

## Fachbereich 9 - Medienstudiengänge

Department 9 - Media Courses

### Kommentar zur Lehrveranstaltung im WS 2020/21

Description of seminars

**Veranstalter\*in:**

Lecturer: Dr. Jens Pohlmann

**Titel (dt.):** (Seminarsprache ist Englisch)

**Titel (engl.):** Regulating the Digital Public Sphere - Regulating Hate

**Beschreibung:**

Description:

The regulation of social media platforms has become a hotly debated topic, especially due to the negative effects of "hate speech" and "fake news" on public discussion and political decision-making, at least since 2016 (US election, Brexit referendum). This debate raises the question of who can and who should determine the structure of the evolving digital public sphere (private companies, government bodies, multi-stakeholder boards) and of what values should guide this process. Furthermore, the discussion about the regulation of globally active platforms has repeatedly revealed differing opinions between the United States and Germany/Europe. These differences have political, economic as well as cultural reasons and contain considerable potential for conflict between the transatlantic partners in the future.

This course will address the issues mentioned above and introduce you to the subject area of Internet/Media Governance by examining the regulation of hate speech on social media platforms from an international and comparative perspective. We will be analyzing the German anti-hate speech law, the Network Enforcement Act (NetzDG), and consider arguments for and against the law from both sides of the Atlantic. Furthermore, we will explore key elements of the discourse on freedom of expression in the digital age in order to better understand the complex relationships and power dynamics between governments, platforms, and us, the users. Topics may include: platforms' content moderation practices and their implications, state regulation and the danger of overblocking/censorship, the impact of different legal traditions in the US and Germany, US concepts of free speech and the German idea of a "wehrhafte Demokratie" (militant democracy).

**Literatur:**

Literature:

- Balkin, J. (2018). Free Speech is a Triangle. *Columbia Law Review*, 2018, Forthcoming, Yale Law School, Public Law Research Paper No. 640, Available at SSRN: <https://ssrn.com/abstract=3186205>
- Garton Ash, T. (2017). *FREE SPEECH: Ten principles for a connected world*. YALE University Press.
- Gorwa, R. (2019). What is platform governance? *Information, Communication & Society*, 22(6), 854–871. <https://doi.org/10.1080/1369118X.2019.1573914>
- Theil, S. (2018, Februar 8). The German NetzDG: A Risk Worth Taking? *VerfBlog*. <https://verfassungsblog.de/the-german-netzdg-a-risk-worth-taking/>