This is a draft of a chapter that has been accepted for publication by Oxford University Press in the forthcoming book *The Oxford Handbook of Digital Ethics* edited by Carissa Véliz, due for publication in 2022.

(When) Is Adblocking Wrong?

Thomas Douglas[1]
[1] *Oxford Uehiro Centre for Practical Ethics, University of Oxford, UK*

Abstract. In this chapter, I examine three deontological objections to adblocking: the objection from property (according to which adblocking involves accessing another's property without satisfying the conditions placed on such access by the owner), the objection from complicity (according to which, by blocking ads, consumers become complicit in wrongdoing of adblocking software providers), and the objection from free-riding (according to which adblocking consumers free-ride on other consumers who allow ads to be served). I argue that, though these objections plausibly establish the moral impermissibility of some instances of adblocking, they do not, even collectively, establish a blanket moral prohibition on adblocking, as it is currently done.

Keywords. Adblocking, Piracy, Theft, Intellectual Property, Complicity, Extortion, Free-Riding.

Many internet users employ adblocking software. This allows them to view the main content on a webpage without also being served the advertisements that would normally accompany that content. Adblocking software has been available for many years, but there has been an upswing in use since 2013 (Crichton 2015: 90), and adblocking has been a topic of major concern for online publishers since 2015 (PageFair and Blockthrough 2020), the year in which Apple made adblocking possible on the mobile version of its Safari browser. Almost all mobile browsers besides the mobile version of Google Chrome now support adblocking, and it is estimated that 527 million people worldwide now use mobile browsers that block ads by default. On desktop, around 236 million people worldwide block ads (PageFair and Blockthrough 2020).

Adblocking has been controversial (Arment 2015b; Barton 2016; Bilton 2015; Douglas 2015; Haddadi et al. 2016; Lawrence 2018; Orlowski 2016; Piltch 2015; Williams 2015; Zambrano and Pickard 2018). On the one hand, it allows internet users (henceforth, 'consumers') to browse the web more quickly, while using less data, and being subjected to fewer intrusive advertisements. Since adblockers can block malware-containing advertisements ('malvertisements')—which can collect personal data if clicked—and since adblockers typically also block *trackers*—elements on webpages, and contained in most web ads (Arment et al.), that collect the

data of those accessing the page—their use also allows for more private and secure browsing (Butler 2016). On the other hand, since the producers and publishers of web-based content (henceforth, 'creators') are often paid by advertisers on a per view or per click basis, adblocking has the potential to substantially reduce their revenue and thus, potentially, to reduce the amount of valuable content that is created.

Many arguments for the permissibility of adblocking maintain that the costs of the practice are likely to be exceeded by the benefits.[1] For example, some defend adblocking as a way of pushing the internet towards a business model that is more respectful of consumers while still being sustainable for creators (Manjoo 2015; Williams 2015). Some suggest that it may even result in a model that is, in the long run, *more* financially rewarding for creators: by rendering the 'free', ad-supported provision of content uneconomic, adblocking may push creators, and thus ultimately consumers, towards models in which consumers pay creators to access their content (Orlowski 2016). Some suggest that the short-term financial costs of adblocking for creators are in any case likely to be small, since those who employ adblockers are likely to be individuals who would otherwise have ignored most advertisements (Lawrence 2018), or even refrained from visiting the sites that serve them (Ingram 2015b).

This chapter focusses on the other side of the debate: arguments against adblocking. Some such arguments likewise focus on costs and benefits, seeking to show that the costs predominate.[2] However, I will not engage such arguments. Indeed, I will assume that they fail; I will grant, to the proponents of adblocking, that the practice has benefits that exceed its costs. I will instead consider whether there might be (what I will call) a *deontological* objection to adblocking. Even if adblocking is net beneficial, it might *wrong* someone or, as I will sometimes write, be *wrongful*.[3] And, in the absence of a sufficient justification, this will make *wrong* or *impermissible*, all things considered. I take it that a practice wrongs someone, and is thus wrongful (though not necessarily *impermissible*), when a person has a legitimate moral complaint against the practice or—as I take to be equivalent—when the practice fails to fulfil some *pro tanto* duty owed to that person. Perhaps, for instance, it infringes the rights of

[1] David Whittier claims that 'ad blocking is completely ethical because it by far benefits more people than it harms' (Bilton 2015).

[2] For example, Fisher (2010) argues that the 'annoyance' experienced by internet users who view ads is outweighed by the 'annoyance' experiences by producers that have to cut staff due to the financial losses caused by adblocking.

[3] For an argument for the permissibility of adblocking that engages with such deontological objections, see Zambrano and Pickard (2018). Zambrano and Pickard argue that adblocking is permissible by drawing analogies to other, intuitively innocuous forms of ad-avoidance, such as muting the television during ad-breaks. However, in the course of their argument they respond to a number of deontological objections to adblocking, including some similar to those I consider below.

the creators whose advertisements are blocked, or of other consumers who do not employ adblocking software. Or perhaps it treats those creators or other consumers *unfairly*.[4]

In what follows, I will consider three deontological objections to adblocking: the objection from property, the objection from complicity, and the objection from free riding. I will argue that, though some of these objections plausibly establish the moral impermissibility of some instances of adblocking, they do not, even collectively, establish a blanket moral prohibition on adblocking, as it is currently done.

My conclusion—that prevailing forms of adblocking are sometimes but not always impermissible—might seem rather unsurprising. More interesting, I hope, is what my arguments imply regarding *when* adblocking is impermissible. I think the arguments I consider may establish the impermissibility of some widespread forms of adblocking. For example, I think the objection from property may establish that it is typically impermissible to use adblockers against websites whose creators (1) clearly demand that consumers either deactivate the adblocker or refrain from accessing the site, (2) credibly inform consumers of the nature of any advertisements and trackers that they serve this, and (3) either (a) provide only non-essential services, (b) offer a low-cost ad-free option, or (c) serve only unobtrusive and privacy-respecting advertisements.

Before proceeding to consider the three objections to adblocking, I need to make two qualifications.

First, a point about the relationship between rights infringements and wrongs. I take it that whenever *A* infringes *B*'s rights, *A* wrongs *B*. *B's* having a right, held against *A*, entails that *A* has a *pro tanto* duty that is owed to (or, as it is sometimes put, 'directed towards') *B*. When *A* infringes *B*'s right, she fails to fulfil this duty. So, rights infringements involve failures to fulfil directed *pro tanto* duties—that is to say, they involve wrongs. I do not insist, however, that all wrongs involve rights infringements. Infringing someone's rights is one way of wronging that person, and I am sympathetic to the view that it is the only way. This is because I am sympathetic to weak account of rights on which to have a right is nothing more than to be the object of a directed *pro tanto* duty. But on many accounts of rights, having a right entails something more. Perhaps it entails that the directed duty is *enforceable*, is a *trump*, or is a *matter of*

[4] I refer to objections which maintain that adblocking wrongs someone as 'deontological' since the idea of a wrong (and the related idea of a moral complaint) fit naturally within deontological theories. But I do not claim that they must be understood within such theories, and indeed I am sympathetic to the idea that consequentialists and virtue ethicists can, with some fancy footwork, make perfectly good sense of wrongs and moral complaints.

justice.[5] These stronger accounts of rights leave space for non-rights-infringing wrongs—wrongs that consist in infringing a directed *pro tanto* duty that is not enforceable, is not a trump, or is not a matter of justice. Some of the complicity- and fairness-based wrongs that I discuss in sections 2 and 3 below are, I think, plausible examples of such wrongs. Since I want to remain neutral between weak and strong accounts of rights, I will present the objections that I consider as asserting rights infringements only when the wrongs that they assert *uncontroversially* involve rights infringements—that is, involve rights infringements even on strong accounts of rights.

Second, a point about the relationship between wrongs and moral impermissibility. I assume that a wrongful practice is presumptively impermissible, all things considered, but I do not claim that it is necessarily impermissible; some wrongs can be justified. Indeed, on most accounts of rights, even rights-infringing wrongs can be justified.

Third, a point about *whose* actions I will be morally appraising. I will focus on adblocking consumers as the potential wrongdoers and will consider the actions of others—such as creators of web content and those who provide adblocking software—only insofar as they are relevant to the moral appraisal of consumers' actions. This focus should not be taken to imply that there are no interesting moral questions to ask about the actions of other parties in this domain; indeed, as will become clear later on, I think that both the creators of web content and the providers of adblocking software do sometimes act wrongfully. Nor should it be taken to imply that any obligations to reform adblocking practices fall wholly or primarily on consumers. Rather, I focus on consumer actions in the hope that this will allow me to contribute most fruitfully to existing debate, which has addressed itself primarily to consumers and has focused on the moral permissibility of their actions.

With these clarifications in hand, let us turn to the main business of the chapter: the assessment of three deontological objections to adblocking.

1. THE OBJECTION FROM PROPERTY

An initial deontological objection to adblocking—the objection from property—holds that it infringes a property right held by the creator (Piltch 2015; Primack 2015; Rothenberg 2015). The objection begins with the thought that a creator has a property right over the content that she places online. This makes it impermissible for others to access that content without the creator's consent. Of course, in placing content on the internet, the creator implicitly consents to the information being accessed. But she

[5] For a classic statement of the view that rights entail *justice-based* directed duties, see Thomson (1971, 56, 61).

also imposes a condition on how that property may be accessed by others: she (perhaps implicitly) says to the consumer 'you may view my content, but only if you also allow me to serve advertisements'. In accessing the website without allowing advertisements to be served, the adblocking consumer accesses the content without fulfilling this condition. She thus accesses the content without the creator's consent, and thereby infringes the creator's property right.

The proponent of this objection may claim that adblocking is analogous to piracy. Suppose a record label makes an album available for purchase via an online store such as iTunes, Amazon or Google Play. And suppose someone (a 'pirate') then uses software to download and play this music without paying. It is plausible that in doing this, the pirate infringes the property rights of the record label over this music. The label has imposed a condition on accessing this property—namely, that it must be purchased first—and the pirate accesses the property without meeting this condition. How might the defender of adblocking respond to this objection?

Strategy 1: No Right Infringed

An initial strategy would be to deny that the adblocking consumer infringes any property right held by the creator.

One way to deny this would be to deny that the creator enjoys a property right of the sort that the objection requires. It might be held, for example, that in placing content online, the creator waives any right to exclude people from accessing it; placing content online is like putting a notice on a public noticeboard. Once the content is online, the creator has no right to restrict who has access to it. [6]

This line of argument is, however, not promising. It seems clear that creators do have the right to erect paywalls around content that is placed online. This makes it difficult to see how they could lack the right to impose other kinds of conditions, such as a 'no adblocking' condition.

There is, though, a more promising response to the objection from property. We could question the suggestion that creators impose a 'no adblocking' condition on consumers who wish to access their content. We could do this by questioning whether creators *intend to* impose such a condition, or by questioning whether they *successfully communicate* it to consumers.

Consider first the creator's intention. In the piracy case, it is typically clear to all concerned that the creator intends to impose a payment condition on consumers. In the adblocking case, however, this is not always clear. Indeed, in some cases it seems clear that the creator does *not* intend to

[6] I thank an anonymous reviewer for suggesting this line of argument.

impose such a condition. Consider the case of the well-known podcaster and founder of Tumblr and Instapaper, Marco Arment. Arment runs a blog that serves ads (Arment 2015b), but also himself created an adblocker for iPhones and iPads (Arment 2015a),[7] has defended adblocking (Arment 2015c), and has stated that he blocks ads himself (Arment et al.). It thus seems very doubtful that Arment intends to impose an adblocking condition on those who read his blog.

Some argue that there is nothing exceptional about this case—that creators *typically* do not intend to impose a 'no adblocking' condition. Alexander Zambrano and Caleb Pickard suggest that we can infer this from the fact that most creators do not take the required steps to prevent adblocking consumers from accessing their content (2018). (Since the advent of so-called 'anti-adblocking' technology, such steps have been available (Butler 2016).)

Zambrano and Pickard's argument is, I think, too swift. Consider, by analogy, a large department store that employs no security guards to prevent shoplifting. We would not say that this implies the absence of an intention to impose a payment requirement on customers. Hiring security guards comes at a cost. It may be that the store managers intend to impose a payment requirement and decline to employ security guards only because this would be too expensive, antagonise too many customers, or pose too great a risk of legal liability for unlawful forms of enforcement. Similarly, use of anti-adblocking strategies comes at a cost to creators. For example, it requires an upfront confrontation with the consumer that can provoke a significant backlash (Fisher 2010). Many creators may allow adblocking consumers to access their content only because this seems the lesser of two evils, or the best way to maximise their revenue, not because they intend to allow adblocking.

I am thus less convinced than Zambrano and Pickard that creators typically intend to allow adblocking. Nevertheless, it is surely the case that *some* significant number of creators, like Marco Arment, indeed intend to allow it. On the other hand, there are clearly some who intend to impose a 'no adblocking' condition—most obviously, those who both demand that consumers deactivate their ad-blockers and employ anti-adblocking measures against those who do not.

A second basis for denying that adblocking infringes the creator's property rights would hold that, even when producers do intend to impose a 'no adblocking' condition, they do not adequately communicate this to consumers, so consumers are not required to comply with it (Arment 2015c). Some producers do explicitly ask consumers to 'whitelist' their site

[7] This adblocker, moreover, provided no ability for consumers to 'whitelist' particular advertising networks or creators.

(excluding it from adblocking). However, it is not always clear whether this is a demand or merely a request—that is to say, it is not always clear that creators are going so far as to deny permission to access their content to those who refuse to whitelist the site. Moreover, many websites neither request nor demand whitelisting. In these cases, the 'no adblocking' condition might be thought to be implicitly communicated by the mere serving of ads, but there is certainly scope to question this (Zambrano and Pickard 2018); we do not generally take the serving of ads to imply a requirement on consumers to read, let alone click on, advertisements, so why take it to imply a requirement to allow them to load (Arment 2015c)?

Each of these two responses succeeds, I think, in establishing that there are *some cases* in which consumers can use adblockers without infringing the property rights of creators. However, they do not, even together, fully undermine the objection from property. When a creator makes it clear to consumers that consumers may only access their content if they also allow the creator to serve ads, adblocking consumers will, I think, infringe that creator's rights.

Strategy 2: Justified Rights-Infringement

There is, however, another strategy open to the defender of adblocking. She may hold that, even when adblocking infringes the creator's property rights, it may still be permissible, all things considered. It may be a justified rights infringement.

Why might it be justified? Perhaps because blocking the creator's ads is the morally best means open to the consumer for preventing herself from being wronged, either by that particular creator, or by creators more generally.[8] Call this the 'self-defence' justification.

The self-defence justification presupposes that ad-serving creators sometimes wrong consumers. How might they do this? Perhaps by imposing over-burdensome or exploitative conditions on accessing their intellectual property. There are limits on the conditions that property owners can rightfully place on accessing their property. Suppose you need to use my phone to call the emergency services in order to save your own life. And suppose I allow you to use my phone, but only on the condition that you give me the gold watch you are wearing. I plausibly wrong you by imposing this condition.

Perhaps we can say something similar about the producers of ad-serving web content. Some web services, such as Google and Facebook, have

[8] For a statement of this view, see Irina Raicu, quoted in Bilton (2015). Raicu holds that '[a]d blocking is a defensive move' and that '[i]t seems wrong to characterize it as unethical when the practice that made it arise is unethical, too.'

arguably become so important to navigating modern society that denying a person access to these services can be expected to have serious costs for that person. If this is correct, then we might think that Google and Facebook wrong consumers if they impose burdensome conditions on accessing their services. And perhaps it could be argued that imposing a condition that consumers expose themselves to highly distracting ads or intrusive trackers is too burdensome. If so, adblocking could be conceived of as a defence against being wronged oneself.

This argument will not apply in the case of creators who provide non-essential services, however. In general, when the creators of luxury goods impose extremely burdensome conditions on accessing goods, we do not think that it becomes permissible for consumers to access the goods without fulfilling the conditions. Rather, we think that the consumers should simply forego the goods. I am not permitted to steal a yacht because the seller asks a price well beyond my means.[9] The argument will also not apply in the case of creators who offer, for a reasonable price, a paid ad-free option, since consumers will then have a non-burdensome means of avoiding the advertisements.

Nevertheless, there may be a version of the self-defence justification that can be run even in the case of websites providing non-essential services or offering a reasonably priced ad-free option. This is because there is another way in which ad-serving creators can wrong consumers: by exposing consumers to burdens or risks without obtaining their valid consent in advance.

Suppose that many creators providing non-essential services are serving intrusive ads. These ads incorporate trackers which collect sensitive personal information, such as the consumer's location and web history. Suppose, moreover, that the intrusive nature of these ads is not made clear to consumers. These creators invade consumers' privacy without the consumers' consent, and thereby plausibly wrong the consumers. Perhaps the only reasonable way to block these ads involves deploying an adblocker. Since consumers will not always know in advance which creators are exposing them to unconsented burdens, consumers employing adblockers

[9] There may, of course, be some forms of treatment to which it would be wrongful for the possessor of a luxury good to subject me even if I consent to such treatment as the 'price' of the good. For example, it is plausibly impermissible for the yacht-owner to make me his slave, force me to perform a sexual favour, or publicly humiliate me, even if I agreed to his doing so as the price of taking possession of his yacht. It might be argued that some tracking practices employed by creators are in this category; it is wrongful for creators to employ them even if consumers have consented to them as the price of accessing the creator's content (I thank Carissa Véliz for pressing me to consider this possibility). Note, however, that even in cases such as these, if the content being offered is luxury content, it is not clear that consumers would be permitted to employ ad-blockers defensively. It is doubtful that I am permitted to steal the yacht even if the owner will only sell it to me in return for my becoming his slave.

will inevitably also block ads served by other creators who are not wronging them. But adblocking might still be justified if it prevents the consumer from being subjected to sufficiently serious or numerous wrongs by other creators.

A problem with this line of argument, if it is meant to justify universal adblocking, is that it is often possible—and not especially difficult—to *selectively* adblock websites. As alluded to above, many widely used adblockers allow for the consumer to specify a 'whitelist' (a list of sites for which the adblocker will be deactivated). And though in many cases it will be difficult for a consumer to know in advance of visiting a site whether the site employs wrongful forms of advertising or tracking, in cases in which a website presents consumers with a clear and credible[10] statement of its practices, on the basis of which it is clear that the creator does not wrong the consumer, it is difficult to see how the self-defence justification for adblocking could succeed. (Consumers also have the option of 'outsourcing' whitelisting by employing adblocking software that by default whitelists advertisements deemed to be 'acceptable'.[11])

According to the self-defence justification, consumers are justified in infringing the property rights of creators to defend themselves against being wronged by those creators or others. An alternative justification for property-rights-infringing forms of adblocking is suggested by the analogy I drew above between adblocking and online piracy.

Online piracy is sometimes thought to be justified by its tendency to undermine an intellectual property regime which many regard as unjust. On this justification, piracy is seen as a form of civil disobedience—as part of a collective effort to produce legal reform through unlawful conduct.

Blanket adblocking could similarly be seen as an attempt to produce reform—to produce a change to the 'business model' of the internet so that it no longer relies on intrusive advertising and tracking. James Williams takes this line when he presents adblocking as a way to 'cast a vote against the attention economy', which is his term for the set of practices that creators and advertisers employ in order to distract us from our true goals. He writes that:

> ad blockers are one of the few tools that we as users have if we want to push back against the perverse design logic that has cannibalized the soul of the Web.
>
> If enough of us used ad blockers, it could help force a systemic shift away from the attention economy altogether—and the ultimate benefit to our lives would not just be "better ads." It would be better products: better informational

[10] Credibility might be established by, for example, presenting results of security audits by third-party agencies.

[11] AdBlock Plus does this through whitelisting advertisements approved by the 'Acceptable Ads Committee'. See: ('Building Bridges' 2020). I will return this practice below.

> environments that are fundamentally designed to be on our side, to respect our increasingly scarce attention, and to help us navigate under the stars of our own goals and values (Williams 2015).

Civil disobedience is perhaps a misnomer here, since the protest advocated by Williams is directed at a diffuse social practice (the attention economy), not the *state*,[12] and in most cases adblocking is not clearly unlawful. However, the structure of the justification is similar: break the rules to change the rules.

Again, however, this argument, understood as a justification for universal adblocking, is undermined by the possibility of selective adblocking. If consumers can relatively easily identify and whitelist websites employing only unproblematic advertising practices, then this is what they should do: such selective blocking would presumably be as effective as blanket-blocking in producing reform and would come without the cost of infringing the property rights of 'innocent' creators. Indeed, one might think that selective blocking would in fact be more effective in producing reform than blanket adblocking since it would provide not only a 'stick' to those who employ wrongful advertising practices but also a 'carrot' to those who employ only unproblematic forms of advertising.

Taking Stock

Let me take stock. I have been considering the objection that adblocking wrongs ad-serving creators by infringing their intellectual property rights; it does so by accessing this intellectual property without satisfying the 'no adblocking' condition that the creator imposes on its access.

I have argued that there are some cases in which adblocking does not infringe the creator's property rights because the creator does not intend to impose a 'no adblocking' condition on accessing her property, or because she fails to adequately communicate this condition. I have also noted that, even when the adblocking consumer does infringe the creator's property rights, he may nevertheless act permissibly. The rights infringement may be justified as a defence against the imposition of excessive burdens or risks, or burdens or risks to which the consumer has not consented. Or it might be justified as a form of protest intended to reshape the business model of the internet.

Nevertheless, there will be some cases in which adblocking does unjustifiably infringe the property rights of creators. Suppose that a creator clearly and explicitly demands that consumers deactivate their adblockers or refrain from accessing the creator's content. Suppose further that this creator credibly informs consumers about the nature of the advertisements

[12] Of course, some of the main protagonists in the attention economy—including Google and Facebook—are institutions more powerful than most states.

and trackers it serves, so that consumers can make an informed decision about whether to accede to the condition. And suppose, finally, that the creator is not, in imposing its condition, placing undue burdens on consumers, since it offers a reasonably priced ad-free option, or serves only unobtrusive and privacy respecting advertisements, or provides a non-essential service that consumers can easily forego. In this case it seems to me difficult to deny that the producer's property rights are unjustifiably infringed if the consumer continues to block ads while accessing that producer's content.

2. THE OBJECTION FROM COMPLICITY

Let us now turn to consider a further deontological objection to adblocking—an objection that promises to extend the range of cases in which adblocking is wrongful and thus, if done without sufficient justification, impermissible. This objection—the objection from complicity—holds that, by employing adblocking software, consumers become accomplices to wrongs committed by the makers of that software—adblocking software providers (ASPs)—for example, by implicitly encouraging or financially supporting those wrongs.

Why think that ASPs act wrongfully? One suggestion would be that they do so by facilitating property-rights infringements on the part of some consumers. If my argument in the previous section was sound, *some* adblocking consumers infringe the property rights of creators—perhaps by continuing to deploy adblocking software when accessing websites that clearly demand whitelisting. We might then hold that ASPs wrong creators by facilitating such rights-infringements, and that *other* adblocking consumers—those who do not themselves directly infringe any property rights—act wrongfully by encouraging or supporting the wrongs perpetrated by the ASPs. So the story would be: ASPs are accomplices to the wrongs perpetrated by some adblocking consumers, and other adblocking consumers are accomplices to the complicity-based wrongs perpetrated by the ASPs.

It is possible that some ASPs might also be guilty of a further wrong—extortion. To see why, recall that some ASPs operate whitelists—lists of sites for which advertisements will not be blocked—and in some cases the creators of sites must make a payment (either directly to the ASPs or to a third-party whitelisting agency) in order to be placed on the whitelist. Typically, these ASPs also require that the creators meet certain conditions—for example, that the advertisements they serve are unobtrusive and meet specified privacy standards. ASPs sometimes defend these practices as a way of allowing creators to serve 'acceptable' advertisements, with the payment for whitelisting justified by the need to recoup the costs of maintaining a database of 'acceptable' and 'unacceptable' ads ('About Adblock Plus' 2018). However, others suggest that these ASPs are really simply extorting creators (Piltch 2015; Rothenberg 2015).

To assess this claim, we will obviously need an account of extortion. Here is my suggestion, inspired by Wertheimer (1987: 90): *A* extorts *B* just in case *A* threatens to perform an action that would impermissibly wrong *B*, or some third party *C*, in order to obtain a payment from *B* to which *A* has no moral claim.[13]

In the cases of interest to us, the ASP does indeed seem to threaten the creator (with adblocking) to obtain a payment (for whitelisting) to which the ASP has no moral claim. The question is whether the ASP is threatening to impermissibly wrong the creator, or anyone else.

The ASP will claim that refusing to whitelist non-paying creators is permissible, so that in demanding payment for whitelisting, the ASP is not threatening to impermissibly wrong anyone. She will claim that it is perfectly reasonable for her to whitelist a website only where there is clear evidence that the creator's advertising and tracking practices meet certain standards. And she will further claim that it is perfectly reasonable for her to require that the creator share in the costs of establishing this evidence. I remain neutral on whether and when this defence of paid whitelisting succeeds. However, let me note that the defence will be more plausible the higher the proportion of creators that are employing wrongful advertising practices. If almost all creators wrong their consumers, as is arguably the case currently, it will plausibly be permissible for ASPs to whitelist only under stringent conditions. On the other hand, if few do so, it will be more plausible that whitelisting should be the default position. If this is the case, then ASPs which in fact blacklist as a default and require payment for whitelisting are plausibly extorting creators.

However, note that even in this case, it is not clear that all adblocking *consumers* who employ 'extorting' ASPs are themselves wronging creators. This is because it is not clear that all consumers are complicit in the extortion perpetrated by the ASP. After all, not just any association between one's action and a wrong committed by another makes one an accomplice to that wrong. Complicity requires the right (or, rather, the 'wrong') kind of connection between the two acts. There is disagreement regarding what, exactly, that connection must be (Devolder 2017), but one view would be that the putative accomplice must *substantially contribute* to the occurrence of the wrong. There are interesting and difficult questions regarding whether using adblocking software constitutes a 'substantial contribution' to the extortion perpetrated by the ASP. On the one hand, no individual consumer makes a substantial (or even a significant) difference to whether the extortion occurs. On the other hand, it is doubtful whether an individual must make a significance to be complicit in a wrong; an

[13] Wertheimer suggests that the threatened wrong, in paradigmatic cases of extortion, is a violent crime.

individual member of a firing-squad is complicit in a wrongful killing even if his bullet makes no difference, and people who drive cars are plausibly complicit in the collective wrong of causing global heating even if they make no individual difference.[14]

Similar thoughts apply to the case of consumers who use ASPs that do not run paid whitelists (so are not guilty of extortion) but which allow consumers to block advertisements on *all* websites (so are perhaps guilty of wrongfully facilitating the infringement of property rights by other consumers). There are open questions, that I cannot resolve here, regarding whether these consumers are wrongfully complicit in the ASPs wrongful facilitation of rights-infringements.

Also important to bear in mind here is that *not* adblocking may also raise issues of complicity. For example, where it is true that creators are wronging consumers, for example, by compromising their privacy, then *not* blocking advertisements might make one complicit in these wrongs being perpetrated against both oneself and other consumers. We may, then, need to balance complicity-based reasons to eschew blocking against complicity-based reasons to pursue it.

3. THE OBJECTION FROM FREE RIDING

A third deontological objection to adblocking maintains that consumers who use adblockers wrong other consumers who do not use them. Those other consumers benefit from online content and also contribute to the ongoing production of online content by viewing advertisements. By contrast, the adblocking consumers benefit from online content but do not, or not sufficiently, contribute to its ongoing creation. They thus *free-ride* on the contributions of the ad-viewing consumers, and thereby wrong the ad-viewing consumers. Call this the objection from free riding.

Adblocking is, according to this objection, relevantly similar to paradigmatic cases of wrongful free riding such as:[15]

> *Coin-withholding.* Next to the coffee machine in the Department of Philosophy sits an honesty box. On the box is a notice stating 'honesty box: please leave 20p for each coffee you make'. The notice also specifies that the funds will be used (as they indeed are) to buy coffee beans. Most staff members comply most of the time, but Prof

[14] For discussion of complicity in cases of with this structure, see Kutz (2000) and Gardner (2004).

[15] These cases are inspired by Garrett Cullity's (1995) *'Fare-Evasion'* and '*Recalcitrant Fisherman'* cases.

> Smith never contributes, despite being one of the heaviest coffee-drinkers.[16]
>
> *Polluting*. There are five farms surrounding a lake. Each farm uses water from the lake to irrigate crops, and each farm discharges run-off into the lake. The run-off is polluting the water and damaging crops that are irrigated with the water. To solve the problem, the five farmers come together and agree that all will start treating their run-off before discharging it into the lake. Four farmers stick to the agreement. The fifth, Farmer Jones, does not. Nevertheless, the water quality improves significantly, benefitting all five.

Intuitively, Prof Smith and Farmer Jones both free ride on the contributions of others, and thereby wrong those others; the others have a legitimate moral complaint against them. I am not asserting here that Prof Smith and Farmer Jones infringe the others' rights. Whether they do will depend, I think, on how exactly we conceive of rights. What I am asserting is that Prof Smith and Farmer Jones fail to fulfil a *pro tanto* duty that is directed towards those others. It may be, for example, that they fail to fulfil a duty of fairness—a duty to do one's fair share—owed to those others.

Note, however, that there are many cases in which individuals benefit from the contributions of others to some good and do not contribute to the good themselves, yet seemingly also do not engage in any wrongful form of free riding. Consider:

> *Hard Bargaining*. On an online second-hand sales site, rather like Craigslist or Gumtree, there are two types of buyer: hard bargainers and soft bargainers. Hard bargainers always bid sellers down to the minimum price for which they are willing to sell. Soft bargainers, by contrast, always pay more than this minimum. All sellers on the site would cease using it if all buyers were hard bargainers.

It is plausible that the hard bargainers benefit from the continued existence of the site without contributing to it. Nevertheless, it seems doubtful that the hard bargainers engage in any wrongful form of free riding.

A similar point can be made by reference to practices much closer to adblocking. Consider:

[16] An anonymous reviewer makes the interesting suggestion that Prof Smith may simply be stealing coffee in this case. I do not exclude this possibility; this may be an instance both of theft and of wrongful free riding. However, I also do not think that it *obviously* involves theft. Theft plausibly involves the failure to fulfil an *enforceable* duty, and it is not clear to me that there is an enforceable duty in this case.

> *Non-clicking.* The readers of an online news site fall into two categories, clickers and non-clickers. Clickers sometimes click on the ads displayed on the site. Non-clickers never do so. The publisher receives funding from the advertisers on a 'per click' basis and if no readers ever clicked on the advertisements, the publisher would receive nothing and would go out of business.

Here it seems that the non-clickers may be benefitting from the continued existence of the news site without contributing to it, while the clickers do contribute. Yet again, it seems doubtful that the non-clickers engage in any wrongful free riding.[17]

In paradigmatic instances of free-riding, such as *Coin-withholding* and *Polluting*, the beneficiaries of some good wrong those who contribute to its provision if they do not themselves contribute. But in *Ruthless Bargaining* and *Non-clicking* it seems that those who fail to contribute do not thereby wrong the contributors.

What sets these two pairs of cases apart? That is, what makes the non-contribution wrongful in the first pair of cases while it is not wrongful in the second pair? Perhaps by answering this question we will be able to determine whether adblocking qualifies as wrongful free riding.

One answer to our question appeals to the differing social conventions at play in these cases. In paradigmatic cases of wrongful free-riding—including *Coin-withholding* and *Polluting*—there is a convention or rule that acceptance of benefits entails a duty to contribute to their creation.[18] In *Hard Bargaining* and *Non-clicking*, there is no such convention. There is, for example, no conventional requirement that those who read news websites click on the ads that the websites serve. Are things different in the case of adblocking? Is there a conventional requirement not to block ads if one accesses a website? Creators may hope to create such a convention when they request that consumers deactivate their adblockers, suggest that the way to avoid advertisements is to become a paid subscriber, or simply highlight their dependence on advertising revenue to consumers. However, it seems to me doubtful that they have as yet succeeded in establishing this convention. That would, I think, broader acceptance, by consumers, of the requirement not to block ads. In this respect, then, adblocking seems more like *Hard bargaining* and *Non-clicking* than like *Coin-withholding* and *Polluting.* If conventional requirements are what matter, it is doubtful that adblocking consumers engage in any wrongful form of free riding.

---

[17] Zambrano and Pickard (2018) make a similar point. For other discussions of ad-blocking that offer comparisons to other ad-avoidance strategies, see Arment (2015c); Ingram (2015a); and Lawrence (2018).

[18] The requirement that there be a rule or convention is often built into accounts of unfair free riding. See, for example, Rawls (1971), at pp. 108-14.

Another answer to our question appeals to the excludability of the good being produced. Paradigmatic instances of wrongful free-riding concern the production of *non-excludable* goods; goods such that providing the good to some renders it impossible or costly for the provider of the good to exclude others from the good (Armstrong 2016). It would presumably be difficult to exclude the sole non-contributing farmer from the benefit of cleaner water in *Polluting*. Perhaps it would also be difficult to prevent coin-withholders from using the coffee machine in *Coin-withholding*. By contrast, perhaps the goods provided in *Hard Bargaining* and *Non-clicking* are excludable. Perhaps it would be possible—and not that costly—to prevent hard bargainers from using the second-hand sales website, and non-clickers from accessing websites. It might be argued that there is no moral requirement to make one's fair contribution to the provision of excludable goods because the providers of those goods have no grounds for complaint if others access the goods without contributing: if the providers find this access to be problematic, they could at reasonable cost prevent it.

I am doubtful that excludability is morally relevant in this way. Suppose the coffee machine in *Coin-withholding* could in fact easily be fitted with a coin slot such that coffee would only be served to those who pay. This would not affect our judgment that, in the event that a coin slot is *not* fitted, those who refuse to pay engage in wrongful free riding.[19] Building excludability into the case does not change our intuitive judgment about it.

Moreover, the explanation given above for why excludability rules out the possibility of wrongful free riding is not persuasive. Though excludability guarantees that the *providers* of a good can prevent its provision to non-contributors, it does not guarantee that those who indirectly contribute to the goods provision can prevent it. Thus, indirect contributors may still have a moral complaint against non-contributors who access the good. Even if the sales website could easily prevent hard bargainers from using the site, the soft bargainers, acting as individuals, presumably could not. So we cannot appeal to excludability to explain why the soft bargainers have no moral complaint against the hard bargainers.

Finally, a third answer to our question adverts to the optimality of collective provision. Some suggest that wrongful free-riding occurs only when collective provision—that is, a scheme in which the good is provided to all and all are conventionally required to make their fair contribution to its provision—is the morally optimal means of provision (Armstrong 2016). Perhaps this can explain the difference between our two pairs of cases. The honesty box system in *Coin-withholding* is a system of collective provision, and perhaps it is the optimal system of providing coffee to philosophers. The agreement between the farmers in *Polluting* is also a scheme for collective

[19] Garrett Cullity (1995) makes a similar point in relation to his *Fare-Evasion* case.

provision, and it is plausibly the optimal means of providing clean water for irrigation. By contrast, it is doubtful that the optimal way of running an auction site is to make the site freely available but conventionally require that buyers 'go easy' on sellers in their bargaining. It is similarly doubtful that the optimal way of providing online news is to place it on freely accessibly websites but conventionally require news site readers to click on ads. Collective provision does not seem to be optimal in the *Hard Bargaining* and *Non-clicking* cases.

What does this answer imply for the adblocking case? It does not clearly support the view that ad-blockers engage in wrongful free-riding, for it is far from obvious that publication supported by (often intrusive) advertisements combined with a requirement not to employ adblockers is the optimal way of arranging the provision of online content. Indeed, asserting that it is would beg the question against many proponents of adblocking, since these proponents often claim that there are better models of provision available. These models may include provision of content only to subscribers (behind a paywall), provision of content supported only by non-intrusive and privacy-respecting advertisements, or something closer to the current model but with users given greater control over what information the trackers used to target advertisements can collect (Burton 2017).

On none of the three views that we have considered, then, does adblocking appear to be an instance of wrongful free-riding. Adblocking seems more like *Hard Bargaining* and *Non-clicking* than like *Coin-withholding* and *Polluting*.

4. CONCLUDING THOUGHTS

I have outlined three deontological objections to adblocking—the objection from property, the objection from complicity, and the objection from free-riding—and have considered how a defender of adblocking might respond to each. I challenged the view that adblocking constitutes wrongful free-riding. However, I conceded that adblocking may impermissibly wrong creators either directly—through infringing their property rights—or indirectly—through complicity in the wrongdoing of advertising service providers.

Whether adblocking infringes the property rights of creators will, I have suggested, depend on whether the creator intends to impose a 'no adblocking' condition on consumers and communicates this clearly, for example, by demanding whitelisting. Whether adblocking that infringes the property rights of creators does so *impermissibly* will further depend on

- Whether the advertisements served by the creator are unobtrusive and privacy-respecting,

- Whether consumers are credibly informed about the nature of the advertisements and trackers that the creator serves,
- Whether the creator provides an essential service, and
- Whether the creator provides a reasonably priced paid ad-free option.

The objection from property rights will most plausibly establish the impermissibility of adblocking when the creator (1) clearly demands that consumers either deactivate the adblocker or refrain from accessing the site, (2) credibly informs consumers about the nature of any advertisements and trackers contained on the site, and (3) either (a) offers a low-cost ad-free option, (b) serves only unobtrusive and privacy-respecting advertisements, or (c) provides only non-essential services.

.

Whether adblocking involves complicity in wrongs committed by the adblocking software provider (ASP) will depend on:

- Whether the ASP is guilty of extortion,
- Whether the ASP is complicit in the infringement of property rights by other consumers, and
- Whether using adblocking software makes one complicit in the wrongful actions of the ASP, for example, because it substantially contributes to that wrongdoing.

Where adblocking consumers are complicit in wrongdoing by the ASP, this will need to be balanced against the possible complicity of *non*-adblocking consumers in systematic wrongdoing (for example, in the form of privacy violations) by creators. One type of case in which the complicity involved in adblocking is likely to predominate will be where the ASP demands a large payment for whitelisting even though most creators are respectful of consumers' attention and privacy. In this case, the charge that ASPs are extorting creators will be plausible, whereas the claim that creators are wronging consumers will, in relation to most creators, be less plausible. On the other hand, the complicity involved in *not* adblocking is likely to predominate where most creators *are* invading consumer privacy.

This is a draft of a chapter that has been accepted for publication by Oxford University Press in the forthcoming book *The Oxford Handbook of Digital Ethics* edited by Carissa Véliz, due for publication in 2022.

REFERENCE LIST

'About Adblock Plus', *Adblock Plus* <https://adblockplus.org/en/about#monetization>.

Arment, Marco (2015a), 'Introducing Peace, my privacy-focused iOS 9 ad blocker', Marco.org (posted 16 September, 2015) <https://marco.org/2015/09/16/peace-content-blocker>.

Arment, Marco 'Just doesn't feel good', *Marco.org* (updated 18 September, 2015) <https://marco.org/2015/09/18/just-doesnt-feel-good>.

Arment, Marco 'The ethics of modern web ad-blocking', *Marco.org* (updated 11 August, 2015) <https://marco.org/2015/08/11/ad-blocking-ethics>.

Arment, Marco, Liss, Casey, and Siracusa, John (2015), '136: War and Peace', *Accidental Tech Podcast* (Squarespace).

Armstrong, Chris (2016), 'Fairness, Free-Riding and Rainforest Protection', *Political Theory,* 44 (1), 106-130.

Barton, David 'Rights or Respect: the Ethics of Adblocking ', (updated 11 April, 2016) <https://blockthrough.com/2016/04/11/rights-or-respect-the-ethics-of-adblocking/>.

Bilton, Ricardo 'What would Kanto do? Ad blocking is a problem, but it's ethical', *Digiday* (updated 7 August, 2015) <https://digiday.com/media/kant-on-ad-blocking/>.

'Building Bridges', *Acceptable Ads* <https://acceptableads.com/en/>.

Burton, Lyndsey (2017), 'Ad-blockers and the road to consumers controlling their private data', *LSE Business Review,* (6 May). <https://blogs.lse.ac.uk/businessreview/2017/05/06/ad-blockers-and-the-road-to-consumers-controlling-their-private-data/>.

Butler, Ian (2016), 'The Ethical and Legal Implications of Ad-Blocking Software', *Conneticut Law Review,* 49 (2), 689-712.

Crichton, Danny (2015) 'Adblocking And The End Of Big Advertising', *Tech Crunch* (updated 4 June 2015) <https://techcrunch.com/2015/06/07/adblocking/>.

Cullity, Garrett (1995), 'Moral Free Riding', *Philosophy & Public Affairs,* 24 (1), 3-34.

Devolder, Katrien (2017), 'Complicity', in Hugh LaFollette (ed.), *International Encyclopedia of Ethics* (Wiley), 1-9.

Douglas, Thomas (2015), 'What's the moral difference between ad blocking and piracy?', Practical Ethics: Ethics in the News (posted 9 October, 2015) <http://blog.practicalethics.ox.ac.uk/2015/10/whats-the-moral-difference-between-ad-blocking-and-piracy/>.

Fisher, Ken 'Why Ad Blocking is devastating to the sites you love', (updated 3 June, 2010) <https://arstechnica.com/information-technology/2010/03/why-ad-blocking-is-devastating-to-the-sites-you-love/>.

Gardner, John (2004), 'Christopher Kutz, Complicity: Ethics and Law for a Collective Age', *Ethics,* 114 (4), 827-830.

Haddadi, Hamed, et al. (2016), 'The Adblocking Tug-of-War', *;login:,* (16 July), 41 (4), 41-43. <https://www.usenix.org/system/files/login/articles/login_winter16_07_haddadi.pdf>.

Ingram, Mathew (2015a), 'You shouldn't feel bad about using an ad blocker, and here's why', *Fortune,* (17 September). <https://fortune.com/2015/09/17/ad-blocking-ethics/>.

Ingram, Mathew (2015b), 'Is using ad-blocking software morally wrong? The debate continues', *Fortune,* (18 September). <https://fortune.com/2015/09/18/ad-block-ethics/>.

Kutz, Christopher (2000), *Complicity: Ethics and Law for a Collective Age* (Cambridge Studies in Philosophy and Law; Cambridge: Cambridge University Press).

Lawrence, Desmonda 'The Moral Question of Ad-Blocking', *The Prindle Post: Ethics in the News and Culture, Explained* (updated 22 August, 2018) <https://www.prindlepost.org/2018/08/the-moral-question-of-ad-blocking/>.

Manjoo, Farhad (2015), 'Ad Blockers and the Nuisance at the Heart of the Modern Web', *The New York Times,* (19 August). <https://www.nytimes.com/2015/08/20/technology/personaltech/ad-blockers-and-the-nuisance-at-the-heart-of-the-modern-web.html>.

Orlowski, Andrew 'The case for ethical ad-blocking', (updated 27 April, 2016) <https://www.theregister.co.uk/2016/04/27/the_case_for_ethical_ad_blocking/>.

PageFair and Blockthrough (2020), 'Growth of the Blocked Web: 2020 PageFair Adblock Report', in Blockthrough (ed.).

Piltch, Avram (2015), 'Why Using an Ad Blocker Is Stealing (Op-Ed)', Tom's guide (posted 22 May, 2015) <https://www.tomsguide.com/us/ad-blocking-is-stealing,news-20962.html>.

Primack, Dan (2015), 'Dear Apple: I may rob your store', *Fortune,* (18 September). <https://fortune.com/2015/09/18/dear-apple-i-may-rob-your-store/>.

Rawls, John (1971), *A Theory of Justice* (Revised edn. edn.; Cambridge, MA: Cambridge University Press).

Rothenberg, Randall (2015), 'Ad Blocking: The unnecessary internet apocalypse', *AdAge,* (22 September). <https://adage.com/article/digitalnext/ad-blocking-unnecessary-internet-apocalypse/300470>.

Thomson, Judith Jarvis (1971), 'A Defense of Abortion', *Philosophy & Public Affairs* 1, 1, 47–66.

Wertheimer, Alan (1987), *Coercion* (Princeton: Princeton University Press).

Williams, James (2015), 'Why It's OK to Block Ads', Practical Ethics: Ethics in the News (posted 16 October, 2015) <http://blog.practicalethics.ox.ac.uk/2015/10/why-its-ok-to-block-ads/>.

This is a draft of a chapter that has been accepted for publication by Oxford University Press in the forthcoming book *The Oxford Handbook of Digital Ethics* edited by Carissa Véliz, due for publication in 2022.

Zambrano, Alexander and Pickard, Caleb (2018), 'A defense of ad blocking and consumer inattention', *Ethics and Intormation Technology,* 20, 143-155.