

Be Cautious with "Meme-playing": The Boundary of Online Defamation

Hou Rudan

Beijing Wuzi University, Beijing, China

ABSTRACT

Against the backdrop of the growing popularity of online social interaction, "meme-playing" has emerged as a prevalent online behavior, and the issue of its boundary with online defamation has gradually become prominent. This study focuses on the youth group as the main research object. By collecting typical cases from 2021 to 2023, conducting a questionnaire survey among young people aged 18-22, and combining interdisciplinary analysis from linguistics and law, it explores the boundary between "meme-playing" and online defamation. The research finds that the youth group has a certain awareness of "meme-playing" behaviors that obviously cross the line. However, due to factors such as group conformity, there are still cases where they participate in such behaviors even though they know it may be an infringement. The boundary of "meme-playing" is not only related to legal provisions but also closely linked to factors such as social psychology, the intimacy of social relationships, the degree of public exposure of the occasion, and technological development. This study aims to clarify the boundary of "meme-playing" and provide theoretical and practical references for guiding the youth group to standardize their online behaviors and maintain the order of the online space.

KEYWORDS: *Online Meme-playing; Online Defamation; Boundary of Right to Reputation; Youth Group.*

1. INTRODUCTION

In the current era of increasingly developed online social interaction, the Internet has become an indispensable part of people's daily lives, and various online behaviors have emerged accordingly. "Meme-playing" is one of the most representative online phenomena. When we focus on the theme of "exploring the boundary between 'meme-playing' and online defamation", our initial attention was mostly derived from the close tracking of various news cases. In reality, litigation incidents caused by "meme-playing" behaviors such as malicious image editing and fabricating derogatory nicknames are endless. These incidents have made us acutely aware that behind the seemingly ordinary online behavior of "meme-playing", there are hidden legal risks that are easily overlooked.

With the orderly progress of the research work, through a series of practical processes such as collecting cases by ourselves, carefully designing questionnaires, and in-depth data analysis, our

understanding of this subject has gone far beyond the initial theoretical framework, incorporating a lot of vivid and profound insights from practice. This article aims to combine specific cases, questionnaire survey data, and interdisciplinary analysis to conduct an in-depth discussion on the boundary between "meme-playing" and online defamation, in order to provide guidance for the youth group to standardize their behaviors in the online space and contribute to the legal construction of the online environment.

2. Tension between Legal Provisions and Practical Cases: An Analysis of the Behavioral Logic of "Meme-playing" Crossing the Boundary

2.1. Preliminary Interpretation of Legal Provisions

In the early stage of the research, when sorting out the legal provisions, the provisions of Article 1024 of the Civil Code on "civil subjects enjoying the right to reputation" and Article 246 of the Criminal Law on

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"the crime of defamation" seemed to us just cold written expressions. In order to explore the boundary between the legality and illegality of "meme-playing" behaviors, we planned to collect 15 typical cases from 2021 to 2023, ranging from the "Cai Xukun Portraiture Right Case" to the incident where a college student was sued for fabricating rumors about a classmate. We analyzed the three elements of "fabricating facts", "specific target", and "negative evaluation" in the judgment documents word by word, trying to outline a clear boundary between "legality and illegality".

2.2. Cognitive Transformation Brought by Practical Cases

However, an ordinary-looking campus case made us deeply realize the complexity of this boundary. Although this case was not in our initial case database, it was like a mirror, clearly reflecting the possibility of "meme-playing" crossing the boundary in daily life. The case is as follows: Xiao Ming and Xiao Hong (both pseudonyms) from a vocational college in Jiangxi had a dispute due to emotional entanglement during their college years. Xiao Hong reported to the public security bureau that she was raped by Xiao Ming. Later, after investigation, the public security bureau determined that there was no criminal fact and decided not to file a case. However, in September 2023, Xiao Hong asked her friend to use a virtual Weibo account to spread false information that Xiao Ming was a rapist in the "super topic" of the school where Xiao Ming studied many times. As a result, Xiao Ming's school suspended him on the grounds that it had seriously damaged the school's reputation.

Through the analysis of this case, we suddenly realized that "targeting a specific person" not only refers to public figures, but also people around us are more likely to be harmed by "meme-playing". Moreover, "negative evaluation" does not necessarily need to go to court; a casual joke may destroy interpersonal relationships. This made us, when analyzing cases, no longer only focus on "whether it is illegal", but also start to pay attention to "why it crosses the boundary". In many cases, it is not that the parties do not understand the law, but that they fail to take the feelings of people around them into account when "playing memes". In this case, Xiao Hong may have just wanted to vent her emotions and "get back" by making seemingly implicit online remarks, but she did not expect to cause such great damage to Xiao Ming's studies and reputation.

2.3. Further Evidence from Similar Cases

In fact, similar cases are not uncommon in reality. For example, on a social platform, a netizen once, in order

to "play a meme", spliced a colleague's photo with pictures of some negative news events and added a caption like "This is the 'weirdo' in our company". Although there was no direct insult, the colleague's image was damaged through implication and association. After the colleague found out, it not only caused a stir within the company, but also led to a lawsuit between the colleague and the netizen. This case further shows that the boundary of "meme-playing" is often hidden in the details of these seemingly "jokes". Once it exceeds the other party's acceptable range, it may turn from entertainment into harm.

3. The Current Situation of the Youth Group's Cognition of the Boundary of "Meme-playing": Data Analysis Based on Questionnaire Survey

3.1. Design and Implementation of the Questionnaire Survey

In accordance with the research plan, we conducted a questionnaire survey among young people aged 18-22. The initial purpose was only to verify "whether everyone has a clear cognition of the boundary of meme-playing", but the 386 valid questionnaires collected gave us far more inspiration than expected.

3.2. Cognitive Characteristics Reflected by Survey Data

The data shows that 82% of the respondents can judge that behaviors such as "malicious image editing" and "group discriminatory titles" are cross-boundary behaviors, which is a higher proportion than we expected. However, at the same time, 33.33% of the respondents admitted that they "would participate in such behaviors even though they know it may be an infringement", and the main reason was "everyone is playing, so it's okay for me to join in".

This contradictory phenomenon made us start to reflect: "weak legal awareness" may not be the core issue, but "group conformity" is a more hidden inducement. A respondent wrote in the questionnaire comment: "When I saw others posting the meme 'a certain celebrity should get out of the entertainment industry', I also followed suit. In fact, I don't know him at all; I just wanted to 'fit in'." This made us realize that young people do not necessarily not know "right from wrong", but they blur the boundary of "meme-playing" under social pressure.

What is more surprising is that 76% of the respondents believe that "fabricating rumors about classmates" is more excessive than "fabricating rumors about celebrities". This kind of "differentiation based on intimacy" cognition forms an interesting tension with the principle of equality before the law. The law will not relax the standards

because the target is a stranger, but in reality, people are often more cautious about "meme-playing" involving people around them. This reminds us that the definition of the boundary of "meme-playing" cannot only rely on legal provisions, but also fully consider the social psychology of young people; otherwise, even the most perfect standards will be difficult to implement. Just like on the Internet, when playing memes about celebrities, many people think that there is a distance through the screen and due to the difference in identity, so it is okay to make arbitrary jokes. But when facing classmates who get along day and night, the internal moral and emotional constraints will play a role, and they understand that the consequences of arbitrary rumor-making may be unbearable for themselves. This also reflects the impact of social distance on the attitude towards "meme-playing".

3.3. Differences in Tolerance in Different Scenarios

We also found that young people have different levels of tolerance for "meme-playing" in different social scenarios. In private Moments or small groups, people have a higher acceptance of some "self-deprecating" memes. For example, friends tease each other with labels like "hair loss sufferer" and "foodie", and few people feel offended. However, on public social platforms, if the same labels are used by strangers to refer to themselves, it may arouse dissatisfaction. This shows that the boundary of "meme-playing" is also closely related to the intimacy of social relationships and the degree of public exposure of the occasion, and cannot be measured by a single standard.

In addition, many respondents mentioned in the questionnaire that the scale of "meme-playing" will change over time. For example, some once-popular "memes" may be redefined as "inappropriate" or even "offensive" as social concepts change, which also increases the difficulty of defining the boundary.

4. Re-exploring the Boundary of "Meme-playing" from an Interdisciplinary Perspective and the Challenges Brought by New Technologies

4.1. Interdisciplinary Integrative Analysis of Linguistics and Law

At the beginning of the project approval, we emphasized "interdisciplinary integration" and planned to combine linguistic analysis with legal definition. At that time, we mostly thought that "this would make the research look more professional". However, when we really started to analyze online language, we found the practical value of this combination. For example, "homophonic derogatory

nicknames" are "distortions of sound, form, and meaning" from a linguistic perspective, and may constitute "fabricating facts" from a legal perspective.

We tracked the evolution process of the meme "Ji Ni Tai Mei" (a homophonic meme derived from a song performed by Cai Xukun). From the initial entertainment joke to the later malicious adaptation, we found that the key node of its crossing the boundary is not the change in the form of language, but whether "targeted insult" is added. This allows us to summarize a more specific standard: if the core of "meme-playing" is "to amuse", it may not cross the boundary even if the content is exaggerated; but if the core is "to belittle", even the most implicit expression may touch the red line. Initially, "Ji Ni Tai Mei" was just an entertaining joke about Cai Xukun's performance, based on the mishearing effect of the song's pronunciation, and the public used it to create a relaxed and humorous atmosphere, and at that time, it was within the reasonable scope of meme-playing. However, as some netizens made malicious adaptations, combining it with insulting remarks and maliciously edited videos to attack Cai Xukun himself, this meme crossed the legal and moral boundary and became a tool of online violence.

4.2. New Boundary Issues Brought by the Development of New Technologies

The rise of AI face-swapping technology was only mentioned in passing in our initial assumption. However, during the research process, we found that more and more young people use AI to swap their classmates' faces into vulgar videos for "meme-playing". In comparison with Article 28 of the Personal Information Protection Law, this kind of behavior is already suspected of "processing sensitive personal information", but many people think that "it's just for entertainment". This made us realize that the development of technology is faster than the update of laws, and the definition of the boundary cannot be limited to the existing provisions, but also needs to predict the risks brought by new technologies. This is also a new direction added to our mid-term research, which is more practical than our initial assumption. For example, on campus, some students use AI face-swapping to play tricks on their classmates, placing the classmates' images in embarrassing or even vulgar scenarios. They may not realize that this kind of behavior not only infringes on the classmates' portrait rights, but also is suspected of improper processing of personal sensitive information, and in serious cases, it may cause great harm to the classmates' psychology and reputation.

In addition to AI face-swapping, the popular "meme image generator" in recent years has also brought new

problems. Many platforms provide templates, and users only need to enter a name or upload a photo to generate images with teasing or even insulting text. Some students, in order to "liven up the atmosphere", used this tool to generate a "meme image" of a teacher. Although it was not widely spread, it caused a dispute in the class group. The teacher thought that this behavior was disrespectful to him, while the students thought that "it was just a joke". This example shows that new technologies have lowered the threshold of "meme-playing" and also made cross-boundary behaviors more hidden and common. How to find a balance between technological convenience and rights protection has become a key issue that needs to be focused on in our research.

5. The Social Impact of "Meme-playing" Behavior: The Spillover Effect from Individual Rights to Group Interests

During the research process, we also noticed a phenomenon: the impact of a single "meme-playing" behavior often spreads like ripples, from individuals to groups, and even triggers wider social discussions.

For example, a brand used a "meme" with regional discriminatory overtones in its advertisement. The original intention was to attract attention, but it aroused strong dissatisfaction among the people in that region. Not only was the advertisement urgently removed from the shelves, but the brand image was also seriously damaged. This case made us realize that the boundary of "meme-playing" is not only related to individual rights, but may also involve group interests and social public order.

Another example is that some "memes" targeting professional groups, such as "all programmers have hair loss" and "all teachers are strict". Although they seem to be exaggerations of common impressions, if they are over-spread, they may solidify social prejudices and affect the public's perception of these professional groups. A programmer mentioned in an interview that every time he hears such "memes", he feels that his professional value is underestimated. Some young teachers also said that these "memes"

make students have a preconceived negative impression of themselves, which affects teaching interaction. This shows that even if "meme-playing" does not directly target a specific individual, it may cause overall harm to a certain group, which we did not fully consider in the initial research.

6. Conclusions and Prospects

6.1. Research Conclusions

Looking back at the initial goal of "clarifying the definition standards and providing theoretical support for the legalization of the Internet", through this research, we have a deeper understanding: the significance of the research is not only to draw a "line that cannot be crossed", but also to make young people understand "why they cannot cross it". Behind those cold legal provisions is the respect for everyone's right to reputation; and those seemingly harmless "memes" may hide harm to others.

6.2. Practical Prospects

Next, we hope to make the research results more "practical": instead of only writing the definition standards in the paper, we will also use short videos that students like to interpret real cases and use comics to explain "what is the right to reputation". As a student wrote in the questionnaire: "It's not that I don't want to abide by the rules, but I just don't know where the rules are." Our research is to clarify and explain this "rule", so that "meme-playing" can truly become a seasoning for happiness, not a trigger for disputes. This may be more valuable than any theoretical framework.

At the same time, we also plan to cooperate with schools and communities to carry out theme activities of "civilized meme-playing". Through forms such as debates and situational plays, we will let young people experience the importance of the boundary in interaction and cultivate their online literacy of respecting others and expressing themselves rationally. After all, the harmony of the online space requires the consciousness and responsibility of every "meme-player".