



*Tech Central Station, April 18, 2005*

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## Open Source, Mugged by Reality?

by **Sonia Arrison**

SAN FRANCISCO -- The Open Source Business Conference held this month in San Francisco was chock-full of information on how to make money using open source software. Once a bastion for socialist thinking, the open source (OS) community is finally coming of age.

Usually, Open Source Software (OSS) products are free of charge and many different individuals alter the code. For instance, the Firefox browser, which can be used instead of Microsoft's Internet Explorer, is an open source product. But while OS is open and available for all to see, there's money to be made through service and support packages, as well as through some OS licenses that allow complimentary proprietary products to be created and sold.

With big tech companies like Sun Microsystems, Microsoft, Novell, Oracle, Intel, and Dell sponsoring the event, it was perhaps not surprising that the number of suited participants equaled or outnumbered those sporting jeans and tattoos. A movement that began with computer programmer Richard Stallman's ideology of socialized software is growing up and taking the competitive -- and profit enhancing -- advantages of OS seriously. Indeed, even Microsoft, long resistant to the idea of open source, dispatched a representative to outline the lessons that can be drawn from OS software.

Jason Matusow, Director of Microsoft's Shared Source initiatives, said that key benefits of OS are increased community involvement and trust. According to Matusow, most product groups at Microsoft now have the opportunity to decide if the code they produce will be open source or proprietary, with the core bit often being proprietary and the rest of it open source. But even while the profit motive burns through the OS community, there are still some that cling to notions associated with OS-thought version 1.0.

SpikeSource CEO Kim Polese argued that one of the great things about OS is that no one owns it -- a throwback to Stallman's free software message. But

as the movement has matured, it's become clearer that even if there is no property title to a piece of code, there are still rules that control its use, and ultimately ownership is about control. In a debate sponsored by the Federalist Society in Silicon Valley the other week, Washington University law professor Scott Kieff made this point well.

Keiff argued that OS property actually does exist in the form of things like fame, which are more inflexible and less transferable than regular property, making everyone worse off. His example was Linus Torvalds and his gang, which he compared to crony capitalists -- those who get to make key decisions because they hang with the right social group.

Stanford law professor Larry Lessig, who debated Keiff and also spoke at the Open Source Business Conference, expressed worry about property rights going too far and said that he believes the OS community needs to fight on a political level to stay healthy. "To the extent that you succeed, other people fail," he warned the audience. But software development isn't a zero-sum game, and bringing Congress into the mix is a dangerous idea that most developers instinctively resist.

The open source community is evolving in a positive way, and the best thing governments can do is relax and let the marketplace shape the future. When governments try to guess what path is best for technology development, they usually botch the job. That's because politics invariably gets in the way of clear thinking. Take, for example, the move by some governments to mandate the use of open source software instead of proprietary systems in government offices.

Government agencies should have the choice of what type of software products to use. But when the decision is based on politics rather than the actual requirements of a particular government agency, efficiency and cost questions are certain to follow.

The Open Source Business Conference demonstrated that capitalists have finally discovered a new way to think about software development. For innovation and economic growth to continue, calls for government intervention should be dismissed. Open source products require an open marketplace.

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