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## Understanding the TikTok Problem

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### Background

On January 19, 2025, the Chinese-owned social media platform TikTok went dark<sup>1</sup> just hours before a federal law banning the popular short-video app from the United States took effect,<sup>2</sup> leaving 170 million U.S. users unable to access videos. After approximately 12 hours,<sup>3</sup> TikTok returned but remained unavailable for download in app stores for weeks, before finally being reinstated on Google Play and the Apple App Store.

Although the popular app is currently operational, the ban remains in effect, especially after the United States Supreme Court unanimously upheld the constitutionality of the “Protecting Americans from Foreign Adversary Controlled Applications Act”<sup>4</sup> on January 17, 2025. The app’s future in the U.S. remains uncertain, as politicians and business leaders continue working toward an agreement to keep it operational.

You probably remember the TikTok ban. However, rather than diving into the political showdown, this case will focus on the deeper, fundamental issues surrounding TikTok’s presence in the United States.

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<sup>1</sup> <https://www.theguardian.com/technology/2025/jan/19/tiktok-us-ban>

<sup>2</sup> “Protecting Americans from Foreign Adversary Controlled Applications Act”  
<https://www.congress.gov/bill/118th-congress/house-bill/7521>

<sup>3</sup> <https://www.forbes.com/sites/antoniopequenoi/2025/02/14/tiktok-ban-timeline-tiktok-returns-to-us-app-stores-for-now/>

<sup>4</sup> For more information about the Act read

<https://www.techpolicy.press/tracker/protecting-americans-from-foreign-adversary-controlled-applications-act-hr-7521/>

The TikTok ban does not come as a surprise. TikTok has spent the past four years in a constant legal battle for its survival in the United States while facing intense criticism from governments worldwide. Lawmakers have questioned whether ByteDance, TikTok's parent company, sufficiently protects user data from access by the Chinese State.

Yet, TikTok's data practices are largely similar to those of its U.S. counterparts, such as Meta, Google, Apple, and X (Gray, 2021). So, why is TikTok seen as a unique concern?

#### Key facts in TikTok's Origin

- \* **TikTok** is the product of technology developer **ByteDance Ltd**, a company born in **China** but incorporated in **the Cayman Islands**.
- \* TikTok is notable for not being part of the three tech giants in China **Baidu, Alibaba and Tencent**.
- \* In 2016, ByteDance brought its short video platform to the Chinese market as **Douyin**. A year later, the company acquired **Musical.ly**, a lip-synching platform, also created in China, which had some limited success among teenagers in the US.
- \* **In 2018**, ByteDance integrated Musical.ly with Douyin technology to produce TikTok, a **product designed specifically for a global audience**.
- \* TikTok hosts audiovisual works between 15-60 seconds, algorithmically curated for audiences, with **features designed to instigate user-generated content and virality**.

The controversy over TikTok cannot be fully understood without a geopolitical perspective and an analysis of the intensifying contest between the U.S. and China over the strategic value of the digital environment. For at least two decades, the U.S. has dominated this market within a broader global system of American hegemony. TikTok is the first major social media platform born outside the U.S. to rival the Silicon Valley's incumbent companies that have long enjoyed immense cultural, economic, and political power through their control of platform infrastructure and data. By disrupting this landscape, TikTok has introduced unprecedented competition to U.S. giants.

Furthermore, U.S. lawmakers have raised concerns about the national security implications of

TikTok's growing popularity in the country.<sup>5</sup> Many of them view it as a Chinese-owned app operating in the U.S, potentially mining American user data and influencing American culture and politics for the benefit of the Chinese Communist party.<sup>6</sup> On the other hand, civil society groups and free speech experts argue that banning TikTok would violate the First Amendment, which protects freedom of expression in the United States. Many TikTok creators and influencers have called the ban “devastating”, warning that it would have a catastrophic impact on their businesses and livelihoods.<sup>7</sup>

In the following case, we explore the various arguments surrounding the TikTok controversy in the United States through the story of a “TikToker”, highlighting the political and ethical dilemmas the controversy poses for lawmakers and the public. From concerns over data security and foreign influence to debates about digital rights and free expression, the discussion reflects broader tensions in the evolving landscape of technology governance.

## Case Study

Jasmine,<sup>8</sup> a content creator and business owner from Atlanta, Georgia, travelled to Washington D.C. last month to protest the TikTok ban. She launched her skincare business **Glow by Jasmine** in 2020 after losing her job due to pandemic layoffs. That same year, TikTok was the most downloaded app globally, surpassing 2 billion downloads in the Google Play and the Apple App Store combined. Starting with DIY skincare and beauty tips, Jasmine's content quickly gained traction, leading to a thriving business built entirely on TikTok. She relied on the platform's algorithm to reach new customers, used TikTok Shop to sell her products, and engaged directly with her audience through live streams. Every sale, marketing effort, and customer interaction happened through TikTok. She now has 2.3 million followers on the platform and earns \$15,000–\$25,000 per month, with an annual profit of around \$120,000 after expenses. Since Jasmine's entire business relies on TikTok, she is among the platform's most vulnerable users. By using the app as her primary source of income, she has not only built her brand within its ecosystem but has also consented to sharing both personal and business data, leaving her exposed to potential risks associated with data privacy, policy changes, or potential ban.

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<sup>5</sup> <https://www.nbcnews.com/politics/congress/house-likely-pass-bill-ban-tiktok-sending-senate-rcna142797>

<sup>6</sup> [https://www.youtube.com/watch?v=I1w\\_cn-OuzI](https://www.youtube.com/watch?v=I1w_cn-OuzI)

<sup>7</sup> <https://www.nytimes.com/2025/01/17/style/tiktok-ban-influencer-reactions.html>

<sup>8</sup> Jasmine is a fictional character.

Jasmine faces a dual risk: a TikTok ban threatens to wipe out her entire livelihood, but continuing her business on the platform exposes her to ongoing data privacy concerns and security risks. While she is aware of these risks, she remains strongly opposed to the ban. She understands that moving her business to Instagram or YouTube would not provide the same opportunities or reach she currently enjoys on TikTok.

Many TikTok users in the United States face a dilemma similar to Jasmine's. On one hand, TikTok offers a unique experience—its algorithm, community engagement, and content discovery are unmatched by other platforms. On the other hand, concerns about data privacy and security exist. However, these risks are not exclusive to TikTok; nearly every app collects user data. The reality is that the more valuable and engaging an online experience is, the more willing people seem to accept the tradeoff of sharing their data.

In the following sections, we will explore the tradeoff that Jasmine and many TikTok users face.

### **The power and controversy of TikTok's algorithm**

Since its launch in 2016, TikTok has been the most influential social media app in the world. It provided users with a different way to spend time online, and broke the monopoly of American Tech companies, forcing them to, in some way, mimic its signature style of short videos. Today, there's Facebook and Instagram Reels, YouTube Shorts, Snapchat Spotlight, all competing for users' attention with endless, algorithm-driven scrolling.

TikTok's success is due in significant part to its innovative machine-learning-enabled recommendation system, which does not require users to follow creators or to explicitly opt-in to certain types of content (Chan, 2018). Instead, the platform decides what to serve its users as they swipe through a never-ending stream of short videos. This is how ***Glow by Jasmine*** was able to reach millions of users and potential customers. With its innovative recommendation system, only TikTok has managed to achieve a level of adoption high enough to pose an actual competitive threat to the market incumbents such as Instagram, Snapchat, and Facebook.

Yet, TikTok has been the subject of intense criticism and speculation about the ethics of the platform, its objectives and its sociocultural implications. The platform has been accused of excessive data extraction and analysis practices, including unnecessarily copying data from users' phones and collecting information that may be used to identify and track the location of

users (Gray, 2021).

Moreover, TikTok's algorithm has its own biases. While the platform is often praised for facilitating access to diverse creators and content, it is criticized for algorithmically suppressing political views, such as those from Black Lives Matter activists.<sup>9</sup> TikTok's algorithm came under scrutiny after reports suggested a sharp increase in pro-Palestine content after the Israel Defense Forces (IDF) began its bombing campaign of Gaza following Hamas's October 7, 2023 attack on Israel. In response, the company stated in a press release that the spike was not algorithm-driven but rather a reflection of the platform's user base, as young people on the app simply tend to support Palestine more.

### **TikTok, China, and U.S. National Security**

The TikTok controversy is part of a broader, intensifying geopolitical struggle between the US and China. At its core, this competition revolves around who wields greater political power through control over or access to digital data and infrastructure. Essentially, TikTok has found itself in the middle of a contest between two nations over the strategic and economic value of the digital environment.

### **TikTok**

From TikTok's perspective, the controversy over its international growth is rooted in market competition. The company sees its U.S. counterparts (particularly Meta) as leveraging their political connections to maintain dominance in the highly profitable global digital platform industry.

Based on its data policies and practices, TikTok poses no greater security threat to its users than do its counterparts. Almost all widely used digital platforms threaten the privacy and security of users, and they all have the capacity for immense ideological influence, and they exploit user data for economic gain.

### **U.S and National Security**

In his analysis, J. E. Gray (2021) argues that the evidence indicates the Chinese government's potential use of TikTok data to threaten US national security remains theoretical. This view is

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<sup>9</sup> <https://www.npr.org/sections/codeswitch/2022/02/14/1080577195/tiktok-algorithm>

supported by researchers and analysts. However, many U.S. officials had argued that the platform collects vast amounts of user data, which could be accessed by the Chinese government for espionage or coercion. They also warned that TikTok's content and algorithmic recommendations could be used as a tool for manipulation and misinformation.<sup>10</sup>

This debate led Congress to pass the **Protecting Americans from Foreign Adversary Controlled Applications Act** in March 2024, requiring TikTok's parent company, ByteDance, to either sell the platform or face a ban from operating in the United States. President Joe Biden later signed the Act into law in April 2024, despite concerns that it violated the First Amendment.

On January 17, 2025, the U.S. Supreme Court<sup>11</sup> upheld the constitutionality of the law and concluded that it does not violate the First Amendment rights of TikTok, its users, or its creators. The Court decided that the data concerns posed by the Congress and the Executive branch were compelling and determined that TikTok's connection to ByteDance posed a threat to U.S. national security.

## China

From China's perspective, U.S. national security concerns over TikTok are unfounded, and the U.S. is acting in violation of free market principles and international trade laws. In response, China took measures to obstruct negotiations over the sale of TikTok in the U.S. It introduced new technology export rules targeting artificial intelligence technology, potentially restricting ByteDance's ability to sell TikTok's machine learning algorithms. Additionally, the Chinese government advised TikTok to "seriously and cautiously" review the rules and consider their implications for the intended U.S. sale.

## Processing Questions

- Describe the current legal status of TikTok in the United States.
- What is the name of TikTok's parent company, and where is it based?
- What is the name of the law that bans TikTok from operating in the United States? When was it signed?
- How long has TikTok been facing legal challenges in the United States?

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<sup>10</sup> <https://www.techpolicy.press/us-supreme-court-upholds-constitutionality-of-law-that-may-result-in-ban-of-tiktok/>

<sup>11</sup> [https://www.supremecourt.gov/opinions/24pdf/24-656\\_ca7d.pdf](https://www.supremecourt.gov/opinions/24pdf/24-656_ca7d.pdf)

- Determine whether the following statement is true or false: “TikTok’s data practices are considered extremely invasive compared to other social media platforms.”
- Why do U.S. officials consider TikTok a national security threat?
- What factors explain TikTok’s exceptional success in the social media and digital market?
- How does TikTok disrupt the digital landscape?
- Why are civil society groups, content creators, and influencers protesting the TikTok ban?
- Explain Jasmine’s dilemma.
- Name three challenges posed by TikTok’s algorithms.
- Explain how each of the following looks at a TikTok ban in the United States:
  - TikTok
  - U.S. government
  - China

## Thematic Reflection and Discussion

### Freedom of Expression

The banning of TikTok raises significant questions regarding Free speech. While the Supreme Court ruled that the law banning the platform does not violate the First Amendment, many argue that it sets a dangerous precedent for limiting freedom of expression in the United States. Critics worry that restricting access to a major social media platform could pave the way for further government intervention in online spaces.

- Do you believe banning TikTok is a violation of freedom of expression?
- Should social media platforms be considered essential spaces for public discourse, or is TikTok primarily a source of entertainment?
- Would banning TikTok isolate Americans from global conversations and cultural exchange?
- How does TikTok’s role in amplifying marginalized voices and independent creators’ factor into the debate over its ban?

### Free Market and Competition

The U.S. government’s intervention to force the sale of TikTok, a privately owned company, raises significant questions about the principles of free-market capitalism, which is founded in

competition and minimal state interference. Free market economic theory suggests that competition will occur if markets are free from government regulation and other state interventions, under the assumption of a level playing field for all market participants. However, in the digital platform market, there are embedded companies who enjoy structural advantages and control the market, making it hard for new entrants to compete on equal footing.

- Does the forced sale of TikTok contradict the principles of free-market capitalism?
- Should governments regulate foreign-owned platforms differently from domestic ones?
- What does TikTok's success reveal about user behavior and preferences in digital spaces?
- Who stands to benefit the most from restricting TikTok in the United States?

### **Territoriality and regulation**

The national security concerns that TikTok user data may be accessed by the Chinese government and used to track U.S. citizens and companies raises an interesting issue of territoriality. Over the past few years, ByteDance has extended its operations well beyond Chinese territorial spaces. While ByteDance Ltd was founded in China, it is incorporated outside of China, in the Cayman Islands, and it operates as a multinational organization, with subsidiaries in the US, Australia, Singapore, and the UK. TikTok operates from across the US, Europe, and Asia with its largest US offices in Los Angeles, Mountain View, and New York.

- Is ByteDance using its multinational operations to evade local and national regulations, or is it simply expanding organically in the digital market?
- Who should be regulating multinational organizations like ByteDance?
- Should there be international standards for data privacy and security, or should each country create its regulations tailored to local concerns?
- In the event that TikTok violates the rights of a particular user in the United States, what should this user do?

### **Democratic values**

The TikTok debate raises an important contrast between democratic and authoritarian regimes, particularly when comparing the U.S. to China. In the U.S., the First Amendment guarantees freedom of speech, protecting Americans from government censorship. However, these

protections do not extend to private corporations, such as TikTok, Google, or Meta. In contrast, China operates under an authoritarian regime with a Great Firewall, limiting access to foreign platforms while controlling internet content domestically. The irony lies in how American tech companies are restricted from accessing the Chinese market, while Chinese tech giants are generally allowed to operate in the United States. This dynamic highlights the complexities of free speech and regulation in both democratic and authoritarian contexts, raising questions about how speech is looked at in different political systems.

- In a democratic society, should private corporations like TikTok and Meta have the same level of influence over public discourse as the government?
- Do you think TikTok, originating from a highly controlled and authoritarian society, can influence democratic values in the United States? How?

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