

Book Review: 'Open Source Technology and Policy' by Fadi P. Deek and James A.M. McHugh

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Abstract

Andrew Katz casts a critical eye over Fadi P. Deek and James A.M. McHugh's three-part study of open source principles and practice, assessing the relevance of the volume's research, and the merits of its balanced approach to introducing new software development models.

Keywords

Law; information technology; technology policy; public policy; Free and Open Source Software

Richard Dawkins believes that god may exist. He just believes that the probability of his existence is vanishingly small. He also believes it possible that something called epigenetic inheritance (that parents can pass on traits to their offspring by mechanisms other than genetic transmission – DNA) exists, although the overall effect of epigenetics is very small. To a small-minded critic, it would be easy to look at these two positions, and decide that Dawkins is neither an atheist, nor does he stand by the central thesis of *The Selfish Gene*: in other words, that the two ideas which are the central core of his standing as a leading public intellectual, and which he would regard as his life's work, are flawed.

But Dawkins is a scientist, and scientists do not deal in certainties. Good scientists are also rigorously, and intellectually honest: if they have doubt in any aspect of their theory, the area of doubt becomes the focus of their endeavours, and they will publicise their doubts to other scientists. That is how trust is developed in the scientific community, and how it should develop in any context which relies on the power of enquiry and reason. And I assume that lawyers, and all readers of the International Free and Open Source Software Law Review, are firmly on the side of reason.

In contrast, in the sphere of fundamentalist religion (and politics, for that matter), doubts are actively suppressed: a single doubt becomes a crack which the holders of the sacred truths fear can be pried open. This leads to a certain mindset: the avoidance of certain difficult questions, schisms within certain belief/dogma systems, and ultimately the labelling of particularly recalcitrant individuals as heretics.

The parallels between religion and free/open source software are not difficult to see. Richard Stallman even encourages them, and casts himself as “Saint IGNUcius”, replete with appropriately flowing beard and locks (and sometimes a halo). It's obligatory for any mention of him (including this one) to be accompanied by the word “evangelical”. This world even has its seemingly inevitable catholic/protestant, sunni/shi'ite schism: free/open source software. (Although just to clarify, this is an analogy: Stallman firmly regards himself as an atheist: see

<http://www.stallman.org/extra/personal.html>).

And like religions, there are the sacred texts. We can argue about the relative importance of these: to the Free Software fanboys, GPL2 is the King James Version, GPL3 is the increasingly-accepted New English Bible. Open sourcers tend to carry around a well-thumbed copy of Eric Raymond's "*The Cathedral and the Bazaar*".

The quasi-religious nature of the movement means that the free software movement (and to a lesser extent, the open sourcers) have articles of faith that are not permitted to be questioned. Novitiates will find themselves dissuaded from asking the following questions: "How does it make money?", "How can anything that's free (i.e. gratis) be any good?", "Who can I sue if it all goes wrong?", "How on earth can a bunch of self-selecting volunteers with an ad-hoc management structure, no training, and without any vetting for appropriate qualifications write software which effectively competes with the world's most successful, and can safely be used to run hospitals, transport systems, nuclear power stations and the world's financial markets" [on the last of those: don't blame the software]. It's regarded as naïve to ask these questions, as if everyone should already know the answers, when in reality this attitude disguises a fear of the questions themselves.

Not surprisingly, a failure by the community to address these issues directly leads to the conclusion by outsiders that the FOSS movement is based more on sentiment than reason: and in certain cases, this conclusion would seem fully justified. It is compounded by the one article of faith which all adherents universally cling to (i.e. the identity of Satan) which doesn't do much to dispel the "stick it to the man" Abbie Hoffman/hippie/School of Rock ethos which is still perceived to pervade much of the movement. (By the way, if you've ever wondered what it would feel like to utter the word "Voldemort" at Hogwarts, try visiting the offices of a major Linux distribution and saying the "M" word).

When I started reading Deek and McHugh's *Open Source Technology and Policy* I was underwhelmed by how low key it was. Most literature relating to FOSS (and its related areas) has been polemical: read any essay by Richard Stallman or Eric Raymond's *The Cathedral and the Bazaar* or anything by Larry Lessig and you will find it exhilarating, occasionally frustrating but ultimately intellectually challenging.

However, as I read further, it became increasingly clear that this book, with its careful and sober assessment of the past, present and potential future for free and open source software, directly answers the forbidden questions head-on. It does not seek to obscure the failings of free and open source software, and is, in the end, a more persuasive advocate of FOSS, and the development model which created so much of it, than many of the more standard texts.

It's the mark of the maturity of free/open source world that a book like this can exist. The book is a comprehensive snapshot of the state of the world of FOSS, divided into three sections: the techy section (Open Source – Internet Applications, Platforms and Technologies); the socioeconomic section (Social, Psychological, Legal and Economic Aspects of Open Source); and a context section (Free Software: the Movement, the Public Sector and the Future).

The style can be a little dry at times, but its academic tone is balanced by an equally academic and invaluable bibliography at the end of each chapter. There are also a couple of places where generalizations are stated as fact (and had me making notes: "no! not correct") and then over the course of the following paragraphs, the more complex facts behind the generalization are revealed. For this reason, although as a whole the book is pretty accurate, and Deek and McHugh clearly

know their stuff, it's dangerous to quote a paragraph out of context without having read the whole section. The insertion of the word "generally" here or there would have been helpful, as would the wholesale deletion of exclamation marks (which appear from time to time in inappropriate places, like Dr. Hibbert's chuckle in *The Simpsons*).

Readers need to be aware that, inevitably, there have been significant changes in a number of areas since the book was published. It seems that the final research was undertaken in January 2007, so sections in relation to the SCO case, for example, have now been superseded by events. This is not a criticism: merely an issue that readers should be aware of.

Deek and McHugh are clearly proponents of freedom and openness, but are balanced in their approach. This has the welcome effect of making the book a much less inflammatory introduction for readers locked in the proprietary mindset.

The case for freedom and openness is made so much more strongly when the answer to the question "Does the Open Source Software Model Work?" is "Yes, frequently it works extremely well, but sometimes it doesn't work at all", rather than "Of course: always. Why are you even bothering to answer the question?"

This book, therefore, is recommended as a comprehensive introduction to the free software/open source ecosystem, and, strangely, by failing to be strident and shrill, it manages in many ways to be a much better advocate than many more polemical texts. By an honest awareness of their subject's shortcomings, the authors, like Richard Dawkins, advance their cause more effectively.

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This paper was published in the International Free and Open Source Software Law Review, Volume 1, Issue 1 (July 2009). It originally appeared online at <http://www.ifosslr.org>.

This article should be cited as follows:

Katz, Andrew (2009) 'Book review: Open Source Technology and Policy (Deek & McHugh)', *IFOSS L. Rev.*, 1(1), pp 45 – 48

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