

EMAIL READ RECEIPTS

Matthew Mosca, Amber Díaz Pearson, Stacy Tantum

This case study was developed with support from the Lane Family Ethics in Technology Program and the Kenan Institute for Ethics. It was completed under the direction of Dr. Amber Díaz Pearson, The Kenan Institute for Ethics, and Dr. Stacy Tantum, Department of Electrical & Computer Engineering, Pratt School of Engineering, Duke University.

Please direct any questions to Stacy Tantum at stacy.tantum@duke.edu

This work is licensed under the Creative Commons Attribution - Noncommercial - No Derivative Works 3.0 Unported License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/>. You may reproduce this work for non-commercial use if you use the entire document and attribute the source: The Kenan Institute for Ethics at Duke University.

EMAIL READ RECEIPTS

The following is based on fact, but the company and individuals mentioned are fictional.

A new email startup, GeniusMail, was founded a year ago and generated a huge amount of excitement following the recent release of its product. The startup made big claims about revolutionizing email as we know it and providing an experience flaunting never-before-seen speed. Designed for business use, GeniusMail's system offered several advanced features, including an undo-send feature and a "read receipts" feature that recorded both a time stamp and geolocation information every time recipients opened emails sent by a GeniusMail user.

Then, a social media post by a prominent figure in tech disrupted some of the company's momentum. The post brought up ethical concerns regarding GeniusMail's service, arguing that the read receipts feature entailed a violation of privacy. The post went viral, kicking off a heated debate about the product that drew widespread media attention and the attention of GeniusMail executives.

Now GeniusMail was faced with a difficult decision. Executives needed to decide quickly how the company should respond to the criticism and what, if any, changes should be made to address them. Some of the most prominent criticisms argued that the read receipts were a violation of recipients' privacy because there was no transparency (GeniusMail emails did not include a default automatic signature announcing the read receipts function) or consent (recipients who were not GeniusMail users had never read or agreed to the company's Terms of Service). Some critics even argued that tracking and collecting this personal information without notifying recipients was a dishonest business practice.

Executives were torn on this issue. GeniusMail's CTO fully sided with keeping the read receipts. It was a great feature, he said, one that the developers had done a good job of making clear and useful. Was it not the case, he argued, that GeniusMail actually offered an email experience with far more transparency, especially in exchanges between GeniusMail users (since GeniusMail users could not opt out of or block the tracking protocols)? Wasn't it a good thing to always maximize the information shared between users to facilitate clear and honest business exchanges?

Others, including the CEO, countered that this transparency was one-sided for any email exchanges with non-GeniusMail users: the sender could see when and where the recipient opened an email, but recipients could not see information about the sender and might not even know that the sender was tracking their information. And

the recipient could not opt out of this one-sided relationship; there was no consent. It was technically possible for the recipient to block the read receipt tracker by using an image-blocker in their email service, but that unfairly put the burden on the recipient, and the average person would not know to use such a solution anyway. From this perspective, argued the CEO, it was hard not to see the feature as dishonest.

A lead engineer admitted that he could understand how some people might see the read receipt feature as dishonest, but argued that if any users felt this way, they could just choose not to use the product. Again, the CEO pushed back. Surely the company must bear some of the responsibility, and anyway, this would not solve the problem that recipients of emails sent by GeniusMail users could not simply opt out of receiving those emails. The CEO passionately believed that recipients of GeniusMail emails were wronged by the read receipts feature and felt that she needed to represent their interest. It was her view that all the executives had a responsibility to use their power in the company's decision-making process to do the right thing.

The CTO reentered the discussion arguing from a position of practicality. It was a fact, he pointed out, that their competitors in the business email market also used a read receipt feature. He worried about the effects that making a change to the feature might have on their profits. If GeniusMail eliminated it, would they be able to compete with those other companies? But the CEO held firm. She argued that even though there was some risk involved in changing the feature, it was still the right thing to do. She acknowledged the necessity of remaining competitive but contended that there must be some way to compromise. Furthermore, she argued, addressing the public's ethical concerns might give the company's image a boost, providing them with a competitive advantage.

GeniusMail executives ultimately reached a collective decision to make some changes. In a lengthy blog post written by the CEO, they acknowledged criticisms, apologized for not being more conscious of the ethical implications of their product, and reaffirmed the company's commitment to developing high-quality software with ethical concerns in mind. First, they introduced updates to eliminate the geolocation component of read receipts and delete the logs of all historical location data, acknowledging the potential harms of the sender knowing the recipient's location. Second, while they kept the read receipts feature, they turned it off by default. In general, the changes were received positively, but many people argue that they did not go far enough to address the root problems.

Questions for reflection:

1. How strong do you find each argument and why? Are the persons in this case correct in their assessments of the pros and cons of the features?
2. Does GeniusMail have a responsibility to recipients of GeniusMail emails, even if they are non-users of the company’s software?
3. The table below displays a list of virtues and vices drawn from Aristotle’s theory of virtue ethics. Which virtues and which vices do you see represented in the case study? Through which individuals’ arguments?
4. Based on the evidence in the case study, how do you assess the motivations of the GeniusMail CEO? What about the CTO? Whose motivation do you think was more virtuous?
5. Thinking about the virtues and vices you identified in Question 3, as well as your response to Question 4, overall what do you think is the most virtuous course of action for GeniusMail executives to take? Of the options they discussed, which decisions do you think would be the least virtuous, or that would demonstrate poor character on the part of the executives?
6. Did the company do the right thing in making the changes described at the end of the case? Why or why not?
7. Did these changes solve the problems for which the company initially received criticism? Should the company have made more drastic changes? If so, what do you think those changes ought to be?

| Aristotle’s Ethics: Virtues and Vices | | | |
|--|---|------------------------------------|---|
| Sphere of Action or Feeling | Vice of Deficiency | Virtue (Mean) | Vice of Excess |
| Knowing | Ignorance | Wisdom | Sophistry (making clever but deceptive arguments) |
| Fear and Confidence | Cowardice / Lack of confidence | Courage / Virtuous self-confidence | Rashness / Over-confidence |
| Pleasure and Pain | Insensibility (not allowing any pleasure for oneself) | Moderation | Self-indulgence |

| | | | |
|---------------------|---|--|---|
| Giving and Spending | Stinginess (being ungenerous, unwilling to give or spend) | Generosity (giving and spending freely for good reasons) | Prodigality (wasteful or excessive spending) |
| Honor and Dishonor | Pusillanimity / Unambitiousness (lack of determination) | Magnanimity / Proper ambition (pursuing personal excellence) | Vanity / Over-ambitiousness (inflated pride in oneself) |
| Anger | Lack of spirit (cannot be moved to emotion) | Patience (good temper) | Irascibility (being easily provoked to anger) |
| Self-Expression | Mock modesty (self-deprecation or humble-bragging) | Truthfulness / Honesty | Boastfulness |
| Conversation | Boorishness (being bad-mannered) | Wittiness (clever, thoughtful humor) | Buffoonery (clownish behavior) |
| Social Conduct | Disagreeableness | Friendliness | Obsequiousness (trying too hard to please others) |
| Shame | Shamelessness | Modesty (proper shame) | Shyness |
| Indignation | Spitefulness (a desire to see someone face difficulty) | Righteous indignation (proper anger about the mistreatment of another) | Envy |

Note: This table is a translation of Aristotle's virtues and vices into more common language. Adapted from Warren Street, Ph.D. "Aristotle's Ethics: Table of Virtues and Vices." Central Washington University, https://www.cwu.edu/~warren/Unit1/aristotles_virtues_and_vices.htm