Free Software Matters:
Free Software or Open Source?

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Because use of free software is expanding so rapidly, most of the people now using it haven't been part of the community for very long. So they are often puzzled by rhetorical disagreements familiar to the habitué. What's the difference between "free software" and "open source"? Why do some people seem to feel so strongly about it and is this apparent division a real problem for the future of the software?

It is very important that the two phrases do in fact denote the same object. Both the Free Software Foundation (which publishes the GNU General Public Licenses and holds assignments of copyright for protecting the freedom of many essential components of free software, including GNU Emacs, GCC, GDB, and Glibc) and the Open Source Initiative (which has worked hard to publicize the conception of "open source" through its Open Source Definition) support and encourage software that can be freely modified and redistributed by its users.

Why the two terms? The "open source" phrase stems from a decision taken in 1998 by a group of contributors to the free software movement to adopt a new strategy for assisting in the "corporate adoption" of the GPL and other free software licenses. These developers and supporters of free software believed that a more explicitly "pragmatic" approach to presenting its benefits—stressing the inevitable practical improvement in quality over ethical or moral arguments in favor of free licensing—would result in wider corporate support and "mainstream" press coverage of the phenomenon.

In one sense, then, "open source" was a phrase that entered the language lately, intended mostly for its public relations value, like a change of

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brand name in the marketing of any other product. In the heyday of General Motors, whether they called it a Pontiac or a Buick you got the same car. But in fact, as it turned out, the difference in phraseology after 1998 paralleled an underlying preexisting diversity.

Everyone, including the "pragmatists" who promote free software on the perfectly valid ground that it's inherently better, would agree that there is something important about the "freedom" of the software itself. It's not only that open development models produce better code by putting more, and more motivated, eyes on it. There's also a shared recognition that software the user can't freely modify "takes over" her computer in a way that limits her ability to create, to protect her privacy, and to achieve other goals associated with the personal autonomy we call "freedom." This is an ethical and political justification for free software that would be equally endorsed, I believe, by all advocates of "open source."

But programmers and other members of the free software community also belong to other communities where their political ideas are acquired and refined. So the context in which individuals interpret the "freedom" associated with free software varies. Some community members have a basically libertarian outlook. Their conception of freedom includes a strong preference for property rights. The institutions of free software are in some recognizable tension with property rights, they understand, but this is entirely the result of personal choice by individual copyright owners to treat their property in the "open source" fashion, in order to achieve practical benefits. The overall advantage to society created by this creation of a commons is nice, but it isn't the reason for doing what is done.

Other members of the free software community have more communitarian or anarchist political ideas. Their belief in freedom does not include a strong preference for property institutions. "Property rights" for them are outcomes of potentially unjust social decisions rather than natural entitlements. The tension between free software institutions and traditional property conceptions reflects an ethical benefit to society at large. Free software manages to achieve for the network a superior social state to the one enforced by material necessity in the world of physical products that can't be copied for everyone at no additional cost. The strongest expression of this position comes from Richard M. Stallman, the founder of the Free Software Foundation and the creator of the free software movement, who considers the distribution of non-free software an unethical act. Despite that personal moral position, Stallman's GNU General Public Licenses permit not only the commercial distribution of free software, but also its combination in commercial distribution with non-free software, which is why free

software systems based on those licenses are capable of their present commercial success.

These underlying political differences are significant. They sometimes imply different policy orientations with respect to issues facing free software. But in my experience providing legal assistance to the movement over the past decade, long before the "open source" label existed, such policy differences have been few and have been fairly easy to resolve. The political division is more important in two other respects, one positive and one negative. Identification of "open source" and "free software" with external sources of political enthusiasm increases the energy with which people may be attracted to the software itself. If the advocates of "open source" see the advantage of their position in recruiting attention from libertarian entrepreneurs and right-leaning business journalists, members of the "free software" movement can frame the ethical appeal that equally attracts progressive programmers, investors, foundations, and opinion-makers. As the free software movement becomes ever more globalized, taking in a full range of the technically-educated population around the world, the balance of opinion within the community will no doubt change. The presence of these diverse cultural frameworks is an asset in that process.

On the other hand, within the community itself the effect is to intensify the rhetoric, sometimes disadvantageously. Moral positions are deeply felt, and outside the range of agreement that commits them to free software, the two tempers of mind disagree strongly. The community contains both pragmatists and true believers, and as with all communities so composed, tempers will run high sometimes.

So is the dialog between "open source" and "free software" a threat to free software's future? Not at all. The free software idea is irreversibly embedded in the fabric of the Internet Society. As it grows larger, the movement behind that idea will go through many transformations, and its meaning will remain contested. But those of us who are committed to its success don't all have to be pushing in exactly the same direction in order to help it along. Whatever the names we use, we know what we're talking about, and we know why Free Software Matters.