

DIRITTI COMPARATI

Comparare i diritti fondamentali in Europa

THE INTERNET AND CONSTITUTIONAL LAW. THE PROTECTION OF FUNDAMENTAL RIGHTS AND CONSTITUTIONAL ADJUDICATION IN EUROPE, ROUTLEDGE, 2016

Posted on 22 Dicembre 2015 by [Redazione](#)

The Internet and Constitutional Law. The protection of fundamental rights and constitutional adjudication in Europe

Edited by Oreste Pollicino, Graziella Romeo
2016 – Routledge

264 pages



About the Book

This book analyses emerging constitutional principles addressing the regulation of the internet at both the national and the supranational level. These principles have arisen from cases involving the protection of fundamental rights. This is the reason why the book explores the topic thorough the lens of constitutional adjudication, developing an analysis of Courts' argumentation.

The volume examines the gradual consolidation of a “constitutional core” of internet law at the supranational level. It addresses the European Court of Human Rights and the Court of Justice of the European Union case law, before going on to explore Constitutional or Supreme Courts’ decisions in individual jurisdictions in Europe and the US. The contributions to the volume discuss the possibility of the “constitutionalization” of internet law, calling into question the thesis of the so-called anarchic nature of the internet.

Table of Contents

Introduction Part I: Section 1: The theoretical framework and the jurisdiction conundrum in a comparative perspective 1. Judicial Reasoning and New Technologies: Framing, Newness, Fundamental Rights and the Internet *András Sajó and Clare Ryan* 2. The boundaries of jurisdiction in cybercrime and constitutional protection: the European perspective *Catherine Van de Heyning* 3. The US perspective on the constitutional protection of the Internet: jurisdiction, privacy and equality on line *Molly Land* Section 2: European Standards for protection of fundamental rights in the Internet 4. Freedom of expression in the Internet: trends of the case law of the European Court of Human Rights *Juan Barata Mir and Marco Bassini* 5. The Court of Justice of the European Union and the illusion of balancing in Internet-related disputes *Filippo Fontanelli* Part II: Models of constitutional adjudication on internet issues: a comparative perspective 6. Protection of fundamental rights and the Internet: a comparison between Italian and French systems of constitutional adjudication *Paolo Passaglia* 7. Protection of fundamental rights and the Internet: a comparative appraisal of Germany and Central European constitutional case law *András Jori* 8. Constitutional adjudication on Internet issues in Poland *Krystyna Kowalik* 9. The protection of digital expression in the UK: old principles in a new world *Jacob Rowbottom* 10. The constitutional ripeness of principles in Internet law in the Netherlands *Gert-Jan Leenknecht* 11. Internet Law, protection of fundamental rights and the role of constitutional adjudication: concluding remarks *Oreste Pollicino and Graziella Romeo*

Further information [here](#).