

Free Software

(a.k.a. “Libre Software” or “Open Source”)

During PrepCom3, a regular request was for a reference document on Free Software and its role in the World Summit on the Information Society (WSIS). This document seeks to provide such reference.

Free in Free Software is referring to freedom, not price. Having been used in this meaning since the 80s, the first documented definition appears to be the GNU’s Bulletin, vol. 1 no. 10¹, published January 1991. In particular, four freedoms define² Free Software:

- **The freedom to run the program, for any purpose.**

Placing restrictions on the use of Free Software, such as time (“30 days trial period”, “license expires January 1st, 2004”) purpose (“permission granted for research and non-commercial use”) or geographic area (“must not be used in country X”) makes a program non-free.

- **The freedom to study how the program works, and adapt it to your needs.**

Placing legal or practical restrictions on the comprehension or modification of a program, such as mandatory purchase of special licenses, signing of a Non-Disclosure-Agreement (NDA) or – for programming languages that have multiple forms or representation – making the preferred human way of comprehending and editing a program (“source code”) inaccessible also makes it proprietary. Without the freedom to modify a program, people will remain at the mercy of a single vendor.

- **The freedom to redistribute copies so you can help your neighbor.**

Software can be copied/distributed at virtually no cost. If you are not allowed to give a program to a person in need, that makes a program non-free. This can be done for a charge, if you so choose.

- **The freedom to improve the program, and release your improvements to the public, so that the whole community benefits.**

Not everyone is an equally good programmer in all fields. Some people don’t know how to program at all. This freedom allows those who do not have the time or skills to solve a problem to indirectly access the freedom to modify. This can be done for a charge.

These freedoms are rights, not obligations, although respecting these freedoms for society may at times oblige the individual. Any person can choose to not make use of them, but may also choose to make use of all of them. In particular, it should be understood that Free Software can be used for commercial purposes – excluding commercial use makes a program non-free, in fact. It can and is being sold. A growing number of companies base their business model completely or at least partially on Free Software. Free Software makes it legal to provide help and assistance, it does not make it mandatory.

¹<http://www.gnu.org/bulletins/bull10.html>

²For the full definition, please see <http://www.gnu.org/philosophy/free-sw.html>

Terminology

English seems to be the only language in which an ambiguity exists between freedom and price. When translated into other languages, Free Software becomes “logiciels libre” in French, “software libre” in Spanish, “software libero” in Portuguese, “Fri Software” in Danish or whatever is the equivalent term in the local language referring to freedom.

Open Source

On February 3rd 1998, in the wake of Netscape's announcement to release their browser as Free Software, a group of people met in Palo Alto in the Silicon Valley and proposed to start a marketing campaign for Free Software using the term “Open Source.” The goal was to seek fast commercialization of Free Software and acceptance of Free Software by the companies and venture capitalists of the booming new economy. As a means to this end, they made a conscious decision to leave aside all long-term issues (such as philosophy, ethics and social effects) related to Free Software, feeling these posed obstacles in the way of rapid acceptance by economy. They proposed to focus on technical advantages only.³

Often used in good faith by people who refer to what Free Software stands for, the term “Open Source” – originally defined to mean the same thing as Free Software in terms of licenses and implementation – has seen inflationary usage. Nowadays, it is regularly used for everything between Free Software and the highly proprietary “Governmental Security Program” (GSP) by Microsoft.⁴

Libre Software

When the European Commission started dealing with Free Software on a regular basis, they sought to avoid the ambiguity of the English word “Free Software” and the misunderstandings of “Open Source” alike, which led to the creation of a new term: “Libre Software.” This term has proven resistant to inflationary usage and is still used in an identical way to Free Software. So it may pose a solution for those who fear being misunderstood when speaking English.

Development

When thinking about Free Software, it should be seen as an encompassing concept for a reliable, sustainable and dependable information and knowledge society involving all stakeholders.

The price we are paying for the predominance of the proprietary software approach is high. Because monopolies are an almost inevitable result of the proprietary software paradigm⁵ and software permeates all areas of economy, northern economies suffer and southern countries are given the choice between exclusion or co-suffering in total dependence. That is why breaking up Microsoft without

³For reference, see <http://www.opensource.org/advocacy/faq.html>: *How is “open source” related to “free software”? The Open Source Initiative is a marketing program for free software. It's a pitch for “free software” on solid pragmatic grounds rather than ideological tub-thumping. The winning substance has not changed, the losing attitude and symbolism have.*

⁴In this program governments and intergovernmental organizations pay substantial fees for a superficial look at some parts of Windows sourcecode in special Microsoft facilities. This may increase “felt security” but is essentially useless – especially since they do not even know whether what they looked at is what they have on their computers. And of course it does not give them freedom.

⁵Explanation of these mechanisms will gladly be provided, if of interest.

a change in paradigm would not improve the situation significantly. Free Software, on the other hand, brings back competition while allowing cooperation among companies, people, and governments. All of these equally available and empowering to all the peoples.

While minorities remain at the mercy of large multinational companies regarding support for their culture and language when using proprietary software, Free Software gives them freedom to modify all software according to their needs. Thus, Free Software also allows building a sustainable local hard- and software industry independent from monopolies and large multinationals. Of course cooperation with large companies is possible and may be useful, but while dependency is the price to pay for such cooperation in proprietary software, Free Software provides independence.

Equality

The design, development and use of software is increasing in all societies. Increasingly, access to software is largely determining our capabilities for education, communication, work and even social networking. This includes building social movements, promoting citizenship and transparent democracy as well as general governmental and health services.

Software in general has grown into northern societies to a very large extent and if development policies are successful, this will also be true for southern societies at some point in time. Therefore software must be considered a cultural technique, sometimes even a cultural good.

For all central cultural techniques, we have to ask who should be put in control of it. Proprietary software puts large northern multinationals in control.⁶ Free Software makes this cultural technique equally available to all the peoples.

Human Rights

For those who are connected – and we surely hope this will mean all the peoples at some point – human rights of participation in culture, freedom of speech and opinion are influenced to a large extent by their control over the software they use, as are freedom of association and movement. Software forms the medium. Unlike the proprietary approach, Free Software gives each person full control about their personal information space. Although this alone is not sufficient to grant privacy and security, it is a necessary prerequisite.

Preventing Technocracy – upholding democracy

Legislation should be developed by democratically elected representatives in a transparent way. Even in situations where this is true, rights that cannot be exercised remain empty. Granting rights on paper does not mean people will have the means of exercising them.

The complexity of modern systems alone makes it a difficult task to uphold democracy in the digital domain, but the overall intransparency of proprietary software makes it impossible. Unless you are using Free Software, the rights you can or cannot exercise are determined by the proprietary software vendor – it is the vendors decision alone, a decision that nowadays is often given precedence over the democratic legislative process.

Good examples are the European Copyright Directive (EUCD) and Digital Millennium Copyright Act (DMCA), both implementations of the Agreement on “Trade-Related Aspects of Intellectual Property Rights” (TRIPS) of the World Trade Organization (WTO) and World Intellectual Prop-

⁶Side note: Which should not be understood as a good thing for people in the northern countries. It is not.

erty Organization (WIPO). While the DMCA already gained notoriety for enabling censorship of Scientology-critical sites in the United States,⁷ the German implementation of the EUCD is silently making the right to fair use inaccessible. Although laws clearly state that customers have the right to copy a CD for their car stereo or even a friend, those who exercise this right on so-called “copy protected” CDs or on any DVD now risk punishment. And if you think this is where it ends, feel free to read the EFF paper on so-called “Trusted Computing” (TC).⁸

Proprietary software effectively puts an area that was previously governed by democratically elected representatives into the hand of corporations, therefore establishing technocracy.⁹

Summary

All of our hard work to defend and promote human rights, gender equality, rights of the disadvantaged, a free media, privacy and security, digital solidarity and other issues is in danger of having been for naught if the information age is based on proprietary software.

Free Software alone is certainly not enough to overcome all problems – but it is a necessity to empower people to exercise the rights we are fighting for in the information societies.

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⁷For reference, see <http://www-camlaw.rutgers.edu/publications/law-religion/scientology.htm>

⁸http://www.eff.org/Infra/trusted_computing/20031001_tc.php

⁹Technocracy: “Government by technicians or management of society by technical experts.” (Merriam Webster Dictionary)