

‘FORWARD’ IN THE NAME OF GOD: ISSUE IN EMAIL ETHICS

*“Encaminhar” em nome de Deus:
Problema na Ética do Correio Eletrônico*

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Resumo: Ética da computação, ou mais amplamente ética da tecnologia da informação (TI), é frequentemente voltada para questões sobre privacidade, acurácia, propriedade e acessibilidade, bem com estruturação de políticas e regras relativas a essas características. Embora questões éticas sobre tais tópicos sejam importantes, questões sobre ética da TI aplicam-se mais amplamente. O propósito da ética não é apenas esboçar novas políticas ou códigos legais; pretende também investigar e trazer à luz para deliberações éticas aquelas questões que escaparam das formulações de políticas ou da introspecção humana. Este artigo tenta enfrentar uma dessas questões éticas: ética do correio eletrônico (ou e-mail) e uma de suas características – o “Encaminhar”. Como um domínio da ética aplicada, tentei usar alguns exemplos de e-mails encaminhados. Através da análise das amostras de e-mails dados, I defendo que (1) essa questão do “encaminhado” permanece de fora do domínio da estruturação de políticas éticas e (2) que é uma matéria para reflexão ética. Trabalhei essa questão ética buscando estabelecer um critério para julgar se o ato de alguém “Encaminhar” uma mensagem de e-mail é um ato ético ou não.

Palavras-Chave: Ética da computação, Ética da Tecnologia da Informação, E-mail.

Abstract: Computer ethics, or more broadly, Information Technology (IT) ethics, is often concerned with issues about privacy, accuracy, property and accessibility and framing of policies and rules on the features. While ethical issues on these topics are important, issues about IT ethics apply more broadly. The purpose of ethics is not just to draft new policies or legal codes. Ethics also aims to probe and bring into limelight for ethical deliberations those issues, which have escaped policy formulations or human introspection. This paper tries to address one such ethical issue. This paper concerns with email ethics and with one of the features of emailing - ‘forwarding’. As an applied ethics domain, I have tried to use some samples of forwarded mails. Through the analysis of the given sample mails, I claim that (1) this issue of ‘forwarding’ falls well outside the domain of framing ethical policies and (2) it is a matter of ethical concern. I have addressed this ethical concern by drawing a criterion to judge if one’s act of ‘forwarding’ a mail is ethical act or not.

Keywords: IT Ethics, Computer Ethics, E-mail.

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There is no one single theory that works out what computer ethics is. Thinkers try to define the scope of computer ethics, ranging from defining computer ethics as “problems aggravated, transformed or created by computer technology”, to “the way in which computers pose new versions of standard moral problems and moral dilemmas, exacerbating the old problems, and forcing us to apply ordinary moral norms in uncharted realms” to “computer ethics as being concerned with standards of practice and codes of conduct of computing professionals” (Bynum, 1998, pp. 14-16). While discussions related to what computer ethics is being carried out, one common understanding is that it influences the social and ethical actions of human beings and therefore a matter of serious study. “Computer ethics identifies and analyzes the impacts of information technology on social and human values like health, wealth, work, opportunity, freedom, democracy, knowledge, privacy security, self-fulfillment, etc” (Bynum, 1998, p. 16). This only suggests the scope of ethics is well and beyond the mentioned issues. Therefore, any ethical issue related to information technology may be brought under information technology ethics. “Information technology ethics is the study of the ethical issues arising out of the use and development of electronic technologies. Its goal is to identify and formulate answers to questions about the moral basis of individual responsibilities and actions” (Nissenbaum, 1998)

As it is a matter of social concern, some thinkers were trying to understand the ethical issues with policies and codes of conduct. James Moor talks of computer ethics in terms of policy vacuums and Donald Gotterbarn with developing a code of conduct for computer professionals (Bynum, 1998). As it is true that ethical contemplation should reflect in devising new policies, but hardly has it confined to that alone. Ethics is not just trying to draft new policies or legal code to say what actions are legal or illegal. In that case, ethics and legality will be synonyms. However, in fact, ethics goes beyond and tries to show which actions are good which actions are bad. Humans as moral agents have so many choices of actions about use of these new technologies. And one of the ethical concerns is to bring those actions into the fold of ethical deliberations, which would have until now escaped for the lack of proper policies. By it, ethics mulls deeper not only to those areas where there is lack of policy, but even where the policies cannot even be framed. This paper is one such try to explore and examine the nature of human actions towards their use of technology.

Out of this large domain of ethical issues, I concentrate on the ethics of ‘forwarding’, which is one of the features of emailing. Information that has been accessed by a certain individual is circulated through the feature of ‘forwarding’ in the email. This feature is used to send an email to an individual or group, who were at first not in the addressee list. The addresser does this if he/she feels that this information has to be sent to the individual or group addressee for their information.

A good number of discussions and research articles have come out in ethics related to emailing as the use of modern technology demands contemplation of ethical issues. Email is easy to use because of its inherent simplicity. And because the use is simple, there is every chance that actions about it are done in an unscrupulous fashion. This is plainer with the feature of ‘forwarding’ as it is more efficient in spreading the information. It is easy to forward an email message to thousands of people. “Ethics is the system of right and wrong that forms the foundation of civil society. Yet, when a new technology arrives, explicitly extending the ethical code seems necessary — no matter how civil the society. And so it is with email” (Brenner, 2005). Few individuals, organizations to make people aware of the ethical issues about email in particular, and information technology in general have worked out some minimum etiquette related to email

correspondence. Ethical standards in email, for some, are based on the philosophy that email is no different from ordinary life situations. “Rules of civil society apply equally to all conduct, including that carried out with email. Whatever you would consider unethical in life is also unethical in email. For instance, if lying is unethical, so is lying in email” (Brenner, 2005). In her book *Netiquette*, Virginia Shea tries to frame out certain rules to entertain a socially workable email correspondence. (Shea, 2004) In New Zealand, the University of Massey has developed a code of ethics for the use of email. (University of Massey)

Framing such code of conduct is associated with a professional or formal communication through email. And these types of discussions are often concerned with the adherence or nonadherence to certain norms in using information technological tools like Internet and email ethically. While sending mails to (un) known recipients for whom the mails are intended, it is suggested that care should be taken that the sender doesn’t encroach the addressee’s privacy and freedom and it should in no way be an abusive or unwelcoming mail. “No electronic mail may be sent that is abusive or threatens the safety of a person or persons...No electronic mail may be sent such that a person or persons thereby suffers sexual, ethnic, religious or other minority harassment or in contravention of human rights. The charge of harassment may be based on the content of the electronic mail sent or its volume or both” (Rogerson, 2000)

One can even talk of censorship on the content of the broadcasted message depending on how much the message offends the person. Again, this discussion applies to making the policies to censor certain broadcasts or not. The issue of ‘offence’ is being discussed why whether something or material can be censored or not. It is more to do with issue of broadcasting in the web as the person who broadcasts and the recipients do not know each other. And more often the ‘offence’ issue is discussed for making certain policies (Weckert, 1998)

Discussions are also on in regulating the broadcasts that might be offensive or harassing mail, to forwarding a mail to unknown recipients, which are unsolicited mails, called as Spam mails. Some solutions are also arrived to control and regulate the Spam mails. Suggestions include curtailing by maintaining a permission-based list or a confirmation from the addressee whether he or she wishes to receive the messages with given content or not. In this way, there at least could be a check, even though there is enough discussion going on about whether the permission-based list is really a permission-based list (Lexell, 2003)

Permission-based list will not work always with all people. How can one think of permission-based communication with our friends and relatives? Often we communicate with our friends, relatives, and other close members with whom we share our personal feelings, emotions and opinions through mails and other similar technological tools. How are we to deal with such types of communication? Are we to say that all those communication are bound to be beyond the ethical considerations? May not be so. Ethical discussions do belong to this as well. Issues of privacy and offensiveness of emails concern to those realms as well. As the case of a woman whose relationship with her boyfriend stained and later she was subject to harassment from all over the world, for her ex-boyfriend disclosed their intimate photos in the web (Robinson, 1998). Of course, this privacy issue was about stained relationship. Even where the relationships are not stained, still the problem persists with privacy and offensiveness. I discuss few such cases below.

Forwarding a mail to list of friends and relatives hardly demands a permission-based list. As of now, it works with the genuineness of the 'self' being concerned with the 'others'. It will work only in that plane, for it is hard to imagine one getting the opt-in service to forward few mails among friends and relatives. The more it works on the authenticity, the more the individual should feel the importance and the significance of the messages they forward.

The following are some of the samples of the forwarded emails; I have received over a period. I try to argue from an analysis of these mails that though all the forwarded mails seem to be of FYI type, but still only, some of them can be considered as acceptable, while some others are not ethical.

Case 1 – Subject : Fwd: Fwd: --<-<@zakkas@>->-- Money Angel

Date: Fri, 19 Aug 2005 15:35:00 IST

This is a money angel. Pass it to 6 of your good friends and be rich in 4 Days. I am not joking.

Case 2 – Subject : Fwd: Fwd: Friendshipbracelet

Date: Fri, 19 Aug 2005 15:21:47 IST

Ok, this is what you have to do: Send to ALL your FRIENDS! But you have to DO THIS within an hour after you open this mail! Now..... MAKE 1 WISH!!!!!! Make it now, It's you last chance!! I hope you did make a wish, Now send the mail to: 1 person~ your wish will come true in a year. 3 persons~6 months. 5 persons~ 3 months. 6 persons~ 1 month. 7 persons~ 2 weeks. 8 persons ~ 1 week.

*** If you delete after reading ... you'll spend a year of ill luck! But, if you send it to (at least) two friends ... you'll have 3 years of good luck!!! ***

Case 3 – Subject : miracle of God !!!!!!!

Date: Thu, 11 Aug 2005 10:31:57 IST

(...)believe it or not! Hey. Trust in God with all your heart and way. This letter has been sent to you for good luck. (...) It's not joke. You will receive it in a few months. Please send 20 copies of this letter to people whom you think need good luck. Please do not send money. Do not keep this letter. It must leave you within seven days. An officer has received 2 million dollars after sending it. Mr. Robert lost more than 21 lacs for not sending and breaking this chain letter. Please send 20 copies and see what happens in 4 days. (...) Let's Try...

Let me try to analyze the cases and try to show, why forwarding these mails are to be considered as unethical.

We can see from cases, that all these forwarded mails are done expecting some wished results. In that sense, one can see the addresser is forwarding the messages to his or her known people to make them also reap benefits. So, it seems ethical, but I wish to argue that it cannot be the case and for that we have to see, what it is to happen in case one is not going to forward the message in turn. Let us re-look the cases. It follows immediately with the results of not forwarding the message. The results, as visible from the cases are associated with one or the other ill effects of not forwarding the email.

One can try to argue saying that why should one bother about the negative effects as long as one adheres to act according to the message of the forwarded mail and in that case, it can be said the addressee does this as an instance of sharing the benefits. This argument cannot hold good, as, if that is the case, then why should the mails contain the

negative effects as well. If for the part of engaging in action, positive effects as said in the mail alone will do then why there is a need for negative effects. So, one has every reason to ponder about the negative effects.

Case 2 says, “If you delete after reading ... you'll spend a year of ill luck!” and Case 3 says, “Mr. Robert lost more than 21 lacs for not sending and breaking this chain letter.” These are the outcomes one may land on (at least, that is what the mails claim!) if one is not going to do as the mail expects him or her to do. When I mention these outcomes, I am not trying to argue that these outcomes are to happen. Even if they happen, one can argue that in the above cases, the results do not picture a grave consequence. However, these are only samples of forwarded mails. There are ample similar mails that give us a grave picture of the possible effects that includes ill health, mental disorders, job loss and even death. It is left to the individuals, how they take it. I will discuss this issue later in my article.

I would like to argue that forwarding certain mails are unethical, not from the consequentialist perspective, but from a deontological perspective. The issue is not to see whether there are cases of those unwanted results happening because of not forwarding mails, neither the issue is finding out the gravity of the consequences, even if it were to follow. Rather, the issue is mentioning of these consequences, which make a case of forwarding these types of mails to be crossing the limits of accepted ethical behavior. Mentioning the negative consequences is what makes forwarding of these mails to be unethical.

Let me try to articulate why I take the act of those forwarded mails with negative effects as unethical. Since in such instances the ‘other’ is treated as merely as a means and never as an end. According to Kant’s maxim, you have to “act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means but always at the same time as an end.” (O’Neil, 2009, p. 88) According to Kant maxim, it is mentioned that we cannot treat others simply as a means, but always at the same time as an end. This suggests that wherever there is a treatment of others as merely as a means, then the act is unethical. I would like to show in the samples mentioned in my analysis; there are instances where the other is treated simply as means. Since, the others are treated simply as means; I argue that forwarding those mails are unethical.

What does it mean to say, to treat merely as a means and not merely as a means, but also as an ends is obvious from his maxim, Kant do not have problem in treating of the ‘other’ as a means, that way, an act can be ethical but he has problems when ‘other’ is treated simply as a means. In our daily day-to-day affairs, everyone will be indulging in treating one or the other as a means. In these and similar cases, the other has directly or indirectly consented as with using a teller to take our cash. (O’Neil, 2009) So, what is the standard by which one can judge whether an action uses the other as means as well as an end or only as means? One’s act is treated as using the other as mere means in two ways. One-way is by deceiving them and the other way is by coercing them. (O’Neil, 2009) Applying and seeing whether the cases of forwarded mails treated the other as means as well as an end or merely as means, we can see which acts are ethical and which are not. If the cases of forwarded mails are of either deceiving the other or of coercing nature towards the other, then they are unethical acts.

In the examples, we cannot take the mails to be deceiving the other, that is, the recipients. For when we talk of deceiving, we are not talking of whether the outcomes of

the mails as mentioned is to happen or not. Rather, we are bothered whether the addresser intends to deceive the recipient or not. We have discussed earlier, friends and relatives often forward these types of mails. In no instance, we can think of them to intend forwarding these mails to deceive their own friends or relatives. Therefore, the idea of deceiving do not take place here and so cannot be taken as the criterion for judging whether some of the acts are ethical or not. If someone is to argue, the idea of deceiving can be considered for these cases, it only adds to my claim that forwarding of some mails are unethical. We have two instances of an act being unethical – deceiving and coercing. Though the case of such forwarded mails may not one of deceiving them, but I wish to argue, it is a case of coercion. As coercion treats the other merely as means and not as an end, it therefore is an instance of being unethical.

Coercion, of its several implications, also includes that it targets the coercee's freedom. (Anderson, 2006) Therefore, any act that restricts the freedom of the other is coercive. What does it mean to say to restrict freedom on actions being performed? Restricting freedom, in one sense, is limiting the other to perform or not to perform certain action. In the examples, I cited, one can see mentioning the negative consequences in the forwarded mails. Such mails may coerce the other to act in a particular way, by restricting his or her freedom. This is obvious from mentioning the negative consequences in the mail. Particularly, case 3, which coerce the other to act on the base of religious grounds. Therefore, these forwarded mails cannot be thought of treating the other as end along with the means, but merely as a means. As this is the case of coercion in work and so, in turn suggests that it is a case where we act treating the other only as means, this makes the act wrong and unjust. This means, by mentioning the negative consequences, can make the recipient to act in a certain way, which he or she would not have acted had there been no mention of the negative consequences. In this way, the recipient might be coerced to act.

Therefore, it means, the coercer makes the coercee to perform an action or restrain from action, not based on consent of the coercee given out of freewill, but he was coerced. Since, in these types of mails, there is the sense of coercion and since coercion treats the other simply as a means and not as an end, therefore forwarding these mails is an instance of being unethical. Acts done with the maxim of coercing others in the true sense cannot have the consent of others, for consent rules out coercion. (O'Neil, 2009) Therefore, such types of actions are wrong and unethical as one starts treating the other as mere means and not as ends in themselves.

One can argue that if it is a case of coercion, then it means the agent does not have freedom to act in any other way; therefore, there is no question of moral responsibility there. In that case, the person who forwards the mail too does not have any moral responsibility there, so his or her act cannot be considered as unethical. Let me deliberate on this issue. First is, whether the recipient is coerced or not, because of the coercing mail. The above argument concerns to that. The other is, whether the coercer sends the mail with the contents, which can coerce the recipient or it is of FYI. Let me try to figure out all the possibilities in the following three instances.

1. The addressor forwards intentionally knowing well the harassments it may cause to the recipient.
2. The addressor forwards intentionally so he/she can escape from the harassment it may cause him or her if he or she had not forwarded the mail.

3. The addressor forwards unintentionally, as just he/she received it and in turn forwards as if like it is an FYI.

Instance 1 is something hard to imagine in these types of mails as I had discussed earlier, these mails are often from our own relatives, friends, or well-wishers. Therefore, to assume that they do it intentionally, to cause us harm or psychological harassment, is far – fetched. This is similar to argument I gave against deception. This means, that it can be because of instance 2 or instance 3. Now, those who might be trying to argue saying there is no question of moral responsibility in instance 2 as it is obvious the coercer are themselves coerced at time or other, when they received the mails. In that sense, there is no ethical responsibility and therefore there is no issue of unethical action. This in turn means that, whether the ‘coerced’ person’s can be held morally responsible for his or her act. To some extent, one can say that a coercee is morally responsible as his or her actions are his or her own.

This may not be taken to be a strong argument, as there are thinkers, who think that it is not the case that all coerced actions are nonvoluntary (Aristotle, 1994-2009). There is a difference between coercion and compulsion. While, often the action out of compulsion is taken to be nonvoluntary, as there is a direct use of force in such. Therefore, they are nonvoluntary as they are beyond the scope of freewill of the acting agent. Whereas action out of coercion is not taken to be this case as there is no use of force and there is a threat of some harm or negative consequence. The acting agent is in a strict sense free to exercise his or her will, as it is not like a case of compulsion. (Anderson, 2006)

Thinkers differ on the voluntariness or nonvoluntariness of the coercee depending on the seriousness of the threat. It is difficult to judge if the coercee feels the seriousness of the given threat. So, one cannot claim for the coercee that he or she feels serious about the given threat, though one-way of finding is through the actions they perform or refrain from based on the threat. For example, in the cases of the forwarded sample mails, there are more occurrences of case 2 types of mails forwarded than the case1. The reason behind this is the case 3 types of mails come with a negative consequence, claimed by religious authority. So, there is more possibility for people, who are religious, to think that they are bound to do as the mail suggests. They may feel the happenings of the negative consequences all the more credible and threat as it is from divine authority. However since, coerced acts have the possibility to be voluntary acts and since the ‘other’ (recipients) in our cases of sample mails have the possibility to be coerced through negative consequences, the acts of the forwarder, as in instance 2, can be argued to be unethical. But, as there is no one single conclusion to say that coerced actions are voluntary or nonvoluntary, I would like to give the benefit of doubt to the favor of coercee, who thinks that he/she is coerced and that is the reason, they engage in the act of forwarding those and similar types of mails.

However, let us take the case of instance 3. Here, the recipients do not feel that they are coerced and still they forward as if they are of mails of FYI type. As feeling being coerced, is in a sense dependent on the context and the credibility of the force. “Coercion involves a threat to use force where this force is credible.” (Hoffman & Graham, 2007, p. 533) If the coerced do not feel the situation is grave enough or the unwanted consequences that much negative enough, then they are no more coerced. That means, whatever actions they plan to take are not out of some restraints in their freedom, but they are fully free to take their own preferred actions. In that case, if they forward mails of such nature, as we saw in our sample mails, are for sure cases of unethical acts. This is so, because they

themselves feel that they are not coerced and that means they are fully free to whatever they can choose to act. By forwarding those types of mails with negative consequences, they coerce the recipients to curtail their recipients' freedom. And since, they coerce the recipients, they treat the coerced as not as means as well as ends, but merely as means. Therefore, this makes the act unethical.

The following is for the mails of coercive type.

Possibilities	Forwarder	Recipient	Ethical / Unethical
A	Coerced	Coerced	??
B	Coerced	Uncoerced	??
C	Uncoerced	Coerced	Unethical
D	Uncoerced	Uncoerced	Unethical

In this table, possibility A and possibility B suggest us that they may be beyond the scope of ethical discussions as they may be nonvoluntary actions. If they are voluntary, that is, if they are subject to ethical discussions, then they are unethical. Whereas in the possibilities of C and D, the acts are unethical as in both the possibilities the forwarder is uncoerced. That means he/she has full freedom to act in whichever way they want. So, irrespective of how the recipient is going to take (as it might be difficult to judge how the recipient may take it – as coercive or not), and since the forwarder is not coerced, then this act of forwarding could be considered as unethical.

Therefore, in the cases of 'forwarding' mails like the cases I have discussed, how can one make a yardstick about which acts of forwarding are unethical which are not. Based on the principle of least harm as well, I would like to make a guideline for the cases we discussed. If there is a doubt of some act giving either benefit or harm, then one should consider the harm. If there is a possibility for the mails to be coercive, then forwarding those mails may not be ethical. A possible coercive mail is that which comes with negative consequences along with positive consequences. Forwarding such mails is unethical. One has to restrain from forwarding it.

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