

## **“Why open source developers need to stop using a free software license”**

The GNU General Purpose License (GPL) is a tenet of the open source community, and considered by many to be the foundation of the open source movement. It facilitates the free and unhindered distribution and modification of software whilst protecting this software and its copyright owners from a multitude of potential abuses. Of course, under critical analysis, some troublesome issues arise that have serious implications for the hardworking open source community, and indicate that the interests of the programmer are not the primary concern of its creators, the Free Software Foundation (FSF), or even the license itself.

In the next few paragraphs I am going to outline my issues with the agenda of the FSF and the vehicle they use to promote this, the GPL. The FSF are, in my opinion, militant in their promotion of their brand of ‘freedom’ and on top of this, misleading about their true goals. As for the GPL, it suffers from a number of ethical and practical problems and goes far beyond the necessary means to maintain a healthy open source community with the requisite protections many of us have come to expect. Unfortunately, it has also become the defacto license for many open source projects and this has, in my opinion, damaged the open source community. I firmly believe that the open source community would be better served a license that promotes the open source ideals without the burden of the free software fundamentalism.

I should note at this point that I am a firm believer in open source and the freedom of knowledge. I am also in favour of many open source licenses. My issues lie with free software licenses which are rather unfortunately often confused with open source, and the way in which they are promoted.

I have issues with the GPL at two levels, the ethical/philosophical level and the practical level. My ethical problems stem from the Free Software Foundation’s definition of ‘freedom’ combined with the viral nature of the GPL. Running parallel to this, my practical concerns relate to the effect of this viral nature on open source applications and our community; namely, how GPLed code can play an insignificantly small part in an application, yet the overhead of its license can taint the whole application and the detrimental effect this could have on the use and acceptance of open source projects.

I think the GPL is much moreso a vehicle for the FSF to push their agenda than a software license designed to allow people to learn, study and benefit from the openness of software, as they would have one believe. It includes a number of clauses that go above and beyond what would be required to ensure these basic needs. For one, the clauses which make the GPL viral are completely over the top and I will deal with this later.

I think I would have much less of a problem with the FSF and the GPL if they were entirely up front about their agenda. Unfortunately, quotes like the following, from <http://www.fsf.org/about>, in my opinion, seek to portray the intentions of the GPL in a fashion entirely different from its actual legal meaning

*“To use free software is to make a political and ethical choice asserting the right to learn, and share what we learn with others. Free software has become the foundation of a learning society where we share our knowledge in a way that others can build upon and enjoy.”*

I have two issues with the above. Firstly, I dislike the mixing of political agendas into a place where they really don't need to be and secondly, this quote uses the word 'right' where it should use 'obligation' if it is intended as a comment on the GPL or the agenda of the FSF. I say this because as you go down the road of GPL software you quickly realise a lot of decisions are being made that you would imagine would be up to you if you were truly 'free'.

On the ethical/philosophical level I take issue with the way in which the FSF define 'freedom' and throw that definition about. From <http://www.fsf.org/about>:

*"Free software is software that gives you the user the freedom to share, study and modify it. We call this free software because the user is free."*

But the user isn't free. The user might be free to share, study and modify the source code of the program, but that freedom stops as soon as it comes to licensing issues dealing with the inclusion or use of GPLed code in a non-GPLed application. The list of absurd restrictions can be found by looking at the GPL's FAQ at <http://www.fsf.org/licenses/licenses/gpl-faq.html>

From these restrictions it becomes abundantly clear that any software interacting with GPLed software at a distance closer than 'arms length' is, in the eyes of the FSF, required to use the GPL license itself. For many of us the freedom to choose and control the licensing models our applications will use is as important, if not more so, than the freedom granted to us by the GPL with regard to the work of others.

I should point out, when I am talking about applications that have been created with GPLed code I don't mean they grabbed some GPLed software, made a few small changes and now want to change the license. I am talking about applications of which the core ideas, and the vast majority of the code is original and non-derivative work.

I find the license comparable to a lazy manager who claims all the credit for a project regardless of their contribution. While I agree with the idea of open source I also believe in freedom of choice, true freedom, not the Free Software Foundation's brand of freedom, which is engineered to push their agenda. I believe that freedom of choice has a much greater precedence, both ethically and philosophically, than the concept of freedom of software and that the GPL license is a hypocritical piece of work that pushes certain freedoms and curtails others.

From a practical standpoint, the viral nature of the GPL just doesn't hold up in my opinion. I have no problem with the stipulation that we provide the source code to any GPLed software we may use in a proprietary system, but the requirements to GPL the entire application are absurd. I find it difficult to reconcile this trait of the GPL with any aims of the open source movement that couldn't be achieved in a more elegant fashion. The following example will hopefully illustrate my point.

Take a complex piece of proprietary software, such the controlling software for the launch sequence of a space shuttle. Now, say the developer is particularly resourceful and wants to include some software in that to do basic mathematical operations (e.g addition, subtraction, multiplication and division), but doesn't want to write it themselves, so they go and find a GPL'ed library to do it for them. According to the FSF's FAQ, "A system incorporating a GPL-covered program is an extended version of that program".

So, the 50,000 line application that contains a few calls to a GPLed math library is now an extended version of that program? Another phrase thrown about on the FSF site is 'derivative work'. I find it hard to see the reason logically, practically or ethically that would allow one to come to this conclusion without an ulterior and rather arrogant agenda.

As I mentioned already, I agree entirely that any modifications or improvements to this math library should be made public and open source and, in the spirit of open source, I also agree the final version of the math library, included in the proprietary system, should be made public and free of charge. This deals with a situation mentioned by the FSF where one could end up competing with a proprietary version of their own code and at the same time contributes well tested and high quality code to the open source community.

In the real world, what would probably happen in the above situation is that the GPLed math library wouldn't be used at all because the licensing terms would be deemed unacceptable. As a result the improvements and additions made by the company during the course of their project would not be made and the open source community would suffer. In this situation the GPL only serves to antagonise the developers of the proprietary application and damage the open source community. While the former outcome is definitely within the scope of the FSF's goals, I can't think of any way in which the latter would be considered acceptable, given their commitment to *"a learning society where we share our knowledge in a way that others can build upon and enjoy."*

It is for these reasons I have become disillusioned by the goals of the FSF and their true commitment to learning and knowledge, which are in my opinion, far more critical than the abolishment of proprietary systems and the furthering of the FSF's agenda. The GPL has unfortunately not been able to escape the baggage of its sponsoring organisation and as a result exceeds the rational boundaries necessary to ensure the development of the open source community and its software. On future projects I will no longer be using the GPL and am calling for any developers currently using it to re-evaluate their position. I think many of us will be able to find open source licenses that protect and promote open source software without the political and social agenda that riddles the GPL.