Digital Empires: A Response to Book Reviews

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I was grateful to read the thoughtful reviews of *Digital Empires* by four prominent scholars. All three reviews are deftly written, full of intriguing insights. They affirm the fundamental claims of the book while engaging with new and unexplored arguments. They leave us with a richer and more nuanced view of the global digital economy and the digital empires, other countries, and tech companies' role in shaping that economy.

One benefit of revisiting *Digital Empires* two years after its publication is the opportunity to assess its claims in a new geopolitical landscape. Erik Tuchtfeld does this skilfully, acknowledging the fundamental nature of the geopolitical changes that are now rewriting the norms for the global economy. He makes two key arguments in his review. First, he notes how President Trump is now squashing any optimism of closer Transatlantic cooperation on digital governance that the book had predicted. Second, he invites us to examine other digital empires, including those in Brazil and India, that are also shaping the global digital economy.

Both arguments are compelling. I anticipated the second one – the limitation of an analysis focusing on just three jurisdictions – already while writing. A more complete account would have spent more time on countries outside the United States (US), China, and the European Union (EU). In many ways, this was a conscious choice that reflected my limited bandwidth. The book already sought to engage with digital regulation broadly, discussing antitrust law, data privacy, content moderation, Artificial Intelligence (AI) regulation, online copyright and more, focusing on legal, political, and economic developments in three jurisdictions. A more comprehensive book would likely still be in the making. But I agree that there have been exciting developments in Brazil and India that validate Tuchtfeld's invitation to pay more attention to those jurisdictions.

At the same time, I am not yet prepared to claim that those two regimes have risen to global prominence as new digital empires with a global reach comparable to that of the US, China and the EU. But even then, they warrant closer scrutiny, as do other jurisdictions in the Global South. This is particularly important today as the tensions among the three digital empires are deepening, which gives each of them new incentives to re-assess their relations with the rest of the world. The Global South is also likely reassessing its reliance on, or emulation of, any of the digital empires in the new geopolitical environment.

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Tuchtfeld's first observation about the changing nature of the United States, including the country's sliding into greater authoritarianism, is the most pertinent development since *Digital Empires* was published. Stefania Di Stefano similarly highlights the significance of this shift. She correctly draws our attention to the waning prospects of a coalition among the world's techno-democracies as the US is retreating from its commitment to democratic values. Di Stefano also agrees with Tuchtfeld's striking, yet unfortunately compelling, statement that the US today is not '[Europe's] ally in the battle against digital authoritarianism, but rather a very concrete incarnation of it'.

Like many others, I never predicted the fundamental nature of the political change that is now underway in the United States. I was writing at the time when the Biden administration was moving the United States decisively towards greater alignment with the EU and championing closer collaboration among the world's techno-democracies. I placed considerable hope in that collaboration, arguing that the US and the EU should put aside their differences to jointly challenge China's digital authoritarianism. Yet any such cohesive US-EU coalition no longer seems within reach. Instead, the Transatlantic relations are fracturing. The US is also retreating from its global leadership role while moving away from its commitment to democracy, rule of law, and international cooperation. The weakening of the American democracy is my biggest disappointment and the greatest source of concern today.

How tech companies and other nations are responding America's transformation has become a key question. Di Stefano argues that US tech companies are assuming a more combative stand towards European digital regulation and moving away from the EU's rights-driven model. At the same time, they are also aligning themselves more closely with the US government. But according to Di Stefano, that close alliance between Silicon Valley and Washington is not strengthening the US's market-driven model. Instead, the Trump administration itself is weakening the US model by emulating elements of China's state-driven model. I acknowledged this shift already at the time of writing the *Digital Empires*, noting how the tech war was leading to a partial decoupling of the global digital economy as the US was increasingly playing Beijing's game (*Digital Empires*, p. 171, 366). But today, export controls and other restrictive state-driven policies are complemented by invasive government surveillance methods, reinforcing the growing authoritarian trend in the US.[1]

1 'Trump's Immigration Crackdown Is Built on AI Surveillance and Disregard for Due Process', Freedom House, 21 May 2025, <https://freedomhouse.org/article/trumps-immigration-crackdown-built-ai-surveillance-and-disregard-due-process>, last access 1 August 2025; Dia Kayyali, 'AI Surveillance on the Rise in US, but Tactics of Repression Not New', Tech Policy Press, 26 March 2025, <https://www.techpolicy.press/ai-surveillance-on-the-rise-in-us-but-tactics-of-repression-not-new/>, last access 1 August 2025; Maya Yang, 'Trump Officials to Monitor Immigrants' Social Media for Antisemitism', The Guardian, 9 April 2025.

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Observing these developments, Di Stefano's conclusion is alarming to many: As the emboldened tech companies are endangering the EU's rights-driven model and the US government itself is abandoning its market-driven model, the greatest beneficiary is, Di Stefano claims, China and its state-driven model.

For the proponents of the EU and its rights-driven regulatory model, the pertinent question is whether the EU should adjust its regulatory model to the new geopolitical reality. Amnon Reichman and Kai Purnhagen's review is particularly helpful in examining the challenges the EU faces in sustaining its digital empire. The two authors argue that we need to carefully assess the risks associated with the EU's rights-driven model, including the possibility of regulatory errors and unintended consequences. I agree with their observation. The unintended consequences of the EU's General Data Protection Regulation (GDPR) illustrate this concern well. The GDPR imposes greater relative costs on small- and medium sized companies and hence inadvertently entrenches the power of the largest tech companies that can best afford to comply with costly regulations (*Digital Empires*, p. 138). I also fully agree with their argument that 'innovative enforcement and compliance mechanisms' is key to the regulatory model's success. The weak enforcement was one of the key criticisms of the EU's rights-driven model that I have emphasised, arguing that the weak enforcement is 'threatening to render [the EU's] victory in the battle of values a hollow one' (*Digital Empires*, p. 29).

Reichman and Purnhagen also eloquently discuss rising regional competition, which may increase pressures on the EU to re-assess the international competitiveness of its regulatory model. The authors suggest that this may cause the EU to lower the costs of compliance with its model to remain attractive globally, for example, by streamlining its authorization processes or otherwise supporting companies' compliance efforts. They also remind us how 'The challenge for the EU lies in reconciling these roles through a regulatory approach which benefits are sufficiently evident so that the various stakeholders are willing to shoulder the higher costs involved in a rights-based approach.'

This is an important observation. I would even take their criticism further today. In addition to the growing external challenge to the EU's regulatory model caused by the combative Trump administration and the emboldened tech companies, the EU is now facing an internal challenge to its regulatory model. Since the 2024 Report on 'The Future of European Competitiveness', – authored by Mario Draghi, the former president of the European Central Bank – there has been a paradigm shift in the EU economic policy, including digital policy. The conversation has moved from protecting digital rights to questioning if that goal can be reconciled with the increasingly existential need to enhance Europe's competitiveness and technological sovereignty. Calls are now growing for a regulatory pause and simplification. Alongside the EU's sustainability rules, digital regulation has become a target of this de-regulation effort, as shown by the shelving of the AI liability directive and the pointed criticism aimed at the AI Act.

Recently, I argued with Daniel Kelemen and Tomasso Pavone in *Foreign Affairs* that the EU is facing both an external and internal challenge to its regulatory hegemony.[2] In addition to President Trump's attempts to fold the EU's digital regulation into the broader trade war, the EU is on the verge of losing its own confidence in the rights-driven regulatory model. Innovation and technological progress have become key policy goals, and the EU is now battling the perception that digital regulation is an impediment to those goals. As a result, the EU risks undermining its own regulatory model if it is failing to convince its citizens that the model is sustainable and worth defending. The greatest threat to the EU's digital empire may therefore not come from the United States but from the EU's dwindling internal commitment to its rights-driven regulatory model.

Protecting digital rights and enhancing Europe's competitiveness are both important imperatives for the EU and the resilience of its regulatory model. But presenting the EU's rights-driven model as inherently incompatible with innovation is a false choice, as I briefly mentioned in *Digital Empires* (p. 371-376) and elaborate elsewhere more recently.[3] The EU's commitment to digital rights is not what is holding the EU's technological development back. Rather, its incomplete digital single market, absence of integrated and robust capital markets, punitive bankruptcy laws, and inability to compete with the US for global tech talent is what is hindering the EU's tech competitiveness.

In closing, the stakes in the global battle to regulate technology are even higher today than in 2023 when *Digital Empires* was published. All jurisdictions are racing towards enhancing their technological sovereignty, positioning themselves to prevail in the race to control AI and other key technologies. Amid these intensifying global battles around technology, the EU must ensure that it develops, and not only regulates, technology. There is an urgent need to reduce the EU's dependencies on American and Chinese technologies.

But it is equally important that the EU will stay committed to the values underlying its rights-driven regulatory model. The EU cannot afford to concede the horizontal battle to the US or China. This entails not capitulating to the Trump administration's demands to weaken its digital regulations. But neither can the EU give in to the internal narrative erroneously portraying its rights-driven regulations as the enemy for European technological sovereignty and economic progress. As the US is retreating from its commitment to a rules-based international order and sliding towards greater authoritarianism, it is up to the EU to assume global leadership and defend the rule of law and liberal democracy. As part of this leadership, the EU must demonstrate that a digital order based on fundamental rights and democracy creates stability and prosperity that allows Europe – and anyone emulating its model – thrive.

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[2] *Anu Bradford, R. Daniel Kelemen and Tomaso Pavone, 'Europe Could Lose What Makes It Great', Foreign Affairs, 21 April 2025.*

[3] Anu Bradford, '*The False Choice Between Digital Regulation and Innovation*', Nw. U. L. Rev. 119 (2024), 377-452.