NEW CHAPTER

Dear Linux Magazine Reader,

I got the strong feeling this past month that, after all the talk and ink, the long-awaited and much-discussed GPLv3 is finally starting to happen. I don't just mean it has finally *appeared*, which would be a pretty safe assessment, considering that the final version has indeed reached the public. I'm speaking more about the sudden emergence of real momentum and a sense that the hypothetical is finally approaching the inevitable.

Joe Casad, Editor in Chief

The unfortunate part is that Linus Torvalds and the Free Software Foundation were never able to reach an agreement on the DRM provisions and other objections Linus had with the latest GPL. The promising signs of a rapprochement between the kernel developers and the FSF (as described in this space in the June 2007 issue) turned out to be too much reading of tea leaves. In a posting to the kernel list, Linus stated once more his objections to moving the Linux kernel to GPLv3, and he had some strong remarks for the FSF.

I could take this space to recount all of Linus' comments and discuss why he objects to the DRM provisions, but there has been altogether too much discussion of this already. (If you want to find out what Linus thinks about GPLv3, just Google *Linus GPLv3*). What is more interesting at this point is that, now that the final version is on the table, other major open source projects are starting to go on the record. Samba officially announced that they will be licensing new releases under GPLv3. Brian Behlendorf, co-founder of the Apache Project, said v3 looks better to him than the previous versions and left the door open to adopting. One of the original goals was to make the GPLv3 more compatible with the Apache license, and it is nice to see that this seems to have worked, but it is unfortunate that the result has had the effect of making the GPL less compatible with Linux.

I can't help wondering whether we should really all be complacent about this emergence of division in the quest for unity. Since everyone is going on record, I must admit I agree with Linus' warning about the perils of confusing legality with morality. As much as I respect the values of GPLv2, I don't think for a minute that it was successful just because of its values. It was successful because it implemented a very simple idea in precise legal language that does not make a lot of assumptions about the intentions or motivations of the licensee. Much of the discussion about GPLv3 has centered around specific provisions put in the license to address specific issues. The more of these provisions you put in a license, the higher the chance that the license will be incompatible with other people who have different perspectives. If you then invest your own viewpoint with assumptions of moral urgency, you create a context where the disagreement must be viewed in moral terms. But a license is really just a deal between two parties – a package of provisions defining rights and obligations. A licensee who doesn't like the deal doesn't use the software, and a licensor who doesn't like the deal doesn't use the license. If the license doesn't satisfy enough licensors and licensees, it loses relevance – regardless of how moral and well intentioned it might be.

One of the more interesting new threads of speculation is: What will happen if Linux stays on GPLv2 and OpenSolaris goes to GPLv3? This move by the OpenSolaris project would indeed be an intriguing development for industry watchers, but if it happens, my guess is that, in the end, the choice won't really have too much to do with DRM.

Joe

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