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PLATFORMS, POWER, SPEECH

Platforme, moć, govor

Platformok, hatalom, beszéd

Gergely Gosztonyi: *Censorship from Plato to Social Media*. [Cenzúra Arisztotelésztől a Facebookig]. Springer, 2023, 182 p.

In an era characterised by the dissemination of false information and the manipulation of algorithms, the subject of censorship has become increasingly pertinent. In the context of current societal challenges pertaining to the maintenance of free expression in the face of content that is deemed harmful or misleading, academic works such as Gosztonyi's contribute a valuable degree of clarity and structure to an increasingly fragmented debate.

Gergely Gosztonyi's book *Censorship from Plato to Social Media* presents a timely and in-depth exploration into one of the most enduring and increasingly

complex phenomena in legal, political, and technological discourse: censorship. Published in 2023 as part of Springer's *Law, Governance and Technology* series (Volume 61), the book builds upon the author's earlier Hungarian publication, expanding its scope for an international audience. Gosztonyi, a legal scholar with a strong interdisciplinary orientation, examines how the forms and functions of censorship have evolved from antiquity to the digital present, with particular emphasis on content moderation in social media environments.

The book opens with an accessible yet thought-provoking introduction that draws attention to contemporary regulatory dilemmas, such as the European Union's amendment of the Audiovisual Media Services Directive (AVMS). This serves as a springboard for a broader inquiry into the dynamics between freedom of expression, copyright, and algorithmic content filtering. Gosztonyi's central aim is to redefine censorship as a fluid and multifaceted concept shaped by technological innovation, shifting societal norms, and legal frameworks. He draws on various methods – including legal analysis, historical case studies, and comparative approaches – to illustrate the changing contours of content control.

In his work *Censorship from Plato to Social Media*, Gosztonyi explores the historical arc of censorship tracing its evolution from ancient philosophical debates to contemporary challenges in the digital age. The initial chapters delve into the intellectual underpinnings of censorship, beginning with Plato's advocacy for strict control over artistic expression to protect the moral fabric of the ideal state. This perspective was mirrored in Ancient Rome, where censorship was institutionalized to maintain public morality and social order. During the Middle Ages, censorship became closely tied to religious authority, with the Catholic Church's *Index Librorum Prohibitorum* serving as a prominent example of efforts to suppress heretical and non-conforming ideas. The invention of the printing press in the 15th century amplified concerns over the dissemination of unregulated information, prompting both religious and secular authorities to increase control over printed materials.

The Enlightenment era marked a significant shift in attitudes toward censorship. Thinkers like Voltaire and Diderot championed freedom of expression and criticized the suppression of ideas, advocating for the dissemination of knowledge to empower individuals and challenge authoritarian rule. This period saw the emergence of liberal democratic ideals that emphasized individual rights and the importance of a free press in fostering informed public discourse. However, the 20th century revealed that censorship did not vanish with the rise of liberal democracies. Authoritarian regimes, such as Nazi Germany and the Soviet Union, employed sophisticated propaganda and censorship apparatuses to control information and suppress dissent. Even within democratic societies, wartime periods often saw the

implementation of censorship measures aimed at maintaining national security and public morale. Gosztanyi narrates this historical trajectory through a nuanced lens, emphasising the socio-political contexts that have shaped each era's approach to regulating speech. His analysis underscores the persistent tension between the desire to protect societal values and the imperative to uphold individual freedoms. By situating contemporary debates on digital censorship within this rich historical framework, Gosztanyi invites readers to consider the complexities and enduring challenges of balancing freedom of expression with the need for regulation in an ever-evolving information landscape.

One of the book's most compelling sections explores the digital environment, where social media platforms now act as powerful intermediaries of communication. Gosztanyi highlights how platforms such as Facebook, Twitter, and YouTube have evolved into quasi-regulatory entities, establishing their own forms of quasi-legislation through terms of service and community standards. He systematically categorizes censorship into political, economic, and voluntary (self-censorship) types and underlines how algorithmic moderation and opaque decision-making structures challenge traditional notions of legal accountability and transparency.

Gosztanyi sheds light on the evolving legal landscape governing online content moderation, particularly through the lens of European jurisprudence. A dedicated chapter explores the legal frameworks and case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU), illustrating the intricate balance between intermediary liability and freedom of expression in the digital age.

One of the pivotal cases analyzed is *Delfi AS v. Estonia*, where the ECtHR held that an online news portal could be held liable for offensive comments posted by its readers. Despite Delfi's implementation of a notice-and-takedown system, the Court found that the portal's failure to prevent the publication of clearly unlawful comments constituted a justified and proportionate restriction on its freedom of expression. This ruling underscored the responsibility of online platforms to proactively monitor and moderate user-generated content, especially in cases involving hate speech or incitement to violence. In contrast, in *Magyar Tartalom-szolgáltatók Egyesülete and Index.hu Zrt v. Hungary*, the ECtHR adopted a more lenient stance. It ruled that imposing objective liability on website operators for user comments – without considering the effectiveness of existing moderation mechanisms – violated Article 10 of the European Convention on Human Rights. This decision highlighted the importance of balancing reputation protection with the right to freedom of expression, particularly when the comments do not constitute hate speech.

Gosztonyi further analyzes the CJEU's decision in *L'Oréal SA v. eBay International AG*, which addressed the liability of online marketplaces for trademark infringements committed by their users. The Court held that eBay could not benefit from the liability exemption provided under Article 14(1) of the E-Commerce Directive if it played an active role in promoting or optimizing the sale of counterfeit goods. This ruling clarified the conditions under which online intermediaries can be held accountable for user activity – especially when they exert knowledge of or control over infringing content.

By juxtaposing these landmark cases, Gosztonyi illustrates the nuanced and, at times, inconsistent application of liability principles for online platforms within European jurisprudence. He contrasts the European regulatory approach with that of the United States and China, revealing how distinct legal traditions navigate the balance between freedom of expression and competing rights and societal interests. In the U.S., for instance, Section 230 of the Communications Decency Act provides broad immunity to online platforms for user-generated content, fostering a more permissive environment for free speech. Conversely, China's stringent regulations and state-controlled internet infrastructure exemplify a model where censorship and content control are heavily emphasized. Gosztonyi's analysis underscores the challenges faced by policymakers and legal systems in adapting traditional legal concepts to the rapidly evolving digital landscape. His work contributes to the ongoing discourse on the responsibilities of online intermediaries and the protection of fundamental rights in the age of social media.

The discussion on the European Union's *Digital Services Act* (DSA) and *Digital Markets Act* (DMA) provides critical context for understanding the future of digital governance in Europe. Gosztonyi examines the European Union's ambition to reclaim control over digital infrastructure and ensure greater accountability among large online platforms, aligning with broader discussions of digital sovereignty in policy debates. He outlines how the DSA introduces new mechanisms to address illegal content, misinformation, and systemic risks - such as the Notice and Action Mechanism (NAM) and enhanced responsibilities for Very Large Online Platforms (VLOPs).

The book also includes a comprehensive examination of China's approach to internet governance, framing it within the concept of "digital authoritarianism." This model leverages advanced technologies, such as facial recognition, artificial intelligence (AI), and big data analytics, to exert pervasive control over information and society. Gosztonyi emphasizes that while China has implemented certain regulatory measures related to data protection and consent, these provisions typically exclude the operations of state security agencies. As a result, the

surveillance infrastructure continues to operate with extensive reach and limited transparency, serving as a powerful tool for maintaining centralized control.

Gosztonyi also addresses the structure of China's internal surveillance regime, emphasizing the role of technologies such as facial recognition, artificial intelligence, and data-driven monitoring in maintaining state control. He highlights how these tools contribute to a system of real-time population oversight that reinforces authoritarian governance. Although recent regulations suggest an interest in data protection, such as requiring consent for facial recognition in certain contexts, these rules largely exclude state security agencies. As a result, the broader surveillance apparatus remains expansive and operates with minimal transparency.

In his analysis, Gosztonyi focuses on the implications of China's digital authoritarianism for global norms surrounding freedom of expression and privacy. By demonstrating how digital tools can enable comprehensive state control, the Chinese model challenges democratic values and underscores the urgent need to protect digital rights worldwide.

In the final chapter, "Possible Directions for the Future," Gosztonyi reflects on the tensions between technological advancement and freedom of expression. He discusses the concept of the "splinternet," wherein national or regional internet ecosystems fragment the once-unified global web. The author stresses that future regulatory efforts must be proportionate, context-sensitive, and grounded in fundamental rights. He also highlights initiatives like the Santa Clara Principles and the Council of Europe's guidelines, which seek to enhance transparency and accountability in digital content governance.

Censorship from Plato to Social Media is a seminal and insightful contribution to studying digital communication, legal regulation, and public discourse. Gosztonyi's interdisciplinary methodology, balanced narrative, and legal precision make this volume particularly valuable for scholars, policymakers, media professionals, and anyone interested in the digital age's evolving nature of freedom of expression. The book successfully maps the complexity of censorship while offering an explicit and informed perspective on the pressing questions that define our contemporary information society.