

BOOK REVIEW

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Anu Bradford, *Digital Empires: The Global Battle to Regulate Technology*

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Anu Bradford, who is Henry L. Moses Professor of Law and International Organizations at Columbia Law School, is probably most well-known for coining the term ‘Brussels Effect’ in her 2020 book of the same name.¹ In the book, she describes and explains how the laws and regulations devised by the European Union (EU) to make its single market operate more effectively also influence the rules that other countries and/or international bodies adopt to govern their markets.

Bradford has now done it again, producing another remarkable book that has received a lot of attention in academia and beyond. For instance, it was recognized as one of the best books of 2023 by *The Financial Times*.

What is perhaps most remarkable about *Digital Empires* is that it brings together and organizes coherently a lot of discussions/debates and issues about business and governments in the so-called ‘digital economy’: e.g., surveillance capitalism, big tech, tech war, AI governance, cybersecurity, de-coupling, de-risking, etc. It is all in there!

For those people who follow closely digital economy discussions and issues around the world, the book may not seem like it has much to offer that is new. For instance, the key idea of digital empires (China, the European Union, and the United States) is not novel. Aaronson and Leblond (2018) wrote about how the World Trade Organisation (WTO) could deal with the rise of the same three ‘data realms’ in governing global digital trade and data flows back in 2018.² At the same time, O’Hara and Hall (2018) talked about the ‘four internets’.³ In their case, they argue that Bradford’s three digital empires – with their different understanding of how the digital world should be governed – emerged from what they call the ‘Silicon Valley view’, which was promoted by the internet’s original creators who engineered it to be ‘open, that is, that its standards should be transparent, and that data and software should be portable, extensible, and interoperable (O’Hara and Hall, 2018, p. 1).’

However, *Digital Empires* does have a lot to offer to experts on the digital economy and its geopolitical manifestations. To begin with, it provides a (neither too short nor too long) history of the politics and economics behind the three empires’ evolution, which has not been covered by the academic and policy literatures as far as this reviewer is aware (except for the EU, which Bradford covers in *Brussels Effect*).

¹A. Bradford (2020) *The Brussels Effect: How the European Union Rules the World*. Oxford University Press. In fact, she first introduced the term in an article several years before: A. Bradford (2012) ‘The Brussels Effect’, *Northwestern University Law Review* 107(1), 1–68.

²S.A. Aaronson and P. Leblond (2018) ‘Another Digital Divide: The Rise of Data Realms and Its Implication for the WTO’, *Journal of International Economic Law* 21(2), 245–272.

³K. O’Hara and W. Hall (2018) ‘Four Internets: The Geopolitics of Digital Governance’, CIGI Paper No. 206, Centre for International Governance Innovation, 7 December, 16 pages.

Bradford also includes business in the discussion and analysis, whereas books on geopolitics/geoeconomics tend to focus solely on what governments do. Making ‘vertical’ battles (between governments and the tech companies they are trying to regulate) equally important as ‘horizontal’ ones (between the Chinese, EU, and US governments over the norms and values that govern the digital economy) allows for an analytically rich, nuanced, and compelling story about digital empires:

Due to the global nature of the digital economy, these leading regulatory models extend across jurisdictions, impacting foreign societies and shaping lives of foreign individuals. As a result, these models frequently collide in the international domain, leading to fierce battles both within and across the digital empires. These imperial rivalries are thus central to the evolution of the global digital order, revealing how that order is shaped not only by the empires themselves but by their mutual contest for influence. [...] Such interconnections across the various horizontal and vertical battles often lead to a strategy of restraint, bringing about periods of de-escalation alternated with periods of escalation. This dynamic sustains a persistent, yet ultimately manageable, conflict that prevents a full-blown tech war from emerging but also keeps a lasting truce at bay (11).

Another important contribution is the fact that each model (or empire) is not presented as ‘pure’ or some kind of ideal type. Bradford’s discussion of the similarities as well as the differences between the three regimes helps the reader understand them better. Including the similarities across the three empires is necessary for her to present a convincing analysis of the horizontal battles.

Surprisingly, perhaps, the EU–China horizontal battle is missing from the book, which focuses on the China–US and the EU–US battles. Is it because there has been no battle between the EU and China on digital policy matters? Or is it that the EU’s position vis-à-vis China is filtered by its engagement with and pressures from the US? It is true that the EU has had a much more positive view of relations with China than the US in general, until a few years ago, but surely there is something to be said as to how the EU’s right-based model interacts and/or competes with China’s state-driven model.

Digital Empires does more than puts a lot of things together, it also makes sense of them. It makes two key arguments that are vital contributions to the academic and policy literature on the digital economy. First, it argues that the future of the global digital economy and its governance (what Bradford calls the ‘global digital order’) will not be one of complete digital de-coupling and a New Cold War, because of the restraints that businesses impose on governments and the interdependencies between the three regimes. Second, the book argues that what is likely to emerge is a bipolar digital order with digital democracies (led by the EU and the US based on the European model) on one side and digital autocracies (led by China and its state-driven model) on the other.

Although Bradford’s conclusions are convincing and reassuring for those who worry that the world economy is headed towards a New Cold War with complete decoupling between China, the EU and the US, they nevertheless leave the reader with a sense of wishful thinking on the author’s part. Will the US really adopt the European (rights-based) model? What if Donald Trump (or someone like him) becomes president again? After all, despite closer cooperation with the EU (e.g., the EU–US Trade and Technology Council), the Biden administration has adopted a series of policy measures that exclude the EU or compete with it: the CHIPS and Science Act, the Inflation Reduction Act, the Indo-Pacific Economic Framework, the Global Cross-border Privacy Rules Forum, the digital trade agreement with Japan, etc. The ideological and political divisions in Congress that underlie many of those measures are not going away any time soon.

Moreover, a lot of countries in Africa, Asia, and Latin America could try to stay on the fence and below the three empires’ radar, unless they are forced to choose one digital pole or the other. Could they seek a hybrid model between the two poles that Bradford suggests? Perhaps India’s

emerging digital model represents a third ‘non-aligned’ pole to the *Digital Empires*’ story about the future global digital order.

To make it even more complete, the book could have discussed what it would take for the EU and the US to get other democratic countries to join them. The European model does not come cheap. So, should the EU and the US provide smaller, poorer democracies with financial and technical assistance to implement a rights-based model? Should they abandon some of their ‘good governance’ demands that often accompany the offer of help to less developed countries? Should they, like China, offer effective yet relatively cheap digital infrastructure (at a subsidized price)?

Finally, in looking at the future, the book makes two key implicit assumptions about China and the US: they both stay on their current economic and political course. If they do not, then Bradford’s vision of a bipolar digital world may not materialize. The horizontal battles could overtake the vertical ones and the restraints that they imply could weaken, leaving a world with three or more digital poles (Brazil, India, and Russia could be additional poles) with countries in between being coerced rather than cajoled to choose their camp if they do not want to remain adrift on the digital oceans.

In such a fragmented world of isolated, yet self-sustaining digital islands (or continents) with all sorts of unmoored boats of all sizes (i.e., the rest of the world) floating around and trying not to sink, digital trade in particular and the world economy in general would suffer greatly.

PATRICK LEBLOND

University of Ottawa

Email: patrick.leblond@uottawa.ca