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Ethics@E-Mail

Do New Media Require New Morality?

By Paul Soukup, S.J.

As more and more day-to-day interaction in business and academia has begun to take place through electronic mail, probably every one of its users has experienced some breakdown. By now, we have come to expect occasional hardware failures, but the human ones still catch us by surprise.

That message we dashed off with no ill intent is received with hard feelings. Or it is forwarded to someone we never meant should see it. Or, unbeknown to us, it is read by our boss.

E-mail has raised a host of ethical questions about how we treat one another and how we work, but its very newness as a medium can make the answers more obscure.

E-mail vs. P-mail

Though it resembles its paper-based cousin, electronic mail has its own characteristics. First, it combines a conversational style with a written form. As a consequence, it suffers from problems of misinterpretation. Because it is conversational, it is seldom thought out; because it depends on text, recipients presume that it is.

Also unlike paper mail, e-mail offers speed of delivery, permanent storage, and easy replication. These characteristics can blur a number of boundaries most of us take for granted. Supposedly private comments get passed on to unintended recipients. Quickly scribbled notes find a place in permanent archives. And personal life (notes to friends, forwarded jokes, chatty comments) spills over into work time.

Paul Soukup, S.J.

Photo by Charles Barry

The intermingling of professional and personal life recalls another significant characteristic of this new medium: Someone else often an employer owns part or all of the structure that makes e-mail work. Writing on an ethics and etiquette of e-mail, Norman Shapiro and Robert Anderson note the competing interests of "an organization's desire and ability to filter, channel, record, and control messages" and the writer's desire to own the message. The question becomes, Who owns electronic mail? The sender? The receiver? The organization that provides the equipment?

Old Principles for a New Ethics

Although these new questions seem to demand new laws or new ethics, the recent history of communication technology in the United States shows legal and ethical thinking lagging behind innovations. Typically, for lack of other options, we borrow guidelines from what we know. For example, when Congress needed to regulate radio and television, it required broadcasters — like railroads, in the Interstate Commerce Act — to serve the "public interest, convenience, and necessity."

The discussion of e-mail and electronic ethics is just beginning. However, several people have suggested some venerable principles to bear in mind. Dutch communication scholar and past president of the International Association for Mass Communication Research, Cees Hamelink, offers three guiding perspectives from human rights theory:

- Equality, or nondiscrimination in access and use

- Inviolability, or the inadmissibility of intentional harm against humans

- Liberty, or the absence of external coercion or constraints that ob-struct self-determination

To Hamelink's concerns, the Bill of Electronic Rights and Ethics adds rights to communicate, to privacy, and to jurisdiction — that is, to be subject to the laws of one's own state. This document also offers the guiding principles of toleration, trust, and consideration.

General principles should translate into specific actions. For example, Hamelink's principle of equality should lead to a serious consideration of universal e-mail, a position also claimed in the right to communicate. Human beings, the argument goes, should have the means and the access to send and to receive communications. Why? The answer lies in rights principles. Rights theorists hold that the fundamental moral right is to be treated as a free and equal person capable of making decisions to advance as a human being. If today that right cannot be exercised (i.e., one can't get a job or health care or something else fundamental) without electronic communications, then one has a moral right to have e-mail access.

Hamelink's principle of liberty lays a foundation for considerations of e-mail censorship: Should a government or an organization limit an individual's self-expression? That same issue appears in the Bill of Electronic Rights in terms of jurisdiction. Should individuals be liable for e-mail materials banned in one location but permitted at their point of origin?

The Telecommunications Reform Act of 1996 attempted to resolve some of these issues, particularly those dealing with obscenity; that question is currently before the courts. Lower courts have found the bill's wording too vague.

Privacy

Other ethical questions also remain unresolved, among them privacy. Who owns electronic mail? This issue is difficult since conflicting legal guidelines exist. On the one hand, the 1986 Electronic Communication Privacy Act prohibits access to mail transmitted over public telephone lines, just as post office correspondence is protected.

On the other hand, courts have held that private organizations may look at e-mail within their own networks. Many companies argue they do this for the same reasons they might monitor phone calls-to improve customer service, to investigate crime, or to prevent security breaches.

People have argued the merits of both sides of this issue. In the meantime, employees and system users should ask to see the privacy policy of their company. Even if privacy is company policy, users should never assume it exists. Unauthorized access can and does take place. When something calls for absolute privacy, use another medium.

Attribution

The issue of e-mail ownership has other ethical ramifications that might go under the heading of attribution. Who is the true author of a message and how should he or she be acknowledged?

Electronically, a letter can pass through multiple public or private machines before it arrives at its destinationÑand there's no evidence if it has been opened by someone else. Some e-mail systems allow editing of the "from" line, so the author of a letter can be changed or obscured. The issues raised by these e-mail characteristics range from forgery to anonymity to simply giving proper credit.

While the wrongness of forgery is evident, what of the use of pseudonyms? Can unsigned mail serve a purpose? Or, if the mail is signed, how should people cite it, particularly where no paper copies exist?

Perhaps the best solution in questions of attribution lies in merely considering them. Each organization should develop a policy of attribution, discussing how to give credit to work that comes through e-mail.

Such a policy should also include guidelines for the use of anonymity appropriate to the organization. For example, in a university setting, departments may want to solicit unsigned input from students to promote risk-free brainstorming or to protect them from any real or imagined retribution for unpopular ideas.

Misinterpretation

Whether it results from the medium, from the way we write electronic messages, or from the way we scan them, misunderstandings occur and sometimes lead to angry responses, hurt feelings, and damaged working relationships. Although this may not seem as important an ethical issue as privacy or attribution, it relates directly to the principles of trust and toleration in the Bill of Electronic Rights and Ethics.

Both senders and recipients can address this issue by writing clearly and rereading before sending. It never hurts to add interpretive cues or to separate and label opinions and emotions.

Mail recipients should presume the goodwill of their correspondents. If a message triggers an angry re-sponse, ask why and look for a possible misunderstanding. Above all, calm down before hitting the reply button.

Etiquette

Politeness goes a long way toward creating a more considerate — and, therefore, more ethical — environment. Shapiro and Anderson offer a number of guidelines that make good sense.

They suggest that people sending e-mail create single-subject messages, have in mind a model of the intended audience, keep the list of recipients to a minimum, use content labels, consciously choose a level of formality for the message, identify themselves and their affiliations, and avoid criticism of third parties unless they have a chance to respond.

In receiving e-mail, they suggest that people acknowledge messages, assume the honesty and competence of the sender, try to separate opinion from nonopinion, avoid irrelevancies, and consider responding in another medium — for example, make a telephone call to clarify an e-mail exchange that may have been confusing.

Mail recipients should not forward personal e-mail without checking with the sender — who may or may not wish to share the correspondence. Similarly, recipients should not forward public or business e-mail without the addition of some explanatory context.

Clearly, these proposals are only the beginning. Conversations continue almost daily on the Internet, which seems the appropriate place to debate an ethics of e-mail.

Paul Soukup, S.J., is an associate professor of communication at Santa Clara University, where he teaches the Core Curriculum course Technology and Communication. With Philip J. Rossi, he has edited Mass Media and the Moral Imagination *(Kansas City: Sheed & Ward, 1994).*

Links to some of the sources referred to in this article can be found on the Center's Web site, the Ethics Connection: http://www.scu.edu/ethics/.

Further Reading
Electronic Rights and Ethics. Available online at http://www.zip.com.au/~pete/ere.html.

Hamelink, Cees. "Globalization and Human Dignity: The Case of the Information Superhighway." Media Development 43.1 (1996).

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