradigms are indispensable for the further development of any scientific discipline (Kant, 1781). The ethos of science requires, among other things, an organized skepticism toward an all-too-comfortable docility toward existing paradigms and thus is the foundation of the advancement of a discipline (Merton, 1938). The importance of a critical examination of explanatory models is particularly important not only in the field of research but also for students of a scientific discipline, as Henderson et al. (2015) stated:

Likewise, critique is essential to improving the quality of reasoning in the learning and teaching of science if students are to understand why commonsense

reasoning can be fallacious. However, the significance of critique to science can only be understood and appreciated by providing students the opportunity to *engage in critique and to reflect on its practice*. In particular, the entities that are essential to the standard forms of scientific reasoning are better understood when students are required to use them both to construct explanations *and* to critique their own and others' attempts to reason scientifically. (p. 1671; italics in the original)

Regarding this prominent role of critique, we understand the *universitas magistrorum et scholarium* as a place of critical discourse. These places of critical discourse and academic freedom within the scientific community are threatened by the barriers to thinking of safe spaces (Downes, 2016).

6 | DISCUSSION AND CONCLUSIONS

The absolutization of certain moral concepts, hypersensitivity, and the almost unlimited reach of social media have triggered developments that are reflected in the implicit and explicit codification of these moral concepts as political correctness, their simultaneous institutionalization in the form of safe spaces, and their activation through cancel culture. These developments are increasingly threatening scientific discourse and, thus, scientific progress. Increasing moralization, the symptoms of which are cancel culture and safe spaces, threatens science, and academic freedom at its core.

For scientific progress, it is important to deal with ideas and scientific findings that do not match one's own ideas and scientific findings. Confrontation with heterodox ideas and scientific findings may be prevented on the grounds that such a confrontation triggers microaggressions. The concept of microaggressions threatens the right to freedom of speech, which can be derived from the theory of property rights. As we have shown, private property rights ethics can be fruitfully applied to tackle the question of safe spaces and cancel culture in contentious situations.

We thus provide new support for the perspective that universities should defend academic freedom and that it is the civic and professional duty of university leaders to oppose external pressures and preserve intellectual autonomy and freedom of speech. Property rights ethics provide powerful arguments for academic freedom.

Limitations to our approach remain. Our review of safe spaces in academia is limited to a natural law approach based on property rights, as well as the utilitarian argument that scientific progress is impaired by safe spaces. We do not focus on alternative approaches, such as the Rawlsian view of justice or a Kantian duty approach, even though one could make a case against safe spaces based on these approaches. It should be clear that an ethics-driven essay cannot present evidence of whether particular restrictions actually have a negative impact on scientific development. Therefore, whether in a laboratory setting, the scientific output—however

measurable—would really decrease if a university imposed a strict cancel culture remains speculative at this point. Thus, our approach is limited to an a priori argument from the property rights perspective.

Further difficulties exist. The distinction between private and public universities in practice is porous. In theory, the case is clear. Genuinely private universities have the right to set up safe spaces and to cancel certain ideas, publications, etc. They also have the right to prohibit certain individuals from giving lectures or participating in discussion groups on campus. However, in a system without genuine private universities, where every institution is “owned” or, at least, influenced by the state, there seems to be less factual justification for canceling invitations to scientists. Considering the original purpose of universities (i.e., the promotion of science and knowledge), cancel culture must be considered counterproductive for this purpose. As such, our analysis contributes, on the one hand, to the economic analysis of science and, on the other hand, to the ethical study of new phenomena in modern societies, such as cancel culture and safe space. In particular, heterodox ideas suffer from the safe spaces and cancel culture. Our argument can also be transferred to other organizations—especially companies—and thereby has important lessons for business ethics in general. In a business context, shareholders, as property rights owners, have the possibility to discriminate (e.g., to cancel certain speakers or employees who do not act in line with the corporate culture derived from shareholder preferences). At the same time, state-owned enterprises do not have this right. According to property rights ethics, they must tolerate all positions unless they violate the rule of law. Future research could further investigate the question of safe spaces and cancel culture in hybrid institutions that are neither genuinely private nor public. Moreover, future research should look at the important question of how culture per se influences the discussion of cancel culture, offering a cross-cultural perspective that overlaps with economic and ethical perspectives.

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ORCID

Philipp Bagus  <https://orcid.org/0000-0002-8233-6629>

Frank Daumann  <https://orcid.org/0000-0001-8649-8695>

Florian Follert  <https://orcid.org/0000-0002-6253-9322>

ENDNOTES

¹Language itself is an institution. Language is not private property. No one owns the English language. However, to utter language always requires private property, namely one's own body and a standing place.

²We are very grateful to the reviewer who brought this argument to our attention.

³Note that our analysis is limited to the point of view of the ethics of property rights. Other convincing theories in support of more general rules for argumentation in public debate exist, based on a general concept of intellectual autonomy in public reasoning, with a crucial role in scientific research. Kant (2004) presents convincing arguments in favor of critical thinking and the use of reason in public debate. Habermas (1983), in his discourse ethics, establishes rules for public reasoning, such as universality, inclusiveness, and reciprocity, as principles of fair engagement in public argumentation.

⁴Please note that we are examining a university landscape in a private law society and not privately funded universities today. Today, it is less relevant whether university funding is private or public because the current system is hybrid. More on this below.

⁵One reviewer raised an important question about speech that incites the use of physical violence or the threat thereof. In this case, could a protesting group have a reason to disrupt a public event organized by a university? Take, for example, political speech that incites a constituency to disenfranchise certain minorities and deprive them of their genuine rights and property. In this case, and from the standpoint of property rights ethics, the protest and disruption can be considered part of defensive violence on the part of those targeted in the speech, especially if the speaker's efforts can bring about real political change.

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