Book Review: Laidlaw, Emily B. *Regulating Speech in Cyberspace: Gatekeepers, Human Rights and Corporate Responsibility* (Cambridge University Press, 2015)

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The internet started out as a space where information was unrestrictedly shared and its whole architectural rationale was to enable the decentralised exchange of information. The success of the Internet led to its commercialisation and the extensive introduction of private companies as managers of infrastructure, connectivity and content. As our deliberations and debates and our information sources and ways of producing information have largely migrated online, private entities, from Internet Service Providers to companies like Google and Facebook, have found themselves in a position of shaping the information landscape we live in today and thus impacting on our socio-political perceptions and the exercise of our rights of speech and association.

Emily Laidlaw's book is a study on how this happens and what free expression responsibilities such private entities have or should have towards their users and society more generally as well as how this could be better facilitated. The author does a great job of delivering what she promises, a critical discussion on gatekeepers of information and their social responsibility regarding human rights in contemporary information-based, networked democracies. But this book is not just providing a critique of the current situation; it also offers us a new, multi-nodal and interactive model of governance that blends legal and extra-legal elements in providing a response to the weaknesses she identifies regarding the current structures.

The book contains six chapters, with chapters four and five focusing on specific case-studies and the application of the theories discussed earlier, relating to different types of information gatekeepers, such as the IWF in its role as a multi-stakeholder organisation monitoring child abuse content and search engines, primarily Google. Before embarking on the case-studies in order to identify the regulatory weaknesses of existing practices, which goes onto inform her final suggestions, the author takes us through a comprehensive account of the relevant literature. In chapter one, we see an analysis of many of the major authors regarding regulation and democratic deliberation online, from Habermas and Sunstein to Froomkin, Balkin and others. For chapters two and three, Laidlaw analyses the speech-related gatekeeping roles of internet corporations and discusses the relevance of corporate social responsibility (CSR) theories to the interplay between gatekeeping companies and their human rights obligations. Irrespective of its value as an original take on the topic, these initial chapters provide a thorough map of the literature, which also makes it a useful teaching tool. The structure is intriguing, perhaps bearing the mark of its origin as a PhD thesis in that sense. However, this is by no means a negative element and the book flows nicely, blending the theories with the case studies to reach its final conclusions.

Laidlaw establishes, through her interesting and thorough case-studies and theoretical discussion, that speech gatekeepers online are regulated through weak internal processes, Terms of Service and voluntary industry initiatives, whilst laws and human rights treaties have also become less influential. Having identified the current challenges and insufficiencies of both CSR codes and traditional legal tools, the author, thus, offers her suggestion of a more networked, symbiotic approach that takes into account the various existing regulatory

actors and influences and builds a system that reinforces complementarity in achieving the aims of both CSR and top-down legal regulation.

In essence, Laidlaw advocates for a meta-regulatory framework, where the state regulates the self-regulatory processes with regards to corporate practices on human rights. This is to be achieved mainly through the establishment of a Digital Rights Commission that will be more human rights focused and will have a stronger government mandate than existing relevant bodies, such as ICO or Ofcom. The dialogic and dynamic processes that Laidlaw proposes between the gatekeepers and the suggested state-sponsored Commission also result in public involvement in the process of identifying certain expected responses to human rights issues and then assessing gatekeeper compliance with the opportunity to access enforceable, non-judicial remedial mechanisms. In this way, she creates a circular, interactive system of constant checks and improvements. The author also highlights the need for a graduated engagement with the suggested governance model, depending on gatekeeping impact levels on democratic culture, and takes into account issues such as costs, capture and the potential contradiction between setting up such a Commission and implementing a laissez-faire business agenda.

The model suggested is UK focused, but Laidlaw claims that her suggested governance model could be applied, after suitable modification, to different democratic states with alternative governmental structures and legal characteristics. It would be interesting to see an attempt to apply this model to other Western world countries, testing its viability and functionality and even making comparisons with the UK, especially considering the importance Laidlaw attributes to a government role in setting expectations and human rights responsibilities for companies. In the area of Internet regulation and governance, where strong state intervention can often be considered taboo, the author boldly relies upon the grave importance of human rights that are constitutive of cyberspace itself, and the obligations of states to positively safeguard and promote such rights, in order to establish the need for state supervision. Irrespective of whether one agrees with such a rationale or its feasibility, what is important is that Laidlaw has managed to give all of us working in the area of human rights online and internet regulation a new, interesting model to consider, work with and even challenge. It is not often that we get such a chance.