

Chapter XXVIII

The Evolution of Free Software

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ABSTRACT

The more we rely upon software to mediate the many facets of our lives the more important the ability to control and adapt that software to our needs becomes. The Free Software Foundation stands at the forefront for this effort to ensure user empowerment. The main tool of the foundation is the General Public License that has been a fundamental document in software development since its conception in 1989. At present the Free Software Foundation is in the process of launching a new version of their license and the process is similar to the development of an existing social contract—the delicate problem is meeting the new challenges that have appeared since the earlier version while maintaining the spirit of the original.

INTRODUCTION

Most legal documents exist in relative obscurity. Despite their legal effect and control over our lives they receive scant attention and are rarely recognised as unique documents outside the narrow group who are responsible for drafting and interpreting them. On occasion certain documents rise above this obscurity and achieve an iconic status where their actual content is overshadowed by their symbolic value. Arguably the clearest such example is the American Constitution. Its position and fame go beyond its content, it is arguably more important as a symbol than a legal document. The iconic value of this declaration is enhanced by the value society attributes to the ideology they believe to reside within the formulations.

The focus of this chapter is the iconic software license—the GNU General Public License (GPL). Stated objectively the GPL is a widely used free software¹ license, originally written by Richard Stallman for the GNU project. The latest version of the license, version 2, was released in 1991. While this is an accurate statement it fails to capture the importance and status of the document. In a recent statement by the drafters Stallman and Moglen (2005) the GPL was described as fulfilling four important roles: (1) the GPL is a worldwide copyright license, (2) the GPL is the code of conduct for free software distributors, (3) the GPL is the constitution of the free software movement, and (4) the GPL is the literary work of Richard M. Stallman.

This list better captures the iconic status of the GPL and indicates the list of stakeholders that

have an interest in the way in which the license develops. At present the development of the GPL is a central issue in the world of software development. The reason for the increased interest is because the organisation in control of the license, the Free Software Foundation (FSF), is presently coordinating the move from version 2 to version 3. Their stated goal is to ensure that the spirit of the license is maintained while the content is updated to better reflect the social-technical developments that have taken place since version 2 was released in 1991.

This chapter will describe the background and spirit of the GPL and also point to its importance. The chapter will then explain some specific socio-technical developments that challenge the effectiveness of the existing license and a description of the process of moving from version 2 to version 3, which is intended to meet these challenges. The goal of this chapter is to arrive at an understanding of the importance of the GPL and to observe how it develops as a regulatory instrument to meet new challenges while maintaining its ability to offer the freedoms the license entails.

BACKGROUND

The Spirit of GPL

Writing about the importance of software is difficult without resorting to what seems to be empty hyperbole. It is important to point out that software is rapidly becoming one of the most fundamental building blocks of human interaction and activity. There remains a common misconception that software is a complex component, which in some sense “lives” within computer hardware. By confining software to the inner workings of the traditional computer most non-technical software users are unaware of the extent to which software permeates their lives.

Moglen (1999) talks of computers being under our social skin but this seems to imply that

there are computers everywhere. To most people the computer is still a very specific artefact that only affects their lives in specific, controllable situations. Talking less about the computers and more about software may help bring about an understanding of the omnipresence of software. Also like most other things that surround us this software belongs to someone. The software that fills our homes and our lives is, in almost all cases, the property of someone else and therefore we are dependent upon the property of others for our everyday lives to a much greater extent than we may previously have imagined.

It was in part to counteract this that Richard Stallman wrote the original announcement for the GNU project in 1983. He wrote, “Starting this Thanksgiving I am going to write a complete Unix-compatible software system called GNU (for Gnu’s Not Unix), and give it away free to everyone who can use it.” In 1985 Stallman launched the Free Software Foundation (FSF), an organisation whose goals it is to promote the computer users’ right to use, study, copy, modify, and redistribute computer programs.

The spirit of the GPL is commonly condensed into what has become known as the four freedoms. From the point of view of the FSF software licenses that offer these four freedoms to the user is free software. Software that does not meet all four of these freedom criteria is proprietary software. These freedoms are the freedom: to run the program, for any purpose (called freedom 0), to study how the program works, and adapt it to your needs (called freedom 1), to redistribute copies so you can help your neighbour (called freedom 2) and to improve the program, and release your improvements to the public (called freedom 3). This list has become the mantra of the free software movement are known collectively as the four freedoms.

Despite the relatively clear description offered by the four freedoms and the GPL the term free software has been the subject of some controversy. The fundamental freedom referred to is the

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