Free Software Matters: The Public's Business

Eben Moglen*

April 9, 2001

The world's largest market for computer software should soon belong overwhelmingly to free software. That looks like a remarkable statement, I suppose, but it's actually an easy prediction.

So of which market am I speaking? Governments. Government offices and public agencies are the largest single coordinated buyers of software in the world. But in the future they will stop buying most of their software altogether.

That will save the governments billions of dollars. It will also enormously improve the quality of free software around the world, and consolidate the complete replacement of proprietary software by software that everyone contributes to and no one can own. As those of us concerned with the strategy of the free software movement know, this is one of the most important moments in its history. Others, who don't wish the movement well, can see that too.

Governments now face essentially the same software landscape as private industry, but they will make different decisions in it. The server market is no longer owned by Microsoft; GNU/Linux is doing a superior job at almost all tasks servers perform. The desktop is becoming competitive terrain at last, as all technically-sophisticated science and engineering users can make full use of free software systems, and Gnome, Gnumeric, Star Office and other basic desktop productivity and office-suite products create a free software desktop environment that the typical Windows user can understand and shift to ever more easily. As desktop convergence continues, this enormous part of the government software market will move to free software substantially faster than private industry.

*Eben Moglen is professor of law and legal history at Columbia University Law School. He serves without fee as General Counsel of the Free Software Foundation. You can read more of his writing at http://moglen.law.columbia.edu.

Governments will switch to free software because they are under pressure to be fiscally responsible. In much of the developed world, government contracts are supposed to be let on the basis of competitive bidding. Firms that employ free software have an advantage in the provision of systems. Computers that can be bought without software cost, having a government-standard free software system factory-installed, will be far more attractive to government purchasing authorities than the OEM-supplied Windows system, with its substantial inbuilt Microsoft premium, is now. Use of free software by government will be no more remarkable than the purchase of cheaper generic drugs by national health systems. So governments will move to buying their PCs with free software, and will find themselves choosing to use free software wherever they can, by awarding bids to those whose software costs are low, so as to allocate their budgetary resources to real activities, rather than to the enrichment of Microsoft shareholders.

The use of free software also means that governments will be able to reuse the improvements that they make in software. As governments shift to using GPL'd software and releasing their modifications into general circulation, the number of workers improving free software will substantially increase. This will result in further improvements of quality and feature, as public servants all over the world return their product, as they should, to the people.

Once the principle of using free software is embedded in the behavior of governments, free software no longer requires to be defended against competitors in the market. Government becomes a predominant part of the social consensus supporting the idea of production without ownership, and the legal regime preferred by market participants is inevitably modified in the ways necessary to allow free software to coexist. Governments will not reincur obligations to a single private supplier for PC operating systems, for example, no matter how strongly it lobbies, once they have freed themselves. Outside the US, this reduction of dependence on Microsoft will be seen as a proper corrective to American dominance in the Internet revolution.

This is not pure speculation; the movement's global expansion into government is beginning. National legislation requiring government use of free software wherever feasible has been introduced in France; the Chinese government has promulgated regulations spurring adoption of free software by government and military agencies. Not all changes will occur on the national level, of course. Local procurement policies will change as people realize that every unit of government can save money and increase efficiency by moving to free software.

What could be worse news for the monopoly? Hence the recent statements by a senior Microsoft executive calling the free software movement's principle of sharing a "threat" to "the American way," of which legislators ought to be better informed. Before, one guessed, they began to understand just how beneficial the free software transformation could be to the governments they design and serve.

But the train has already left the station. Based on the number of government officials I speak to, and the invitations I am receiving to conferences to discuss the question, the transition to free software among public authorities will be one of the "next big things" of 2001 and 2002. Other events, of which I will be writing in months to come, will also expand enormously the visibility and importance of the free software movement, thus making it easier for governments to switch to free software or "open source" purchasing policies. Of course there are no venture capitalists rushing to embrace this change in "business models." They don't yet see how it will make a fortune for anyone, but all the money it saves—as Republican politicians in the US love to point out—will be yours.

In the end, the adoption of free software by governments will be seen as the step that turned the free software idea from a surprisingly powerful but limited phenomenon to the new social paradigm for construction of almost all software. Governments will get more productivity at enormous savings to the public, showing why, in an enlightened commonwealth, free software matters.