

I'm informed that there's some dispute in the community around printable firearms over the meaning, scope, and origin of the term "open source" as applied to software. This article is intended to dispel any confusion on the topic.

# A BRIEF HISTORY OF THE TERM **OPEN SOURCE**

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I'm presenting this as history because I think the printable-firearms community can benefit from understanding that these issues are not novel. They touch problems that open-source software developers grappled with literally in the last century.

I am the person who wrote the foundational papers on open-source development - "The Cathedral and the Bazaar" (CatB) and its sequels. These ideas were first presented in an early form in late 1996 at a user-group meeting near where I live in Philadelphia, PA. The final version of CatB was first presented at a Linux technical conference in Bavaria in August 1997, and shortly after that at another technical conference in Silicon Valley run by O'Reilly & Associates, a leading publisher of computer technical books.

The ideas in CatB spread like wildfire in the hacker community in the autumn of 1997. However, at this point the term "open source" as we now use it had not yet been devised. That didn't happen until early February of 1998 when I was in California to advise Netscape on licensing.

While I was out there I met with a small group of hacker-community leaders to talk about strategy. We all had a sense that the ideas in CatB might change the world in some good ways, but ideas aren't a plan. I knew a bit about marketing, and I floated the idea that we needed a rebranding. The historical term "free software" had some baggage that I knew would be unhelpful in taking the message to profit-making corporations.

We brainstormed possibilities. The person who suggested "open source" was Christine Peterson of the Foresight Institute, a futurological think tank pursuing nanotechnology. I immediately recognized it as a potential winner and after a few minutes of discussion others did too.

Over the next few days I did some research looking for prior uses of the term. I already knew that it was in use among intelligence analysts as a term for intelligence collected from public sources like newspapers and books, as opposed to secret documents or other covert sources. I was looking for prior uses in the domain of software that might confuse our rebranding attempt.

The only hits I found, using an early version of Google Search, were a couple of mentions from USENET in the earlier 1990s. People were casually kicking around possible terms for the kind of public free software that was then done in the comp.sources newsgroups, but it wasn't associated with any particular commitments about licensing or development methodology. That was fine; no conflict there.

I issued the call to the community to adopt the term on 8 Feb. You can read it here: <https://www.catb.org/esr/open-source.html>

A few months later "open source" would get a more formal definition when Bruce Perens and I founded OSI and revised the Debian Free Software Guidelines into the Open Source Definition (OSD).

There is more history I could recap, but that would wander off topic. The first point to take away from this story is that at the time we published the OSD there were no conflicting prior definitions of the term "open source" and no common usage of it other than in response to my call to action.

I was careful about this because I know that confusion about the message of a brand seriously damages its utility. If I had found any potential conflict or other common usage I wouldn't have issued my broadside on 1998-02-08 and the whole "open source" rebrand would have needed a rethink.

You can read the Open Source Definition at <https://opensource.org/osd>

Then and now, the most controversial parts of OSD were Clause 5 (No Discrimination Against Persons or Groups) and Clause 6 (No Discrimination Against Fields of Endeavor). Clause 6 included a prohibition on licenses that allow noncommercial use only.

I want to make particularly clear that the OSD prohibition on no-commercial-use licenses was there from the beginning and was very intentional on my part. The reason I felt this was important was a now-vanished phenomenon we called shovelware anthologies.

Mass-market Internet access didn't become generally available until after 2000. In its absence, a significant distribution channel for free software was people who collected it from FTP sites (the Web being in its infancy at the time) burned it onto CD-ROMs, and then sold the CD-ROMs by mail.

The question of what constitutes "commercial use" is legally fraught. There is no bright-line definition in either U.S. common law or statute that can be applied to software - and fuzzy borderlines like that are an attractant to predatory lawyers.

I didn't want OSD to destroy shovelware distribution, which could have become legally risky in the presence of no-commercial-use licenses. Is a shovelware CD-ROM commercial use? Does that determination change based on the seller's profit margin? Today, the analogy would be putting open-source software behind a paywall - it raises the same questions and has no bright-line answers.

As well as a legal issue there was always a cultural one. The culture from which open source developed had always had at least a significant minority that was hostile to commercialization. If no-commercial-use licenses remained in scope I foresaw endless divisive flamewars ahead of us. We needed to take that issue off the table.

Clause 6 was intended to head off both the legal and cultural problems by excluding no-commercial-use licenses entirely. I think experience over the following quarter-century has confirmed that this was a wise choice.

Shovelware may be dead, but paywalls still have very valid applications, especially when you're coping with ITAR and hostile regulators. Printable guns aren't even the first technology to have this problem; we went through it with strong cryptography decades ago.

The USPTO declined to let us register "open source" as a trade or service mark. So, as a matter of law, OSI cannot sue people who abuse the term. Nevertheless, since 1998 there have been no successful challenges to the equation of "open source" with "OSD-conformant licensing", including Clause 5 and Clause 6.

Once in a great while somebody does get the idea they can steal the reputational value of calling their product "open source" with some kind of clever permutation on a no-commercial-use or field-of-endeavor license; I can remember some details of the two most recent attempts.

All such attempts fail in the same ways. Open source has lots of friends who are more than willing to point out that fraud is fraud even when it's not technically illegal. Usually people who try flim-flamming away any of the OSD clauses get shut down when they go looking for angel or venture capital.

The social ban on abusing the "open source" term has been so effective for so long that the issue seems unlikely to be litigated. If it ever were there are obvious causes of action around false advertising.

Philosophically, the intent of the OSD is to promote decentralized peer review of software, process transparency, and free experimentation. Alchemy couldn't become chemistry - an actual science - until its practitioners gave up keeping secrets. I believed in 1998, and still believe today, that open source in its full definition is essential for software engineering to achieve maturity as a discipline that produces truly robust and reliable products.

Circling back to printable guns and open source, there's nothing special about either your problems or the solutions to them. There are several known ways to make money using open source: the one that seems most likely to apply here is the model I called "widget frosting" in my original papers.

That is, you use open-source software to add value to an associated hardware product. Your customers being who they are, part of that value is that when your control software is open-source, neither a subverted vendor nor a copspook can lock you out of your own fabrication device.

Oh, and in case anybody is wondering: **.45ACP**, baby!