
IS SEARCH NEUTRAL?

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In this talk

- * Two arguments for search neutrality
- * Eight theories of what it might mean
- * Withering criticism of all of the above
- * Difficult questions

WHY NEUTRALITY?

The normative appeal of neutrality

- * Editorials and tech blogs make “neutrality” sound like apple pie
- * Few articulate the moral assumptions baked into their arguments
- * Academics have two reasonably well worked-out theories:
 - * *Users*: not in a position to check up on a search engine
 - * *Websites*: need the search engine to be able to reach audiences
- * Both of these are really about protecting users!

THEORIES OF WHAT “NEUTRALITY” MEANS

Equality

- * Scott Cleland: “Second, Google’s ultra-secret search algorithm [sic] reportedly has over 1,000 variables/discrimination biases which decide which content gets surfaced, so it can be found and monetized, and which content gets effectively hidden ‘at the back of the arena.’”
- * Theory: neutrality requires no distinctions among websites
- * This is nonsense; the *point* of search is to make distinctions

Objectivity

- * Foundem: “Throughout Foundem’s three and a half year penalty, Foundem continued to rank normally in Yahoo and Bing.”
- * Theory: there are correct and incorrect search results
- * What is the objectively correct #1 result for “apple”?
- * *Search is subjective.*
- * How does Foundem—or anyone—know that its “normal” rankings in Yahoo! and Bing were right?

Bias

- * AT&T: “Google’s algorithms unquestionably *do* favor some companies or sites.”
- * Academics worry about “systematic and unfair” discrimination in favor of some people or viewpoints and against others
- * Saying that a distinction is biased if it is “unfair” is circular
- * Search is clearly political, so the responsibility is weighty, but
- * The web itself is biased in this sense, and so are users; it’s not clear you can isolate the bias entirely in the search engine

Traffic

- * StudioBriefing: “We are in no position to battle Google on this. And without Studio Briefing being included in Google search results we cannot draw sufficient readers to remain viable.”
- * But if the IKEA ferry stops running to Red Hook, do the food vendors at the Ball Fields have a legal right to complain?
- * Taken seriously, traffic would say that websites have a right to the pageviews of unwilling users.
- * If Google mistakenly overranks a site, why should it have to continue that overranking forever?

Relevance

- * Foundem: “the principle that search engines should have no editorial policies other than that their results be comprehensive, impartial and *based solely on relevance*”
- * Why is this not a tautology?
- * Would you tell a boxer to “punch harder”?
- * I can tell a relevance-enhancing story about all kinds of controversial rankings changes. For example, most vertical-search sites are utterly worthless. Good riddance to them!

Self-Interest

- * Consumer Watchdog: “Google now inserts results from Google Maps into the first page of results from most Google searches, driving enormous traffic toward Google Maps and away from competitors.”
- * Some things can be good for Google *and* good for users.
- * Google products have market share almost in direct proportion to their quality. Google Maps really is awesome.
- * Bribes are bad, but Google doesn’t take them ... right?

Transparency

- * Foundem: “Search Neutrality can be defined as the principle that search engines should be open and transparent about their editorial policies ...”
- * Three words: Search. Engine. Optimization.
- * What about disclosure to regulators?
- * How do you plan to explain eigenvectors and clustering algorithms to lawyers, judges, and 20-something poli sci majors?

Manipulation

- * Foundem: “By introducing special treatment for particular site names manually fed to the algorithm (such as ‘whitelists’), objectivity is lost, and the opinion becomes undeniably subjective.”
- * This seems to be about:
 - * Changes affecting very few sites.
 - * Making changes intending to affect known sites directly.
- * Google makes manual changes, so nu? But is it relevant?

DON'T RELAX JUST YET

Search engines don't get a total free pass

- * Other laws still apply: copyright, trademark, privacy, etc.
- * “Neutrality” shouldn't short-circuit the antitrust analysis, but that doesn't mean there aren't antitrust issues
- * In other work, I've been skeptical about Google Books
- * Raw shakedowns would be much more problematic
- * Stealth marketing is not okay

Manipulation, redux

- * Udi Manber, 2008: “At Google we do not manually change results.”
- * *New York Times*, 2010: “ On Wednesday evening, Google began what it calls a ‘manual action’ against [J.C.] Penney, essentially demotions specifically aimed at the company.”
- * *Why do Googlers focus on “automatic” processes?*

Some half-baked theories

- * Thinking of web search as a pure information retrieval problem
- * Useful way of avoiding {moral, legal} responsibility for results
- * Company-wide supercrunching ideology
- * Solving the general case is a habit of highly effective coders
- * Seeking an impersonal point of view is the right thing to do

QUESTIONS AND CONVERSATION
