

## The Digitization of Love and its Consequences

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If you're single or have been single within the last ten years, there's a chance that you've at least downloaded a dating app to try once or twice. They're fun to swipe through, and I even know a few couples who have ended up getting married after meeting through "the apps." In my personal experience, I have found them to be a little too casual and noncommittal for my taste; I have noticed this sentiment popping up a lot more online and within my real-life friend groups as well. One of the major criticisms I've seen online is that dating apps aren't as good or effective as they used to be a few years ago.<sup>1</sup> To give a specific example of some of this criticism, comedian Keara Sullivan eloquently stated in a TikTok that "[i]f you met your partner on a dating app two years ago, you caught the last chopper out of 'Nam."<sup>2</sup> This observation might have more to it than purely anecdotal evidence; a class-action lawsuit has just been filed against one of the major dating app owners, Match Group Inc.<sup>3</sup> The complaint alleges that Tinder and Hinge, two of the most popular dating platforms, employ "psychologically manipulative features" to ensure users become addicted to those apps and remain on them as paying subscribers.<sup>4</sup> Ironically, the complaint was filed on Valentine's Day.<sup>5</sup>

The movement toward recognizing different social media and their apps' addictive features seems to be a current cultural trend. For example, I have written a previous blog post about Meta, the owner of Facebook and Instagram, and the lawsuit it faces in the wake of claims that it intentionally curated its content and app features to be addictive to children who are too young to be on those social media sites. The complaint Match Group faces makes five main arguments: 1) Match Group has a business model that uses addiction to increase earnings, 2) Match Group has designed, developed, and advertised psychologically manipulative product features to drive user addiction, 3) Match Group's predatory business model harms users through a cycle of addiction reinforcement when they are coerced into purchasing a subscription to further enable compulsive use, 4) Match Group's business model is designed to retain users and keep them addicted to its apps which is a misrepresentation of the platforms' claims to be effective tools for establishing and sustaining real life relationships, and 5) Match Group continues to advertise these platforms as effective tools for establishing and sustaining real life relationships when they know the dangers of and fail to warn users of the risks of addiction and compulsive use.<sup>6</sup>

For those totally unfamiliar with dating apps, I will briefly outline how Hinge and Tinder work. Tinder and Hinge are both swipe-based; users see a profile, usually comprised of photos, a

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<sup>1</sup> Kate Lindsay, *Dating Apps Are in Their Flop Era*, BUSTLE (Jan. 8, 2024), <https://www.bustle.com/wellness/dating-apps-have-gotten-worse-hinge-tinder-bumble-gen-z-millennials>.

<sup>2</sup> Keara Sullivan @superkeara, TIKTOK (Oct. 19, 2023), <https://www.tiktok.com/@superkeara/video/7291838261268450602>.

<sup>3</sup> Isaiah Poritz, *Tinder, Hinge Accused of Designing Apps to Promote Addiction (1)*, BL (Feb. 14, 2024, 3:38 PM), <https://news.bloomberglaw.com/tech-and-telecom-law/tinder-hinge-sued-for-addictive-swiping-and-false-advertising>.

<sup>4</sup> Jennifer Hassan, *Tinder, Hinge 'Deliberately' Turn Users into Swiping Addicts, Lawsuit Says*, THE WASHINGTON POST (Feb. 19, 2024), <https://www.washingtonpost.com/technology/2024/02/19/tinder-hinge-dating-app-lawsuit/>.

<sup>5</sup> *Id.*

<sup>6</sup> Complaint at 2-5, *Oksayan et al v. MatchGroup, Inc.*, (N.D. Cal. 2024) (No. 3:24-cv-00888).

brief bio, and answers to prompts, and then can swipe left or right on that profile.<sup>7</sup> A left swipe means that the user rejects the potential match, while a right swipe means the user wants to match with the person shown.<sup>8</sup> If two users both swipe right and match with each other, then they can start sending messages back and forth.<sup>9</sup> Both apps are free to download, but there is a limit of likes or right swipes you can give out per day when using the app for free; Tinder allows users 100 likes per day, while Hinge only allows eight.<sup>10</sup>

The complaint discusses the history and evolution of dating in the time of the internet.<sup>11</sup> It outlines the dangers of dating apps as “never-ending game[s]” as they are always on users’ phones and completely “unbounded, always displaying matches or potential matches.”<sup>12</sup> The complaint slams Hinge specifically for labeling itself as a dating app that’s “designed to be deleted” while using addictive features to convince users to purchase ongoing subscriptions.<sup>13</sup> The complaint lists three main features of the platforms that give rise to psychological manipulation and addiction: content presentation format, push notifications, and incentive rewards.<sup>14</sup> The complaint also alleges that the platform’s use of subscription models helps drive compulsive and addictive use of the apps.<sup>15</sup> Purchasing a subscription to the platforms allows users to give out an unlimited amount of likes per day.<sup>16</sup>

In total, the complaint lists eleven total causes of action based on various state laws, a breach of express warranty, unjust enrichment/restitution, strict product liability for failure to warn, negligence for design, and negligence for failure to warn.<sup>17</sup>

The complaint seems reflective of the current discourse about the issues with dating apps.<sup>18</sup> One specific complaint about Hinge is that the app’s best potential matches called “Standouts” are basically hidden behind a paywall.<sup>19</sup> Basically, users get one free rose a week to give out to a Standout.<sup>20</sup> Giving a rose is the only way to match with a Standout, and purchasing extra roses per week starts at \$3.99 each.<sup>21</sup> Users have deemed this issue as “rose jail.”<sup>22</sup>

After further researching this issue, one question I must ask is if the complaint is even necessary or will the dating app market kill itself off? Match Group’s stock price has dropped 40% in the past year.<sup>23</sup> And its number of paying users has declined for four quarters in a row.<sup>24</sup> It seems in my personal experience that Gen Z is staying off the apps and preferring to meet significant others in real life. A recent study of students in college and grad school found that

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<sup>7</sup> Alexandra Anderson, *Understanding Swipe-Based vs. Algorithm-Based Dating Apps*, MAKE USE OF (Jan. 29, 2023), <https://www.makeuseof.com/swipe-based-vs-algorithm-based-dating-apps/>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Poritz, *supra* note 3.

<sup>11</sup> Complaint at 11-12, *supra* note 6.

<sup>12</sup> *Id.* at 13.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 19.

<sup>16</sup> *Id.*

<sup>17</sup> *See generally id.*

<sup>18</sup> *See* Lindsay, *supra* note 1.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

79% of them don't even use dating apps once a month.<sup>25</sup> I don't see the apps dying off completely anytime soon, but I do like the idea of people connecting with each other outside of the internet and getting away from the gamification of love.

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<sup>25</sup> *Id.*