Blacklists as a free-market mechanism

No panel was as contentious as the one dealing with Blacklists, evidence that filtering using these lists is prevalent. But there was no explicit examination of these lists as a mechanism of the free market.

Just as there is a cost associated with receiving spam, so too, there is a cost to rejecting desired messages. There are hundreds of lists whose general approach varies from mild to wild and whose listing criteria range from rational to ridiculous. Moreover, these lists are not necessarily limited to simple pass/fail filters but can be incorporated in sophisticated scoring matrices and used in conjunction with locally-administered, static lists and with user preference profiles. Naturally there is a cost associated with the care and feeding of these tools. As the administrator of a corporate mail system, I judiciously choose which lists to use and regularly review the results to achieve a careful balance.

Subscribers of commercial Internet services choose or abandon e-mail providers based on the effect of spam filters (and blocking lists are only one facet in the overall process). Users detest spam, but they also don't want to be accidentally dropped from mailing lists nor miss legitimate mail. So Internet Service Providers also need to make business decisions that affect how much credence to accord to any given list. And the degree and speed with which providers enforce their acceptable use policies results in a complex interaction with blocking lists as providers balance revenue and resources with the possibility that collateral damage might cost them business.

In some cases, what might be viewed as an illogical or unwarranted listing is actually a form of collective pressure. Individually, I have little power to influence behavior, but my willingness to honor a virtual picket line, when combined with others can bring enormous pressure to bear on a rogue ISP. It should also be noted that the power of a list to block traffic evaporates if its listings are ignored, therefore the marketplace selectively promotes lists whose entries have been seen to provide an effective discrimination between benign and hostile IP sources.

Fundamentally, spam revolves around consent; opt-in, opt-out, single, double, confirmed in all versions and variations are means to obtain and verify consent. Sending mail to recipients who don't want it generates complaints, and the volume of these complaints represents stark testimony that this consent is absent. As long the identity of the sender can not be assured, the identity of the IP source will be used to

limit messages from unwanted sources. I think we should step back and see that in the absence of official regulation, the free market has developed a powerful, albeit imperfect means to influence behavior.

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