Anti-Virus Laws?

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Every now and then the topic comes up of whether it makes any sense to pass laws against writing viruses.

For as long as I have been involved in it (since the early 1990s), some people have argued that writing a virus should itself be illegal. Such laws would make it clear to everyone that writing viruses is _bad_. Having legally prescribed punishments for virus writing would discourage some (not all) casual hobbyists from contributing their pathetic efforts to the pool of viruses.

However, others object that such laws would make anti-virus work more difficult. They warn that regulating virus writing might justify a new bureaucracy dedicated to virus control. The law might be unenforceable and therefore ill-advised. Even more fundamentally, the harm from a virus, they argue, comes not from its existence but from its dissemination to unsuspecting victims. Writing the virus does nothing as long as other people don't infect their computers. Even sending the virus to a willing recipient doesn't seem to be a problem: after all, people are free to run whatever programs they want on their own computers. Making virus _writing_ illegal would be a form of prior restraint and divert attention away from monitoring or punishing clearly harmful acts.

Even defining a virus in legal terms would be difficult, especially given the low level of technical knowledge among the legislatures of the world. Some humorists argue that a sloppy definition might classify Windows itself as a virus.

Furthermore, say the sceptics, viruses are written all over the world and the damages often occur in other countries. How will anti-virus laws be enforced internationally?

I would like to see clear laws in place worldwide making it a serious crime to write computer programs which, without permission, insert their own code into programs or other executable code. To include worms, we might have to include programs which propagate without authorization. This simple idea would focus on the fundamental attribute of viruses and worms: their sneaky invasion of _our_ computers. Ideally, the U.N. would frame a convention urging nations to allow extradition of people alleged to have written viruses that have harmed the citizens of another nation.

More in the next column.

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