

papers.ssrn.com

A Looming Challenge for Privacy, Democracy, and National Security by Robert Chesney, Danielle Keats Citron :: SSRN

See all articles by Robert Chesney

3-4 minutes

59 Pages Posted: 21 Jul 2018 Last revised: 23 Aug 2018

[Robert Chesney](#)

University of Texas School of Law

[Danielle Keats Citron](#)

Boston University School of Law; Yale University - Yale Information Society Project; Stanford Law School Center for Internet and Society

Date Written: July 14, 2018

Abstract

Harmful lies are nothing new. But the ability to distort reality has taken an exponential leap forward with “deep fake” technology. This capability makes it possible to create audio and video of real people saying and doing things they never said or did. Machine learning

techniques are escalating the technology's sophistication, making deep fakes ever more realistic and increasingly resistant to detection. Deep-fake technology has characteristics that enable rapid and widespread diffusion, putting it into the hands of both sophisticated and unsophisticated actors. While deep-fake technology will bring with it certain benefits, it also will introduce many harms. The marketplace of ideas already suffers from truth decay as our networked information environment interacts in toxic ways with our cognitive biases. Deep fakes will exacerbate this problem significantly. Individuals and businesses will face novel forms of exploitation, intimidation, and personal sabotage. The risks to our democracy and to national security are profound as well. Our aim is to provide the first in-depth assessment of the causes and consequences of this disruptive technological change, and to explore the existing and potential tools for responding to it. We survey a broad array of responses, including: the role of technological solutions; criminal penalties, civil liability, and regulatory action; military and covert-action responses; economic sanctions; and market developments. We cover the waterfront from immunities to immutable authentication trails, offering recommendations to improve law and policy and anticipating the pitfalls embedded in various solutions.

Keywords: Deep Fake, Deep Fakes, deepfake, deepfakes, Section 230, CDA, Communications Decency Act, fake news, democracy, privacy, exploitation, gendered violence, social media, cognitive bias, filter bubble, truth decay, information operations, psyops, First Amendment, speech, expression, democracy

Suggested Citation: [Suggested Citation](#)

Chesney, Robert and Citron, Danielle Keats, Deep Fakes: A

Looming Challenge for Privacy, Democracy, and National Security (July 14, 2018). 107 California Law Review (2019, Forthcoming); U of Texas Law, Public Law Research Paper No. 692; U of Maryland Legal Studies Research Paper No. 2018-21. Available at SSRN: <https://ssrn.com/abstract=3213954> or <http://dx.doi.org/10.2139/ssrn.3213954>