

Facebook Versus German Hate Speech Laws

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[Facebook](#) in Germany is a test case globally on how social media should respond to inappropriate and illegal content. Chancellor Angela Merkel and Justice Minister Heiko Maas are demanding that Facebook monitors the content published in its network and deletes unlawful content within 24 hours.

This illustrates the dilemma between maintaining freedom of speech, as defined in [Article 5](#) of Germany's constitution, and protecting vulnerable minorities. (Section 130 of the [German Criminal Code](#) establishes imprisonment for persons who incite hatred against protected classes.) Minister Mass [stated](#), "In my view [Facebook] should be treated as media even if they do not correspond to the media concept of television or radio." This would result in Facebook facing potential criminal liability for the content they publish or do not "magically" delete for [36 million](#) Facebook users in Germany.

A recent episode in the battle between the network and German authorities involved a Berlin restaurant owned by Mr. Yorai Feinberg, a 35-year-old Israeli. A far-right group published a post containing the names and addresses of Jewish institutions and businesses under the banner "Jews Among Us." Mr. Feinberg soon received anonymous harassing phone calls telling him, "I hate Jews."

Mr. Feinberg did not report the post and stated, "I have reported things to Facebook at least 20 times, and 100 percent of the time, they have refused to take it down. Facebook doesn't do anything." Facebook's initial reaction was to not remove the post as it complied with its "community standards" for what it deems to be within the bounds of free speech. After the strong reaction of social media and German newspapers, Facebook not only deleted the post but the far-right group's entire page.

Facebook's Vice President Public Policy EMEA, Mr. Richard Allan affirmed, "We recognize that this is a work in progress," and concluded, "It was hate speech, and it should have been taken down."

Germany's demand for Facebook to effectively monitor and block posted content brings up the criticism the platform has received regarding fake news in the context of the elections in the [United States](#) and [elsewhere](#).

Mark Zuckerberg, chairman and chief executive, said that the idea that fake news on Facebook influenced the election is a "[pretty crazy idea](#)" and [posted](#) four days after the U.S. election that "of all the content on Facebook, more than 99% of what people see is authentic" making "it extremely unlikely hoaxes changed the outcome of this election in one direction or the other."

Facebook rejects claims that it has not responded to the rise in hate speech in Germany and elsewhere, saying it continually updates its community standards to weed out inappropriate posts and comments. Mr. Zuckerberg said, "We have already launched work enabling our community to flag hoaxes and fake news, and there is more we can do here. We have made progress, and we will continue to work on this to improve further."

But lawmakers in Germany and the United States are pressing Facebook to effectively block hate speech, fake news and other misinformation shared online. If Facebook does not comply, it may face newly tailored laws, fines and other legal actions.