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The GNU mascot and the Linux mascot at Fórum Internacional do Software Livre (FISL), a free-software conference that takes place every year in Porto Alegre, Brazil. Photo by Cristiano Sant'Anna, July 11, 2015.

Freedom Isn't Free

Wendy Liu

What would it take to set software free?

The failure of the open-source movement is ultimately a failure of imagination.

Let's back up a bit. When I talk about the "failure" of the open-source movement, I don't simply mean that systemic underfunding of crucial open-source projects has led to incidents like the Heartbleed saga, whereby a vulnerability in an important software library called OpenSSL undermined the integrity of a large part of the internet. Nor am I referring to the low adoption of open-source software on the consumer side. Those are certainly failures, but they are minor in comparison to the one that looms over the entire movement. Open source's biggest failure is philosophical. And it is rooted in what we normally think of as open source's greatest success.

In recent decades, open source has proliferated on the production side—how software is developed, deployed, and maintained. Much of the technological infrastructure that underpins our digital world now relies on open-source tooling. We've even reached a point where corporations are frequently choosing open-source software over proprietary alternatives. What's more, they're publicly extolling its virtues: they're sponsoring conferences and allowing their developers to work on popular projects. Indeed, many employers now consider past contributions to open-source projects a de facto requirement for getting hired.

So hasn't the movement succeeded, then? If startups that have built their businesses on open-source software can

raise hundreds of millions of dollars in venture capital? If a company like Microsoft, which once positioned itself as the enemy of open source, is now funding key projects?

That depends on what you think open source is fundamentally *for*. For some, open source is about making software less buggy and more robust by widening the pool of possible contributors. For others, it's about giving users—at least the more technically skilled ones—more control over the software they use. For the most cynical, it's a way to dupe people into working for free.

But I always thought there was something more to open source—something more radical, something worth fighting for.

Free as in Freedom

For me, the best parts of the open-source movement were always the remnants of the "free software movement" from which it evolved. During the early days of the movement in the 1980s, best captured by Richard Stallman's book *Free Software, Free Society*, there were no corporate conferences featuring branded lanyards and sponsored lunches. Instead, it was all about challenging the property rights that had granted software companies so much power in the first place. Stallman himself was

possibly the movement's best-known evangelist, traveling around the world to preach about software freedom and the evils of applying patent law to code.

Stallman lent the movement an unorthodox, anti-establishment tone. He framed the argument for free software in moral terms, positioning it as not only technically but *ethically* superior to proprietary software, which he saw as a "social problem." And he practiced what he preached: in his personal life, Stallman went to great lengths to avoid using proprietary software, even to the point of not owning a cell phone.

But it wasn't until the free software movement shed its rebellious roots and rebranded as the more business-friendly "open-source movement" that it really took off. One of the most crucial figures in this effort was Tim O'Reilly, founder and CEO of O'Reilly Media, who built his business empire by identifying the pieces of the free software movement that could be commodified. Suddenly, corporations that had previously considered open source to be dangerously redolent of "communism" were starting to see its value, both as a way of building software and as a recruitment tactic. From there, an entire ecosystem of virtue-signaling opportunities sprang up around the marriage of convenience between the corporate world and open source: conference and hackathon sponsorships, "summers of code," libraries

released under open licenses but funded by for-profit corporations.

If that counts as a victory, however, it was a pyrrhic one. In the process of gaining mainstream popularity, the social movement of "free software"—which rejected the very idea of treating software as intellectual property—morphed into the more palatable notion of "open source" as a development methodology, in which free and proprietary software could happily co-exist. The corporations that latched onto the movement discovered a useful technique for developing software, but jettisoned the critique of property rights that formed its ideological foundation.

Yet it was precisely the weakness of that foundation that made the free software movement vulnerable to co-optation in the first place. The movement's greatest limitation was its political naivete. Even as it attacked the idea of software as property, it failed to connect its message to a wider analysis that acknowledged the role of property rights within a capitalist framework. Free software pioneers like Stallman tended to approach the issue from an individualized perspective, drawn from the 1970s-1980s hacker culture that many of them came from: if you could change how enough hackers wrote and used software, you could change the world. This highly personalized model of social change proposed an

individual solution to a structural problem, which necessarily neglected the wider social context.

Still, it's not entirely fair to blame the founders of free software for having their movement hijacked. They were facing difficult odds: the neoliberal consensus of the last few decades has meant that the benefits of technological development have largely flowed to corporations, under the aegis of a strong intellectual property regime. As the free software movement came up against these prevailing economic forces, its more contentious aspects were watered down or discarded. The result was "open source": a more collaborative method of writing software that bore few traces of its subversive origins.

Which is a shame, because the movement had the potential to be so much more. Free software arose out of the desire to *decommodify* data, to contest the idea of treating information as property. Of course, the movement's ability to fulfill this desire was hampered by a lack of political analysis and historical context. Crucially, free software advocates neglected to recognize information as simply the latest battlefield in a centuries-old story of capital accumulation, as capital discovers new engines of profit-making and new areas of our common life to enclose. Still, there was *something* there: glimmers of a recognition that property is the enemy of freedom.

How to Set Software Free

Recently, it feels like we've reached a turning point when it comes to public sentiment about tech. More and more people are questioning the power that technology companies have over our lives, our economies, and our democracies. Pundits and politicians are casting about frantically for solutions: better regulation; a code of ethics for engineers, more diverse workforces. Unfortunately, these are mostly window-dressing solutions that don't address the imbalance of power at the root of the problem. But maybe a more radical approach was there all along, hiding in plain sight, within the history of tech itself.

In his 2004 book *The Hacker Manifesto*, media theorist McKenzie Wark coins the term "vectoralist class" to refer to those who profit from commodifying information. This process is enforced by intellectual property restrictions to prevent sharing, resulting in an artificial scarcity of a non-scarce good. Given that property rights originally developed under conditions of scarcity, it feels somewhat odd, from a consumer perspective, to apply those same rights to non-scarce goods which can be replicated at zero marginal cost. As a result, initiatives for "digital rights management" are typically unpopular among the public, straining consumer expectations of ownership by

imposing restrictions on what you can do with the songs, movies, or e-books you have paid for.

There is a tension, then, between what makes sense to consumers and what is required by capital, as strong intellectual property regimes are needed to secure profits for the vectoralist class despite their unpopularity among users. The standard justification for this state of affairs is that it's the only way to ensure that content creators can make a living. But this merely deploys content creators as a human shield to distract from the sheer unnaturalness of this extremely lucrative system, one in which the bulk of the profits are accruing to corporations, not content creators.

Fortunately, there is an alternative. You can see the beginnings of it in commons-based movements like open access journals, Creative Commons licensing, and open-source software, which Wark calls the "gift economy." These movements have flourished partly because they correlate with the common-sense idea that "information wants to be free," and despite their limitations, they still hint at a deeper revelation. As Wark writes:

…the vectoralist class quite rightly sees in the gift a challenge not just to its profits but to its very existence. The gift economy is the virtual proof for the parasitic and superfluous nature of vectoralists as a class.

Seen in that vein, the radical undertones of open source didn't just come out of nowhere, and they're not unique to software. Instead, open source is simply a response to the very real contradictions that abound when property rights are applied to information. Where it fails is by offering an easy way out—by creating a microcosm, itself commodified, that suspends intellectual property conventions on a small scale, without ever presenting a viable alternative to the wider intellectual property regime required under capitalism.

Perhaps it's time to move beyond the corporate-friendly veneer of the open-source movement and resurrect its free software roots, paired with an understanding of the broader economic context. The gift economy, of which the open source movement is a crucial part, shows us that property rights are not necessary for driving innovation, and so there is *no need* for the vectoralist class—no need for the pantheon of technology corporations that attempt to commodify every aspect of our lives in order to enrich a select few. We should try to imagine a world without them, in which the technologies that shape our common life belong to us in common, and are harnessed for the purpose of benefiting society and not hoarding wealth.

The biggest obstacle to building such a world is the question of how contributors will get paid, and it's one that frequently comes up in the open-source software

world today. If contributors are unable to sell their code, how can they make a living? The solution isn't to sweep this under the rug by assuming contributors will have other sources of income—that'll only produce a contributor ecosystem that amplifies the demographic biases of the wider economy. A more compelling vision, grounded in a materialist analysis of the conditions of production, would be a world where no one *needs* to get paid for these contributions because their material needs are taken care of through other means.

Now, this isn't exactly a small project—it would require a complete reimagining of the relations of production. The only way to set information "free" is to restructure the economy such that information production *can* be free, with contributors no longer *needing* to get paid for their work because crucial goods like housing, transport and food are available as free public services. In other words, truly decommodifying information will require decommodifying the things we need to survive in order to produce that information. To make markets less dominant in software, we must make them less dominant everywhere else.

Luxurious Code

This is why the struggle to set information free is not just

a technical matter—it has to involve a broader political struggle. The challenges faced by the original free software movement are merely the tip of the iceberg. If you take the core tenets of free software to their logical conclusion, you end up with a desire to reverse all kinds of commodification by transforming property rights in their entirety. As a result, today's open source communities have the potential to serve as gateways to a more radical politics, one that pushes for the decommodification of not just information but also the material resources needed to sustain the production of information.

What's needed, then, is a leap of faith: from feeling gratitude towards corporations for funding open-source projects to questioning why we allow these corporations to amass the wealth that enables them to do so in the first place. What's needed is a movement to resist the commodification of information in all its forms—whether that's software, content, or using personal data to increase product sales through targeted advertising—and diminishing the power of these corporate giants in the process.

The open-source movement could—and should—be more than just another way to develop code. Fulfilling its radical potential will involve expanding the scope of the movement by linking it with a broader struggle for decommodification. This will require a massive political

battle, challenging not just individual corporations and institutions but the neoliberal state itself.

Ultimately, there is an irreconcilable incompatibility between the idea of free information and the existence of corporations that profit from its commodification. The battle to make information free is the battle for an entirely different world, one characterized by *public luxury*—an abundance of commons, and a corresponding dearth of parasitic corporations extracting rent by enclosing ones and zeroes. The open-source movement opens a crack in the economic edifice, but only a small one; if it wants to be anything more, it'll need to embrace a bolder vision for reclaiming the commons. Only then can it reclaim its long-buried emancipatory soul.

WENDY LIU IS A SOFTWARE DEVELOPER AND WRITER BASED IN London. She co-edits the economics section for *New Socialist*.

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