

Anarchy and Source Code – What does the Free Software Movement have to do with Anarchism?

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Preface

In a restaurant in New York two men were sitting together having lunch and they considered the next steps of their little revolution. One of them, Eben Moglen, briefly thought about how they must have looked like to the people passing by. ‘Here we were, these two little bearded anarchists, plotting and planning the next steps. Anybody who overheard our conversation would have thought we were crazy, but I knew: I knew the revolution was right here at this table.’ And the man sitting next to him, Richard Stallman, was the person who was supposed to make it happen. (Cp. Williams 2002, 184) Not only Eben Moglen, Professor of Law and Legal History at Columbia Law School, considered himself to be an anarchist. Also Richard Stallman, one of the most exceptional persons of the Free Software Movement saw himself as an anarchist. We should not imagine the anarchists of the Free Software Movement to be like the cartoon image: A scruffy looking lunatic, with a crazy glint in his eyes and bristling with weapons. On the contrary: Instead of chaos, Stallman postulates a new form of order for the intellectual property

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in the terms of the hacker ethic – the access to knowledge should be free, decentralized, anti-bureaucratic and anti-authoritarian. Since the concept of anarchism is understood differently in the United States as it is in Europe, Stallman has no objection to call himself an anarchist. In his book *The American as Anarchist* David DeLeon, Professor of social and intellectual history at the Howard University in Washington D.C., explains that anarchism in America is understood as the form of radical constructive criticism of the supposedly liberal society of the United States. Furthermore, that is my thesis, the American Anarchism was necessary for the development of the hacker ethic. (Imhorst 2004)

Stallman's message is a radical political message, because it touches the issue of private property, one important cornerstone of our society. Selling intellectual private property in form of software is almost like to have the coinage prerogative at the turn of the 21st century. The richest man in the world, Bill Gates, did not earn his money either by oil, gold or by stock speculations. He made his money from software. With copyrights and patents of intellectual property in form of software you can make billions of US-Dollars since the early 1980s.

Stallman's opponents accuse him of trying to abolish the intellectual property and of sticking to a communist utopia with his Free Software Movement. Stallman does not consider himself to be a communist or an anti-capitalist public enemy who wants to abolish private property. Stallman's license, the GNU General Public License (GPL), the political expression of the free spirit of the Free Software Movement does not mean the abolition of the intellectual property. On the contrary: The license protects specific intellectual property. The programmer of free software gives away the control over his work, but he does not lose the work itself. He remains to be the author of the program. The user of the program has certain liberties; the liberty to modify and to publish the modified work. Only one condition is linked to this procedure: The modified work has to be published under the terms of the GPL. There are similar Licenses for books, music and other forms of intellectual property. No one can withdraw those liberties. Free software should not be one particular man's property, but it should be the property of the general public. The

counterpart of free software is proprietary software. A proprietary program like Microsoft's Word is the property of the Microsoft Company. The user, who has installed Word, has only the right to use the program, but not the right of ownership. The extensive license is supposed to protect Word against modifications and copying. The GPL, however, encourages users to modify and to copy. Nobody is excluded from the ownership of GPL-Software. So no one can control the circulation of free software. Anyone who wants the software can get it easily via copying and distribution. Due to this procedure the availability of GPL-Software increases rapidly. On the one hand the GPL prevents the exclusion of anyone who wants to use free software, on the other hand the GPL eliminates the possibility to use free software in order to produce proprietary software. No one can be hindered from using the free operating system GNU/Linux and no one can take it away from anyone else. Everybody who has downloaded GNU/Linux from the Internet, who has installed GNU/Linux on his computer, who has given away or has sold copies is the owner of his private GNU/Linux. In this sense the GPL is a kind of anti-license and that's why Stallman rather likes to talk about *copyleft* instead of *copyright*.

Stallman's political philosophy is based on the hacker ethic. A codex that was developed by young computer freaks at the Massachusetts Institute of Technology (MIT) in the end of the 1950's. They learned together how to program the first computers at the MIT and they shared their newly gained knowledge. They subsumed common programming, learning and the free flow of information under the term hacking and called themselves hackers, before journalists used the term to label computer pirates as such. The hacker ethic is considered to be anarchistic since it claims freedom and decentralization, and in terms of its anti-bureaucratic and anti-authoritarian endeavors.

Anarchism in Europe has almost vanished, but it has persisted in the American tradition. For this phenomenon, DeLeon points out three substantial characteristics in *The American as Anarchist*: The radical Protestantism as an introversive religion, an environment of great physical space where communities can defy control of the state, and the American Anarcho-capitalism:

Our radicals have concentrated on emancipation, on breaking the prisons of authority, rather than on planning any reconstruction. They are abolitionists, not institution-builders; advocates of women's liberation, gay liberation, liberation theology, black liberation; prophets, not priests; anarchists, not administrators. They generally presume that the freed spirit will require little or no guidance. (DeLeon 1978, 4)

American radicalism

After 200 years of independence anarchism in America is fundamentally different from anarchism in Europe or in Russia. The inhabitants of the U.S.A. created their own liberal radicalism of new lands, new men, new thoughts. The American radicalism was new and no variation of any European radicalism. The American anarchists never wanted to abolish all authorities. They were advocates of a new form of order, the order of the American anarchism. The concept of anarchism is problematical, because anarchism itself can never be a doctrine or an established theory. Every adherent of anarchism can reconsider the concept and can represent it differently. In conclusion, one can divide the concept in a 'right' and in a 'left' anarchism in America. Nevertheless, this adaptability is the reason why anarchism occurs throughout our whole history. In the last century, it found its expression most notably in the hippie movement.

The anarchist hippies in California were pioneers of the political counterculture in the 1960s. They had an impact on left movements in the whole world. They organized campaigns against militarism, racism, sexual discrimination, and so on with the political form of 'direct action', the previous term in the anarchistic tradition is 'propaganda of the deed'. The British sociologists Richard Barbrook and Andy Cameron characterized those hippies in their essay *The Californian Ideology* as "liberals in the social sense of the word". The hippie movement did not create hierarchies like the traditional lefts, but they created collective and democratic structures.

Above all, the Californian New Left combined political struggle with cultural rebellion. Unlike their parents, the hippies refused

to conform to the rigid social conventions imposed on organization men by the military, the universities, the corporations and even left-wing political parties. Instead they openly declared their rejection of the straight world through their casual dress, sexual promiscuity, loud music and recreational drugs. (Barbrook and Cameron 1995)

Anarchist Hackers

The computer freaks at MIT did not care about sexual promiscuity, loud music and relaxing drugs. Nevertheless they had a lot in common with the hippies; for example the anarchist rejection of authoritarian and bureaucratic structures and their wish to overcome those structures. The subculture of hackers came up in the late 1950's at MIT, Steven Levy writes in his book *Hackers – Heroes of the computer revolution*. In spring 1959 the university offered the first course in computer programming. At that time, it took a long time to program a computer. You had to give commands with punch cards in this huge machine, because there was no screen. However, you also had to pass the IBM-engineers, who called themselves 'the priesthood' and who watched over the computer. When the first hackers like Peter Samson, Bob Saunders and Alan Kotok wanted to use one of these a million dollar IBM-machines, they were evicted from the machine by the priesthood.

Still working with the IBM machine was frustrating. There was nothing worse than the long wait between the time you handed in your cards and the time your results were handed back to you. If you head misplaced as much as one letter in one instruction, the program would crash, and you would have to start the whole process over again. It went hand in hand with the stifling proliferation of goddamn rules that permeated the atmosphere of the computation center. Most of the rules were designed to keep crazy young computer fans like Samson and Kotok and Saunders physically distant from the machine itself. The most rigid rule of all was that no one should be able to actually touch or tamper with the machine itself. This, of course, was what those people were dying to do more than anything else in the world, and the restrictions drove them mad. (Levy 1984, 27)

For Samson and Kotok it was not enough to have a look at the machine only. They wanted to know, how the machine worked. So they went into this computer course. The severe rules within the environment of the IBM-machine and the priesthood made hacking very difficult for the young hackers. The hackers' subculture did not gain momentum before a new generation of computers appeared. It was easier to work with the new computers for the first computer freaks, because there were less administrative barriers to bear down. These computers had also screens and they were time-sharing machines with several workstations; the hackers had no longer to use punch cards. The new machines inspired programmers to a new form of programming and the hackers were its pioneers.

In their daily struggle for computing time and against authorities, who wanted to keep them from hacking, the young hackers developed their own ethic. They were still only a few and they took their hacker ethic not so serious like other hackers would do in future. The hacker ethic was not published as a manifesto, it was passed down orally. The ethic was never discussed. Hackers who accepted this ethic took it like an axiom. The important points of the hacker ethic are that access to computers should be unlimited, total, and information should be free, authorities should be mistrusted and decentralization should be promoted. (Cp. Levy 1984, 40 et sqq.)

Mainly the bureaucracy of the university made it difficult for the hackers to get valuable computing time. Open systems without bureaucracy and authorities allowed them to be more productive at the computers. Sitting behind the console of an IBM-machine they had the power over the computer. So it is maybe natural that hackers mistrusted any other power who kept them away from hacking and who wanted to make them powerless.

In *Hackers*, Levy wrote down the history of the hacker culture and the hacker ethics at MIT until its temporarily ending in 1984. The whole last chapter is concerned with Richard Stallman which Levy considers to be the last one of the true hackers. Stallman believes that the hacker culture at MIT was an example for a great and anarchistic organization that worked perfectly until it was eliminated. Stallman took the hacker culture as an example and founded a new community, the GNU Project, one important cornerstone of

the Free Software Movement.

The Free Software Movement is more than the GNU Project. The most important parting line is drawn between the adherents of the BSD-style license and the GPL. Berkeley Software Distribution is the name of the Unix derivative distributed in the 1970s from the University of California in Berkeley. The name is also used collectively for the modern successors of these distributions like FreeBSD, NetBSD and OpenBSD. Unlike the GPL, the BSD-styled licenses allow to use source code – which is published under the terms of the BSD license – in proprietary software. Until recently, you only had to thank the University of California. To use the GPL, or to use a BSD-styled license can be a controversial point at the beginning of a software project. If one decides to use a BSD license, other people will have the chance to develop proprietary software from your own work. If one decides to use the GPL everyone has the obligation to uncover the modified source code in the project. The journalist Peter Wayner writes in his book *Free for All: How Linux and the Free Software Movement Undercut the High-Tech Titans*:

People who embrace the GPL are more likely to embrace Richard Stallman, or at least less likely to curse him in public. They tend to be iconoclastic and individualistic. GPL projects tend to be more cultish and driven by a weird mixture of personality and ain't-it-cool hysteria. The people on the side of BSD-style license, on the other hand, seem pragmatic, organized, and focused. (Wayner 2000, 135)

Adherents of the BSD-styled license do not find their license cultish, but they stress the freedom of this kind of licenses in opposite to the GPL. They have no stars like Richard Stallman and Linus Torvalds. That is a reason why BSD projects are ignored by the press most of the time. And after all, the BSD adherents do not take pleasure in Stallman's crusade for free software. Stallman's point of view is more radical. He wants a system of free software, something like Unix, but better. So he named his work GNU. It is a recursive acronym and it stands for 'GNU's Not Unix'. Since its formation, the GNU Project is targeted on developing an entirely free and fully functional operating system with all necessary programs. From the very first, it should

be more than a reservoir for free software. GNU is a system of free software which tries to replace any proprietary software with GNU software. With founding GNU Stallman's crusade for free software has begun. The freedom formerly only codified in the hacker ethic has now become a contract between programmers and users with the GNU General Public License. The GPL ought to protect the system of free software against exploitation.

The anarchism of the Open Source Initiative

On 15 May 1969, Governor Ronald Reagan ordered armed police to attack the protesting hippies who had occupied People's Park near the Berkeley campus of the University of California. Thereby one man was shot dead and many people were hurt. The conservative establishment with Governor Reagan and the counterculture of the hippies seemed to be two antagonists. However, in his book *The American as Anarchist* David DeLeon finds out that Governor Reagan and the hippies rather were two extremes of the same American anarchism.¹ David DeLeon points out that anarchism is valuable as a general radical critique of the right and the left wing of the liberal American society. He names the two wings also 'right and left libertarians', whereas libertarian is just another word for anarchist.

Applying DeLeon's theory to the adherents of GPL and Open Source Definition, both appear to be two extremes of American anarchism. In his essay *The Cathedral and the Bazaar* Eric S. Raymond calls both extremes Cathedral- and Bazaar-model. (Cp. Raymond 2001)

In his book *The Mythical Man-Month: Essays on software engineering*, which was published in 1975, Frederick P. Brooks develops a rule that argues that the more people participate in a single software project the more time it will take. Like many other hackers and as an ex-member of the GNU Project, Eric Raymond believed that too many cooks would spoil the broth and on

¹In addition, one might even cite the remarkably 'antigovernment' statements of Ronald Reagan during his various campaigns. Obviously a President Reagan would not have abolished the state, however. He might even have expanded its functions, as he did when governor of California. He and people like Senator Barry Goldwater were only moderate right libertarians but certainly were part of a particular tradition. (DeLeon 1978, 84)

the basis of Brook's rule the less hackers would be involved in a software project the more the project would benefit. According to Brook's law GNU software projects consisted of a few developers. To Raymond's astonishment Torvalds proved that black is white with his quick releases of Linux: The more hackers Torvalds invited to the Linux project the better Linux turned out to be.

Raymond put his observations on paper in his essay *The Cathedral and the Bazaar* in which he contrasts the two different styles of leadership of the GNU and the Linux project. The essay evolved from a speech Raymond held on a Linux Congress in Germany in 1997. The title of the essay derives from the central analogy: GNU programs seem to be like impressing cathedrals, monuments planned by means of the hacker ethic and constructed for eternity. The Linux project resembles a great bazaar with babbling tradesmen. Raymond's analogy implies a comparison between Stallman and Torvalds. Stallman is said to be the classical architect of the cathedral. He is a programming guru who can disappear for 18 months and who comes back with the brilliant GNU Compiler. In comparison, Torvalds is said to be more the genial host of a dinner party. The design of Linux is discussed in the specific project groups. Only when the participants of the project groups come into conflict with each other Torvalds has to intervene. His main job is to keep the ideas flowing.

Due to his analysis Raymond became known as an 'evangelist of the free market'. He does not think much of national interferences into the market. He is against regimentation, which also includes the possession of arms. DeLeon would classify him as a 'right libertarian'. 'Right libertarians' are anarchists who think, that the government should leave them alone, so they can do with their money and their weapons what they want. As Raymond analyzed the free software movement he discovered what he, as a right libertarian, liked to discover: a not regularized free market. The basis of the free software movement is the users' freedom. The bazaar model already stands for the most possible liberty, because many different traders can compete with each other. GNU projects – and also company-owned developments of proprietary software – are structured like cathedrals in medieval times: The construction

is pressed ahead by a group of priests in order to achieve the intentions of an architect. The construction of the cathedral only succeeds, when there is enough money, working men, and a talented architect. In contrast, the many different traders on the bazaar want to outplay each other. The best trader has the most customers which resembles social Darwinism at its best: The best adapted survives.

However, Raymond's essay is problematic because neither GNU projects appear as mere cathedrals nor is the Linux project a bazaar. The head of the Linux project with its thousands of co-developers is Linus Torvalds. He decides what enters the Linux kernel and what does not. The Linux project is rather a hybrid than a mere bazaar or a mere cathedral.

In his speech in 1997, Raymond talked about free software. In 1998 he replaced the term free software with open source in his essay. For Raymond and some other supporters of the free software movement Stallman has become more and more an offense. For them due to his political statements, Stallman smells of communism, and a communist is problematic for a community who wants to get into business. They also thought that the movement should not concentrate on the GPL to such an extent. They wanted a system of software that applies GPL software as well as BSD or similar licenses and they called this new system 'open source'. To this Volker Grassmuck says:

'Free' is not only ambiguous ('free beer' and 'free speech'). In *the land of the free* it has become a dirty, 'confrontational', in some way a communist sounding *four-letter word*.² (Grassmuck 2002, 230)

The last of the true hackers

For his book *Hackers* Levy also interviewed Richard Stallman. He dedicated a whole chapter to Stallman. Not without reason, it was titled "Epilogue: The Last Of The True Hackers". In 1984, things did not look good for the free software. Stallman belonged to the generation of the first hackers, who learned hacking at huge IBM machines at universities. The young people who

²This and other translations from German to English were done by the author.

appeared in the early 1980s in the computer labs had learned to program at their home computers without any hacker ethic and hacker community.

These new people would write exciting new programs just as their predecessors did, but something new would come along with them – as the programs appeared on the screen, so would copyright notices. To RMS, who still believed that all information should flow freely, this was blasphemy. ‘I don’t believe that software should be owned,’ because the practice sabotages humanity as a whole. It prevents people from getting the maximum benefit out of the program’s existence. (Levy 1984, 419)

The new hackers were not really interested in the hacker ethic. Stallman had learned in the computer center of the MIT that an anarchist Institution was possible. But there was a lack of combatants because of the decentralization of the hackers by the home computer. In the beginning of the 1980’s Stallman felt like the last adherent of a dead movement with anarchistic principles. This movement he wanted to revitalize. With the free software movement the hacker culture was reborn and Stallman started to free the source code from proprietary licenses.

The free software movement with GNU, BSD and Open Source Initiative is the radical anarchistic criticism of today’s order of the intellectual property, not only in the liberal society of the United States but also in the whole globalized world. In contrast to the representatives of BSD or the market-economic anarchism of Eric Raymond from the OSI, Stallman postulates a corporate anarchism which expresses in relation to intellectual property freely adapted from the French anarchist Jean-Pierre Proudhon, that property is robbery. Today, the claim for abolition of the intellectual property is for many people unthinkable. But half a millennium ago, the implementation of private property was for many people unthinkable. Like Jeremy Rifkin in *Access* says:

The very thought of leaving markets and the exchange of property behind is as inconceivable to many people today as the enclosure and privatization of land and labor into property relations must have been more than half a millennium ago. (Rifkin 2000, 14)

Stallman and the GNU people of the free software movement do not only want to free software but also music and books from proprietary licenses. In an interview with Spiegel Online Stallman says why: “I tend toward the left-wing anarchist idea that we should get together voluntarily and think about how we can care for all by cooperation.” (Klagges 1996).

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