

The Digital Services Act in the Context of Democratic Backsliding

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Executive Summary

This policy paper examines the role of the EU's Digital Services Act (DSA) within the broader context of democratic backsliding in the United States and efforts by the second Trump administration to undermine the new Regulation. As a regulatory tool created with the limited mandate to mitigate the spread of illegal content on Very Large Online Platforms (VLOPs) such as hate speech, CSAM, manipulative business practices, content posted by terrorist groups, and other illegal material posted by third-parties, the DSA has become an issue of geopolitics as the Trump administration takes aim at the Regulation, calling it a tool for "mass censorship." This analysis traces how authoritarian actors, such as those in the United States, weaponize VLOPs in order to spread authoritarian disinformation, hate speech, conspiracy theories, and other radicalizing content that undermine democratic and pluralistic institutions. It examines the ongoing attempts by the Trump administration, and allied owners of VLOPs such as X, to pressure the EU Commission to not enforce the DSA and the risk these threats hold for digital sovereignty over European territory and domestic backsliding. It touches on the specific provisions of the DSA and its passage and path to full implementation in Portugal and the broader EU. This paper argues that surrendering to American pressure fundamentally undermines Europe's ability to project its own democratic discourse and enforce its own laws.

Key Recommendations:

- The EU must reject baseless claims from the Trump administration that the DSA constitutes a fundamental source of "censorship" over discourse on VLOPs and reiterate its right to enforce its own laws regulating illegal content online.
- Portugal and all Member States of the EU should fully implement the provisions of the DSA with the adequate resources and political will it requires. This includes empowering the national Digital Services Coordinators in order to address illegal content in their own national languages.
- The Commission and EU Member States must not cede to VLOPs or the Trump administration what is and is not "illegal content," with only national laws being the only legitimate criteria of what is to be removed.
- While there are legitimate concerns regarding the potential for abuse by authoritarian governments within the EU, the decentralized approach of the DSA insulates other Member States from these threats and prevents them from acting censorious in the jurisdiction of other Member States. Instead, efforts to mitigate these threats should focus on overarching rule-of-law and human rights concerns in the courts.
- The DSA should be enforced uniformly without regard for the position that the user has within a major corporate entity, bureaucracy, or political party. As illegal content offline is not exempt from prosecution based on the "newsworthiness" of the action, neither should it be in the online sphere.

Keywords: Digital Services Act; Social Media; Democratic Backsliding; International Relations; Radical Right; Hate Speech

List of Terms

- Alternative für Deutschland (AfD)
- Autoridade Nacional de Comunicações (ANACOM)
- Boycott, Divestment, Sanctions (BDS)
- Child sexual abuse material (CSAM)
- Comissão Nacional de Proteção de Dados (CNPd)
- Digital Services Act (DSA)
- Digital Services Coordinator (DSC)
- Entidade Reguladora para a Comunicação Social (ERC)
- European Conservatives and Reformists (ECR)
- European Convention of Human Rights (ECHR)
- European Court of Human Rights (ECtHR)
- European Court of Justice (ECJ)
- Fratelli de Italia (FdI)
- Inspeção Geral das Atividades Culturais (IGAC)
- Patriots for Europe (PfE)
- Rassemblement National (RN)
- Terms of Service (TOS)
- Very Large Online Platforms (VLOP)
- Very Large Online Search Engines (VLOSE)

Introduction: Democratic Backsliding and Autocratic Disinformation

Political experts have characterized the current era as a part of a “third wave” of autocratization around the world (Lührmann & Lindberg, 2019). While previous waves were brought about by military coups and foreign invasions, the current wave is fostered primarily by incumbents within democratic societies themselves which use the levers of power to legally, or semi-legally, dismantle institutions in their struggle against the political opposition. Ironically, many of these very incumbents do so in the name of “the people” or “defending democracy.” In lieu of military force, the tools of autocratization have become polarization and conspiracism which push members of society into two opposing “camps” who see politics as a zero-sum competition for the future of the country.

^[1] With this growing club of autocratic leaders comes an increasing number of neighbors with foreign policy goals that clash with the autonomy and democratic values of the members of the European Union.

Disinformation has emerged as a central tool of illiberal foreign policy that represents a form of action that operates below the threshold of armed conflict or other hostile actions but with profound strategic geopolitical consequences. Unlike traditional propaganda, contemporary disinformation campaigns serve to exploit the vulnerabilities of ‘open societies’ and weaponize the interdependence between states in the era of globalization to promote distrust in democratic institutions, polarization among the citizenry, support for the foreign policy goals of the country spreading these narratives, or support for parties or groups that promote their

interests by proxy (Farrell and Newman, 2019; Pomerantsev, 2014; Polyakova and Meserole, 2019). Experimental studies have shown the effectiveness and perniciousness of such illiberal narratives in undermining narratives in democratic norms and values (Kobayashi, et al., 2025). By resorting specifically to disinformation campaigns, they can often achieve these strategic objectives without clear attribution. Russian operations, for example, are well-known for targeting European countries for these purposes and have become increasingly sophisticated over the past decade (Pomerantsev and Weiss, 2014; Jamieson, 2018).

One of the main targets over the past decade has been social media platforms (VLOPs in EU parlance) for influence operations to affect public opinion, and even electoral results due to their large coverage and ability to spread narratives that bypass traditional ‘gatekeepers.’ In previous years, authoritarian states without any digital sovereignty over these platforms have attempted to influence public opinion through bots (Bradshaw, Bailey, and Howard, 2020), the promotion of state media accounts (Yablokov and Chatterje-Doody, 2022), and the paid promotion of influencers (Bene and Juhász, 2025; Bond, Joffe-Block, and Thompson, 2024) while out-of-power groups have also used data brokerage firms, such as Cambridge Analytica, to collect information to be used in the service of illiberal candidates (Trump) and campaigns (Brexit). The Digital Services Act (DSA - Regulation 2022/2065), passed by the European Commission, was introduced as a regulatory framework specifically to address these concerns, and compel VLOPs to take action.

In the past, the EU and other Member States have attempted to pressure large VLOPs, the majority of which are US-based, to force them to act against bad-actors online. However, the return of Donald Trump to the White House has changed these dynamics substantially, primarily due to the oversized influence this traditional ally has over the operations of many of these same platforms which has implications for the digital sovereignty and democratic resilience of the European Union.

Legal Framework of the DSA and Implementation in Portugal

The DSA entered into force in August 2023 for VLOPs and VLOSES, and on February 17, 2024 for other intermediary service providers.

The basic premise of the DSA involves three primary regulatory actions. First, the DSA imposes transparency requirements on intermediary services. This includes publishing annual reports, creating clear, public TOS, alerting users as to the reasons why their account or content has been demonetized or removed, and other forms of basic protections for consumers. In addition, VLOPs are required to provide access to data and heavily report on their content moderation strategies and risk mitigation strategies for preventing societal externalities as a result of their business practices, and provide access to their algorithms.^[2] The second is the enforcement of EU and Member State laws on their platforms by removing “manifestly illegal content” such as CSAM, hate speech, manipulative business practices, content posted by terrorist groups, and other information posted by third-parties^[3]. Finally,

the DSA regulates the incentive structure of intermediary services and VLOPs by putting in place measures of accountability specific to these platforms, all while rendering services not liable for illegal third-party content so long as they abide by compliance requirements. These include embedding “trusted flaggers” and “vetted researchers” into the regulatory system, procedures for users to challenge decisions made by services to demonetize or close their accounts or the commission to sanction large VLOPs for not being compliant with the Regulation.

While the DSA is ultimately a creation of the European Commission, it is hardly a top-down solution to regulating the online sphere. The DSA delegates a significant amount of enforcement power to national governments, with Article 49 of the DSA requiring each member state to designate a Competent Authority to act as an independent supervisory body that enforces the provisions of the DSA (Regulation (EU) 2022/2065, art. 49). These bodies are referred to as the Digital Services Coordinators (DSC). The DSC also serves as the primary coordinator for different Competent Authorities in the Member State, cooperates with other Member States’ DSCs, deals with the large number of complaints that are expected under the new legal framework, and communicates with organs at the EU level such as the European Commission and the European Board for Digital Services. These efforts are reinforced by allowing for DSC-nominated “trusted flaggers” which are tasked with reporting potentially illegal content to national DSCs (Hoernig, 2025).

Moreover, while the DSA requires that “illegal content” be removed from VLOPs and

intermediary services, the form this illegal content takes is exclusively left to the discretion of each Member State. This means that there is nothing new in the regulation beyond what was already legally in place with respect to online content prior to the introduction of the DSA, which only put in place extra measures to be able to effectively enforce these laws.

Implementation of the DSA in Portugal has faced challenges. Due to delays caused by the fall of the government in late 2023 and elections in March 2024 (Hoernig, 2025), Portugal only designated ANACOM as the country's DSC on February 16, 2024, just a day before the deadline for EU member states with the passage of Decreto-Lei n.º 20-B/2024 of February 16 (Diário da República, 2024a, 2024b). Under the direction of Deputy Director-General Luís Correia, ANACOM created a Digital Services working group made up of representatives from 32 public organizations (Hoernig, 2025) and drafted a report with a plan to coordinate the competent authorities, enforcement regime, and financing mechanism, as well as a proposal for legislation to fully implement the DSA in the country. To ANACOM held full enforcement powers, a first bill was proposed that split the responsibilities for enforcing the DSA between ANACOM (for purposes of coordination and enforcement), ERC (media), CNPD (personal data) and IGAC (for cultural content), with ANACOM acting as the primary coordinator of DSA-related regulation. The bill was originally approved by the government in late October, as well as the Parliament on December 12, 2024, but subsequently expired on March 11, 2025. The bill was resubmitted on August 4, 2025 as Proposta de Lei 25/XVII/1 and passed

the general vote, although it has still yet to finish making its way through various committees, arrive at the final plenary vote, and be promulgated by the office of the President (Assembleia da República, 2025).

As a result of these delays, the European Commission has launched legal proceedings against Portugal and a number of other Member States. In April 2024, the European Commission opened an infringement procedure against Portugal for not fully implementing the DSA by the deadline and gave the government two months to rectify it before referring it to the ECJ in an October 3, 2024 reasoned opinion. Specifically, they point to the fact that the government had not yet provided ANACOM with the full enforcement powers, including the sanctions regime. On May 7, 2025, the Commission officially referred Portugal to the ECJ (INFR(2024)2038).

Contemporary American Backsliding and Efforts at Interference

The current American administration's insistence that major VLOPs be deregulated is indicative of a spill-over effect of the ongoing democratic backsliding in the United States. Whereas the first Trump administration was devoid of a clear ideological base and plan to restructure the American political system, the second Trump administration has become much bolder and they and their allies in far-right think tanks, VLOPs, and the security apparatus have become emboldened to dismantle not only the American system, but also the broader 'rules-based order.' The consequences of backsliding such as this at the

hegemonic core of the world system have created cascading effects throughout the liberal international order that reverberate in the form of rash policy decisions such as the administration's tariff policy, their insistence on taking Greenland, their withdrawal from many international organizations, treaties, and agreements, and their decision to unilaterally capture Venezuelan President Nicolas Maduro. Since early January, the administration has taken clear steps to intervene in European affairs by seeking to overturn the DSA and the hate speech laws of EU Member States to prevent them from regulating undemocratic, illegal hate speech online.^[4]

The Trump-aligned billionaire Elon Musk's decision to purchase the platform Twitter (now "X") outright, for example, and transform it into a weaponized platform to influence the results of the 2024 presidential election demonstrates their lack of commitment to even maintaining a level playing field, or "marketplace of ideas," that remains neutral on political questions. Using his massive platform and financial resources, Musk has actively provided support for far-right parties across the continent. One prominent instance included his support for Alice Weidel and the *Alternative für Deutschland* (Alternative for Germany, AfD), endorsing the party as the only one that could "save Germany," writing an opinion piece in support of the party in a German newspaper, inviting Weidel onto an X "space," and making an appearance at an AfD party congress in 2025 (GPAHE, 2025). This led German leaders to accuse Musk of interfering in their elections (EuroNews, 2024), French President Emmanuel Macron

to refer to him as the leader of a "new international reactionary movement" (Caulcutt, 2025), and European leaders to push the European Commission to do more to ensure that X complies with the provisions of the DSA. At issue was the claim that Musk, as the official face of the company, gave the AfD an unfair public advantage over its rivals before election day. Musk has a long history of supporting radical right candidates and public figures such as Jair Bolsonaro in Brazil, Tommy Robinson in the UK, and Giorgia Meloni in Italy (GPAHE, 2025). At the European level, the European Commission has been investigating X since December 2023 for compliance with the DSA for suspected breach in areas such as civic discourse (Kroet, 2025) and was fined €120m in early December for being in breach with the DSA (O'Carroll, 2025).^[5]

Another issue with the platform, as German MEP Alexandra Geese noted, is that "... his algorithmic manipulation, is intentionally flooding German X timelines with far-right propaganda and drowning out progressive content" (Haeck and Vinocur, 2025). In an early report following the takeover of the platform by Musk, the Center for Countering Digital Hate (CCDH) found that deliberate changes to the moderation policies on the platform and decisions to disband the Trust and Safety Advisory Council and reinstate hateful accounts *en masse* that were previously banned for violating the platform's terms of service (see Butler, 2024 and BBC, 2023), led to an explosion of hate speech on the platform (CCDH, 2023). Subsequent studies came to similar conclusions (Hickey, et al., 2025). Other recent controversies have included the removal of the verification

service, AI-generated sexual content and deepfakes (McMahon and Cress, 2026), banning journalists, removing features to report misleading information (Taylor, 2023).

The second Trump administration took aim at the DSA from the outset.^[6] American Vice President J.D. Vance called for dismantling the regulatory platform at the Paris AI Summit in February 2025, and again at the Munich Security Conference later in the week referring to the practice as “digital censorship” (Wold, 2025; White House, 2025). Other administration officials later followed. In May, the State Department published a document titled *The Need for Civilizational Allies in Europe* which claimed that such “censorship” was akin to the “bureaucratic weaponization [that] was utilized against President Trump and his supporters” that was “trampling democracy, and Western heritage along with it, in the name of a decadent governing class afraid of its own people” (Samson, 2025). The same month, Secretary of State Marco Rubio stated that the US would refuse visas to foreign officials who block Americans’ social media posts (Agence France-Press, 2025), while in late August, President Trump threatened to impose “substantial additional tariffs” on European countries that target American tech companies through the DSA (Liboreiro and Corlin, 2025). The administration has also taken to launching a lobbying blitz to build opposition to the DSA within the EU according to an August 4, 2025 State Department cable (Pamuk, 2025) while allies of the administration from the far-right PöF and ECR groupings began joint lobbying efforts against the legislation in May 2025 (GPAHE, 2025). More recently, Marco Rubio’s State Department issued visa restrictions on five

individuals, including former EU Commissioner Thierry Breton, for what they refer to as their activities as “agents of the global censorship-industrial complex” (Rubio, 2025).

These efforts have less to do with promoting “free speech” online, and more to do with maintaining American digital sovereignty over VLOPs and exporting narratives that promote democratic backsliding to vulnerable neighboring countries.^[7] As stated in their latest National Security Strategy, the current administration is open about their vision of Europe facing “civilizational erasure” and states that their policy going forward would be to “cultivate resistance to Europe’s current trajectory within European nations,” a clear reference to providing open support to populist radical right parties across the continent (National Security Strategy of the United States of America, 2025). This is not an empty threat, as the administration already has a close relationship with the heads of populist radical right parties in Europe, as evidenced by their decision to invite them to the Presidential Inauguration and ignore the actual governing officials (Schaumann and Carbonell, 2025). This dramatic shift signals foreign policy goals which view Europe less as an equal partner and more as a client state that must be reorganized according to an American far right vision of the world in order to stave off “civilizational threats.” These include, according to the document, “activities of the European Union and other transnational bodies that undermine political liberty and sovereignty, migration policies that are transforming the continent and creating strife, censorship of free speech and suppression of political opposition, cratering birthrates, and

loss of national identities and self-confidence.”

Notably, many VLOPs and other platforms have been supportive of the actions of the Trump administration. As Leerssen (2025) has demonstrated, VLOPs that operate by way of private instead of market ownership are much more likely to have majority shareholders, such as Musk or Mark Zuckerberg, that directly intervene in the daily operations of their platforms, and are more likely to diverge away from the purely profit-based model that is typical of VLOPs with a diversified set of shareholders towards explicitly political goals. Musk, who spent nearly \$300 million to help reelect Trump in 2024, has been the most vocal opponent of the DSA, and has personally welcomed the efforts of the administration to take on European regulators, saying in December 2025 that they were “much appreciated.” Similarly, NetChoice, a large tech-affiliated lobby group representing many VLOPs and intermediary services in the US applauded the efforts of the administration and US Congressman Jim Jordan’s efforts in the House Judiciary Committee against the DSA (Chavez, 2025).

The DSA and Its Discontents

Despite criticism of the DSA as being an instrument that “muffles” free speech, the DSA only requires VLOPs to enforce the national laws of EU Member States that are already in effect and promote fair and transparent content moderation policies, all while allowing platforms to enforce their terms of service agreements as they see fit (Husevec and Laguna, 2023). In fact, the DSA

does much to address the previous concerns of those on the political right who consider that many VLOPs held “censorious” content moderation policies that unfairly targeted members of the political right. It does this by adding new transparency obligations requiring intermediary services to explain their moderation policies in “clear and unambiguous language,” including the use of automation, in their terms of service policies (Husevec and Laguna, 2023). They are obligated to enforce their moderation policies “with due regard to” the human rights of all parties involved. Moreover, all intermediary services with more than 50 employees or annual balance sheets of more than 10 million euros are required to submit annual reports concerning many of these same issues. Under the DSA, intermediary services are obligated to be transparent, objective and consistent in their decision-making process related to their content moderation rules, and the DSA’s “notice-and-action” framework moves beyond the traditional ‘leave up / take down’ paradigm by also addressing decisions to demonize, “deboost,” and “shadowban” (Leerssen, 2023).

Instead, much of the focus has shifted to the enforcement of national laws in Europe that regulate and punish instances of illegal hate speech, which was previously difficult to regulate under earlier regulatory bodies. Prior to the DSA, VLOPs and VLOSEs operating in Europe were often threatened with being held liable for illegal content uploaded by third-parties on their platforms, forcing the courts to either impose a duty of care or deny it and consider them exempt from liability. In its place, the DSA exempts these platforms from being held liable for illegal third-party

content, but also institutes new due diligence obligations concerning the design and management of their services (Husevec and Laguna, 2023), as well as separate accountability procedures for when they are found to have not acted in accordance with the DSA. Hosting providers operating in Europe are now required to remove content that is considered illegal in each Member State, and report illegal content to the relevant authorities that qualifies as a crime involving a threat to someone's life if they are made "aware of it" by their own moderators or outside groups.

The DSA does not define what content is "illegal" but defers to the laws of each Member State (Regulation (EU) 2022/2065, art. 3(h)). While this approach promotes an enforcement model that is localized and respects the jurisdiction of different political contexts, there is a risk that these differences could spill-over into enforcement efforts in other countries. Stricter laws in one country could have the effect of VLOPs and other putting in place terms of service agreements that place the threshold for what is deplatformable at a least common denominator (Husevec and Laguna, 2023). Given the fact that most Member States have similar, yet varied hate speech laws, it is likely that VLOPs will confirm their policies in this way. In other instances, where there are *hard conflicts* between Member States with contradicting laws, VLOPs will be forced to take different approaches in different countries (Husevec and Laguna, 2023).

These hard conflicts are at the heart of the controversy between the current US administration and the European Union which fears a "Brussels Effect" that will influence the terms of service of VLOPs

beyond the territory of the European Union. Hate speech laws exist in order to solve a profound dilemma left over from the 20th century: how to curb harmful, discriminatory, and anti-pluralistic hate speech while continuing to maintain the speech rights necessary for a free democratic society. Hate speech laws, regulation of online discourse, and political party bans are otherwise illiberal policy instruments intended to solve the "democratic paradox" of intolerance, which points to certain anti-democratic discourses and ideologies being capable of subsuming liberal democracy if left to fester. Given this awkward tension, instituting them is useful only if they achieve their stated purpose without further degrading democracy. In recent years, the rise of anti-establishment challengers have pushed this tension to its extreme. Populist radical right politicians are particularly known for their tendency to polarize political debates over subjects related to immigration and, on occasions, run afoul of laws, regulations, and terms of service agreements intended to prevent the spread of anti-democratic speech (Le Pen v. France, 20 April 2010; M'Bala M'Bala v. France, 2015; Zemmour v. France, 2022), and when members of these movements are deplatformed or prosecuted, they begin to develop grievances and a sense of victimhood for what they perceive as legitimate political speech (see Van Spanje & De Vreese (2014) and Wichgers, Jacobs, van Spanje (2022) for empirical studies to this effect). As many court cases have shown, it is important to ensure that hate speech laws do not become a tool to arbitrarily prosecute political opponents by ensuring a clearly defined scope of the law, a reference to the political climate in which the speech was uttered, and the hypothetical likelihood it could lead to personal or collective injury (ECHR, 2024).

It is important to note that while the American and European legal traditions take different approaches to the issue of hate speech in democratic societies, the extent to which they differ is not as extreme as commentators usually imply. The American approach to speech is generally protected under the First Amendment, no matter how offensive or prejudiced, though, in exceptional cases “time, place, and manner” restrictions have been permitted by the Supreme Court for ‘fighting words’ that directly provoke violence, defamation of someone’s character, ‘true threats’ to others, solicitation of crimes, treason, fraud, perjury, and incitement to imminent lawless action (Car and Immenkamp, 2025).^[8] Federal statutes also exist covering the fraudulent representation of military awards, bribery of foreign officials, the political speech of federal employees, the pledge of allegiance to the flag, and the means by which communications are regulated, while anti-BDS laws at the state level, that prevent federal contractors from engaging in boycotts of Israel are commonplace (Alkhawaja, 2023). Hate speech as a specific legal category is *also* penalized in the American system, however, this is generally treated as an “aggravating factor” alongside a criminal act that identifies bias motivations and not as a stand-alone crime.

In contrast, the European tradition, borne out of the ashes of World War II and the Holocaust, takes a different position, and restricts hate speech that “publicly incites to violence or hatred” against a protected class, though with significant variation in terms of the coverage (Car and Immenkamp, 2025).^[9] Depending on the national jurisdiction, European laws also generally prohibit publicly

condoning, denying, or grossly trivializing crimes of genocide, and crimes against humanity and war crimes when done in a way that is likely to promote violence or hatred against a protected class. The provisions for charging individuals for such claims are strenuous, however, and even in many cases of alleged wrongdoing, the courts end up deciding in favor of the defendants. For example, the ECtHR has ruled on countless occasions against national governments who prosecuted citizens for alleged hate speech using criminal law provisions that were overly vague, broad in scope, or without a legitimate aim (e.g. “national security,” “maintaining public order and safety,” “preventing crime”) (see ECHR (2024) for a full discussion).

Moreover, despite the American claim that DSA-initiated efforts at regulating VLOPs and deplatforming accounts are “censorious,” both deplatforming and regulation of the telecommunications industry and the network, platform, and utility (NPU) sector have a long history in the American context. The American legal tradition has always held the position of “reasonable deplatforming” characterized by limitations in *who* decides to deplatform whom and *what* the rules are that govern such actions (Sitaraman, 2023). While American legislation and legal precedent generally understands that private enterprises have a “duty to serve,” exceptions have been hollowed out for (1) denying service to thieves and others that commit criminal acts on the premises; (2) preventing illegal items from being sent through the postal system; (3) disconnecting customers from the phone service for failure to pay, use for illegal services, and disruption of the service for others; (4) placing content restrictions and licensing rules on telecommunications services; (5) allowing transportation services

to deny service to dangerous goods or customers posing an immediate threat; and (6) the energy sector for many of the same reasons. However, in the American context, these first amendment protections only generally apply between the government and the citizen, and not between customers and another citizens' property.

Shifting the responsibility for deplatforming perpetrators of hate speech is beneficial both for the European public as well as VLOPs. On the one hand, VLOPs are often hesitant to deplatform accounts as they risk damaging their brand and politicizing these decisions which can harm relations with subsequent governments. Deferring to the legislative authorities of European national governments helps remove some of the responsibility for taking these difficult decisions in ways that shifts blame to political institutions that are accountable to legal mechanisms and other measures of accountability. On the other hand, enforcing existing national legislation ensures that decisions to deplatform users on VLOPs are made, in part, with institutions subject to public accountability and not private multinational corporations whose interests are not always aligned with the broader public interest.

Backsliding and the International Stakes

The Varieties of Democracy's 2025 Democracy Report points to the pernicious role that disinformation and hate speech play in the backsliding process (Marina, et al., 2025). Countless studies and research over the past two decades point to the clear tendency for hate speech, conspiracy theories, and

disinformation to percolate online, especially on VLOPs. Beyond the simple ease with which conspiracy theories, disinformation, and hateful rhetoric can spread online, the political economy of these narratives is supported by the incentive structure that these platforms operate under, as the business models of most VLOPs are based on algorithmically promoting content which keeps users on their sites. This has the side-effect of promoting externalities that have consequences for the rest of society; bad actors that spread hateful rhetoric and disinformation, incentivized mainly by monetary gain, political support, or simple online "clout," can drive engagement by constantly promoting outrage among supporters and opponents alike. By enforcing the provisions of the DSA, the EU and each Member State can attempt to disrupt the political economy of hateful rhetoric by applying pressure on VLOPs in a meaningful way, and redirecting their incentives in a direction that mitigates these harms.

Exposure to this kind of extremist content is known to have clear consequences for offline beliefs and actions; systematic reviews of scientific literature show that exposure to extremist and hateful anti-democratic content online can lead to the development of negative attitudes and stereotypes about protected classes (Madriaza, 2025), cognitive radicalization (Marwick, Clancy, and Furl, 2022; Wolfowicz, Hasisi, & Weisburd, 2022), negative health and psychological consequences (Madriaza, 2025; Samari, Alcalá, and Sharif, 2018), developing populist attitudes and conspiracy theory beliefs (Irena, et al. 2023), increased polarization (Vasist, Chatterjee, Krishnan, 2023), and a risk of

committing political violence (Hassan, et al., 2018, Madriaza, 2025). Further studies also show clear relations between misinformation and disinformation and support for populist radical right parties (Baptista & Gradim, 2022; Cantarella, Fraccaroli, Volpe, 2023; Kentmen-Cin, 2025; van Kessel, Sajuria, & Van Hauwaert, 2021; Zimmermann and Kohring, 2020). Similarly, populist radical right parties are significantly more likely to abuse these online platforms by spreading misinformation about opponents and democratic institutions (Törnberg & Chueri, 2025) and use bots to artificially boost support for their narratives (Silva and Proksch, 2021).

The Trump administration has understood the utility of spreading far-right beliefs by way of VLOPs for over fifteen years when Trump initially gained popularity online by spreading the “birtherism” conspiracy theory claiming that President Barack Obama was not a natural-born citizen (Sawyer, 2022), and it is clear that having American-based VLOPs that allow them are a net-political benefit. VLOPs that become weaponized as a tool to spread disinformation, hate speech against immigrant and minority groups, and conspiracy theory narratives against national governments become a form of digital authoritarianism that functions to steer public debate in a direction that serves the foreign policy goals of the authoritarian regime (MacKinnon, 2011; Morgenbesser, 2020; Roberts & Oosterom, 2024). When hegemonic powers experiencing severe backsliding such as the United States begin to pressure allied democracies against exercising their own regulatory sovereignty

over their information environments, the democratic processes of European states become vulnerable to outside manipulation through American-controlled platforms. As such, the backsliding felt in the United States has spill-over effects into other countries around the world primarily through the usage of these platforms for spreading illiberal narratives.

Additional studies have shown how authoritarian parties from abroad use VLOPs for propaganda purposes, and even spread the anti-democratic narratives of other authoritarian parties and regimes (Szicherle, 2020). In the European context, the European populist radical right benefits enormously from this lack of sovereignty, as parties like RN, AfD, FdI, and Vox utilize X's unregulated environment to spread hate speech, anti-immigrant narratives, conspiracy theories about “globalist elites,” much of which would face restrictions under DSA provisions (Rij, 2025), and national hate speech legislation. Beyond being mere electoral competitors within the realm of electoral politics, many of these parties have close ties to authoritarian regimes such as Vladimir Putin’s Russia (Shekhovtsov, 2018), while most, if not all are very close to the current authoritarian administration in the United States.^[10]

By promoting unified efforts to remove illegal content online, such as hate speech, the DSA contributes to mitigating the effects of the online radicalization pipeline and a major source of backsliding in the European Union. The measures within the DSA to promote transparency and accountability, as well as enforce the legal provisions of Member States

already in existence, the DSA will serve to transform the incentive structure of large VLOPs.

Despite this, there are still systematic vulnerabilities that exist within the DSA framework. By delegating the task of defining what content is “illegal” and enforcing the provisions of the DSA in their jurisdiction, the DSA hands over the tools to limit speech to Member States governed by authoritarian regimes that seek to systematically erode the civil rights of its citizenry. A number of scholars have attempted to subject the DSA to the “Putin test” to examine the consequences of allowing an authoritarian government the legal ability to control speech online with a regulatory apparatus (Chandler, 2023). These concerns are valid, especially given the desire of authoritarian leaders, such as Hungarian Prime Minister Viktor Orbán and his PfiE grouping’s aim of “occupying Brussels” (EuroNews, 2025). In the Hungarian context, for example, the decentralized approach taken by the DSA implies VLOPs having to come in compliance with “illegal” pro-LGBTQ+ content online. While there is no “silver bullet” to drafting regulations that cannot be abused by authoritarian governments, the DSA’s decentralized structure helps to separate powers for regulating the online space. Abuse from authoritarian parties is always a possibility, though, these concerns should not dissuade the EU from regulating services within its jurisdiction, and should also be juxtaposed with the opposite possibility of whether the lack of regulation can also pass the “Trump test.”

From a governance standpoint, it is impractical to draft legislation with the constant fear of

abuse from illiberal regimes such as Hungary. The current situation that the EU finds itself with regards to Hungary is an “authoritarian equilibrium” where the regime is supported by EU funds and the ability of citizens to leave the country, while the EU is reluctant to interfere in the domestic affairs of Member States (Kelemen, 2020). Instead of avoiding enacting necessary regulations for fear of abuse by the government in Budapest, efforts to ensure that Hungary adheres to rule-of-law requirements for membership and human rights for all citizens needs to be focused on broader legal and political efforts to ensure compliance.

In recent years, discussion of content moderation of VLOPs has taken on an international dimension due to the perceived influence of Europe on international markets and global norms. Dubbed the “Brussels Effect,” the sheer size of the European market, and penalties for infringement of EU regulations have an effect on the way that multinational corporations and other services operating across borders conduct business beyond the territory of the European Union (Chandler, 2023). In short, it is easier to conform to the regulations of large markets such as the United States, the European Union, and China, than to enforce different rules in every country. This is especially the case for VLOPs that often do not even have separate moderation teams outside of their core languages. This has inevitably created friction with the United States, as these multinational American-owned VLOPs are increasingly becoming battlegrounds in a larger conflict over digital sovereignty.

The DSA should be viewed not solely as a

regulatory framework, but also as an effort to enforce digital sovereignty over the territory of the European Union. Many American VLOPs must be understood not only as large financial actors, but also as political actors within the context of the ongoing backsliding in the United States. The large owners of these platforms have political ambitions as much as they do financial ones, and the ability of information to spread quickly to reach a large number of people points not only to their vulnerability to authoritarian outside actors, but also their potential to be weaponized by the very platform owners. Like with Russia and China, the weaponization of platforms such as X, by turning the platform into a giant megaphone, serve as attempts to affect European society from the outside in the second Trump administration. American attempts to rollback the DSA must be seen within the context of the ongoing democratic backsliding in the United States.

The second Trump administration's opposition to the DSA and defense of platform autonomy, particularly for X, represents a

profound paradox of digital sovereignty. By pressuring European states not to implement a robust regulation of social media platforms for hate speech and disinformation, the United States effectively undermines European digital sovereignty while ostensibly defending American principles of free speech (Car and Immenkamp, 2025). However, this assertion of sovereignty serves not only as supposed protection of liberal values but also support for illiberal political forces that depend on unregulated platforms for purposes of furthering polarization and driving support for populist radical right parties across the continent. Unregulated platforms like X have become essential infrastructure for populist radical right parties across Europe, providing venues for coordinated disinformation campaigns, algorithmic amplification of extremist content, and circumvention of traditional media gatekeeping that once limited radical messages (CCDH, 2023; Davey and Ebner, 2019; Dias, 2024; Domínguez-García et al. 2025; Hickey, 2025; Mutascu, Strango, Turcu, 2025; Pérez Curiel, 2020; Schmitz, Muric, and Burghardt, 2022). 

CONCLUSIONS AND RECOMMENDATIONS

- The European Commission must not cede to the Trump administration and its proxies its right to enforce its own laws on its own territory and regulate illegal content online. To concede on the EU's own digital sovereignty implies not only entrusting VLOPs to “self-regulate,” which many of them have either failed or refused to do, but also accepting that an autocratizing power can promote its own radical agenda by spreading online hate speech and propaganda similar to other illiberal adversaries. The claims from the Trump administration that the DSA is a tool of mass “censorship” is baseless and should not sway the EU away from serving the interests of its citizens.
- The provisions of the DSA need to be fully enforced in Portugal and the wider EU. Beyond protecting consumers, children, and other individuals who directly engage with VLOPs, the DSA has the capability to disrupt the political economy of undemocratic hateful rhetoric and disinformation and counter efforts by adversarial foreign powers promoting democratic backsliding within the European Union. This can only happen, though, if there is proper political will to enforce the regulation. This is especially important as the VLOPs' own biannual DSA Transparency Reports demonstrate a lack of moderation staff in most official languages of the EU, concentrating instead on major languages such as English. The onus to ensure a safer online environment will fall on the national DSCs as much as the Commission.
- Enforcement of the provisions of the DSA should not rest solely with the European Commission. The DSC designated by each Member State with enforcement and sanctioning powers also need to implement the legal provisions of the DSA to the fullest in order to promote compliance with the national legislation of each Member State, mitigate the harm from online hate speech and disinformation, and more broadly, exert influence over questions of digital sovereignty when faced with foreign authoritarian powers. While the European Commission holds jurisdiction over large investigations into VLOPs, most of the day-to-day enforcement will fall to the DSCs to cover.
- Enforcement efforts by both the Commission and national DSCs must not cede to VLOPs decisions over what is or is not “illegal hate speech.” Under the DSA, this power lies with the legislation of each Member State and should be enforced in accordance with the language of relevant legal provisions.
- Efforts at preventing parties and movements with authoritarian ambitions from abusing the DSA should focus on strengthening liberal democracy within the EU instead of preventing it from enforcing its own regulations. As seen in the cases of Russia and the United States, authoritarian actors can weaponize VLOPs for their own illiberal foreign policy goals regardless of the regulatory apparatus in place. Efforts by authoritarians within the EU to weaponize the DSA are a particular vulnerability in the DSA's legal framework, however, efforts at deciding what is and is not “illegal speech” should be left to the discretion of the proper EU structure and judicial bodies to deliberate in the courts.
- European officials need to ensure that the DSA is enforced regardless of the political position one has in a position of power at the national or European level. In the past, many VLOPs have held policies that privileged major political figures by exempting them from their TOS agreements on hate speech under the guise of it being “newsworthy” or “in the public interest” that they maintain their accounts online. This has had the side-effect of giving many European political leaders *carte blanche* to spread hate speech on these platforms in contradiction to the law of their own countries.

ENDNOTES

1 While the division between these two camps is usually confined to illiberal radical right parties and the establishment parties, the introduction of hateful rhetoric and ideologies also incentivizes establishment parties to shift on these issues as well, leading to a mainstreaming effect (Mondon & Winter, 2020; Valentim, Dinas, & Ziblatt, 2025).

2 Risk mitigation is an especially important feature of the DSA as VLOPs such as Meta and X have previously acted to “bury” evidence or attack groups showing the negative effects that social media may have on its users’ mental health, exposure to “fake news,” disinformation, and extremist content, and exploitative content (Horwitz, 2025).

3 This regulatory obligation is important given VLOPs general aversion from moderating content. One November 2023 report pointed out, for example, that many VLOPs such as Snapchat, Pinterest, LinkedIn, and Twitter did not even have members of their moderation teams that covered the majority of the official languages of the EU, instead dedicating their efforts primarily to English-language content (Global Witness, 2023).

4 The Council of Europe defines “hate speech” as “all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as “race,” colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity, and sexual orientation” (Car and Immenkamp, 2025).

5 At issue, according to the December 2023 proceedings, were X’s obligations to act on illegal content, the effectiveness of their measures against information manipulation, their willingness to allow researchers access to public data, the completeness of their ads repository, and their interface design with regards to the “blue checkmark” system which was alleged to be deceptive. The December 2025 decision specifically sided with three of these conclusions (deceptive “blue checkmarks,” failure to provide researchers with data, and lack of ads repository transparency) while the investigation into the other two points (dissemination of illegal content and the effectiveness of the measures taken to combat information manipulation) is ongoing (EU Commission, 2025).

6 These efforts have been reinforced by Republican members of Congress, who on July 25, 2025 released a staff report on the DSA arguing that the DSA was an “anti-speech, Big Brother law,” that “gives European regulators the ability to suppress speech globally with which they disagree” (U.S. House of Representatives, 2025).

7 The lack of seriousness of claims of “censorship” by the current administration should be seen within the context of the same administration which, only several years prior, sought to ban the Chinese VLOP TikTok or a sale to an American investor for alleged national security reasons and pro-palestinian bias. At the time, rights groups denounced the decision as a fundamental threat to free speech (Jarvis, 2020).

8 “Fighting words” refers to “words which by their very utterance inflict injury or tend to incite immediate breach of the peace” (*Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942)).

9 While the ECHR, ECtHR, and EU Charter of Fundamental Rights have all institutionalized support for hate speech laws at the European level, to date there exist no laws at the European level that explicitly prohibit such speech (Car and Immenkamp, 2025).

10 Several populist radical right parties in Europe have alleged ties to China.

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