Free and Open Source Licences, Software Programmers, and the Social Norm of Reciprocity

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Abstract : Over the past three decades, free and open source software (FOSS) programmers have developed new, innovative and legally binding licences that have in turn enabled the creation of innumerable pieces of everyday software, including Linux, Mozilla Firefox and Open Office. That FOSS has been highly successful in competing with 'closed source software' (e.g. Microsoft Office) is now undeniable, but in noting this success, it is important to examine in detail why this system of FOSS has been so successful. One key reason is the existence of networks or communities of programmers, who are bound together by a key shared social norm of 'reciprocity'. At the same time, these FOSS networks are not unitary – they are highly diverse and there are large divergences of opinion between members regarding which licences are generally preferable: some members favour the flexible 'free' or 'no copyleft' licences, such as BSD and MIT, while other members favour the 'strong open' or 'strong copyleft' licences such as GPL. This paper argues that without both the existence of the shared norm of reciprocity and the diversity of licences, it is unlikely that the innovative legal framework provided by FOSS would have succeeded to the extent that it has.

Keywords : open source, copyright, licensing, copyleft

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