Free Software Matters: Microsoft Before the Earthquake

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Microsoft is continuing its charm offensive against free software. Last month we were merely a threat to the American Way of Life. This month, it turns out, we are "a cancer." That, at any rate, was the conclusion Steve Ballmer offered one of the leading daily newspapers in the US.

The situation for Microsoft is growing serious. Increasingly hyperbolic rhetoric is not by itself a good public relations strategy. In the weeks preceding the release of an opinion by the United States Court of Appeals in Washington on Microsoft's appeal of the order breaking it up for antitrust violations, aggressive and violent rhetoric directed against a competitor has some serious costs, to say nothing of what Microsoft loses by appearing ridiculous.

But Microsoft is not improvising this barrage of baloney. It is proceeding on the basis of a large and expensive plan drawn up by one of the public relations firms to which Microsoft pays many millions a year. That plan includes not only this week's comments about "cancer," but also the release of a Microsoft FAQ about the GPL, which is now available at www.microsoft.com/business/downloads/licensing/Gpl_faq.doc

As someone who frequently answers questions about the GPL, I'm not surprised to find that Microsoft doesn't do a very good job. In fact, asking Microsoft to explain the GPL is a little like asking Joe Stalin to explain the US Constitution. Microsoft's document is designed to emphasize that "the GPL is a complicated agreement." According to Microsoft, "no responsible business should use GPL software without ensuring that its lawyers have read the license and explained the business' rights and obligations." Note

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that this says one shouldn't even *use* free programs without paying your lawyer to read the license. I wonder if Microsoft is thinking of publishing a document urging you to consult your lawyer before clicking your acceptance of the next Microsoft EULA.

Not only does Microsoft want to establish a false vision of the GPL's complexity and dangerousness, it wants of course to obscure the central fact: that the GPL is intended to create and preserve freedom. "Even limited or relatively obscure uses," Microsoft says, "(e.g., including a few lines of GPL code in a commercial product or linking directly or indirectly to a GPL library) may have a dramatic effect on your legal rights and obligations." Of course, including a few lines of Microsoft source code in your commercial product would have a dramatic effect on your legal obligations, too: you'd soon be looking at a Microsoft lawsuit for trade secret misappropriation and copyright infringement. We almost always let you do things they absolutely prohibit. That's why we must be wrong.

Everything Microsoft wants to make very complicated is indeed pretty simple: You can use GPL'd code however you want, but don't try to reduce the rights of others in the final product below the rights we gave you in the GPL'd software you used. Microsoft says that means forcing you to give your intellectual property away. We say it means that if you use free components in work you distribute to others, you should make it possible for those others to share and share alike. But you never have to use free components if you don't want to, and you can use your own modifications to GPL'd code without having any obligation to anyone at all, so long as you don't distribute. Proprietary applications can be combined and sold along with a GPL operating system. Even if you never reuse GPL'd code, you can learn from it how to do almost anything computers can do, and then go write programs of your own which you can license however you want. We think that helps everyone, at every level of commitment to freedom, have better software.

Microsoft's GPL FAQ isn't going to have much influence with one of the communities it's aimed at: software developers. Independent developers are more likely to consult the GPL FAQ at www.gnu.org: why ask Napoleon Bonaparte to explain the First Amendment? But Microsoft is also aiming this phase of its public relations war on free software at corporate bigshots, because a large strategic crisis is looming.

The economics of the palmtop market are about to change drastically, as global consumer electronics firms release palmtop products that compete with established devices sold at high markups only possible for proprietary technology. Prices are going to drop sharply; thus the idea of using free software for all but the top layer of software in palmtop devices is overwhelmingly attractive. Microsoft will have trouble remaining in the appliance market once manufacturers have learned that the GPL doesn't prevent them from putting a thin proprietary layer on top of a GNU/Linux system and embedding that combination in their hardware. They will get the superb reliability of free software, and a global codebase, at zero marginal cost and low fixed cost. Windows CE and all follow-ons will be dead, and Microsoft will be excluded from the smallest computers that do real work, which is where the future of the industry always lies. Checkmate.

So Microsoft is addressing its FUD about the GPL to the highest leadership of major global corporations, companies who put their nameplates on the electronics of daily life. Microsoft is trying to convince them not to use free software in their appliance products, by claiming it's murky, risky, difficult, arcane. But freedom is simple, as the appliance makers are going to see in the end, with their eyes firmly on the bottom line. An earthquake in the industry is coming: Free Software Matters.