

Bérut, Chloé (2024). 'Anu Bradford, Digital Empires. The Global Battle to Regulate Technology, New York, Oxford University Press, 2023, 599 p.', *Politique européenne*, 83:1, 130–133.

[English]

The book *Digital Empires* by Anu Bradford addresses a central issue of contemporary societies, namely the regulation of digital technologies. The goal is to introduce readers to the major issues structuring this globalized sector, whose developments are transforming our daily activities, from search engines to websites and social networks. To this end, the author organizes her discussion around three key themes: the notion of a digital empire, the various types of regulatory battles in the digital realm (vertical and horizontal), and the three forms of power associated with the digital domain (private, infrastructural, and regulatory power).

The first part describes the three main current archetypes of digital regulation, drawing on classic categories from the literature. The author contrasts the American liberal model with China's state-centered and authoritarian model, while the European Union (EU) is characterized by its focus on protecting citizens' rights in cyberspace. These three entities are referred to as 'empires', an analogy that allows Anu Bradford to highlight the influence these states exert beyond their national spheres. The book begins with the presentation of the American model, which revolves around two central values: the preservation of freedom of expression and the implementation of the free market. These conditions are said to have enabled the United States to become the cradle of the current Western tech giants (Google, Apple, Amazon, Meta, Microsoft). These companies still benefit from very low regulation in their home country, where content moderation is minimal and antitrust legislation particularly lenient. In this case, state intervention is considered inappropriate, if not harmful.

In contrast to the free-market model is the Chinese example, where the state plays a dominant role. Economically, the Chinese Communist Party (CCP) has heavily invested to ensure the development of its own tech giants: Alibaba, Huawei, Xiaomi, Tencent, ByteDance, and Sina Weibo. In terms of values, the Chinese government believes that the internet should contribute to preserving 'social harmony'; the CCP does not hesitate to engage in censorship and propagate its ideology in the national cyberspace. Despite strong state intervention and strict content control, Chinese tech giants compete with their American counterparts, though their market is mainly confined to China.

The third model analyzed by the author is that of the European Union. Unlike the other two empires, the EU is not a tech giant. Instead, its power lies in an alternative form of domination—regulation. Here, the European model contrasts with both China and the United States. European regulation aims to curb the power of private digital actors, not to ensure greater state control but to preserve the free market and democracy. This involves limiting monopolistic behaviors of companies and obligating them to a certain form of responsibility regarding the content they host. The protection of democratic principles also includes promoting citizens' rights, especially concerning their privacy.

After outlining the forces at play, the book delves into the dynamics of power between these three entities. The second part addresses 'horizontal battles' and 'vertical battles' and their interconnections. It aims to understand the struggles between each state and the globalized tech giants (vertical battles) and between the three empires (horizontal battles). This distinction allows the author to present numerous recent cases related to digital regulation. Often, tech multinationals find themselves at the heart of unresolved jurisdictional conflicts, risking the creation of separate markets and nationalized internet systems ('splinternet'). This section is filled with examples where readers can appreciate the balancing acts of companies like Apple, which seeks both access to the Chinese

market (and thus complies with the CCP's censorship and propaganda demands) while maintaining their image and championing freedom of expression in other regions of the world.

The author then revisits the horizontal battles between the three empires. Between China and the United States, this battle resembles a 'technological war', aiming to win the race for progress, particularly in artificial intelligence. In this context, each country tends toward a form of technoprotectionism, striving to limit the export of critical technologies while maximizing the commercial benefits of their products. Conversely, between the EU and the United States, the horizontal battle focuses not on technology but on regulation. The book revisits the dispute over the invalidation of Safe Harbour and then Privacy Shield by the EU Court of Justice, which ruled that data collected from Europeans by American companies did not receive sufficient protection.

Finally, the author outlines the characteristics that would allow each empire to exercise a form of domination on the global digital regulation stage. Three categories of power are presented, each associated with a particular empire. The primary power of the United States lies in its private and globalized digital companies, which help export the American model of market freedom and freedom of expression. China, on the other hand, has a more technical power: through the overseas distribution of its infrastructure, particularly telecommunications, it can influence other states, especially as part of its 'digital silk road' policy, which aims to connect the country with other parts of the world. Here, the author acutely raises the question of the standards embedded in these infrastructures and the commercial and political advantages China could derive from dominating the international technical norm-setting process. Finally, the EU's power is primarily regulatory. Due to the 'Brussels effect' (referencing the author's previous work), European law, by imposing strict rules on companies, has the ability to spread far beyond the EU's borders.

With *Digital Empires*, Anu Bradford provides essential keys to understanding current debates on digital regulation. The remarkably clear argumentative structure gives meaning to the mosaic of issues in this sector. Conceptually, the book is filled with particularly attractive notions: digital empires, vertical and horizontal battles, decoupling, de-globalization, splinternet, digital sovereignty, surveillance capitalism. However, the analytical potential of these concepts is rarely exploited, making their reuse in other academic contexts difficult at first glance. In particular, the question of their operationalization is never addressed throughout the book. The third part likely suffers the most from this lack of operationalization; for instance, while the author presents American firms as the main power of the United States, these same companies are largely responsible for the EU's 'Brussels effect', mainly due to their search for economies of scale. Indeed, to limit adaptation costs to each national legislation, digital giants tend to generalize the most stringent regulation (that of the EU) to all their products, actively contributing to the global spread of European norms. Scientifically, this book invites a thorough examination of the concepts to be used to analyze power in the digital age, paying particular attention to the gaps between political discourse and observable facts.

The book's challenge is nevertheless met: after reading, it becomes difficult to believe in the imagined existence of a liberated cyberspace, capable of escaping the powers and rules of the physical world. On the contrary, digital technology, like any object, is subject to pre-existing norms, values, and practices. The battle for digital regulation is therefore primarily a political struggle that, in the near future, will take the form of a clash between technodemocratic and techno-authoritarian systems.