

Freedom of Speech and its Postmodern Challenges in Perspectives of European and American Theory and Case Law

Abstract

This dissertation entitled *Free Speech and its Postmodern Challenges in Perspectives of European and American Theory and Case Law* joins a vibrant conversation about the changing nature of free speech in the digital era. The internet, both as a communication technology and a multimedia platform, has fundamentally transformed the world around us: political, legal, media, economic and other important dimensions of our postmodern society. As internet expanded and became almost omnipresent, it also emerged as an essential domain for freedom of speech, becoming a new public square, newspapers, radio and TV. This new and inter-connected digital cosmopolis introduced brand-new legal challenges, reflecting the inherent tension between the global virtual community and local legal rules and systems. The purpose of this dissertation is to modestly contribute to the current discourse and to introduce some complexities of this brave new world of digital free speech.

The internet, particularly Internet 2.0 in the era of social networks, redefined the rules of the game, transformed the field as well as the players. The new pluralist model of digital free speech can be portrayed as a structure with complex relations between various actors, such as internet users, global internet giants, national states, supranational entities such as the European Union, as well as internet watchdogs or the media. Free speech on the internet is reflecting this new power dynamics, as well as interactions of traditional, new and private regulation of internet speech. This dissertation also aims to describe selected fragments and features of the cyberspace and to analyze several constitutive changes of the digital era and its impact on human and civil rights of free speech and right to privacy. Last but not least, future challenges such as the phenomenon of false news and manipulation, the growing role of artificial intelligence and the complex issue of internet global jurisdiction are also addressed.

Structurally, the dissertation is divided into four chapters. The first chapter focuses on free speech in the digital era and analyzes legal, historical, technological, social, psychological as well as other aspects of the internet. The second chapter deals with the old and new types of censorship on the internet. The third chapter revolves primarily around selected legal and judicial issues, focusing on the analysis of international, Czech, European and American regulation and free speech case law. The fourth chapter addresses the unique relationship between virtual free speech and right to privacy in the context of the European right to be forgotten, as well as in connection to the specific Google Search Autocomplete function. The summary retrospectively draws conclusions of the thesis and suggests an analytical framework and principles for the future of free speech in the digital space. From a methodological angle, this dissertation is construed as an applied theory of law with a multidisciplinary bridge towards political science and media studies. The primary method is a critical analysis of legal framework and selected case law in comparative European and American perspective, inspired by recent legal theory and philosophy.