

## **Free Speech: Transatlantic Normative and Empirical Perspectives**

(SP 1, SP 2 und SP 5)

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### **Vorläufiges Programm**

Free speech has been increasingly controversial in recent years. For some it is both a core liberal principle and an indispensable aspect of democracy, for others it has become a cover for conduct that deeply violates human dignity, that of minorities in particular. In this interdisciplinary course, we examine the general normative underpinnings of free speech and the different forms that the legal (and specifically constitutional) operationalization of free speech has taken in the United States and Europe, Germany in particular. The US and Germany are often taken as paradigmatic examples of a more libertarian versus a “dignitarian” approach to free speech: we investigate to what extent that contrast is justified and also ask how the seemingly so different traditions of thinking about free speech have evolved. Finally, we look at free speech in the context of urgent contemporary challenges: how have free speech and the institutional infrastructure underpinning it (such as media pluralism) come under threat in so-called “illiberal” regimes that are dismantling democracy and the rule of law? And how should speech on the internet be regulated, if at all? Here again we will have an opportunity to weigh the advantages of a more restrictive approach, as in Germany, and a so far relatively lax stance by the American state.

At the end of the course, students will be familiar with a range of crucial debates at the intersection of law, political and legal theory, and intellectual history. They will also have a sense of different approaches to these debates in Europe and the United States. Lastly, they will be able effectively to draw on some of the key positions of scholars working in the area of comparative constitutional law.

**Readings:**

Keith Whittington, *Speak Freely*, Princeton University Press, 2018

John Stuart Mill, *On Liberty*

Dieter Grimm, "Freedom of Speech in a Globalized World", in: Ivan Hare and James Weinstein (eds.), *Extreme Speech and Democracy*

Timothy Garton Ash, *Free Speech: Ten Principles for a Connected World*

**Organisatorisches:**

Die Vorbesprechung findet laut ausgewiesenem Termin statt. Das interdisziplinäre und internationale Blockseminar findet am 31.5., 1.6. und 2.6. in Raum E 25 statt, Kurssprache ist englisch; es schließt sich ein thematisch passender Workshop an (14./15.6.), an dem Studierende bei Interesse teilnehmen können.

Prüfung (auf deutsch): vorausgehende Studienarbeit, anschließende Studienarbeit