

Given that many of us deal with spam on a daily basis and receive no benefit from it, it stands to reason that perhaps sending spam should be illegal. But does spam truly benefit no one? I will analyze the decision to legally prohibit spam from a utilitarian perspective.

In deciding whether spam should be legal or not, we start with the courses of action. I will examine two possible actions: Legalize spam, or prohibit spam. Next, we must consider the groups of people affected by spam, so that we may determine the degree of happiness each option will give them. The first group of people is of course the spammers--the people choosing to send out spam. It would be most obvious to classify spam recipients as a group, but I will divide them into two groups: recipients who do not want spam, and recipients to whom a particular spam message may actually be useful. We must consider the latter division because it stands to reason that out of all the people who receive spam, someone must actually respond to it. Otherwise, spammers would not send out spam at all. One could argue that those who respond to spam must do so only because they are deceived, but we will consider that in some cases (say, a new restaurant in the area mass emails local residents in hopes to attract new customers) a small portion of spam recipients will voluntarily act on the spam message, and appreciate that they received said message.

Next, we consider the happiness each group will experience based on the two possible courses of action. Let us begin with legalizing spam. For the recipients who do not want spam, the outcome of this is that they will experience unhappiness. They must delete spam messages, their inbox is cluttered with useless messages, and sometimes, they may be deceived into doing something they would not otherwise do. For instance, someone may think that a message advertises a legitimate way to enhance their sexual process, go through the process to order the product, only to find it doesn't work. Perhaps they will find that there is no product at all, and the entire intention of the email was deceive the recipient into giving up money for nothing. Clearly, legal spam does not increase the happiness of these people. The happiness of the next group of people, those who appreciate the information in particular spam message, does increase. They have discovered something (such as the restaurant in the earlier example) that is new to them. For the spammers, happiness increases as well: some of the spam recipients, either voluntarily or because they were deceived, respond to the spam. Since only a small percentage of spam receivers act, this happiness will increase only a little.

Now consider the next course of action: legally forbidding spam. The happiness of most spam recipients increases, as they now do not need to delete obnoxious messages. The small percentage of people who would have benefitted from spam have a slight decrease in happiness; only slight because they could probably discover the product advertised in the beneficial spam themselves, and there are still many more spam messages that would not have aided them. For the spammers, happiness decreases. They have two choices. They can follow the law, and do not send spam, meaning they lose out on the potential response of some recipients, and thus are not as happy as they would be otherwise. They can also break the law, meaning there is the possibility of legal consequences. Fines or jail time will of course also decrease a spammer's happiness.

Now, we must weigh the outcomes of the two courses of actions. For legalizing spam, we have two small groups whose happiness increases a little: recipients who respond positively to spam, and spammers. We have a large group whose happiness decreases. For prohibiting spam, we have two outcomes: spammers will follow the law, and spammers will not follow the law. If they follow the law, the happiness of a large group of people (recipients who do not want spam) increases, and the happiness of the other two small groups decreases. If some spammers do not follow the law, then the happiness of spam recipients will decrease, but not as much as if spam were legal (since fewer spammers will want to risk breaking the law.) The happiness of the small group of recipients who want spam will increase (but not as much as if spam were legal.) The happiness of the spammers will increase if they are not caught, but decreases if they are. Because of the consequences of being caught, I believe that the first outcome, that spammers will not send spam, is more likely. We have found that a large group of recipients who do not want spam experiences happiness at the outlaw of spam, while a much smaller group experiences only slightly less happiness. Thus, it stands to reason that spam should be made illegal from a utilitarian perspective.