A CROSS-COUNTRY ANALYSIS OF INTERNET POLICIES: TRENDS IN INTERNET-RELATED PROPOSED LEGISLATION IN BRAZIL, CHILE, AND THE UNITED STATES (1997-2021)

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This paper analyzes trends and shifts in internet policy over time through a cross-country comparative lens. We employ computational and qualitative methods to map patterns on internet regulation across Brazil, Chile, and the United States. Our historical analysis extends across 24 years of proposed legislation. Our time frame ranges from 1997 to 2021, which constitutes the available data for all three countries together. Additionally, by beginning our study in 1997, we analyze proposed legislative responses since the enactment of the Communications Decency Act (CDA), which is regarded as one of the first comprehensive internet legislations in the world.

This study examines the power structures both within and outside each country. Brazil is home to the Marco Civil, a law celebrated as one of the most innovative internet policies in the world (Moncau & Arguelhes, 2020). Chile was the first country to enact a net neutrality law (Marsden, 2015). The United States has a laissez-faire approach to internet regulation, in contrast to more interventionist ones (Pohle et al., 2016; Miao et al., 2021).

We selected Brazil, Chile, and the United States as a purposeful sample of the Global North and Global South. This study constitutes one of the first cross-country and historical comparative analysis on proposed Internet legislation. We aim to address the conference theme by de-centering European and North American narratives of the internet. This study makes an original contribution as we consider South American internet policy within the global narrative and identify points of convergence and divergence between two

South American countries in contrast to the United States, adding a new perspective on global internet policy trends.

Contextual framework

Against historical aversion to governmental input on internet policies (Napoli & Caplan, 2017), lawmakers were always a key part of the internet regulation debate. While some still argue that the internet policy realm belongs primarily to technical experts, the private sector, and/or multistakeholder internet institutions (Mueller, 2019), internet regulation takes place at different levels, in different forms, and by different actors (Kerr et al., 2019). In fact, global interest over internet policies may have never been more in evidence. Actors as diverse as users, legislators, and private companies themselves argue in favor of greater internet regulation and governmental oversight on matters as diverse as data protection and net neutrality.

In light of recent struggles around misinformation and online content moderation, for example, even social media companies that were once averse to regulation are calling on lawmakers to establish stronger rules for the internet (Zuckerberg, 2019). Such a focus on regulation follows a global turn to platforms and their surrounding sociopolitical and economic implications (Keller, 2018; Gillespie, 2018; Gorwa, 2019). In order to better understand and situate the current trends demanding internet regulation, we offer a systematic analysis of internet-related proposed legislation in the American continent.

Methodology

Our analysis focuses on bills instead of laws and other regulatory documents because our aim is to understand what themes prompt the legislative intent of lawmakers and not only what gets cemented into law. We consider only documents with a regulatory intent – those documents that have the potential to be made into law. We do not consider position and opinion papers, as well as other legislative documents such as requests for public hearings and administrative decrees. Our database consists of 554 Brazilian, 242 US-American, and 57 Chilean bills.

The study answers the following questions:

RQ 1: What issues are lawmakers discussing in their proposed Internet-related legislation?
RQ 2: What are the cross-country thematic trends and patterns in Internet policy over time?
RQ 3: Can we identify national/transnational turning points in such trends?

We collected all bills with the word "internet" in their titles from the House of Representatives website of the three countries. While we recognize that many internet-related bills may not explicitly mention the word "internet" in the title, our focus is solely on the pieces of proposed legislation that clearly label themselves as internet-related bills. Further, we focus only on proposed legislation introduced at the House of Representatives in order to level the experiences of countries with bicameral congresses that have different expectations towards the duties of representatives and senators.

This study applies a mixed-method approach. First, we will conduct a probabilistic topic modeling analysis over the titles and summaries of all bills by country in order to determine emerging trends and patent common themes. Then, we will conduct a qualitative analysis to specify policy topics among the proposed legislations. Each bill will be labeled according to its main theme (e.g., telecommunications, content moderation) as well as the party affiliation of those proposing the bills. The list of possible policy themes will be defined based on the topic modeling results and a first cycle of coding (Saldaña, 2013). Research questions 1 and 2 will be answered based on the topic modeling and content analysis results. Research question 3 will be answered by crossing the RQs 1 and 2 outcomes with the party affiliation of the bills' authors.

Conclusions

Our cross-country historical analysis of internet-related bills help us understand how responsive the lawmakers in the American continent are. By contrasting the bills' policy themes with endogenous and exogenous events and forces in the region, we will be able to identify if lawmakers are anticipating future problems and then proposing regulation to meet those ends or if they are reacting after problems occur. More than that, we will be able to compare the lawmakers' responsiveness between the North and South divide.

Further, by contrasting the volume of bills per policy theme, we will be able to identify what issues are more salient to the lawmakers from the different countries. This information helps us analyze if the drivers for internet regulation in the region differ, and how different are the responses to similar issues between countries and between lawmakers from different ends of the political spectrum.

Internet policy is a field of struggle in which there is a somewhat autonomous constellation of actors struggling over meaning making and the issues on the table (Pohle et al., 2016, p. 3). This paper offers a systemic look into one such actor – lawmakers – and finds patterns across the issues addressed by the different countries.

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