#### DISINFORMATION, MISINFORMATION, AND DEMOCRACY

In today's digital age, the spread of dis- and misinformation across traditional and social media poses a significant threat to democracy. Yet repressing political speech in the name of truth can also undermine democratic values. This volume brings together prominent legal scholars from democracies worldwide to explore and evaluate different regulatory approaches for addressing this complex problem – all taking into account that the cure must not be worse than the disease. Using a comparative lens, the book offers important and novel insights into methods ranging from national regulation of politicians' speech to empowering civil-society groups that are well-positioned to blunt the effects of disinformation and misinformation. The book also provides solutions-oriented recommendations for policymakers, judges, legal practitioners, and scholars seeking to promote democratic values by encouraging free political speech while combatting disinformation and misinformation. This title is also available as Open Access on Cambridge Core.

Ronald J. Krotoszynski, Jr. is the John S. Stone Chair, Director of the Program in Constitutional Studies and Initiative for Civic Engagement. He is the author of numerous law review articles and several books, including *Free Speech as Civic Structure* (2024) and *The Disappearing First Amendment* (2019).

András Koltay is Research Professor at the Ludovika – University of Public Service (Budapest) and Professor of Law at Pázmány Péter Catholic University (Budapest). His principal research has been concerned with freedom of speech, personality rights, and media regulation. He is the author of *Media Freedom and the Law* (2024) and *New Media and Freedom of Expression* (2019).

Charlotte Garden is the Julius E. Davis Professor of Law at the University of Minnesota. Much of her scholarship and public commentary considers the relationship among the First Amendment, labor unions, and American democracy. She is a co-editor of *The Cambridge Handbook of U.S. Labor Law for the Twenty-First Century* (2019).

# Disinformation, Misinformation, and Democracy

## LEGAL APPROACHES IN COMPARATIVE CONTEXT

Edited by

## RONALD J. KROTOSZYNSKI, JR.

University of Alabama

# ANDRÁS KOLTAY

Ludovika – University of Public Service (Hungary)

### CHARLOTTE GARDEN

University of Minnesota







Shaftesbury Road, Cambridge CB2 8EA, United Kingdom One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009373289

DOI: 10.1017/9781009373272

© Ronald J. Krotoszynski, Jr., András Koltay and Charlotte Garden 2024

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

An online version of this work is published at doi.org/10.1017/9781009373272 under a Creative Commons Open Access license CC-BY-NC 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given and any changes made are indicated. To view a copy of this license visit https://creativecommons.org/licenses/by-nc/4.0

When citing this work, please include a reference to the DOI 10.1017/9781009373272

#### First published 2024

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data NAMES: Ronald J. Krotoszynski, Jr., 1967-editor. | Koltay, András, 1978-editor. | Garden, Charlotte, 1979-editor.

TITLE: Disinformation, misinformation, and democracy: legal approaches in comparative context / edited by Ronald J. Krotoszynski, Jr., András Koltay, Charlotte Garden.

DESCRIPTION: Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2024. |
Includes bibliographical references and index.

IDENTIFIERS: LCCN 2024013567 (print) | LCCN 2024013568 (ebook) | ISBN 9781009373289 (hardback) | ISBN 9781009373302 (paperback) | ISBN 9781009373272 (epub)

SUBJECTS: LCSH: Freedom of speech. | Freedom of information. | Freedom of the press. | Freedom of expression. | Disinformation. | Misinformation. | Fake news. | Democracy.

CLASSIFICATION: LCC K3255 .D57 2024 (print) | LCC K3255 (ebook) | DDC 342.08/53-dc23/eng/20240412

LC record available at https://lccn.loc.gov/2024013567 LC ebook record available at https://lccn.loc.gov/2024013568

ISBN 978-1-009-37328-9 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.