

## Fake It ‘Til You Make It: Promoting Authenticity in Social Media via the Legal System

*Nationally and globally, we have begun to acknowledge the transformative impact that social media has had on our society. However, the current structures of social media platforms allow and encourage the consumption of content that is inauthentic. While singular approaches to the different issues might resolve some dilemmas, the scope and size of social media's impact seem to call for more comprehensive regulation.*

As discussed in Netflix's "[The Social Dilemma](#)," social media now has, intentionally or unintentionally, transformed the structures of our society. In no more than a single year, a [teenage girl's](#) life was completely changed by her presence and posting on the social media platform TikTok. The platform has allowed Charli D'Amelio to relocate, jumpstart her professional dance career, and develop a [staggeringly lucrative](#) marketing career as an influencer all before she graduated high school. But, are we ensuring that social media is driving our society to ends we would like? Who gets to say what holds sway, and how do we balance innovation with social needs?

The extraordinary impact that a successful social media presence can have on people's lives, [including children as young as 4-years-old](#), is not new. Still, Charli's particular rise to fame has highlighted the need for stronger laws protecting against social media bots that create fake profiles and even fake social media interactions. Due to Charli's unprecedented rise to fame and related growth in followers on TikTok, other users of the app have begun to speculate. They have developed a [conspiracy theory](#) that her father—a former politician—has been buying her followers via businesses that sell followership of fake accounts. While the accusations appear unfounded, the underlying concern is not.

This past July, the Federal Trade Commission ("FTC") provided Congress with a [report](#) on the history and continued use of social media bots to further commercial purposes with benign and harmful effects. While social media bots generally bring to mind instances of deception like those at issue in the [Devumi case](#) and the concerns discussed around [the spread of misinformation that influences elections](#), it is essential to recognize that these bots can play a useful role in giving news alerts or facilitating user engagement on the platform. Homeland Security's Office of Cyber and Infrastructure Analysis has issued [educational materials](#) seeking to educate the public and help them identify bad bot behavior. However, given the expanding economy around social media and speed at which the technology of social media bots is outpacing oversight mechanisms, [the trajectory of protections against nefarious social media bot activity is still unclear](#).

The utilization of social media bots for these perverse purposes is just one way that authenticity in social media's messaging and influence has been undermined. Authenticity in this critical economic arena has also been negatively impacted by the prevalence and degree of photo and video editing on social media platforms. The negative impacts of this aspect of social media are discussed in the context of body image concerns for impressionable youth and in the context of "[deep fakes](#)" that can spread a wider range of misinformation. Over the last couple of years, there has been a significant push for legislation specifically addressing "deep fakes," and some states like Texas and California have put laws in place that create [specific prohibitions](#) on the use of "deep fakes." Currently, though, attempts to regulate others concerning editing behavior in the United States have been limited. The approach has largely centered on [calls for media consumers to check their own behavior](#). In the United Kingdom, [a law](#) has been proposed and considered

that requires labelling of edited photos. Depending on the success of this proposed bill in the UK, the USA could be encouraged to take a similar approach.

Authenticity concerns are heightened when you also consider the threat of “black box” algorithms that curate social media feeds based on individual engagement and unknown variables that have led to [accusations of discriminatory conduct](#). Considering each of these factors together, social media platforms currently can create perpetual echo chambers for their users that are potentially based on artificial feedback loops. Users are presented with content that might not be a reflection of reality, this content could be perpetuated and elevated by fake users and interactions, and users’ engagement with this material creates never-ending feedback of this same inauthentic material. While laws are in place that address specific aspects of this problem, the unique position that social media now holds in our society and the integral role that different aspects of social media’s functioning principles (content regulations, bot restrictions, feed algorithms) play in perpetuating societal problems [point to the need for a comprehensive regulatory system](#) specifically geared towards social media. What this system needs to look like to address the diverse forms of social media platforms is still unclear, but the need for a solution and creative engagement with the issue is not.

*--Katherine Denney*

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