



Censorship Never Dies

Andrea Kovács, PhD.,

License Manager at Hungarian Telekom, Eötvös Loránd University (ELTE), Faculty of Law, Budapest, Hungary.

Article Details

Article Type: Book Review

Received date: 23rd January, 2024

Accepted date: 20th February, 2024

Published date: 22nd February, 2024

***Corresponding Author:** Andrea Kovács, PhD., License Manager at Hungarian Telekom, Eötvös Loránd University (ELTE), Faculty of Law, Budapest, Hungary.

Citation: Kovács, A., (2024). Censorship Never Dies. *J Poli Sci Publi Opin*, 2(1): 108. doi: <https://doi.org/10.33790/jpspo1100108>.

Copyright: ©2024, This is an open-access article distributed under the terms of the [Creative Commons Attribution License 4.0](https://creativecommons.org/licenses/by/4.0/), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

Abstract

Gergely Gosztonyi's monograph was published by Springer International in late 2023. The author navigates the readers through the attempts to regulate social media, the case law and the platforms' guidelines and policies. The book is easy to understand and an interesting summary for legal practitioners and non-professionals as well.

Keywords: Censorship, Social Media, Content Regulation, Internet Regulation, Content Moderation

Introduction

In the 21st century, everyone is free to share their messages with the world with just a few clicks in a myriad of forms, such as simple text messages, images, podcasts, and videos. These messages can reach millions of people in a blink on the platform of the communicator's choice. Or can they? In such a technological environment, does it even make sense to talk about censorship?[1]

Gosztonyi's monograph [2] has a positive answer to this question, the issue of censorship is still relevant today. The cases from the 2020s presented in the first chapter of the book support the validity of this research topic, and this validity is reinforced further in the following chapters. However, the author first discusses and clarifies two important concepts: what censorship is, not in its overused sense, and what content management is. Furthermore, he describes the countless tools that can be and are currently used to filter and rank content that Internet users may be exposed to.

Following the conceptual clarification, the author provides snapshots of the history of censorship from antiquity to the 20th century. These snapshots help the reader to understand the dilemmas of today and can serve as context of examples for recent regulatory attempts.

After the historical introduction, the author describes the late 1990s and early 2000s phenomena: social media, Web 2.0 and the concept of wild wild web [3]. This era is probably best summed up by John Perry Barlow: "Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather." [4]

This concept of an almost lawless cyberspace was then replaced by the first cautious regulation attempts: the American Communication Decency Act [5] and the European E-Commerce Directive [6], that are examined in detail in this book. Then, Gosztonyi leads us to the current European regulations [7] that replace the outdated ones – the 2022s Digital Markets Act [8] and the Digital Services Act [9].

The uniqueness of this book is its 360-degree view of the issue, as it does not stop at the historical context and current "Western" regulatory concepts but examines other global players' regulations as well. The dystopian-like Chinese model of censorship and the Great Chinese Firewall may serve as an example for hybrid regimes and authoritarian states. As Gosztonyi cites from the study by Philip Bennett and Moïse Naim: "China has advised Iran on how to build a self-contained 'Halal' internet. Beijing has also been sharing know-how with Zambia to block critical Web content, according to Reporters Without Borders [10]."

Of course, in addition to the legal framework, the book puts emphasis on the service providers' community guidelines and policies – drawn up in line with their commercial interests. The service providers' ability and willingness to implement actions in accordance with the legislation and their guidelines are also examined. The author also gives an insight into Facebook's moderation policies, practices, and the potential risks of using artificial intelligence for content regulation. As regulation alone is only one side of the coin, the case law of the European Court of Human Rights and the Court of Justice of the European Union are also considered. Gosztonyi dedicates two chapters to case law, one of which focuses on the restriction of Internet access as a relatively new and particularly drastic instrument of censorship.

As a conclusion, possible future directions of censorship and content management are discussed. In this chapter, the reader can find the most important message of the monograph: how the Internet should be regulated based on experience, legal and other relevant documents. The 26-point summary at the end highlights that censorship and/or content management cannot be and should not be examined from a single perspective. Still, all relevant legal, economic, and practical arguments must be considered locally as well as globally [11].

Although most of the topics mentioned have extensive literature, most studies generally examine only one or two aspects of them, rarely putting them into historical context. The case of this monograph is different, as it was written with a holistic approach, presenting the phenomenon of censorship across time and space. The book covers both past and present, public attempts at regulation, proposals, guides, and other documents published by international and non-governmental organizations, private regulations by the platforms themselves as well as the case law of the European courts. In addition, the author does not forget the existence of economic interests nor whether such rules mean risks to other rights or are enforceable at all.

The book was written primarily for legal practitioners; it is a perfect summary of the current regulatory, judicial and platform practices, it illustrates the complexity of censorship and content regulation with recent cases. These cases are helpful for non-legal professionals to understand the impact of Donald J. Trump on social media and social media regulation, how algorithms and artificial intelligence can be used to filter and remove content, and whether it is an acceptable side effect to block all websites along one truly offensive one just because their IP address is the same. “The struggle for freedom of expression has only taken new directions with the advent of the internet, but old fears have remained with us in new guises [12].”

Competing Interest: The author(s) declare that they have no competing interests.

References

1. Andrea Kovács is a License Manager at Hungarian Telekom and a PhD Candidate at Eötvös Loránd University (ELTE), Faculty of Law, Budapest, Hungary.
2. Gosztanyi, G. (2023). *Censorship from Plato to Social Media: The Complexity of Social Media's Content Regulation and Moderation Practices*. Springer, Cham. doi:<https://doi.org/10.1007/978-3-031-46529-1>
3. Gosztanyi, G., (2021). Early Regulation of Social Media Liability Issues in the United States of America and the European Union. *Jogtörténeti Szemle* 19(4), pp. 21-26.
4. Barlow, J. P. (1996). A Declaration of the Independence of Cyberspace. *Electronic Frontier Foundation*, <https://www.eff.org/cyberspace-independence>. Date of access: 2024. 01. 21.
5. Communications Decency Act (CDA), Pub. L. No. 104-104 (Tit. V), 110 Stat. 133 (Feb. 8, 1996)
6. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), OJ L 95, 2010. 04. 15., pp. 1–24.
7. Gosztanyi, G. & Cendic, K. (2022): Main Regulatory Plans in European Union's New Digital Regulation Package. In: Pashakhin, S. & Musabirov, I. & Koltsova, O. & Kabanov, Y. & Chugunov, A. V. & Boukhanovsky, A. V. & Alexandrov, D. A. (eds.) (2022). *Digital Transformation and Global Society*. Springer, Cham.
8. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), PE/17/2022/REV/1, OJ L 265, 2022. 10. 12., pp. 1–66.
9. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), PE/30/2022/REV/1, OJ L 277, 2022. 10. 27., pp. 1–102.
10. Bennett, P. & Naim, M. (2015). 21st-century censorship. *Columbia Journal Rev* 14(1).
11. Gosztanyi (2023), pp. 179–181.
12. Gosztanyi (2023), p. 182.