



SZÁZADVÉG

AGAINST FACEBOOK CENSORSHIP

JUSTICE, FREEDOM, NATIONAL SOVEREIGNTY IN THE 21ST CENTURY

SZÁZADVÉG FOUNDATION

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I. Social media censorship vs nation states

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Introduction

There are reasonable limits to freedom of speech and expression in any free society. Defamation and slander are not covered by the protection of free speech. There are also prohibited forms of speech in political public discourse. For example, it is not possible to incite against the constitutional order or make a public call to commit acts of violence against minorities or members of social identity groups. Holocaust denial, relativization of communist terror, or the use of symbols of dictatorship are prohibited in many European countries. **Therefore, the question is not whether there is a limit to free speech, but where that limit is set and who designates it.**

George Orwell's *1984* is a frighteningly prophetic work. However, not even Orwell could have imagined that the “justice-ministry” or “newspeak”, in its perfect form, would not be established by a monolithic, totalitarian state but by private sector actors who have grown too large. **By 2019, the paradoxical situation had been created that the big communication companies promising to create a “forever free”, open, multicultural world free from boundaries would introduce the most Draconian and effective censorship of our age.**

In historical perspectives, this paradox is only one of the peculiar self-contradictions of left-wing progressivism, which has taken various political forms since the French Revolution. Its value of novelty is given by unprecedented technological efficiency: the development of online space, the invisible infrastructure behind social media networks, artificial intelligence, phishing, big data, and complex algorithmic tools that control the distribution of information.



The new tool system of information technology poses a serious challenge to the 21st century in many areas. Such as, for example, automation, the expected impact of robotics on the demand for human labor, the commodification of personal data (becoming a commodity), or the dramatic decrease of autonomy, the freedom of individual decision (when algorithms, artificial intelligence decide for us in more and more areas of life). **However, from the perspective of politics, including the nations and their citizens' self-determination, the totalitarian potential of new technology is the most important challenge.** This potential is significant. The following study examines one aspect of this, namely social media censorship. However, the risk is more extensive than that. It offers an unprecedented opportunity for surveillance and control – as is the case with China, which is at the forefront of artificial intelligence and data integration, by building a so-called social credit system.

The birth of a new digital totalitarianism is taking place before our eyes, at least in the East. However, temptation is also present in the West. If we allow our national and civic self-determination to be silently corrupted, Europe, including Hungary, will fall victim to new forms of progressive left-wing “popular education” and “directed freedom”.

Tech utopia

Web 2.0 has become the steam engine of the 21st century. Its devoted followers expected progression from this, which previous industrial revolutions and the accompanying political ideologies were unable to fulfil. According to a utopian creed in social media, the new tool will finally “democratize the world”. It does not recognize borders and reaches everybody. Some day, every single person on Earth will have access to it, there will be complete equality, everyone will be able to form an opinion by having the same right, and everyone’s opinion will matter in exactly the same way.

Social media provides a platform for everyone where *netizens* engage in rational discourse freely, without coercion, no matter what topic, and in the end, they reach a peaceful consensus. The underlying idea of the utopians

was that this free conversation without limits would create an increasingly tolerant, progressive, accepting world. Social media would have been the agora of the modern age where everyone could gather and have their say. This idyll was impossible to believe even at its starting point. The rise of social media is an elite-driven phenomenon where Mark Zuckerberg is an actor of different weight from an ordinary user: "Once again, a benevolent avant-garde has emerged – the *digerati*, the cybernetic totalist tribe – which aims to liberate humanity and whose practice is the realization of free life in the present."¹

Progressive utopianism has a serious history from Rousseau, the Jacobin dictatorship to Bolshevism, to modern totalitarian states. Progressive utopianism means an attempt to forcibly implement the desired social model “here and now” (Violence can be literal, indirect, primarily restricting freedom, as in the case of censorship, or purely symbolic).

Controlled online democracy

In the end, it did not turn out as many had hoped. Social media, like any technical tool, can be used for anything: for sharing harmless family photos or for organizing terrorist groups, bomb making, human trafficking, or political manipulation. The expectation that users will communicate on new interfaces with restrained, rational reasoning has not been realized. Political public discourse has brought with it its usual discourses, and in many cases, it has even radicalized.

The left-wing progressive political forces supported an online political war armed with uncontrolled – and in many cases uncontrollable – information and hoaxes as long as it was directed against their usual opponents. As long as social media was a new and effective weapon against right-wing, conservative or Christian political figures (such as, for example, Barack Obama’s successful social media

¹Attila Károly Molnár: *A tanácskozó demokrácia és a megúáltó csevegés*, National University of Public Service, Molnár Tamás Research Centre, 2014, Budapest, 136.

campaigns), they considered the aggressive deviance of Web 2.0 and its deviation from the peaceful “agora” of desires as the freedom of speech and net - and actually celebrated it.

The turning point was Brexit and the election of Donald Trump. It was then that the political elite and the tech-elite supporting them became aware that if they truly provide free space for all points of view and opinions, their political ideology could be defeated. They had to let go of the concept of completely free, open, unrestricted social media in order to turn back "prejudiced, reactionary" users (the "stupid masses" of democracy) in the right direction – or, if it is impossible, to exclude its risk-bearing members from the modern public.

When it became clear to everyone that Donald Trump mastered Twitter in order to reach out directly to the electorate, bypassing traditional – and traditionally left-wing – mass media, representatives of progressive political orthodoxy resorted to the means they always reach for when they can no longer win in a debate: censorship. Even the suspension of Trump’s Twitter account arose, but it was finally set aside, because it would hide important information from the public.²

Sovereignty deficit

Social media is realized globalism; a borderless agora for thoughts, opinions, digitized goods and services. Nation-state governments face serious difficulties when big tech companies behind it want to make them stick to rules (Facebook, Google, Twitter, YouTube, etc.). That is why there is an endless debate about it on a nation-state and European level.

These are cloud-based services, while nation-states have territory-based rules. Big tech companies “have no homeland”, they are at home everywhere and nowhere, they slip out of traditional laws and regulations.

² <https://www.theverge.com/2018/1/5/16855900/twitter-donald-trump-ban-explanation>

“Technology is religion and party-neutral, indifferent to state-borders. The new technology, the Internet, cyberspace is not under the sovereignty of the nation-state either because it is not bound to territory, thereby facilitating international cooperation and freeing its users from state sovereignty. (It may therefore be excellent for undermining the sovereignty of other states. That is why it is a foreign policy doctrine to spread free **Internet to the United States.**)”³

Big tech companies pose a serious challenge to nation-state sovereignty. Moreover, by their mere existence, they question the validity of that sovereignty. Can there be national sovereignty at all if social media, which has one of the greatest influences on our lives, does not fall within the scope of national regulation?

While we hear a lot about the “democratic deficit” of the institutions of the European Union, there is less mention of this deficit in connection with big tech companies, although in their case this deficit is even more severe than in the case of the European Commission. A global – and globalist – unaccountable, irresponsible elite has emerged, the digerati, who influence the minds of billions of people every minute and are not accountable to anyone, least of all to the people, citizens or nation-states.

So, the global free movement of big tech companies is already a political problem in itself, and censorship is just icing on the cake. After all, the question is: What jurisdiction is competent to adjudicate the alleged or actual infringement in, say, Hungary, if the nearest “site” where Facebook is based is in Warsaw, and the Hungarian censors are based in Germany and Ireland?

Those who value national sovereignty must seriously face the threat that large, global tech companies pose to nation-state democracies.

³ A. K. Molnár: A tanácskozó demokrácia és a megváltó csevegés, 151.

New censorship – international cases

The development of tech-utopia is characterized by the fact that not only its optimistic followers, but also the majority of its critics, were wrong. Critics of Web 2.0 feared that the level of control would be tight, making the modern public chaotic and violent. Typically, they feared the Internet would be overly free (libertine), but we are moving towards an increasingly limited online public instead. We would like to point out that censorship is a more common phenomenon in the West today, and not just on Facebook or social media – it is enough to think of the unforgettable New Year's Eve in Cologne and the outrageous silence of the German media.

After Brexit and the election of Trump⁴, the progressive political orthodoxy that made up the tech elite faced the same problem that progressive politics has always faced: If people are left free to speak and think, they may not support their political goals. Therefore, they decided to re-educate the “people” and continue to build a better future with the re-educated people following the politically correct religion.

For progressive political orthodoxy, the sacred issues that are at the forefront of international politics today are, in their eyes: immigrants, representatives of different “*genders*”, and that ethnic and non-Christian religious minorities are groups that are to be protected above all criticism. Therefore, measures

⁴ The US President spoke twice about the censorship of social media against right-wingers and expressed his outrage:

<https://twitter.com/realDonaldTrump/status/1032954224529817600>

<https://twitter.com/realdonaldtrump/status/1030777074959757313>



have been introduced in social media to promote the identity policy goals of these groups and to silence those who criticize them.⁵

The new censorship spreads by confusing the line between political criticism, satire, humor, and hate speech (defined by clear legal concepts in the legislation of many countries). What violates the sensitivity and emotional security of the members of the identity groups involved is considered hate speech. Without objective criteria, however, this can be almost anything.

The first victim was Milo Yiannopoulos, who was banned from Twitter after he had criticized the actress Leslie Jones and the new *Ghost Busters* film.⁶ The reason for his ban was that after Milo's criticism, a crowd of users started online mocking and trolling on the actress's Twitter page, and although Yiannopoulos was not responsible for this, Twitter still made him responsible.

The American Islam-critic Pamela Geller, was banned on several occasions by Facebook, in each case because she drew attention to the dangers of Islamism. One of these was when, after the massacre in Orlando – a radical Islamist killed 49 people and wounded 53 in a homosexual club – she pointed out that politicians were not willing to talk about the religious-ideological motivation of the perpetrator of the attack.⁷ On another occasion, she was deprived of the opportunity to publish because she posted about Muslim anti-Semitism in Germany.⁸

While there is a lot of talk about how China is disciplining and punishing its citizens through social media, with the so-called "Social credit" system,⁹ not

⁵ It is typical that while the Daily Stormer, the Nazi identity politics site promoting white supremacy, was quickly blocked, all other messages of left-wing identity politics, although exclusionary, are alive and thriving on these forums.

⁶ <https://www.theguardian.com/technology/2016/jul/20/milo-yiannopoulos-nero-permanently-banned-twitter>

⁷ <https://www.breitbart.com/tech/2016/06/12/facebook-doubles-bans-pamela-geller-criticizing-islam/>

⁸ <https://www.breitbart.com/tech/2018/04/27/facebook-blocks-pamela-geller-reporting-muslim-anti-semitism-germany/>

⁹ <https://www.businessinsider.com/china-social-credit-system-punishments-and-rewards-explained-2018-4>

many are concerned that processes similar to communist China are taking place in the West as well. That is, it is not just a matter of depriving certain voices of their right to freedom of expression, but in many cases depriving them of their sources of income in parallel.

Lauren Southern, a former conservative speaker at *Rebel Media*, amassed enough fans to become independent, and these fans “supported” her with their support. That was when Patreon (a company engaged in community funding) stepped in and cut her off from her sources of income. According to Patreon’s reasoning, Southern is “transphobic”.

The Canadian conservative professor Jordan Peterson was not allowed to access his YouTube account by Google, thus being unable to post his lectures. On April 30, 2017, PayPal blocked the account of Bare Naked Islam, and on June 14, of Generation Identity, a French anti-immigration group.

While PayPal says it will not comment on individual user accounts, its representatives told BuzzFeed News that “they will not allow the use of their services for anything that promotes hatred, violence or racial intolerance.” In May 2017, GoFundMe denied access for Tim Gionet, the tour manager of Kyle Chapman and Milo Yiannopoulos, commenting that “they will not tolerate any kind of hatred or intolerance.” In July 2017, YouCaring rejected a lawyer’s fundraising campaign launched to sue Black Lives Matter activists. Most of these people have fled to other community fundraising sites, to ones that admittedly do not apply “speech police”. (Hatred, Counter Fund, Rootbocks – the latter’s motto is “No censorship. No boundaries.”)¹⁰

PayPal also banned the user accounts of Gavin McInnes and Proud Boys, although denying the far-left Antifa’s access as well.¹¹ Tommy Robinson, a

¹⁰ <https://www.whaleoil.co.nz/2017/08/conservative-alt-right-voices-cut-off-paypal-patreon-others/>

¹¹ <https://www.thedailybeast.com/paypal-cuts-off-proud-boys-gavin-mcinnes-antifa-groups> In the case of McInnes and Proud Boys, those who want to silence them have since levelled up: the organization was classified as extreme, and the FBI launched an investigation against them. They have been portrayed in the mainstream media as a “racist, homophobic” organization, even though their website declares that they welcome people of all ethnic and sexual orientation (they had a

British person previously banned by Twitter – who, since then, had been arrested and then released by the authorities as a result of public outrage¹² – also had his PayPal account blocked.¹³ In the summer of 2018, Milo Yiannopoulos was also deprived of access to PayPal and Venmo.¹⁴ Probably as a result of the shock caused by Trump’s victory, the Facebook page of Diamond and Silket, two African-American supporters of Trump, was banned.

The most coordinated censorship action was taken against Alex Jones and Infowars, being banned from Facebook and YouTube¹⁵ at the same time, and soon after from Twitter. Jones then created an app on Apple, which was also deleted by Apple shortly after that. The unethical nature of Facebook and YouTube is well illustrated by the fact that Alex Jones did not cause them a problem before the wave of bans, since, due to his considerable views, the content he produced was profitable for them as well.¹⁶

In the case of Facebook, there are several types of bans or hides. Politically unpleasant content can be removed from the feed or the “shadow ban” can be applied (in this case, users can post content, but no one else can see it except for them), user access can be banned for a specific period of time, and the account or page can be permanently deleted. The progressive press, of course, celebrates all this, as “deplatforming”, that is, silencing, seems to work effectively.¹⁷

number of people of color members and, until the FBI investigation, the committed homosexual Yiannopoulos was also a member of the community), the organization is merely a "Western chauvinist" one. <http://proudboysusa.com>

¹² <https://888.hu/article-tommy-robinson-visszafele-sult-el-a-bebortonzesem>

¹³ <https://www.telegraph.co.uk/technology/2018/11/08/paypal-stops-payments-tommy-robinson-latest-block-far-right/>

¹⁴ <https://www.thewrap.com/milo-yiannopoulos-banned-venmo-paypal-anti-semitic-stunt-targeting-jewish-writer/>

¹⁵ <https://www.cnn.com/2018/09/06/twitter-permanently-bans-alex-jones-and-infowars-accounts.html>

¹⁶ <https://www.theguardian.com/commentisfree/2018/sep/04/alex-jones-infowars-social-media-ban>

¹⁷ <https://mashable.com/article/milo-yiannopoulos-deplatforming-alex-jones/?europe=true#O7LIquhSbOqV>

Censorship is not only applied “outwards” but also “inwards” by tech-giants. This was shown by the case of James Damore, a former employee of Google. Damore circulated a note within the company entitled *Google's Ideological Echo Chamber*, in which he objected to Google's ideological bias. According to Damore, Silicon Valley is dominated by a politically correct monoculture that has increased the creed of equal opportunities and diversity to obsession.

Damore, who participated in Harvard's doctoral program in biology, illustrates this through the example of equal opportunities training for women and men. He says that Google executives are wrong when they attribute gender differences – job choices, pay, careers – solely to sexism, oppression, and discrimination. Supported by data, Damore argues that, in many cases, these stem from “natural” differences and free decisions. In fact, the career path of women and men is different because they are free to choose it. Since the representatives of the two sexes are – in general, but not in all individual cases – good at different things, they will choose different careers. Damore says it is specifically harmful, authoritarian, extreme, and discriminatory to enforce full equality in the workplace in order to meet gender quotas. According to Damore, Google is blinded by his “left-wing bias”.¹⁸

“We have extensive government and Google programs, fields of study, and legal and social norms to protect women, but when a man complains about a gender issue affecting men, he's labelled as a misogynist and a whiner. Nearly every difference between men and women is interpreted as a form of women's oppression. As with many things in life, gender differences are often a case of “grass being greener on the other side”; unfortunately, taxpayer and Google money is being spent to water only one side of the lawn.”¹⁹

Damore says that Google preaches about diversity, but it does not adhere to this belief when it comes to pluralism of *political* views.

¹⁸ Mark Zuckerberg himself acknowledged Silicon Valley's “extreme left-leaning bias” at his Senate hearing and made a rather empty promise that he wanted to do something with the problem. <https://www.youtube.com/watch?v=-VJeD3zbZZI>

¹⁹ <https://drive.google.com/drive/folders/0B4iJIGFZHUNIWNtT1FodmVYQ2c>

Political diversity is lacking in Silicon Valley, and those who do not profess the dominant, left-wing ideology of the tech industry are attacked as a mob. According to Damore, that is why people who hold such views tend to remain silent. The former Google employee says that this is detrimental because it weakens the development potential of the tech industry and hinders free debate. Damore believes that Google is silencing and shaming dissidents, thus acting right against diversity. Damore highlights that he is not in favor of stereotypes and tribalism, but against them: Everyone should be judged by their individual abilities, not by the identity group they belong to.

Although Damore's memo was not public, the appropriate decision substantiating his thesis was made immediately: he was fired from Google.

Not long after, *Breitbart* leaked an internal Google document that is eloquently titled "*The Good Censor*".²⁰ According to the document, while freedom of speech is a nice goal, it is unfortunately a utopia (!), so the tech industry has to censor for "a greater good". The document states that social media staff will now act as "editors" or "publishers" – of course, in secret, so that they still cannot be publicly labelled as censors.

Breitbart tech correspondent Allum Bokhari says there are severe double standards on Facebook, Twitter, Google and YouTube. As an example, he mentions Google's search engine manipulation, especially regarding the key words found in connection with Hillary Clinton: The search results of Yahoo!, Bing, and Google bear little resemblance to one another. Google is modifying the search results to make it more favorable to Clinton.

"Pages are not equal – they are necessarily ranked by the search engine. And there are pages that are never listed by the search engines of Google or Yahoo!. (...) The Internet is also centralized, with CNN and BBC taking most of the news search traffic, and as for search engines, Google is by far the most popular, even the use of Yahoo! is negligible. The winner takes it all on the Internet, there is no equality at all. The distribution of information is dominated by a few large sites." (...) **"Gatekeepers have not disappeared with the**

²⁰ <https://www.dropbox.com/s/llxn76ntakmxp0l/the-good-censor-watermarked.pdf?dl=0>

Internet. Instead of “filtering then publishing”, it is characterized by “publishing then filtering”, but filtering exists.”²¹

According to Bokhari, if the CEO of Twitter repeatedly described Twitter as a "community space" or a "virtual public space" at his hearing²², this has serious legal consequences in the light of the U.S. Constitution: They are obliged to enforce the First Amendment, that is, the passage on the freedom of expression. By comparison, we see political discrimination on Twitter and other dominant social media platforms, political opponents are silenced, a totalitarian logic is enforced,²³ moreover, Google directly accepts censorship instructions from China.²⁴

Social media has not lived up to expectations. Not just the representatives of the (really) extremist, racist, etc. political opinion is deprived of its agora, but anyone who makes strong right-wing or conservative statements on issues deemed sensitive (such as migration or the critique of radical Islam). While it is becoming increasingly common for the Internet to be a basic service and to be provided everywhere, it is worth observing the behavior of just a few large firms dominating it. In the past, the World Wide Web was more fragmented but pluralistic, with a variety of websites in existence, but today some large **companies dominate the entire market.**

“The online world is dominated by the same companies and voices as the offline world (this is presumably moderately true for Hungary). Corporate capital has colonized the Internet, and critical speech considered important by its fans, has been stuck in one of

²¹ A. K. Molnár: *A tanácskozó demokrácia és a megváltó csevegés*, 163.

²² <https://www.youtube.com/watch?v=YBDcJjNDjxU>

²³ <https://www.youtube.com/watch?v=amld5RGCyv0>

²⁴ <https://www.youtube.com/watch?v=0AhoRWKtfn0> In this case, it is worth emphasizing that, for large tech companies, the desire for profit maximization competes with an ideological commitment. They yield to China's expectations of censorship because, in their eyes, China is a market to be conquered.

its corners. (...) The Internet is oligopolistic, not a free market. (...)

And won't the same thing happen on social media?"²⁵

How can a cloud be caught?

Social media in the U.S. is protected by Section 230 of the *Communications Decency Act* (CDA) of 1996, that is, they are not accountable before the law in the same way as traditional electronic media. This is possible because these platforms call themselves "neutral": They are neutral information mediators, so they cannot be held responsible for the opinions that appear on their interface.

The logic of social media was contrary to traditional communications principles: They preferred viral content and the number of clicks, which necessarily brought to the fore the astonishing, radical messages – mainly if it was about politics – including conspiracy theories. However, after Brexit, the election of Trump, the alleged “Russian intervention” and the Cambridge Analytica scandal, they radically changed their algorithms, targeting *fake news*. However, this has made them similar to traditional media: They choose what to report, what they prefer, what they consider reliable content and what they do not. However, if they do so, they should be subject to the same rules as traditional media.²⁶ In this case, Facebook would not be able to enjoy the protection of Section 230 of the CDA²⁷ and should face the same press lawsuits as traditional media.²⁸

²⁵ A. K. Molnár: *A tanácskozó demokrácia és a megváltó csevegés*, 164.

²⁶ <https://www.the-american-interest.com/2018/08/08/social-media-and-censorship/>

²⁷ The same problem was brought to the attention of Mark Zuckerberg by Texas Senator Ted Cruz at the Facebook leader's Senate hearing:

<https://www.youtube.com/watch?v=-VJeD3zbZZI>

²⁸ There has already been a surprise in Germany. A German citizen of Hungarian origin has won a lawsuit against Facebook in a censorship case:

<https://888.hu/article-pert-nyert-a-facebook-ellen-egy-letiltott-komment-miatt?source=hirkereso>

According to Francis Fukuyama, critics are right that Facebook is not a social medium out of many, but a behemoth, which has become a monopoly in social media service. In some countries, it has also replaced writing emails. Thus, despite being a private company, Facebook is able to operate censorship similar to governments today. After being banned from major social media, it is no use for Alex Jones in migrating to the competition, he has no chance of reaching as many people as through these ones. (The relationship with traditional media is more pluralistic than this, there is not a single major medium responsible for publishing a significant portion of news and opinion.)

Progressive defenders of censorship typically hide just behind the argument that Facebook is a “private company,” thus depriving anyone of the platform they want. That would be true if it was a small company out of many. But imagine if Facebook worked as a phone service provider (social media is at least as important today as a phone), and, as a dominant company, would be unwilling to provide service to some users for political reasons. What outrage this would provoke. A “private company” is a slippery slope: If those arguing this way are right, can a privately-owned shop, restaurant or store afford not to serve people who belong to a certain social or opinion group? This is prohibited by every West European and American state today. Proponents of the “private company” argument would take us back to the period of American segregation.

According to Fukuyama, large, monopolistic social media should recognize that they are media companies similar to the old ones and should submit to the relevant laws. This practically means that they need to become smaller: Thus, the social media market would be more decentralized, pluralistic and competitive. As both CNN and FOX News exist in the traditional media, so should every view be provided. Fukuyama believes that whatever we think of Alex Jones and his followers, they should be provided a forum.

According to Fukuyama, in some ways, the change has begun as many people switch to platforms like Telegram or WhatsApp. However, Facebook has already bought Instagram and WhatsApp, and Google YouTube. According to Fukuyama, these acquisitions should not have been allowed, and the legal opportunity should be found to reverse them. That is, antitrust laws should apply to the era of social media and cloud-based services. He does not see an

opportunity for this in America because of anti-statism, but in other cultures, he considers it possible that Facebook is regulated by the state and that it is then classified as a public service.

The privatization of publicity

The issue of social media censorship sharply highlights the serious contradictions between the self-determination of nation-states, their democratic public functions, i.e. the political sphere and the new reality of the public and community existence “privatized” by multinational companies.

The possibility of the interpretation also rightly arises that through Web 2.0, politics (including the political activity of citizens) has actually been commodified. Through social media, the market has turned political publicity into a service, and political opinion and public discourse into a commodity. And as a commodity, the relevant rules apply to it. As a matter of fact, a commodity is private property. Access to the “agora” as the online marketplace for opinions is also privately owned. The opinion in it is a product that can now be advertised (if you want a lot of people to see what you have said, you should advertise it). This leads to the paradoxical situation that politics can only be practiced within the framework of the market, rather than within the legal framework of the nation-state. That is, it is not the state but the market rules that apply. Politics is one of the "forms of entertainment" of citizens.

Paradoxically, this also means that, in an economic-historical sense, a kind of new mercantilism is emerging, in which, in the end, the monopoly company that owns the markets also claims the political power - which is necessary to maintain the order of the market in order to preserve its exploitability.

Social media owners treat a public good as a private service (political publicity, community spaces, social communication network), which used to be the competence of the nations' self-determination everywhere. Users themselves are also goods (more precisely, plenty of private data collected about them and sold to advertisers), as is the information they produce and disseminate. It is the cycle of information goods in a privately owned, online ecosystem. Namely, it has nothing to do with politics. This is Zuckerberg's position.

They are defending online user experience rather than constitutional values - nevertheless, with individual, user contracts. They do this by controlling an increasing share of media content, political publicity, and information of public interest.

What opportunities are left for nation-states?

- 1. Social media is classified as traditional mass media and is regulated in the same way as other content providers.**
- 2. Antitrust measures are taken, the monopoly service provider is fragmented, i.e. it is transferred to the ownership of small shareholders.**
- 3. The territorial scope and constitutional rules of the nation-state are extended to the scope of social media activities.**
- 4. Tougher legal instruments are applied to external constraints on the constitutional rights to freedom of expression and opinion – to self-appointed censors.**

What comes next?

Like Damore, Sam Altman, CEO of Y Combinator, expressed his concern about the suffocating, politically correct atmosphere in the tech industry. According to him, stigmatization, declaring someone a heretic is wrong, and even if they do not agree with a particular opinion, the opinion should be debated, they should not aim at “executing” that person. As he writes, “political correctness often has a good starting point... but all too often it ends up being used as a bludgeon.”²⁹

It is no longer a secret today, and only those who suffer from the loss of reality deny that Silicon Valley and the tech-giants are politically biased. A candidate has called Silicon Valley a “political ATM”, not without reason: According to a study, 80 percent of tech millionaires donate significantly more to Democrats than Republicans. The result is not very surprising for those with open eyes in the world.³⁰

²⁹ <http://fortune.com/2017/12/14/sam-altman/>

³⁰ <https://www.city-journal.org/silicon-valleys-political-perils-16157.html>

Although freedom of speech and expression is a fundamental human right, advocacy organizations (such as those associated with George Soros) have never manifested in connection with the silencing of right-wing, conservative voices by social media in a monopoly position. These organizations typically speak only when authoritarian regimes restrict social media, which can also be used to organize political movements and revolutions.³¹

Social networking sites have long allowed the user to hide unwanted content – so there is a personalized filtering option. If people are not interested in some political content, they do not subscribe to it or hide it from their feed. If so, why is censorship necessary? Why do social media not trust their own users' grownup, self-determination and reflection skills?

At his Senate hearing, Mark Zuckerberg said that, although they would like to provide space for every thought, they would like to make Facebook a community where people “feel safe”. He said all this in response to the charge of censorship. Security seems to mean a complete freedom from right-wing or critical opinions, in other cases Facebook watchmen are less vigilant: 16-year-old girls, for example, can be sold and bought on Facebook.³²

It is quite obvious that Facebook and social media giants are political actors, fighting for political goals and acting along political logic. They represent a progressive orthodoxy that persecutes heretics and the truths that only heretics tell – mainly about their favorite affairs, immigration, Islamism, nations, the gender and LGBTQ lobby. Full political censorship is narrowing the range of words that can be used and topics that can be discussed. There is a political re-education of the generations growing up on these surfaces. As in all previous cases, progressive orthodoxy is still unable to treat citizens as adults.

Its purpose is not to conduct debates, but to eradicate them from the public. When they are completely gone, a beautiful new world of utopia will arrive,

³¹ <https://www.amnesty.org.uk/blogs/ether/rise-social-media-censorship>

³² <https://24.hu/tech/2018/11/21/facebook-del-szudan-16-eves-lany-arveres/>

where everyone will be “sensitive and tolerant”, accepting the dogmas of the progressive worldview. Moreover, they do not even receive opposing opinions and news.

Facebook censorship is the brand-new pilot project of progressive totalitarianism.

Censorship of social sites is morally defenseless as it tramples on the principle of freedom of speech; it is politically dangerous as it denies the validity of laws and rules based on national sovereignty. Beyond that, it deprives us of knowing the truth because it prohibits its full presentation.

Truth, freedom, sovereignty: Today, these values are the thorn in the side of the left, a technology-driven, progressive brave new world.

II. Facebook “content regulation” (censorship) vs freedom of speech, opinion and the press in Hungary

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In 2018, the most popular social networking site, Facebook, deleted a number of posts – in Hungarian, by Hungarian people – that dealt with the dangers and downsides of illegal migration. This type of censorship has also affected individuals, press products and journalists in these media.

In several cases, not only were the posts (posts, photos, videos) removed, but also their publishers were threatened with being banned from the platform, and actually their personal pages were deleted. Such cases and their various



consequences have been addressed in several articles recently.³³ A recurring element of the prohibitions is that, in these cases, Facebook refers to its own so-called “Community Rules” or “Community Standards” as governing (anti-hate speech) “content regulation standards”.

Here the question immediately arises as to how these referenced “rules” and “standards” relate to the statutory (i.e. “official”) norms of each state, whose function is to enforce freedom of expression, opinion and the press, and to regulate and restrict the content guaranteeing the prevalence of other rights to be protected. A practical question also arises as to how to understand the concept of “hate speech” at all, being the basis of the reference in such cases. To do this, it is first necessary to review the elements of Facebook’s above set of rules that are relevant to the censorship trend mentioned.³⁴

Community Standards – Introduction (Passages)³⁵

“We recognize how important it is for Facebook to be a place where people feel empowered to communicate, and we take our role seriously in keeping abuse off our service. That’s why we’ve developed a set of Community Standards that

³³ See for example: <http://www.origo.hu/itthon/20180314-facebook-torles-video-svedorszag-migrans.html>, <https://888.hu/article-torlessel-fenyveti-a-888-at-a-facebook>, <https://pestisracok.hu/a-facebook-cenzura-alkonya-nyertes-persorozat-magyar-szereplovel-a-zuckerberg-birodalom-ellen/?fbclid=IwAR2mhFmm7eqvFPUmtCpOrVr-OLmebhMOVpjeGygzY1fdd3VGi58JxDTsF0o>

³⁴ The following quotations are from the Hungarian version of Facebook's rules, because, on the one hand, for those who use the Hungarian language setting on the social site, Facebook will open the rules in Hungarian by default. On the other hand, the assessment of the posts (and other contents) in Hungarian is also evident from the point of view of the regulation’s use of terms in Hungarian. The passages cited reflect the status of the regulations as of November 22, 2018. It is necessary to indicate, as Facebook can change its own policy practically at any time.

³⁵ <https://www.facebook.com/communitystandards/>

outline what is and is not allowed on Facebook. Our standards apply to all types of content anywhere in the world. In developing the standards, we strived for comprehensiveness – for example, we may **remove content for violating our intimidation policy that does not otherwise constitute hate speech**.³⁶ Our community standards aim to encourage self-expression and create a safe environment. Our policies are based on feedback from our community and the advice of experts in fields such as technology and public safety. Our rules can be traced back to the following standards, among others:
[...]

Expression: Our mission is to show the diversity of opinions. We tend to allow certain content even if some may find it objectionable, unless removing the content has no specific deterrent effect. In addition, **we allow content which would otherwise go against our Community Standards if it is newsworthy, significant or specifically in the public interest**. We do this after weighing the public interest value against the risk of harm.

Equity: Our community is global and diverse. Our rules may seem general, but this is because we uniformly and fairly apply them to a community beyond regional, cultural and language boundaries. As a result, the Community Standards may seem less detailed than we want, and this may lead to a result contrary to the underlying intention. Therefore, **in some cases, if we are given an additional context, we make a decision in the spirit of the rule instead of its letter**.

[...]

Consequences for violating our Community Standards **vary** depending on the severity of the violation is and the person's history on the platform. For instance, we may warn someone for a first violation, but if they continue to violate our policies, we **may restrict their ability to post** on Facebook or **disable their profile**. We also may notify law enforcement when we believe there is a genuine risk of physical harm or a direct threat to public safety."³⁷

Conclusion:

³⁶ Emphasis added

³⁷ See also: "If we determine that you have clearly, seriously or repeatedly breached our Terms or Policies, including in particular our Community Standards, we may suspend or permanently disable access to your account."

(<https://www.facebook.com/legal/terms>)

These general rules also show that Facebook leaves itself considerable room for interpreting its own rules, their application, and various subjective factors and business interests and the “exceptions” based on them play an excessive role. Such an exception that is difficult to grasp and that can be subjectively applied is, e.g. the above “**newsworthy**”, which they referred to when they allowed János Lázár’s video from Vienna to be placed back on the site, which had been banned by referring to the passages of “hate speech” of the regulation (see below).³⁸

(No definitions of the concept of “newsworthy” or mandatory regulations in general, including online media, are included in the Hungarian legislation.³⁹)

“Community Standards” on “hate speech”⁴⁰

„[...] We define hate speech as a direct attack on people based on what we call protected characteristics – race, ethnicity, national origin, religious affiliation, sexual orientation, caste, sex, gender, gender identity, and serious disease or disability.”⁴¹

³⁸ https://news.vice.com/en_us/article/gy87m4/why-facebook-censored-a-racist-video-from-hungarys-government-then-put-it-back

³⁹ Regarding the linear media services, the law only stipulates certain basic requirements for the contents “of public interest” (i.e. “newsworthy” contents): **Article 13 of Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content** – Linear media services engaged in the provision of information shall provide balanced coverage on local, national and European issues that **may be of interest for the general public** and on any events and debated issues bearing relevance to the citizens of Hungary and the members of the Hungarian nation, in the general news and information programs broadcasted by them. The detailed rules of this obligation shall be set forth by the Act with a view to ensure proportionality and democratic public opinion.

⁴⁰ https://www.facebook.com/communitystandards/hate_speech/

⁴¹ This list is broadly in line with the “social groups to be protected” defined in the provisions of the Hungarian Criminal Code for similar purposes: **Incitement against a community – Section 332** A person who, **in front of a large audience, incites to violence or hatred against:** a) the **Hungarian nation;** b) a **national, ethnic, racial or religious group or a member of such a group,** or c) certain **groups of society or a member of such groups, particularly with regard to any disability, sexual identity or sexual orientation** is guilty of a felony and shall be punished by imprisonment for up to three years.

We also provide certain protections for immigration status. We define attack as violent or dehumanizing speech, statements of inferiority, or calls for exclusion or segregation.

We separate attacks into three tiers of severity, as described below.

Sometimes **people share content containing someone else's hate speech for the purpose of raising awareness or educating others**. In some cases, words or terms that might otherwise violate our standards are used self-referentially or **in an empowering way**. **In this case, we allow the content** but expect people to clearly indicate their intent, which helps us better understand why they shared it. Where the intention is unclear, we may remove the content.

We allow humor and social commentary related to these topics. In addition, we believe that people are more responsible when they share this kind of commentary using their authentic identity.

[...]

Do not post:

Tier 1

Content targeting a person or group of people (including all subsets **except those as having carried out violent crimes or sexual offenses**) on the basis of their aforementioned protected characteristic(s) **or immigration status** with:

Violent speech or support in written or visual form

Dehumanizing speech or imagery in the form of comparisons, generalizations, or unqualified behavioral statements to or about:

Insects

Animals that are culturally perceived as intellectually or physically inferior

Filth, bacteria, disease and feces

Sexual predator

Subhumanity

Violent and sexual criminals

Other criminals (including but not limited to “thieves”, “bank robbers”, or saying **“all [protected characteristic or quasi-protected characteristic] are ‘criminals’”**)

Mocking the concept, events or victims of hate crimes even if no real person is depicted in an image

Designated dehumanizing comparisons, generalizations, or behavioral statements (in written or visual form).



Tier 2

Content targeting a person or group of people on the basis of their aforementioned protected characteristic(s) with:

Generalizations that state inferiority (in written or visual form) referring to the person's physical, mental or moral deficiencies:

physical (including but not limited to "deformed", "underdeveloped", "ugly", "hideous");

mental (including but not limited to "retarded", "cretin", "with a low IQ", "stupid", "idiot");

moral (including but not limited to "notorious", "fraudulent", "cheap", "scrounger").

Expressions of dismissal or their visual equivalent, including but not limited to:

"I hate";

"I don't like";

"X is the worst".

Expressions of disgust of their visual equivalent, including but not limited to:

"disgusting";

"vile";

"yuck".

Malicious remarks on a person or a group of people of protected characteristics.

Tier 3

Content targeting a person or group of people on the basis of their aforementioned protected characteristic(s) with calls for segregation or exclusion.

We do allow criticism of immigrations policies and arguments for restricting those policies.

Content that describes or negatively targets people with slurs, where slurs are defined as words commonly used as insulting labels for the above-listed characteristics."

Conclusion:

Based on the above, "immigrants" (migrants) now seem to enjoy even more protection on Facebook than groups that are typically privileged in analogous situations⁴² (e.g. citizens of Jewish origin, "African American" or homosexual citizens). At the same time, "criticizing immigration policies" is – theoretically

⁴² According to their term: "protected".

– allowed. (We will see below that the latter is actually not guaranteed in practice.)

Moreover, the wording of the regulation is not clear, and in practice they are applied differently from what is understood from the text. (See, for example, the phrasing of “offences carried out by migrants”, or “migrant criminals” is not the same as the phrase “every migrant is a criminal” included in the policy. This means that if a post states that “the offence was committed by a migrant”, Facebook censors often (consciously?) interpret it so that the post is about the fact that “[all] migrants are criminals”.) Nor does Facebook’s own recommended blog post give guidance on the issue.⁴³

There is no doubt that all this is not a Facebook feature. However, figures now show that, from their point of view, social media sites are effectively “eradicating” perceived contents of this kind. The European Commission's Commissioner for Consumer Protection and Justice, in monitoring report number three on "Combating Illegal Hate Speech Online", monitoring the implementation of their code of conduct established in 2016, states that information technology companies have removed 72 percent of the illegal hate speech content reported to them, while in 2016, the proportion of filtered content was only 28 percent. (After May 2016, Facebook, Twitter, YouTube and Microsoft have also committed to using the Code to take action against the spread of such content across Europe.)⁴⁴

⁴³ <https://newsroom.fb.com/news/2017/06/hard-questions-hate-speech/>

⁴⁴ <https://www.portfolio.hu/vallalatok/it/kimeletlenul-irtjak-a-gyuloletbeszedet-a-facebook-es-tarsai.274155.html>

With the signing of the Code of Conduct adopted by the European Commission in 2016, IT companies have, above all, committed themselves to reviewing the valid notifications of hate speech within 24 hours and to removing such contents, or, if necessary, making them inaccessible under national legislation - transposing European legislation. See detailed: http://europa.eu/rapid/press-release_IP-17-1471_hu.htm

Detailed policies of the “Community Standards” on “false news”⁴⁵

Recently, another major reason and potential weapon for Facebook to censor user content is the so-called "Fight against false news".⁴⁶ In this regard, Facebook's "Community Standards" say:

*“Preventing the spread of false news on Facebook is a responsibility that we take seriously. We also recognize that this is a challenging and sensitive issue. We want to help people stay informed without stifling productive public discourse. There is also a fine line between false news and satire or opinion. For these reasons, **we don’t remove false news from Facebook but instead, significantly reduce its distribution by showing it lower in the News Feed.***

We are working to build a more informed community and reduce the spread of false news in a number of different ways, namely by

- *Disrupting economic incentives for people, Pages, and domains that propagate misinformation*
- *Using various signals, including feedback from our community, to inform a machine learning model that predicts which stories may be false*
- *Reducing the distribution of content **rated as false by independent third-party fact-checkers***
- *Empowering people to decide for themselves what to read, trust, and share by informing them with more context and promoting news literacy*
- *Collaborating with academics and **other organizations** to help solve this challenging issue*

Conclusion:

It can be seen that Facebook's rules for “false news” are even less elaborate (e.g. there are no definitions, “standards”, or principles), with less traceable regulation, **providing wider opportunities for a flexible and**

⁴⁵ https://www.facebook.com/communitystandards/false_news

⁴⁶ See for example: <https://444.hu/2018/01/13/az-alhitek-elleni-kuzdeleben-a-facebook-nem-hazugsagokat-kezdi-kiradirozni-hanem-a-nyilvanossagot>, <http://www.origo.hu/gazdasag/20170508-lapokban-hirdet-a-facebook-az-egyresult-kiralysagban-az-alhitek-ellen.html>

subjective interpretation. The application of the rules is much less transparent and controllable, as this is not about the actual deletion or complete removal of a post but only about “**displaying it at a lower level in the feed**”. For example, this may mean that the post in question is seen by its publisher, but it is possible that no one except for the publisher can see it, and he/she cannot be convinced of this fact. That is, with such reference, Facebook actually removes contents without, in principle, deleting them. (Contrary to the rules of Facebook, the Hungarian legal regulations basically give priority to the enforcement of freedom of speech, expression and the press. In most cases, therefore, it is not the fact or “truth” of a particular communication that determines whether it can appear in public.⁴⁷ Only in special cases does the fact or reality of a manifestation become a criterion for assessment, such as violation of good reputation⁴⁸, publication of false audio or video recording to harm someone’s reputation⁴⁹, fearmongering⁵⁰, threatening with public danger⁵¹, correction in the press⁵², or rules relating to the obligations of public media service providers to public interest information⁵³

⁴⁷ See also: “The right of free expression protects opinion irrespective of the value or veracity of its content. [...] The freedom of expression has only external boundaries: until and unless it clashes with such a constitutionally drawn external boundary, the opportunity and fact of the expression of opinion is protected, irrespective of its content.” [Decision 30/1992 (V.26.) CC Decision]

⁴⁸ Civil Code Section 2:45 (2) Violation of good reputation means in particular misrepresenting or **reporting untrue facts** concerning and offending another person, or misrepresenting true facts.

⁴⁹ Criminal Code Section 226 (1) A person who makes a false or falsified audio or image recording, or one with untrue content, accessible for the purpose of harming the reputation of one or more other persons is guilty of a misdemeanor and shall be punished by imprisonment for up to two years.

⁵⁰ Criminal Code Section 337 (1) A person who, at a site of public danger and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact with regard to the public danger that is capable of causing disturbance or unrest in a larger group of persons at the site of public danger is guilty of a felony and shall be punished by imprisonment for up to three years.

⁵¹ Criminal Code Section 338 (1) A person who states or disseminates any **untrue fact**, which is capable of disturbing public peace, or pretends that an event resulting in public danger is about to happen, is guilty of a felony and shall be punished by imprisonment for up to three years.

⁵² Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content Article 12 (1) If **false facts** are stated or disseminated about a person or if true facts related to a person are represented as false in any media content, such person may demand the publication of a corrective statement suitable to identify the part of the statement that was false or unfounded, or the facts that the statement has distorted, while also presenting the true facts.

⁵³ Act CLXXXV of 2010 on Media Services and Mass Media Article 101 (1) The public media service provider shall perform the following news agency tasks in addition to implementing the objectives defined under Article 83: [...] d) provides regular and **factual information** about the actions of parliamentary parties, other political parties, significant non-governmental organizations, the

Who applies Facebook’s “Community Standards” and how?

Can we find out anything from Facebook's rules about who and within what organizational and regulatory (legal?) framework they define, interpret/apply the above rules? (E.g. Who can be “independent third-party fact-checkers” and “other organizations”?)⁵⁴

The social media site is quite brief in this regard:

“Does Facebook consult with any external groups to inform its policies?”

*Yes, we regularly consult with external groups on a range of **issues, including content policy, safety, privacy and data security.** For example, experts on domestic violence and cyber-stalking sit on our **Safety Advisory Board**⁵⁵, a*

Government, public administration entities, local governments, courts and prosecutor’s offices, and shall make the official communications related to the above public, e) provides **regular and factual** information to foreign countries about the most important events taking place in Hungary and the main processes in the country’s life, f) provides information regularly and factually about the lives of Hungarians living outside the borders of Hungary, and provides news services to them, g) provides regular and **factual** information about the life of nationalities living in Hungary [...].

⁵⁴ https://www.facebook.com/help/127402824040590?helpref=uf_permalink

⁵⁵ https://www.facebook.com/help/222332597793306?helpref=faq_content:

“What is the Facebook Safety Advisory Board and what does this board do?”

The Facebook Safety Advisory Board is comprised of leading internet safety organizations from around the world. Facebook consults with these organizations on issues related to online safety. Board members provide expertise, perspective and insights that inform our approach to safety.

Childnet International

Childnet International is a UK-based charity working domestically and internationally to help make the internet a safe place for children and young people, enabling them to use interactive technologies safely and responsibly. Childnet International has developed a number of resources designed to help young people and parents assess and manage the risks they may encounter online. Visit Childnet International at <http://www.childnet.com>.

National Network to End Domestic Violence (NNEDV)

The Safety Net Project of the US National Network to End Domestic Violence (NNEDV) is a leader in online safety for survivors of domestic violence, dating abuse, cyber-stalking and harassment. Based in Washington DC, NNEDV represents coalitions against domestic violence in every US state and territory and works to address technology and safety with sister organizations worldwide. Visit NNEDV at <http://nnedv.org>.

Connect Safely



group of leading global safety organizations. *We're in regular conversation with this group and others about our content policies, particularly as they relate to groups that have historically faced violence and discrimination. If you represent a non-governmental organization and would like to contact us regarding specific content, please complete this form."*

Looking at this list on Facebook, we can see that a significant number of them are organizations dealing with content regulation purposes, whose mission is to protect those under the age of 18 through action against content that is harmful to them, content that is generally violent, data protection, and so on. It is not clear which of these deals with the application of "hate speech" or,

ConnectSafely.org is a leading interactive resource on the internet for parents, teens, educators and everyone engaged and interested in online safety for youth. Visit Connect Safely at <http://www.connectsafely.org>.

The Family Online Safety Institute (FOSI)

The Family Online Safety Institute (FOSI) is a nonprofit working to make the online world safer for children and their families by identifying and promoting best practices, tools and methods for online safety that also respect free expression. Visit FOSI at <http://fosi.org>.

Centre for Social Research (CSR)

Centre for Social Research (CSR) is an India-based nonprofit working on women's empowerment by conducting field research, providing capacity building and trainings, and advocating for legislative change. CSR actively uses social media to drive powerful social change campaigns and recently launched #SocialSurfing to train young people on safe, respectful and responsible usage of social media. Visit CSR at <http://www.csrindia.org>.

Telefono Azzurro

Telefono Azzurro is a non-governmental organization based in Italy that aims to protect the rights of children, encourage the development of a child-centered culture and prevent all forms of harassment and neglect of children. Telefono Azzurro runs a children's helpline and a free 24-hour hotline for children and adults and organizes awareness-raising and advocacy campaigns against intimidation, discrimination, racism, hate speech and radicalization. Visit Telefono Azzurro at <http://www.azzurro.it>.

SaferNet Brazil

SaferNet Brazil is a non-profit organization founded in 2005 that focuses on building research and social projects to combat Human Rights violations online. Working together with civil society, industry, the government and law enforcement authorities, SaferNet aims to make the internet a responsible and ethical environment that allows children and adults to create, develop and build social relationships, knowledge and citizenship in a safe manner. Visit Safernet Brazil at <http://www.safernet.org.br/>.

PROJECT ROCKIT

PROJECT ROCKIT is Australia's youth-driven movement against bullying, hate and prejudice online. PROJECT ROCKIT is all about creating spaces where young people have access to respect, acceptance, creative expression and real social leadership. Since 2006, their workshops have helped young people celebrate technology, combat online hate and stand up to bullying instead of standing by. Through face-to-face workshops, an online curriculum and a digital program, 'PROJECT ROCKIT TV', hundreds of thousands of young people have been impacted and are mobilized to stand up and lead change. Visit PROJECT ROCKIT at <https://www.projectrockit.com.au/>.

for example, “Community Standards” related to “false news”. Going further, **none of Facebook's official "policies" or "standards" contain any "official" information about exactly who will decide and in what procedure whether given content violates any of the Facebook rules and, if so, how it should be sanctioned (removal, ban?).**

It is also a problem that has been reported to the general public in the light of recent international press reports that, for example, **a German media company called Correctiv, which censors political content on social media, has received almost 300,000 euros in just two and a half years, e.g. from the Open Society Foundations (OSF),⁵⁶ which openly support migration, as a result of which many recordings and videos on such topics have been removed from community sites. Another such organization is the International Fact-Checking Network (IFCN), which can filter (more precisely: censor) fake news on Facebook. IFCN is run by the Poynter Institute for Media Studies, and one of the biggest financial supporters of Poynter's "fact-checking network" is, again, George Soros's Open Society Foundation, according to the institute's official website.⁵⁷**

Unfortunately, in the absence of “official” data on Facebook, the public can only rely on second-hand information regarding the organizational solution and practical operation of Facebook's censorship system.

Regarding the already mentioned video of János Lázár filmed in Vienna, which was first removed from Facebook and then put back, the blog named 444 (of liberal orientation) compiled material on the topic.⁵⁸ According to them, their sources included both a contract employee “moderating” Facebook content in Hungarian and those working in the company's Central European headquarters in Warsaw.

The article, published in early August 2018, confirms the provisions of the regulation on certain issues, completely goes against it on other issues, and ultimately adds to the ambiguity in other ways.

⁵⁶ <https://www.politico.eu/article/fake-news-germany-elections-facebook-mark-zuckerberg-correctiv/>

⁵⁷ <https://www.poynter.org/largest-funders-poynter-institute>

⁵⁸ <https://tldr.444.hu/2018/08/09/szoltak-a-facebook-kozpontbol-hogy-mostantol-lazar-janos-es-az-origo-posztjait-nem-moderalhatiuk>

The material contains, among other things, the following information related to our topic:

*“[The informant of the 444 blog] Zoltán and **the members of the Hungarian moderator team** working with him **are not Facebook employees**. They all work for a German company called Arvato, and Arvato is owned by a German giant called Bertelsmann that owns the RTL Group and thus the Hungarian RTL Klub television, for example.⁵⁹ The jobs are advertised by Arvato, so some applicants may not even know until the last minute that they will have to filter content on Facebook. The moderation is divided by countries or, as the company says, “by markets”, so Zoltán joined the team of moderators responsible for the Hungarian market. He said that **a few dozen people** are moderating Facebook in Hungarian.”*

For example, it would also be interesting to know what other conditions must be met by a person who works for Facebook as a “moderator” in Hungarian, in addition to language skills. Is a specialized degree or experience necessary, for example? Do Hungarian citizens or people of other nationalities with real Hungarian language skills intervene in the domestic conditions of freedom of speech every day? The blog, for example, says the following about Zoltán:

“Zoltán left Hungary more than 10 years ago, and since then he has turned up in several countries of Western Europe and the United States. He now lives in a Southern European country with his husband, and they are involved in agriculture, among other things. Zoltán was practically looking for seasonal work for the winter-spring period and encountered the moderator job advertisement through an acquaintance.”

However, the enforcement of the freedom of speech of Hungarian Facebook users and the issue of the freedom of the Hungarian press is not exclusively entrusted to the members of this contractual-external team, as their decisions may be overturned by the "Irish center":

“We had a debate in the afternoon shift as to what to do with the video of Lázár filmed in Vienna. Many reported it, and I also thought that it didn't fit, but I left it there as it was an opinion. However, the next morning, one of the new girls in

⁵⁹ See also <http://www.origo.hu/itthon/20181112-ismet-cenzurazza-a-facebook-a-888-konzervativ-uisagiroit.html#>

the Hungarian team removed it from Facebook, and most operators agreed with it. [...] After we had removed Lázár's video and it had been put back over our heads, an instruction came that we could no longer touch his things and Origo articles, but they should be immediately forwarded to the headquarters in Ireland and decided on there – said Zoltán about the Facebook period after the clip filmed in Vienna.

[...]

The content officer at the Irish Facebook center talked about how hell-hard it is to make decisions in these situations. That, in addition to separate internal working groups, they try to find the best answer by involving lawyers, freedom of speech experts and philosophers.”⁶⁰

Regarding the moderation methodology, we can find a lot of contradictions and vague details, as well as other “interesting things” in the writing, especially when compared to Facebook’s publicly published “official” principles and rules:

“The same person at Facebook in charge of content and moderation said that Lázár's video filmed in Vienna was put back because of its newsworthy nature, some hours later when Zoltán and the team at Arvato in Berlin had removed the material. When we asked why the Hungarian content moderators in Germany were told not to touch the posts of János Lázár or Origo, they gave an evasive answer at Facebook.

*They said that no one is above moderation, and everyone's post can be reported, which is checked, but **there are publications that are given special attention**. They did not refer specifically to Origo but argued in general that a controversial post could not delete the Facebook page of a country's largest newspaper.”⁶¹*

The writing of 444 also covers the question of moderating supposed or real "hate speech" quite extensively:

“Facebook's content policies include protected categories such as people's origin, religion, sexual orientation, and take special care not to attack anyone

⁶⁰ I could not find any information about what kind of people these “freedom of speech experts” and “philosophers” can be, but we have guesses.

⁶¹ However, the materials of 888.hu of similar nature are not so “newsworthy”: <https://888.hu/article-torlessel-fenyegeti-a-888-at-a-facebook>

on the platform on that basis. In practice, this means, for example, that if someone makes generalizing, negative remarks about Jews, Muslims, Christians, or gypsies, or possibly homosexuals, and their posts are reported, it will most likely be removed by moderators.”

Interestingly, however, according to the material of 444, the term “migrant” or the group that is referred to by this term, does not fall into the protected category.

“There are too many Muslims in Berlin, they should get out of here’ – this sentence probably doesn’t meet the content guidelines and will be removed. In comparison, if someone writes that ‘There are too many migrants in Berlin, they should get out of here’ – this post will probably not be deleted by the moderators, because “migrant” is not a protected category, as opposed to “Muslim,” and the post about migrants thus fits into free speech at the company. Zoltán said that it is not allowed to wish the death of migrants or call them inferior ab ovo, but apart from that, almost everything fits.”

Practically, this explanation of the article completely goes against the already mentioned provisions of the Facebook regulations in effect, which, with considerable emphasis, gives priority protection to immigrants/migrants.

In addition, according to other “moderator recollections” in other parts of the article, if the term “Muslim” also appears in the post, it is an additional “aggravating factor”:

“In a lot of cases, whether we remove a post or not is changed by a few words. It matters whether someone writes that ‘Every Muslim is a criminal’ or ‘In my opinion, every Muslim is a criminal, or ‘I think there are a lot of criminals among Muslims’. For some reason, you could feel, almost overnight, that Hungarian politicians began to understand much better what fit into Facebook’s rules and what didn’t.”⁶²

If this statement is true, we can say that Facebook has managed to **effectively influence those (induce self-censorship) who manifest themselves in a significant forum of the Hungarian “public**

⁶² It is also worth recalling here that the removed domestic contents, regardless of whether they appeared on Facebook directly in the name of the press product, or whether they were shared by a member of the press product on their own Facebook page, or possibly by a politician, did not contain the “categorical” claims clearly prohibited by Facebook’s rules, such as “every migrant or Muslim is a criminal”. These posts were usually about migration and crime, and the religious compositions of migrants, and the factual relationship of their habits resulting therefrom, but Facebook lumped them together with categorical claims to be banned and removed them.

discourse". That means that political public figures have also adapted, for example, by silencing their actual opinion or some of its elements. However, all this is further intensified in the writing, which goes so far as to the fact that these rules or guidelines **are not so much engraved in stone**, and **their interpretation has wide and subjective limits**.

Their application is haphazard, and the standards and rules of "secret" moderation (censorship) still exist at the company:

*"Facebook has public content policies, for example, it is not allowed to incite violence, post pornographic content, or denigrate a minority in his/her dignity on the social site. The policy content, on the basis of which moderators remove certain posts, **was only published by the company in April this year**⁶³, before that users had to figure out what they could and couldn't post on the page from meaningless PR texts of some paragraphs⁶⁴. However, in addition to public policies, **there are still non-public interpretations of the rules** that help moderators decide what can remain on Facebook and what should be removed.*

*Such **new policies can appear every day**, for example, whether all the pictures of nipples should be removed or there are some that can remain, say, those showing breast-feeding. Also, there is a list of terror and paramilitary organizations considered dangerous and violent, with Hungarians among them, and in this case, it is enough if someone posts their logo for their page to be immediately removed.*

Some of these things are not public precisely to make them harder to circumvent.

*Meanwhile, Zoltán also said that the work of the moderators often seemed to be as that of a lawyer, even with the many different rules, or perhaps because of it. Not only in the case of János Lázár's video, but **in many other cases, it could be argued for the fact that a post violated the policy and should be removed, but also that it didn't.**"*

Another category of content compared to the concept of "hate speech" is the group of "**fake news**". Thus, the Facebook regulation applied to them is less

⁶³ They were published at the end of April, so, during this year's election campaign, there was no publicly available, "official" information for Facebook users (including public figures and journalists) on the cases in which their posts could be expected to be removed!

⁶⁴ See also <https://444.hu/2016/12/22/nyilvanossagra-kerultek-a-facebook-titkos-moderalasi-alapelvei>

transparent and more unpredictable, compared to the former one. The following interesting facts on them are included in the material of the 444 blog:

“In the middle of the summer, Facebook organized a mini conference in Warsaw on the topic of fighting fake news and propaganda, again, a matter that is of great concern not only to Hungarian but also to international politics.

For example, it turned out that telling lies on Facebook is not prohibited.

*So, a post for not being true will not be removed. When it comes to truth and lies, **Facebook places the posts appearing on its site in a coordinate system, on the basis of how much the post is true**, and whether the author of the post wanted to mislead anyone. [...]*

There are posts that are true in part or in whole, but still want to mislead readers. On Facebook, this is called propaganda: a tendentious selection of facts or data where the individual elements are real, but the overall picture is not. Here, the company should do something, but they say that it’s difficult to proceed in the right way, while respecting the freedom of speech. [...]

Moreover, fake news is dealt with rather institutionally in some ways, regardless of moderation. *For example, a company official in Warsaw said that 590 million fake profiles have been removed recently that could have been used to spread fake news, and they are trying to teach artificial intelligence to recognize certain malicious actors and filter them (for example, when someone from the same IP address logs in to many different Facebook accounts in a row and shares the same news), and **that they are looking for fact-checker partners in more and more countries with the task to check the veracity of certain news and filter fake news in the news stream.***

*This means that even if someone shares articles about the Earth being flat, they will appear in the newsfeed of far fewer acquaintances than an article that Facebook partners haven’t found to be stupid. **The company does not have such a fact-checker in Hungary.**”*

Summary: **Facebook does not have such a fact-checker in Hungary yet, someone, somewhere, may still find (find?) that a post contains a “lie” and reduce its visibility, i.e. it can be hidden from the public.**

The lack of clarity of the regulation is only enhanced by Zoltán’s sentence, saying:

“Don’t for a second think that decisions here are made on the basis of any principles. All the rules are driven by what is good for the customers, being a paramount business interest to make them spend as much time on the site as possible [...].”

Conclusion:

- **Officially published “moderation rules and principles” have only existed on Facebook since the end of April 2018.**
- **These public rules and principles are often unclear and significantly restrict the rights of domestic users compared to the domestic legal provisions guaranteeing freedom of expression, opinion and the press, that is, they also prohibit actions that are allowed by the Fundamental Law and other relevant domestic legislation.**
- **In practice, these public rules can be overridden by Facebook at any time (e.g. based on current political considerations or ideological aspects), thus, the enforcement of the rules becomes unpredictable or unforeseeable (e.g. whether a post is expected to be removed or not).**
- **In addition to the rules and standards that have been made public, there are likely to be non-public provisions.**
- **The application of the published rules and principles is completely subjective, random and unpredictable; it is not known who performs it, in what system and under what (external) control.**
- **The above methods result in the fact that Facebook users (including public figures and media) do not dare to publish their actual opinions or even certain information or facts (of public interest) on this interface – as an increasingly important public forum worldwide and at home. Practical examples show that this “self-censorship effect” is already effective in Hungary, because the majority of users do not want to risk being excluded from this forum. Regarding press products, this is even more the case as they are typically also businesses, for which it is also a serious financial detriment if they are unable to reach the public through this channel.**



- **Although in some (e.g. Asian) countries, the citizens' use of social media is monitored or controlled by the Internet censorship of the authority or the secret police. On the other hand, for example, Facebook itself can easily become its own user censor, which can be interpreted as an abuse of power in terms of its global influence and social impact, affecting billions of people.**

Opportunities for enforcement of interest and legal protection

Perhaps the most important question arising from the above is where and how to deal with violations of interests and rights caused by Facebook rules and standards.

Facebook's "Terms of Service" contain certain minimum provisions in the event of any dispute. In practice, these are only a kind of "jurisdiction stipulated by the parties":

*"Terms of Service"*⁶⁵

4. Disputes

We try to provide clear rules so that we can limit or hopefully avoid disputes between you and us. If a dispute does arise, however, it's useful to know up front where it can be resolved and what laws will apply.

*If you are a **consumer** and habitually reside in a Member State of the European Union, the **laws of that Member State** will apply to any claim, cause of action, or dispute you have against us that arises out of or relates to these Terms or the Facebook Products ("claim"), and you may resolve your claim in **any competent court in that Member State** that has jurisdiction over the claim. In all other cases, you agree that the claim must be resolved in a competent court in the Republic of Ireland and that **Irish law will govern** these Terms and any claim, without regard to conflict of law provisions.⁶⁶*

⁶⁵ <https://www.facebook.com/legal/terms>

⁶⁶ An explanation that should be added to this Facebook rule is that a conflict of law provisions is – in a broad sense – the norms settling some conflict of law (this is where the name comes from!), that is, **they determine which of the several pieces of legislation to be taken into account is actually**

This means that a person who qualifies as a consumer (i.e. an individual who does not use Facebook for business purposes) can go to court in their home country if they find that their rights or interests have been violated by Facebook (e.g. their post or profile has been removed). To the best of our knowledge, no one has yet brought to court in Hungary or Ireland any of the Hungarian “cases of bans” of 2018 published in newspaper articles, which are cited in the footnote of this study.⁶⁷

However, the declaration of the possibility of going to court does not eliminate the practical problems that arise when someone actually tries to exercise this right. For example, in the absence of special procedural rules (deadlines) – by which time a final court decision will be issued and, for example, a removed post will be replaced – there is a good chance that the case will lose its relevance. And if the victim is a business (such as an online press product), they can go to Ireland to litigate.

Due to the above problems, it may be justified to ensure, within the framework of domestic regulation, that the freedom of speech, opinion and the press guaranteed by Hungarian legislation should actually prevail on Facebook. To this end, in theory, there could be several directions in legislation/practice:

- One option would be, for example, to extend the rules of expeditious court procedures to such cases of “arbitrary censorship of online service providers”, as in litigations of press correction, thus providing a shorter duration of proceedings.
- Such cases could be placed in administrative jurisdiction. In this case, the authority, preferably the National Media and Communications Authority, would proceed within a short period of time, the decision

applicable. Based on the nature of the conflict of laws, we can speak about several types of conflict rules, in a broader sense. Conflicts of law can be international when the legal provisions of several sovereign states can be taken into account; norms that resolve such a situation are called international conflict rules. That is, Facebook also wants to ignore these international legal norms that may be relevant in such cases.

⁶⁷ However, there are already successful examples of this abroad. See for example

<https://pestisracok.hu/a-facebook-cenzura-alkonyan-nyertes-persorozat-magyar-szereplovel-a-zuckerberg-birodalom-ellen/?fbclid=IwAR2mhFmm7eqvFPUmtCpOrVr-QlmebhMQVpieGygzY1fdd3VGi58JxDTsF0o>

of which could be challenged before the new administrative court being set up, which would also make a decision with priority.

- Solutions that, e.g. would criminalize a conduct, when someone participates in restricting the exercise of the rights to freedom of opinion, expression and the press guaranteed by the Fundamental Law and other provisions of Hungarian law derived therefrom, would have an even stronger deterrent effect (i.e., those who organize or perform such illegal “moderator-censor” work or activity).⁶⁸

Summary: The experience of 2018, the events referred to in the analysis, points out such an important problem that is likely to cause a conscious and systematic violation of the fundamental rights of communication provided for in the Hungarian Fundamental Law and related legislation, along a foreign company’s unpredictable, subjective business and other interests lacking transparency, and which particular situation is not reasonably sustainable within the framework of the rule of law.

III. Facebook censorship – Hungarian examples

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Due to the experience gained in social media in the last 1-2 years, the issue of censorship, including the issue of Facebook censorship, has become an increasingly important topic of public discourse in Hungary as well.

With the emergence of the debate on migration and the escalation of sovereign-globalist political opposition, the average Facebook user has also experienced that the content they share may also be deleted or in some way removed, censored by Facebook in reference to Community Standards.

The politically correct guidelines set out by Facebook favor the term “refugee” over “migrant” and “illegal immigrant”. Experience has shown that if the word

⁶⁸ This would be a rather novel solution, as such a provision would also impose an obligation on the state to intervene actively in order to exercise those freedoms, as opposed to the fact that the legislation guaranteeing the exercise of these freedoms generally prescribes the absence or non-intervention of the state in order to freely express opinions in public.

"migrant" is mixed with the words "violence", "terror" or "crime" in a Facebook post, the post will definitely be removed, and the user sharing the post can be blocked by the social network for 1, 3, 7, or even 30 days. This means that all Facebook communication (commenting, like, sharing, messenger messages) becomes inaccessible to the user. However, this kind of Facebook censorship affects not only the average users, but also official sites authenticated by Facebook. Facebook pages of media, politicians and public figures have also fallen victim to censorship in recent years, and the trend is becoming more worrying, with more and more arbitrary interference by Facebook in content sharing.

Media actors critical of migration and political correctness – Gábor Megadja, the publicist of 888.hu and Áron Ambrózy, the publicist of Pesti Srácok – have been constantly censored by Facebook since the 2015 outbreak of the migration crisis. In many cases, however, censorship is not related to migration or politically correct speech. It is still a mystery why Gábor Megadja's official social network site was removed by Facebook, when he put a cover photo on his site with the caption "Russkis go home!".⁶⁹

Facebook also mysteriously punished Gábor Megadja and several other journalists and users for their profile picture of standing up for the Hungarian Prime Minister.⁷⁰

Censorship of the official social sites of the Hungarian media is not a recent phenomenon either. On April 3, 2017, the news portal 888.hu was made unavailable by Facebook for 11 hours, and on October 11, 2018, according to the information provided by the editorial office, they received a mysterious call from Facebook's German branch, warning the media that they had already violated the Community Standards, and should they violate them again, their site would be removed.⁷¹

The cause of this was that the media previously posted a meme on its Facebook site with the title "Make a choice!". At the bottom of the picture, Prime Minister Viktor Orbán can be seen with his grandchild, and at the top of the picture, the picture of Emmanuel Macron stirring up a great scandal⁷².

⁶⁹ <https://888.hu/article-a-cenzorok-nem-pihennek-a-facebook-leszedte-megadja-888-as-oldalat>

⁷⁰ <https://888.hu/article-kiallsz-orban-viktor-mellett-azonnal-letilt-a-facebook>

⁷¹ <https://888.hu/article-torlessel-fenyegeti-a-888-at-a-facebook>

⁷² <https://888.hu/article-a-facebook-szerint-mar-valasztani-is-homofob-es-rasszista>

In addition to several journalists from 888.hu⁷³, Facebook also removed the contents of Origo, 777blog⁷⁴ and pestisrácok.hu, and blocked their employees at certain intervals.

Having enough of the abuses of the social site and perceiving the users' dissatisfaction, a column called Censored76⁷⁵ was launched on the 888.hu news portal on August 31, 2018, with the aim of presenting Facebook's often unreasonable censorship. The column publishes contents sent by readers that are excellent demonstrations of Facebook's double-standard and value-based censorship.

It is important to mention one of the most incredible examples of a user-shared photo being removed by Facebook. The picture showed a scene from the well-known Hungarian fairy tale Vuk with the caption "Family is the most important thing".

The most shocking example, however, was the case of János Lázár's video taken in Vienna on March 7, 2018. With the video, János Lázár wanted to show one of the old historic districts of the Austrian capital, which is now mostly inhabited by immigrants only. With this, the politician wanted to draw attention to the downsides of migration, but Facebook removed the content without warning. Facebook argued that the video violated its Community Standards, because it offended others on racial or ethnic grounds. This was the first time in Hungary that the official site of an elected politician was censored by Facebook. János Lázár appealed, and the content was replaced on the politician's site late at night.⁷⁶

More and more users and public actors are affected by Facebook's social media censorship. It is done freely and in an uncontrollable way, often without grounds. However, due to Facebook's business policy, unfair measures cannot be accounted for, and there is no one to be held accountable. In this context, facts are all too evident that, based on the poll of Századvég, 79 percent of the Hungarians say that it is unacceptable for a social site to remove user contents based on its own political views.

⁷³ <https://888.hu/article-a-facebook-szerint-kussolnunk-kell-sargentinirol>

⁷⁴ <https://888.hu/article-a-facebooknal-mindent-megtesznek-azert-hogy-szamuzekek-a-jobboldali-embereket-es-tartalmakat>

⁷⁵ <https://888.hu/article-lazadas-a-facebook-cenzorok-ellen>

⁷⁶ <https://24.hu/belfold/2018/03/08/visszakerult-a-facebookra-lazar-janos-videoja/>

Chart

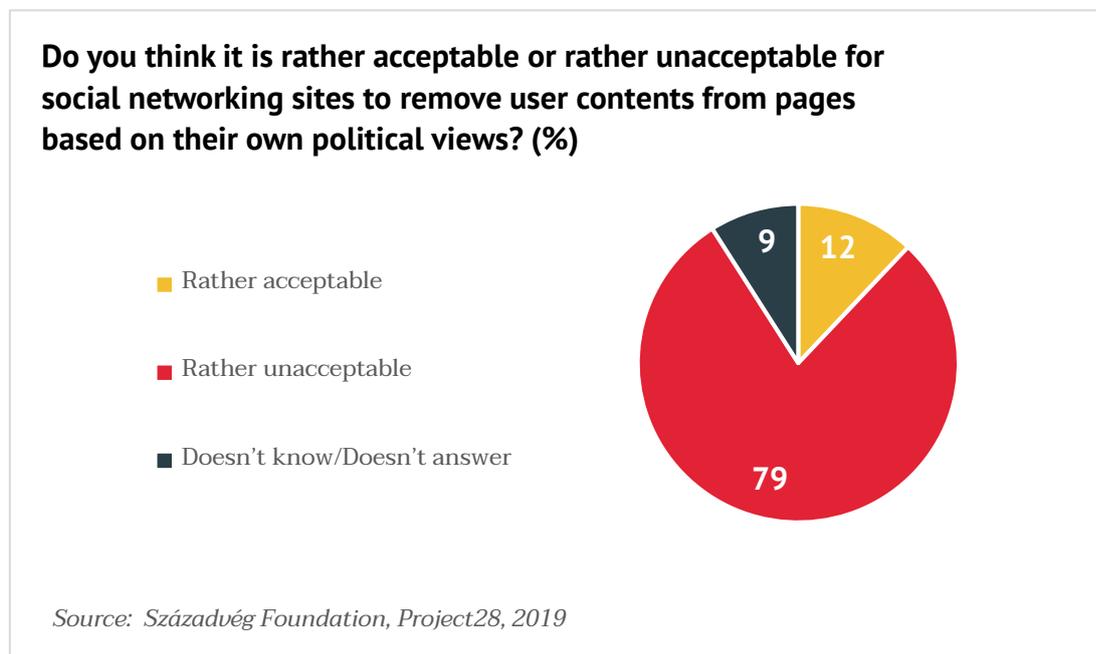
Do you think it is rather acceptable or rather unacceptable for social networking sites to remove user contents from pages based on their own political views? (%)

Rather acceptable

Rather unacceptable

Doesn't know/Doesn't answer

Source: Századvég Foundation



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