

UPRISE OF THE SHRINKING VIOLETS: CANCEL CULTURE IN MEDIA

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1. Introduction

The WDR (*Westdeutscher Rundfunk*), a public German television channel broadcasts the TV show “Die letzte Instanz” (The last instance) (Schultz 2021). In this show, four celebrities expressed themselves in a questionable manner on the subject of “Political Correctness”. The conversation was laid out as a casual conversation and revolved around the topics of sexism and racism, and especially the practice of “blackfacing.” Also discussed was the

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question of whether the term “Zigeunersauce” (literally translated: gypsy sauce) should still be used. The moderator allowed the four celebrities vote on whether they could continue to say “Zigeunersauce”. All four voted for it.

After allegations that the WDR had provided a stage for resentment and racism, the channel reneged and posted a message on Twitter to the effect that the show was not as planned and conceived. Although the show was not deleted from the media library, a distancing note was attached to it. This example shows that cancel culture is not solely a phenomenon which occurs in universities and scientific communities (Revers and Traunmüller 2020; Bagus, Daumann and Follert 2021; Saint-Louis 2021). Rather, this phenomenon can readily be observed in the media in general, particularly in the social media (Bouvier and Machin 2021; Norris 2021). Overall, the changes in information technology brought about by digitization appear to be changing perceptions of the topic (Norris 2021). Since between 2018 and 2019 at the latest, this issue has also reached the general population. This can be shown approximately, for example, by a simple google trend search taken on 01/15/2022. While for example in 2016 and 2017 there were worldwide less than 750,000 queries for the term “cancel culture” within a more recent single year, in 2021 we observed 1,517,000 google queries searching for this term.

Increasingly, platforms such as Twitter, Facebook, and YouTube are blocking certain content — often after requests from other users. In many cases, these are checked promptly and released again. Due to the mass of information, it is obvious that the operators of these platforms are increasingly using artificial intelligence for mass content checking (Cobbe 2021). However, it is problematic that the algorithms evaluate certain content incorrectly due to their lack of accurate information. Brause (2021, p. 5) shows an accidentally deleted post that, after the well-known German football player, Mats Hummels (Borussia Dortmund), scored his own goal, placed the emoji of a monkey holding both hands in front of his eyes in front of his name — people who regularly use short message services may be familiar with this — which the artificial intelligence or a moderator of the platform, who primarily engages in analog communication, probably judged as racist. Not only in the area of social media, but also with regard to conventional media

such as television, radio or newspapers, there is an increasing discussion of widespread cancel culture.

The aim of the present article is to answer the following two questions:

1. Is the (normative) selection of information by the media justified from a libertarian perspective?
2. Is the deletion of user opinions in social media legally justified?

To answer these questions the findings of the Austrian school of economics will be used.

The paper is structured as follows: In section 2 we provide the theoretical background. We especially highlight the function of the media in the transmission of information in general and their role of cancel culture. In 3 we present our theoretical framework that is built on utilitarianism and private property rights. In section 4 we critically analyze the topic based on these frameworks. Section 5 examines the vast grey area which has sprung up late, which makes it very difficult to separate the so called public and private sectors for one another, given how intertwined they have become.¹ Our findings are summarized in section 6.

2. Background: Media, information and cancel culture

2.1. Dispersed knowledge and media

It is well known that knowledge is distributed in a decentralized manner (Hayek 1945).² No politician and no single citizen has all the available information. Obtaining information comes at a cost, e.g., the time invested in reading a nonfiction book cannot directly

¹ This section leans most heavily on the contributions of the two referees.

² The brilliant insights of Hayek have become somewhat date by the march of technology. That role of intermediary in the traditional media as arbiters of the truth, to which he points, is now lost thanks to the new technologies that allow a greater number of people to convey ideas more or less directly to the public.

be used for other activities. The value of information, like any value, is subjective and results from the benefit that the information provides to an individual. The result of all this is that information is unequally distributed. Information technology, and the Internet in particular, has made access to information immensely easier. Particularly with regard to the participation of the population in the political process in a democracy, this is a gain.³ On social media platforms such as Twitter, citizens have the opportunity to respond directly to politicians or other persons of public interest, which has created a completely new form of communication. In this context, to Twitter is even attributed the function of social justice:

“There has been much scholarship that has celebrated the potential of Twitter, as well as other social media, in democratisation and social justice. [...] Hashtags such as #MeToo and #BlackLivesMatter are some of the high-profile cases bringing formerly more concealed social injustices into open view. In particular, if we think about mainstream news media as communicating elite ideologies top-down into society, social media allows voices from below to speak back.” (Van Dijk 1998)

However, it can also be demonstrated that substantive discussions of complex topics are hardly possible on social media channels. The argumentation often gets lost in simplistic narratives and is sometimes highly emotionalized (Papacharissi 2015; Bouvier and Machin 2021).

Information is used to form opinions, especially in order to assess political decisions or to make an election decision. For some years now, “deliberate misinformation or disinformation” has been increasingly reported and discussed. Królikowski and Loebel (2017, p. 368) distinguish seven types, ranging from satire/parody to invented or revised content. Although individual humor can have a broad spectrum, it should presumably remain up to the

³ There are now, presumably, a smaller proportion of “low information voters” casting ballots. On the other hand, if soap operas and the like take up a disproportionate share of the offerings, the exact opposite might be the case.

broadcasters to decide whether to label irony in their text. Due to the much-noticed filter bubbles within the social media community, however, deliberately invented content appears to be a potential danger. Under criminal law, this is also not generally prohibited in most jurisdictions.

Most social media platforms have laid down guidelines in their terms of use under private law to prevent this. In principle, the processing of information is the responsibility of the recipient. However, it could be argued with behavioral economic findings that information processing is very selective and that biases regularly occur (e.g., Tversky and Kahneman 1974).

2.2. Theoretical perspectives on cancel culture and media

Cancel culture is mainly fueled by the development of online platforms such as Twitter, Facebook and Instagram. These so-called social media create room for the rapid exchange of information, experiences and memories regardless of time and place with a great leverage effect in dissemination (Velasco 2020). Haskell (2021) even argues that canceling and the cancel culture are only a product of Web 2.0 and, above all, of the boom in social media platforms.

Canceling can be seen as a form of social activism (Clark 2020), which can be both useful and harmful to society (Palmer 2020). The simple process of registering as well as posting on platforms like Twitter or Instagram gives people an opportunity for activism and for inciting some kind of social justice and justification online. The phrase 'You are canceled' on social media is used to point out an action or statement that the community does not perceive as appropriate and in this way people are publicly embarrassed (Velasco 2020).

Likes or retweets are considered consent and thus accelerate the dissemination of information (Lowe-Calverley and Grieve 2018). Haskell (2021) uses the example of actor Kevin Spacey to show how quickly such a canceling activity spreads on social media. In the study, more than 1700 tweets were examined and a qualitative analysis showed how the process of canceling works and which strategies users are pursuing. After a former colleague of Spacey's tweeted that he had been sexually molested by Spacey

as a teenager on a previous set, the canceling process began. The first post on Twitter with the allegation and the retweets of the post attracted attention of a newspaper, in which an article was published about this topic. This article was seen by the online community as the first proof of the authenticity of the information and was then shared again on Twitter and the dissemination proceeded at breakneck speed - with the special feature that the type of posting on Twitter allows information from the article to be disseminated without the recipient having to read the article again (Haskell 2021).

This example clearly shows how quickly the cancel culture movement can publicly embarrass people or — as in Spacey's case — even end careers. The severity or type of (perceived) offense is initially irrelevant, since only an action or statement perceived as inappropriate by the social media community can trigger this process (Haskell 2021). Such rapid exposure has only been possible since the Internet and social media, as before that there was a different, slower way of communicating misconduct. Since letters to the editor, newspaper articles or the like still had to be addressed then, there was also the possibility of escaping such a canceling at this time, as there was more time to avert such a thing (Anderson-Lopez et al. 2021). Before social media emerged, traditional media acted as gatekeepers, scrutinizing information before it was published (Clark, 2020; Velasco, 2020). With the development of social media platforms, the requirements for accuracy have become significantly lower.

Clark (2020) describes the development of the cancel culture in social media as a product of capitalism. Internet platforms offer the possibility of quickly bringing together the supply of and the demand for news regardless of time and other physical restrictions. Thus, both journalists and consumers can disseminate information without having to justify why it is relevant to public discourse. Bouvier (2020) argues that platforms such as Twitter can be quite helpful in the search for “social justice”⁴ or the assessment

⁴ We place scare quotes around this phrase to indicate that there is very little if any justice to be found in the movement known by it. Perhaps the oxymoron “socialist justice” would be a more accurate depiction of this philosophy.

of misconduct, but also points out that these platforms also have limitations in clarification due to the reasons described above. The type of posting with quick, simplified and sometimes contradicting comments as well as the lack of reflection on the part of the users can also counteract or prevent discussion and even lead to a decontextualization (Bouvier, 2020). Velasco (2020) goes even further and states that not only information is exchanged in social media, but also that a competition for knowledge, culture and ideology is taking place, from which the cancel culture emerges.⁵

Instead of the formation of public opinion, there is the concept of a virtual collective consensus that does not tolerate other opinions (Alperstein 2019). The main problem, however, is that a public consensus was originally a set of commonly shared and lived standards that were considered appropriate or inappropriate (Jay 2017). Thanks to the internet and social media, people can now express their own opinion quickly, easily and regardless of time and place, comment on other opinions and consider their own to be generally valid (Anderson-Lopez et al. 2021). Beard (2020) even goes so far as to speak of a cultivated mob mentality in the cancel culture. It becomes clear how social media, through their type of information exchange, help to support and accelerate the cancel culture (Ng 2020).

Yar and Bromwich (2019) show that private individuals can also be canceled, using the example of high schools in which pupils are canceled by their classmates on social media. They also show that a social recovery from canceling is almost impossible and that this status persists for a long time. Even companies and managers have to be careful in their communication and actions in order not to run the risk of becoming part of a boycott campaign (Nguyen 2020). In this respect, social media represents a new form of ostracism.

⁵ This is especially dangerous to the common weal when decisions are made that require input from science. For the essence of this discipline is open discussion, debate, proposals, counter proposals. When physicians are threatened with loss of medical license for espousing some viewpoints, often labeled "misinformation" by censors, science simply cannot occur. See on this Alba and Frenkel (2021); College of Physicians and Surgeons of Ontario (2021); Drees (2021).

In addition to the new media such as electronic platforms, conventional media are also contributing to this development. On the one hand, the entertainment industry reacts to requests from the community in order to avoid so-called hate speech (Anderson-Lopez et al. 2021). On the other hand, mainstream news also include topics from social media in their agenda and carry them into the public discourse. In this way, the topics from social media also shape the public debate in traditional media (Nguyen 2020).

Social media play an important and decisive role in the cancel culture, since canceling is only possible through the properties of information dissemination on platforms such as Twitter or Instagram. A space for cancel culture is therefore only made available through the development of social media.

3. Analytical frameworks

3.1. *Utilitarianism*

Utilitarianism is an ethical program especially connected with Bentham (2000 [1823]) and Mill (2001 [1871]). It is predicated upon the notion that the ideal situation is the one in which utility, or happiness, is maximized. This principle of utility (Bentham 2000 [1823]) is the focus and becomes the ethical standard from individual behavior.

“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. The principle of utility recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light.” (Bentham 2000 [1823], ch. I sec. I)

With respect to his concept, Bentham understands the term “utility” basically as an open concept that gives the subjective preferences of the individual sufficient freedom to satisfy his heterogeneous goals.

“By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual” (Bentham 2000 [1823], ch. I sec. III).

One of the logical implications of this philosophy is that decisions of two sovereign exchange partners who both want to avoid pain must thus also be ethically correct. This follows from the common-sense concept⁶ that when people engage in voluntary transactions they do so only if they expect to gain benefits from them that exceed the costs associated with the exchange. In literature, additionally to utilitarianism in its classical form, other manifestations of utilitarian ethics can be found, although here we will focus on the original conception, especially where it concerns private exchange relationships between individuals and (private) media organizations.⁷

3.2. *Private Property Ethics*

Our second economic reference point is the libertarian theory of property rights. Hoppe (2006, p. 341) emphasizes that the perspective of private property rights is the only position that “can be

⁶ Actually, this goes quite a bit deeper than mere common-sense, particularly if it is understood as necessarily correct, untestable, unfalsifiable, e.g., a synthetic apriori claim. Kant (1781); Rothbard (1951, 1957, 1976, 1997a, 1997b, 1997c, 1997d, 2009); Sellars (1953); Wittgenstein (1953); Mises (1969, 1998); Block (1973, 1980, 1999); Rizzo, (1979); Selgin (1988); Hoppe (1989b, 1992, 1995, 2011); Hülsmann (1999); Ebeling (2016).

⁷ When it comes to voluntary exchange and the benefits derived thereof, utilitarianism overlaps with Austrian economics (see *ibid*) and is totally acceptable to the present authors. However, the “utility monster” is one of the most powerful critiques of this viewpoint. The utility monster enjoys killing human beings to a far greater degree than we people lost out in utility therefrom. Thus, he can murder us all, and be entirely justified in so doing. For other critiques of utilitarianism, see Hoppe (1989a); Rothbard (1997, 2002).

justified argumentatively, because it is the praxeological presupposition of argumentation as such; and that any deviating, nonlibertarian ethical proposal can be shown to be in violation of this demonstrated preference.”

The starting point for our considerations is the assumption that the owner has the right of *usus*, *fructus*, and *abusus*. In this way the right of disposal also affects the rights of other individuals who are tangential to the property of the titleholder. Because a property right has to be understood as absolute, it gives the holder the opportunity and power to exclude other people from his assets. Besides that, property rights are fundamental for all correctly understood and genuine human rights (Rothbard 2009, pp. 1337-1340): A human being has the fundamental right to his own body, i.e., there is the right of self-ownership⁸. The right to physical integrity can be derived from the right of self-ownership. No one has the right to violate the body of someone else without permission.

According to Locke (1801, pp. 353-354): “[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.”

In the view of Rothbard (1982) “[T]he basic axiom of libertarian political theory holds that every man is a self-owner, having absolute jurisdiction over his own body. In effect, this means that no one else may justly invade, or aggress against, another’s person. It follows then that each person justly owns whatever previously unowned resources he appropriates or ‘mixes his labor with’. From these twin axioms — self-ownership and ‘homesteading’ — stem the justification for the entire system of property rights titles in a free market society.”

⁸ Locke, 1801; Steiner (1994a, 1994b, 2008); Vallentyne (2000, 2002); MacIntosh, 2007; Vallentyne, Steiner and Otsuka (2005); Young (2015); Block, 2016; Dyke and Block (unpublished).

Locke explains the homesteading principle: the first user of an unowned good becomes the owner by mixing his labor with this unowned good. Libertarianism grants the homesteading principle unlimited validity as long as the property of other individuals is not violated.

These considerations are the foundation of the production and the exchange rule. The production rule means that by changing the shape of his property, the owner produces new goods. And the meaning of the exchange rule is that the owner can exchange his property including labor services against that of someone else. According to Rothbard (1998) the theoretical figures of self-ownership, homesteading, production, and exchange constitute the libertarian property rights ethics. From these theoretical considerations all other genuine human rights can be deduced (e.g., Rothbard 1998; Mises 1985; Bagus 2008; Block 2015).

This applies to both, the right for free speech and that of the free press: Because an individual is the owner of his vocal cords and his mouth, he can produce words in a free manner, at least on his own property (e.g., Rothbard 1998; Bagus 2008). Of course, there can be restrictions concerning the content and the location: E.g., lying could be excluded by a contract or discursive planning and threatening others' private property violates their rights. Further, free speech can be restricted on the property of others (Rothbard, 2009 [1962], p. 1338).

Because an individual has the right to buy the necessary equipment to print newspapers, to blog posts and so on, he may produce with this equipment and his labor new goods which belong to him and which he may sell. In the same way as the right to free speech, of course, the rights of the free press can also employed:

"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. Critical analysis

4.1. *Private media companies*

With regard to voluntary exchange relationships, we must distinguish between different levels in private media. In conventional private media — such as newspapers — there is a contractual relationship between the media company and the customer (1) which exists on a voluntary basis. This is equally true for private social media platforms such as electronic ones. However, another relationship is added here, namely the communication relationship between different users (2). Generally, this exchange is also initially voluntary. By registering with a social media platform and agreeing to certain technical settings, it can be assumed, at the very least implicitly, that the relationship is established voluntarily. For example, on most social media you can determine who can see your profile picture, who can send a message to you and who may not, who can see your photos and other posts and who may not.

We firstly highlight some problems that arise within (1). The utilitarian perspective assumes that individuals will only engage in a voluntary exchange in accordance with their preferences if they expect a benefit from it. Von Mises (1944, p. 532) points out the motivation of human to act:

“Every human action aims at the substitution of more satisfactory conditions for less satisfactory. Man acts because he feels uneasy and believes that he has the power to relieve to some extent his uneasiness by influencing the course of events. A man perfectly content with the state of his affairs would not have any incentive to change things; he would have neither wishes nor desires, he would not act because he would be perfectly happy. Neither would a man act who, although not content with his condition, does not see any possibility of improving it.”

This is irrespective of whether this benefit actually occurs, since we are dealing with decisions under uncertainty (e.g., Lindenberg 1985; Opp 1985). Generally, the use of a social media platform is a

free decision by an individual. Therefore, there is no obligation to contract, rather there is a voluntary exchange between the user and the company that provides the communication platform. The providers, newspapers, and magazines, etc., are companies subject to private law. As a result, they are not at all bound to grant the users freedom of speech. This is only a right to protect the individual against the state.⁹ If the regulations are known to the contracting parties before the conclusion of the contract, or if they can be known to them, then they conclude the contract under these conditions. No user shall be forced to register with Twitter or Facebook. Similarly, no consumer will conclude a contract with a private television station if the station only selectively passes on information to the viewer; the same argument applies to a private newspaper. The consumer can switch to other providers by way of his sovereignty. If, for example, a journalist gets the impression that the newspaper he writes for wants to cancel his views, then he can renounce his contract with the newspaper. The right to freedom of expression is solely intended to protect the citizen of a state against its oppression; among private individuals, at least, it has no direct effect.

From the perspective of property rights, two natural rights are seemingly opposed to each other: the right to free expression of opinion and the property right of the media company. The right to the free expression of opinion emanates from the ownership of one's own body — in distinction to slavery (e.g., Rothbard, 2009). Thus, the voice can be freely used to articulate thoughts. Admittedly, this can also be done in written form through the use of a pen or keyboard. However, this right is limited by the property rights of other parties. This is immediately apparent if one considers a simple set of facts:

Person A invites Person B to his home for dinner. After some time, a discussion develops about a politically explosive topic. A has lost his appetite and asks B to leave his house. B is incensed and yells that he can still speak his mind. A agrees with him: "Of

⁹ Only the government can violate this right via censorship. If a traditional periodical refuses, for example, to print a letter to the editor from a subscriber, no censorship has taken place.

course you may, but not in my house.” The situation is similar on social media platforms. The infrastructure provided for communication and the dissemination of information or opinions is a voluntary offer by the private company that holds the corresponding rights of disposal. No customer, employee or anyone else for that matter has to avail himself of this offer.

Now let us consider the relationship between individuals (2). It can be argued that the freedom of speech of one social media user is incompatible with the legitimate protection of other users. If one assumes, without making a value judgment, that a user’s statement is associated with a benefit for that user, the question arises as to what negatives can result from this. If another social media user feels that his physical or psychological integrity has been violated by a statement, this leads to costs for the latter. From the perspective of the theoretical frameworks used here, the decisive question is what protective options are open to him to ward off the negative consequences. First of all, in the case of a private contract, the user naturally has the option of terminating his subscription. This applies to a subscribed newspaper just as much as to a social media platform. But there are, in particular, internal platform options, such as the block function, which is open to all users to protect themselves from unpopular opinions. These enable individuals to do so in a way that is comparable to our example above.

However, the reality of social media is characterized by two main facts:

1. Certain social media platforms such as Facebook, YouTube and Twitter have a largely monopolistic position.¹⁰ The high concentration in this market could increase in the near future. For example, there is currently a discussion in Germany about legally banning the messenger service Telegram (Griffin 2022), as critics believe that certain segments of the population are becoming radicalized there, and the critics

¹⁰ In more technical language, oligopsonist position, since there are several, not just one.

naively believe that blocking the platform could eliminate this phenomenon.

2. The government intervenes in the content distributed through these social media. For this reason, among other things, the social media platforms operate content moderation and fact checking, i.e., they censor the content, delete specific posts, or tag some of them. To do this, they sometimes enter into contracts with external providers such as Snopes, Politifact, the Washington Post or Daily Caller, who act as so-called “fact checkers” to determine the truthfulness of statements on these social media platforms.

Against this background, how is the situation to be assessed? From a libertarian perspective, there can only be a market solution in which media providers and demanders can engage in a free exchange.

If the state starts to decide directly or even indirectly what information is true, then the way is paved for it to move, in a next step, to admit only information that meets its objectives. A current issue that we find in COVID-19 pandemic as well as in the climate debate is the transmission of scientific knowledge through the media. Here we often hear that there is a so-called “false balance” (e.g., Koehler 2016) and that minority opinions are placed too prominently. This is a dangerous undertaking insofar as science is not a democracy in which the gain of knowledge is determined by the number of studies, or majority vote. Rather, it is a competition for the best ideas and the most adequate explanations, which finally lead to a paradigm (Kuhn 1962) by way of scientific competition.

Of course, in an important sense, journalists act as mediators between scientists and the public. In this regard, they bundle information and pass it on to the general population in typically more understandable language. However, the evaluation of which approach, theory, or finding emerges as a paradigm is by no means the task of the media. Instead, this takes place only within the scientific community. However, it is important for all interested parties to be attentive. The scientific system is a complex one in which scientists as individuals pursue their personal

goals (e.g., Sztompka 2007), as well as disinterested endeavors. The system sets incentives that favor certain positions. A “Matthew effect” (Merton 1968) can quickly develop, so that specific viewpoints accumulate. Since knowledge is always decentralized, no journalist can judge which scientific claim should be communicated to the population and which should not. One resulting danger is that important social debates are already prevented a priori via political correctness and the cancel culture (Brüggemann and Engesser 2017). Furthermore, there is a great risk when media and governments cooperate in such undertakings.

4.2. *Public media*

First and foremost, the question arises whether the existence of public media, especially broadcasting channels, is justified. From a libertarian perspective, coercively financed state media should be rejected. This can be substantiated from a utilitarian perspective by the fact that the decision about a film, a report or a talk show does not result from a market process — i.e., a voluntary exchange between the provider and the consumer — but is instead determined by compulsion¹¹. Although the preferences of consumers can be estimated ex post by means of various statistics, this does not change the fact that there is no price that is agreed between two.

The arguments originally used to justify public media (Steiner 1952; Spence and Owen 1977), namely limited broadcasting frequencies and the existence of a natural monopoly, no longer exist in this form due to technical progress. It is therefore difficult from a libertarian perspective to justify public financing of the media (Donders et al. 2020). Since the existence of public media in some

¹¹ If you do not believe that government is generally based upon compulsion, try not paying your taxes. Schumpeter (1942, p. 198) states: “The theory which construes taxes on the analogy of club dues or of the purchase of the services of, say, a doctor only proves how far removed this part of the social science is from scientific habits of mind.”

otherwise liberal democracies cannot be denied,¹² the question arises as to how public media should position themselves with regard to cancel culture.

In contrast to private media, public media are financed through taxes or contributions that are independent on the actual consumption of the content (Berg and Lund 2012). Furthermore, the exchange between the possible consumer and the public media is not a voluntary exchange based on the preferences and willingness to pay on the demand side. In Germany, for example, every household must pay a compulsory fee, regardless of whether they watch the program, even if they do not own any terminal equipment at all. Against the background of this funding, they must take into account the heterogeneity of preferences within the population. Therefore, public media channels must have an internally pluralistic structure of program content (Holznagel 2000).

This means that programs in the public media have to show comprehensive perspectives and thus also minor opinions. This can be done in the same or in different media formats. Of course, these positions should remain within the constitutional limits, which in case of doubt can only be decided by courts. In other words, program content should not be canceled because it is “politically incorrect”.

It could now be argued that some opinions are only held by such a small minority that they should be banned. However, public broadcasting should not prevent a view, even if it is voiced by such a small group. Of course, in saying this one will expose oneself to the accusation of so-called false balancing. In fact, in public media that are committed to internal pluralism, contrary content in the same or different programs could initiate corresponding discourses.

Against the background of the chosen ethical standard, there is no place for cancel culture in public media.

¹² It is one thing for the U.S. government to financially support the Public Broadcasting Service; at least there is some distinction between the two.

5. Grey areas¹³

Thus far, we have implicitly, and often implicitly, argued as if there were a clear and wide difference between the public and the private sectors in terms of communications. Nothing could be further from the truth, and in this section we explore the implications of a more realistic situation where a sharp dividing line cannot easily be drawn, or drawn at all, between these two polar opposites.¹⁴

It is essential to consider that the growing power of corporations has penetrated political power, both state and supranational; and, also, that the very opposite has occurred as well: the government has, also, taken over more and more control of large businesses. Thus, the current system, rather than being *laissez faire* capitalist, is a corporatist system.

Consider in this regard that the ownership of big Media, big Tech, big Pharma is transcendental. The fact that multi-million-dollar investment funds own significant percentages of the same companies could imply a high risk for the free flow of information and scientific debate.¹⁵

In the current context of the pandemic, where certain information may have favored goals of the state (e.g., Bagus, Peña-Ramos and Sánchez-Bayón 2021), we must acknowledge the fact that investment funds such as BlackRock Inc. and Vanguard Group have shareholdings in companies such as Twitter, Facebook, Google, and at the same time at firms such as Moderna, Pfizer, Johnson and Johnson. We cannot but wonder whether or not this pattern of ownership has probably restricted scientific debate.

As a result, it is difficult to maintain that contemporary media really act like private companies. Should communication companies, both conventional and digital social networks, be treated as private companies and have a free hand for censorship? That is a question that must be raised.

¹³ We are greatly indebted to our two referees in this section.

¹⁴ For the argument that our present advanced economies represent a structure with relatively little government ownership, but much regulation, see Reimann (1939); Block (2021).

¹⁵ Would more and stronger anti-trust legislation resolve this issue? For the case against, see McGee (1958); High (1984-1985); DiLorenzo and High (1988); McChesney (1991); Boudreaux and DiLorenzo (1992); Block (1994); Anderson, et. al. (2001).

It cannot be denied that the private (social) media, enjoys privileges unknown to the traditional private media. The private social media are in general regarded not as “editors” but as “platforms” and therefore, on the one hand they are not responsible for what is posted on their “platforms”, on the other hand they are not supposed to “edit” the content posted on their platforms apart from criminal content. Thus, it cannot be maintained that the two segments of the media should be treated in the exact same manner.

To the extent that digital platforms are the “public square” of our days, and they enjoy privileges, which makes them closer to “utilities”¹⁶ than other corporations in competitive and (lightly) regulated markets, they perform an important role in forming public opinion. To the extent that we believe that a limited and representative government remains “limited” in the measure that its actions “represent” a freely formed public opinion, any form of governmental intervention regarding the regulation of content, regardless of the media being private or public, is an infringement on the ideal of a free society. If the government has the tools to constrain a private company to moderate the content in its platform according to the government’s interests, can it be truly said that that company is in full exercise of private property rights? We think not.

Most, if not all “cancel culture” campaigns are orchestrated by Cultural Marxists, who having failed to divide loyalties in capitalist societies by claiming that voluntary agreements between labor and capital are intrinsically a form of exploitation, changed their claims to split society in as many identities as politically expedient for the left. Therefore, their continued efforts are, arguably, campaigns in struggles for power, from people that do not believe in a sense of justice, that bourgeoisie philosophy.

6. Conclusion

Social media, in particular, has eroded the gatekeeper’s role, which was exerted some years ago by traditional media such as

¹⁶ For the case in favor of deregulating even this type of business, see Crain and Zardkoohi (1978); Demsetz (1988); Primeaux, (1975, 1978, 1985, 1986).

broadcasting and print media. Now every person can express his opinion unfiltered on social media. At the same time, social media also invites people to express opinions without reflection, which other people can access almost unhindered and which still others can comment on almost unhindered.

Understandably, the media react to this with measures to suppress certain “offensive” content. While this approach is permissible from the point of view of utilitarianism and private property rights for private media, it poses a problem for public media. Since they are publicly funded, they should also cover the entire spectrum of opinion. A suppression of some — controversial — views must therefore not take place in the public media. Nonetheless, statements in both private and public media of course find their limits in laws. Moreover, civilized interaction is a matter of good style and should be part of all (public) communication, both in private and in public media. In this respect, two boundaries must be drawn: (1) a substantive boundary in the case of criminal offenses and (2) a boundary that is subjective in nature and can be drawn by individuals. There are various technical functions that protect individuals in social media. Cancel culture therefore, seems to be justified on private media channels from a utilitarian and libertarian perspective. However, it should be emphasized that there is a risk, particularly at the “platform”-“user” contractual level, that attempts will be made to support political currents in order to expand one’s own position of power in the social context.

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