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Varia. Recensões/Book Reviews/Reseñas

The Historical Arc and Contemporary Problems of Censorship. Review of Gergely Gosztanyi's *Censorship from Plato to Social Media: The Complexity of Social Media's Content Regulation and Moderation Practices*



O Arco Histórico e os Problemas Atuais da Censura. Recensão de Censorship from Plato to Social Media: The Complexity of Social Media's Content Regulation and Moderation Practices, de Gergely Gosztanyi

El Arco Histórico y los Problemas Contemporáneos de la Censura. Reseña de Censorship from Plato to Social Media: The Complexity of Social Media's Content Regulation and Moderation Practices, de Gergely Gosztanyi

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**Gosztanyi Gergely. Censorship from Plato to social media: The complexity of social media's content regulation and moderation practices. 2023. Springer**

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**Abstract:** Gergely Gosztanyi's latest book delves into the contemporary landscape of censorship, emphasising the impact of new technologies. Amid an unprecedented ease of information sharing, the paradox of widespread yet easily restricted speech emerges, now influenced by major tech entities instead of traditional state or religious powers. Gosztanyi provides a nuanced typification system for various forms of censorship, highlighting historical perspectives from Plato to modern times to underscore pivotal legal theories on freedom of expression. The work navigates the evolution of content regulation driven by social media, highlighting legislative shortcomings and self-regulatory practices in the US and the European platform regulation framework with the signing of the Digital Services Act and the Digital Markets Act. Apart from providing a critical view on the practical applicability of these main schemes of internet regulation, a comparative analysis introduces the stringent Chinese model as an emerging global trend. A detailed examination of content moderation, combining artificial intelligence and human oversight, is suggested as the most viable path forward, ensuring transparency. European case law is meticulously analysed, illuminating the liability of online platforms for unlawful content and state-imposed internet restrictions. The book identifies global trends in digital authoritarianism and proposes 26 regulatory principles for effective internet governance. While the focus on freedom of expression may seem narrow, Gosztanyi's work stands as a pivotal resource for understanding and addressing the legal, technological, and societal dimensions of modern censorship.

**Keywords:** Freedom of Expression, Social Media, Digital Platforms.

**Resumo:** O último livro de Gergely Gosztonyi analisa o atual panorama da censura, destacando o impacto das novas tecnologias. Perante uma facilidade de partilha de informação sem precedentes, emerge o paradoxo de uma liberdade de expressão generalizada, mas facilmente restringida, agora com a influência de grandes empresas tecnológicas em vez dos tradicionais poderes estatais ou religiosos. Gosztonyi fornece um sistema de tipificação matizado para várias formas de censura, destacando perspectivas históricas desde Platão até aos tempos modernos para sublinhar teorias legais fundamentais sobre a liberdade de expressão. A obra explora a evolução da regulação dos conteúdos impulsionada pelos *media* sociais, identificando as insuficiências legislativas e as práticas de autorregulação nos EUA, bem como o quadro de regulação das plataformas europeias com a assinatura do Regulamento dos Serviços Digitais e do Regulamento dos Mercados Digitais. Para além de fornecer uma visão crítica sobre a aplicabilidade prática destes principais regimes de regulação da internet, apresenta, de forma comparativa, o rigoroso modelo chinês como uma tendência global emergente. É sugerida uma análise pormenorizada da moderação de conteúdos, que combina inteligência artificial e a supervisão humana, como resposta mais viável para garantir a transparência. A jurisprudência europeia é analisada meticolosamente, esclarecendo a responsabilidade das plataformas online por conteúdos ilegais e restrições impostas pelo Estado na internet. O livro identifica as tendências globais do autoritarismo digital e propõe 26 princípios regulamentares para uma governação eficaz da internet. Embora o foco na liberdade de expressão possa parecer restrito, o trabalho de Gosztonyi é um recurso fundamental para compreender e abordar as dimensões legais, tecnológicas e sociais da censura moderna.

**Palavras-chave:** Liberdade de Expressão, *Media* Sociais, Plataformas Digitais.

**Resumen:** El último libro de Gergely Gosztonyi se adentra en el panorama contemporáneo de la censura, destacando el impacto de las nuevas tecnologías. Ante una facilidad de compartir información sin precedentes, surge la paradoja de una libertad de expresión generalizada pero fácilmente restringible, ahora bajo la influencia de las grandes entidades tecnológicas más que los poderes tradicionales estatales o religiosos. Gosztonyi ofrece un sistema de tipificación matizado de diversas formas de censura, destacando perspectivas históricas desde Platón hasta la época moderna para subrayar teorías legales fundamentales sobre la libertad de expresión. La obra examina la evolución de la regulación de contenidos impulsada por los medios sociales, identificando las

insuficiencias legislativas y las prácticas de autorregulación en EE. UU. así como el marco europeo de regulación de plataformas con su Reglamento de Servicios Digitales y la Reglamento de Mercados Digitales. Además de ofrecer una visión crítica sobre la aplicabilidad práctica de estos principales esquemas de regulación de internet, un análisis comparativo presenta el estricto modelo chino como una tendencia mundial emergente. Se sugiere un examen detallado de la moderación de contenidos, que combina inteligencia artificial y supervisión humana, como el camino más viable para avanzar para garantizar la transparencia. La jurisprudencia europea se analiza meticulosamente, aclarando la responsabilidad de las plataformas online por contenidos ilícitos y restricciones de internet impuestas por el Estado. El libro identifica las tendencias globales del autoritarismo digital y propone 26 principios reguladores para una gobernanza eficaz de internet. Aunque el énfasis en la libertad de expresión pueda parecer estrecho, la obra de Gosztonyi constituye un recurso fundamental para comprender y abordar las dimensiones legales, tecnológicas y sociales de la censura moderna.

**Palabras clave:** Libertad de Expresión, Medios Sociales, Plataformas Digitales.

After a brief introduction to the history, types, and forms of censorship, Gergely Gosztonyi's latest book "rightly puts the focus on new technologies" – as András Koltay (2022, p. 14), president of the Hungarian National Media and Infocommunications Authority, points out in his recommendation to the Hungarian language edition of the book. The book reveals that today we are faced with a democratic paradox that has yet to be resolved. On the one hand, sharing and accessing information has never been easier, as the explosion of the internet and online platforms has fundamentally reshaped the democratic public sphere. On the other hand, it has never been easier to limit the speech and ideas that are made public, and the power of censorship, after centuries of hegemony, is no longer concentrated in the hands of states and the church, but in the hands of a few technological giants.

The above contradiction may be seen by some as a feature, rather than a flaw, since "the history of censorship may be as old as the history of communication" (Gosztonyi, 2023, p. 7). This raises the question: what do we mean by censorship? The frequently used term has a wide range of meanings in the common language, which makes it questionable whether it has a precise legal definition. While accepting that too broad of a definition can undermine the effectiveness of legal regulation, Gosztonyi (2023) concludes that "a broad use of censorship can also lead to a more complete protection of freedom of expression" (p. 10).

In the second chapter, the author introduces a comprehensive and pioneering typification system, in which he classifies censorship according to its performer, institutional system, "width", period, impact, purpose, subject, frequency and consequence. He details the characteristics of political, economic, and self-censorship, contrasting them with each other. The significant added value of this work is that it illustrates with practical examples the specificities of political censorship, understood in a four-tier matrix, covering direct and indirect, visible and stealthy tools, which thus becomes tangible even for the lay reader.

In the third chapter, the reader is presented with snapshots from the history of political censorship in Europe and the United States of America, ranging from Plato, who is also included in the title of the work, to the turn of the millennium. In addition to the role played by the spread of book printing and the influence of the Catholic Church, this chapter discusses the steady trend of abolishing prior censorship. Carefully woven into the historical overview spanning centuries, the author also details the main legal theories by John Milton, John Locke, Jeremy Bentham and John Stuart Mill, underpinning the freedom of press and subsequently the freedom of expression to date.

The fourth chapter, titled "The Spread of Social Media and the Emergence of New Forms of Content Regulation", covers a very wide range of topics. On the one hand, it describes the evolution from the one-way flow of information with little or no feedback and a passive receiver, which has been common for centuries, to two-way and multi-way communication with complex relationships with an active receiver. The differences are again illustrated with a clear comparative table. On the other hand, it identifies the — often inadequate — legislative responses in Europe and the United States of America to technological developments, from the myth of the initial lawless space to the regulatory activity of recent years.

This is followed by a brief look at the "Regulatory Options in the United States of America" (Chapter 5), which is justified given that the vast majority of technology firms are headquartered in the United States of America, and the domestic light-touch regulatory environment is fundamental to their day-to-day operations. With the forever looming "threat" of comprehensive legislation of online platforms as a backdrop, the author details contemporary self-regulatory initiatives launched by technology giants, highlighting the competence, funding and independence risks posed by the Facebook Oversight Board and the BlueSky of Twitter (now, X).

Chapter 6 outlines in detail the main directions of the European Commission’s “Digital Agenda for Europe 2020”, and then identifies the benefits and disadvantages of the Digital Services Act (DSA; Regulation (EU) 2022/2065), and the Digital Markets Act (DMA; Regulation (EU) 2022/1925). As a notable advancement compared to the prior Hungarian language edition of the book, Gergely Gosztonyi based his analysis on the final texts of the two digital regulations, as opposed to their proposals. As the author also concludes, the textual analysis of the DSA and the DMA offers limited insights regarding their applicability and impact in practice. Much will depend on the European Commission’s and other relevant authorities’ approach to fulfil the present digital regulations’ promises to the fullest (Cendic & Gosztonyi, 2022).

The distinctive feature of the book is that it goes beyond the US and European models to present a third way of regulating content on the internet. The seventh chapter, entitled “The Chinese Model”, gives the reader a glimpse behind the Great Firewall of China, where internet sovereignty and strict service provider responsibility prevail. As bizarre and far-fetched as it may seem to European eyes, the construction of cyber sovereignty is the goal of a growing number of authoritarian states around the world.

The eighth chapter explores the human and technical aspects of content management on the internet. In addition to outlining the possibilities and risks posed by both artificial intelligence based and human moderation on their own, the Facebook content moderation policy is examined in detail to frame the problem. The author identifies a combination of pre-moderation and recommendation by artificial intelligence and human correction and supervision as the only way forward, while ensuring full transparency.

The ninth chapter returns to the European arena and uses the case law of the European Court of Human Rights and the Court of Justice of the European Union to present the details of the rules on the liability of online platforms for unlawful content. Such a comprehensive overview is indeed justified, as the jurisprudence of the European Court of Human Rights is constantly evolving (Cendic & Gosztonyi, 2022). In addition to presenting the decisions, the author puts them in context, constantly reflecting on the law-making practice of the courts and the diverging attitudes of the two bodies. Chapter 10, on the other hand, focuses on the practice of restricting access to the internet by states for political purposes in the light of the case law of the European Court of Human Rights. Here again, Gosztonyi is able to confidently provide readers with a solid and comprehensive picture.

In the chapter on “The Rise of Digital Authoritarianism Across the Globe” (Chapter 11), he identifies contemporary trends in internet access. “For almost 40% of the world’s population, free and unrestricted access to the Internet, and therefore freedom of expression, is a pipe dream” (Gosztonyi, 2023, p. 165), is perhaps the most sobering statement in the book. But beyond identifying problems and challenges, the author also offers specific and practical proposals for solutions in the following chapter (Chapter 12). The outstanding added value of the book is the collection of 26 points summarising the basic requirements of internet regulation and content moderation. This list, compiled from governmental, non-governmental organisations and academic sources and structured in a straightforward manner, fundamentally differentiates the present work from previous works on the subject.

Online platforms are often criticised for not removing illegal and harmful content altogether or in due time, and, at the same time, for over-censoring legitimate speech based on their political or economic interests. A similar, albeit less severe, two-pronged criticism is justified of the Gosztonyi’s latest work, as it simultaneously deals too little and too much with freedom of expression. On the one hand, devoting a short chapter to the millennia-long history of censorship (Chapter 3) may seem generalising or even simplistic. Although the focus is rightly placed on emergent new technologies, readers may view this standalone chapter as out of place. On the other hand, the author focuses exclusively on the fundamental rights — freedom of

expression — issues raised by online platforms, thus excluding from his analysis data protection, competition law, consumer protection and other challenges. Indeed, with the ever-increasing degree of media convergence, legal fields also interact more closely with each other — this should have been analysed more deeply.

In conclusion, censorship will never disappear. “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” (Gosztonyi, 2023, p. 182). The author’s latest book is a fundamental work for the European legal community as a foundation for the platform regulation discourse, which is still in its early years. The author provides a comprehensive, detailed and holistic analysis of the threats posed by the content moderation practices of online platforms to freedom of expression online. In addition to presenting the legal aspects through the lens of regulation and case law, he is able at the same time to draw on his knowledge of technology and media science to shed light on the broader technological and societal contexts.

## BIOGRAPHICAL NOTE

János Bálint is a PhD candidate at Eötvös Loránd University (Hungary) and trainee lawyer at CMS Cameron McKenna Nabarro Olswang LLP Hungarian Branch Office. His PhD research is titled “EU Platform Regulation: Societal Challenges in the 21st Century”, focusing on the convergence of different legal fields (data protection, media, consumer protection and competition law) in the context of the European Union’s novel platform regulation legal framework. He also holds media law lectures at the Károli Gáspár University of the Reformed Church in Hungary.

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