

The exploitation paradox in open source

Richard Fontana

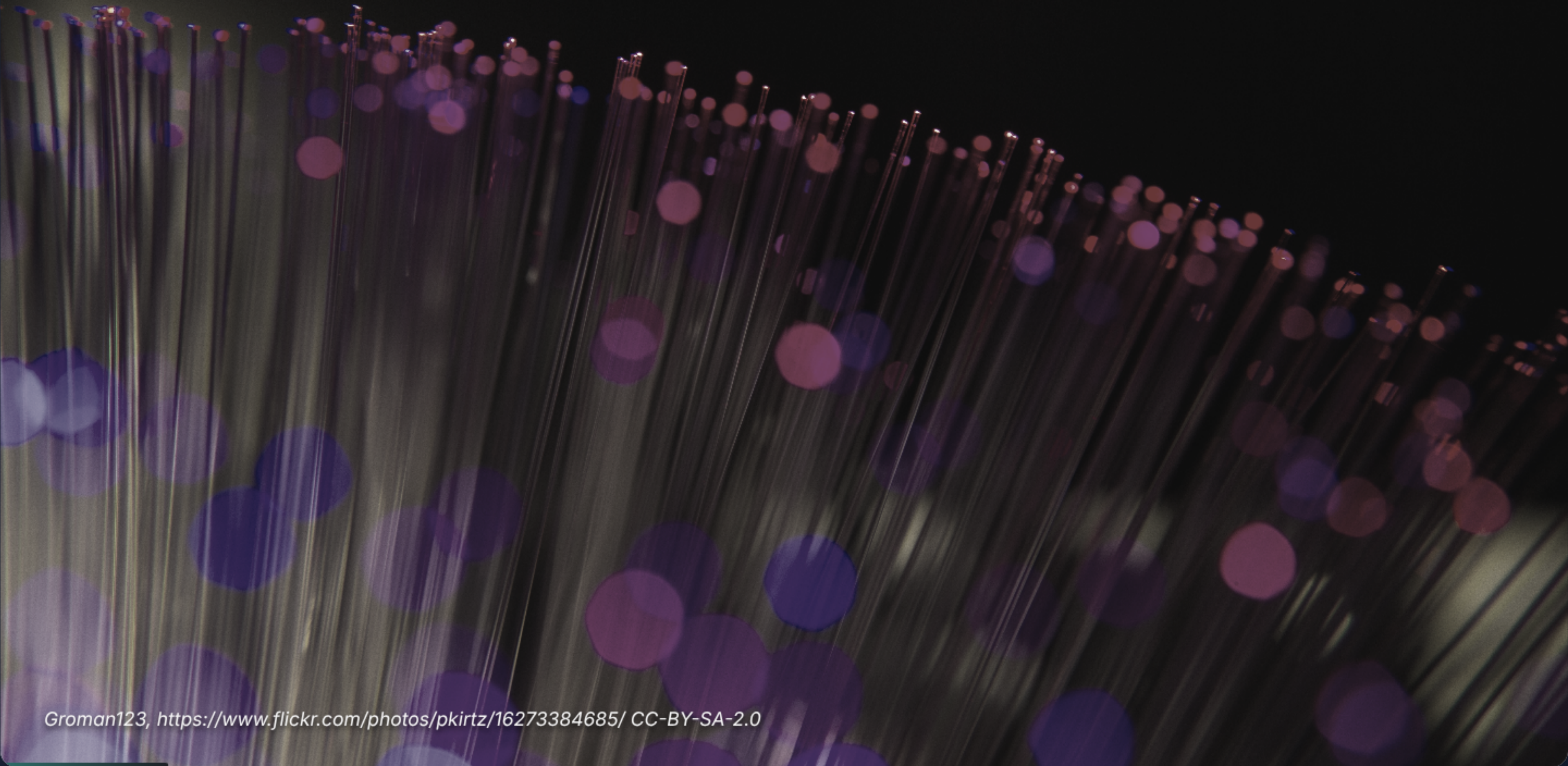
CfgMgmtCamp 2026

Open source history is punctuated by *flashpoints*.
The conflicts should feel familiar.



Leon Brooks / CC0-1.0

The tension is recurring.
The *infrastructure* is what changes.



Groman123, <https://www.flickr.com/photos/pkirtz/16273384685/> CC-BY-SA-2.0

Infrastructure shapes where power concentrates, and how freedom can be exercised.



qotaro, Highway interchange at night, <https://s.42l.fr/k6sZgHVs> / CC-BY-2.0

Our definitions of freedom are anchored to an earlier technological world.



Giorgio de Chirico, L'enigma di una giornata / Public domain

When mismatches appear, we often reach for legal/doctrinal fixes, sometimes creating new control points.



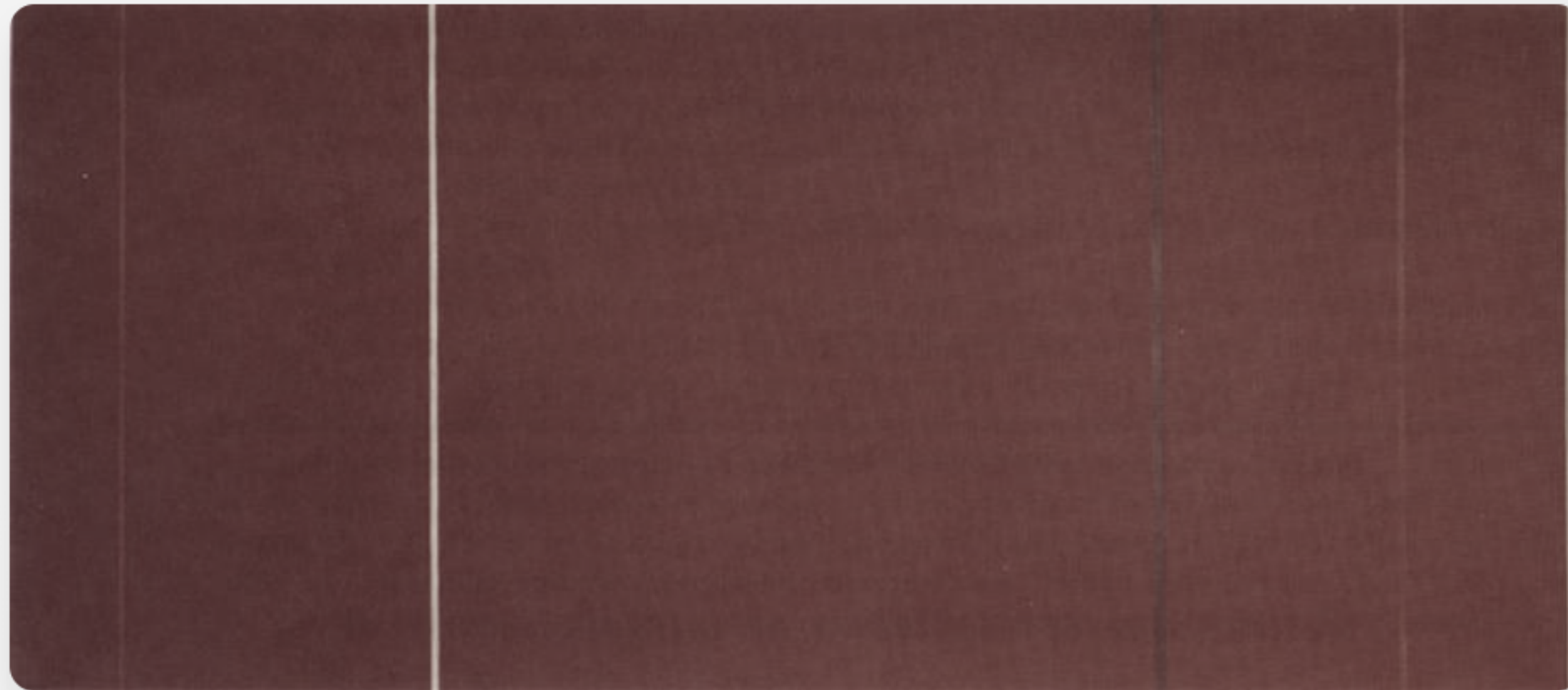
Brideway Foundation, https://commons.wikimedia.org/wiki/File:Flower_pavement.jpg / CC-BY-SA-4.0

Infrastructure changes create new conditions.

Human choices determine outcomes.

The first flashpoint is the invention of copyleft.

The GPL used legal controls to protect freedom from exploitation.



Barnett Newman, Vir Heroicus Sublimis (1950–51) / Fair use

Copyleft can be used strategically, and *asymmetrically*.



Roger Culos, https://commons.wikimedia.org/wiki/File:Akan_MHNT.ETH.2010.25.009.jpg / CC-BY-SA-4.0

The ability to monetize copyleft shapes incentives.

Asymmetry in open source expands beyond copyleft, and beyond licensing.

Donovan Govan, <https://s.42l.fr/yTC39b4h> / CC-BY-SA-3.0

SaaS breaks the distribution model, a crisis for copyleft.



Row 17, Kissing gate without a fence to protect, <https://s.42l.fr/9dNuvRC3> / CC-BY-SA-2.0

There are divergent responses to the *SaaS loophole*. Some are more principled, others opportunistically reframe control.



Ruthann Hurwitz, <https://s.42l.fr/Mijew1CY> / CC-BY-4.0

Source available formalizes ambiguity, entrenches asymmetry, and bypasses community accountability.

Olafur Eliasson, The weather project (2003) (photo: Tate Photography - Andrew Dunkley & Marcus Leith) / Fair use

Ethical source non-opportunistically rejects open source orthodoxy:
principled but misdirected.



Käthe Kollwitz, *Die Mütter* (1922–23) / Public domain

AI inherits every unresolved tension, but under conditions of extreme asymmetry.

J.M.W. Turner, *Snow Storm* (1842) / Public domain



Lynn Greyling / CC0-1.0

In AI, *open* is mostly pure signal, with no guarantee of meaningful freedom.

Licenses are insufficient. They allocate rights, but they don't allocate power over infrastructure.



Claes Oldenburg, Giant Three-Way Plug (1970) (photo: yigruzelti) / Fair use



Gerhard Richter, *Abstraktes Bild* (1994) / Fair use

Instead of static permission, reframe freedom as *ability to move*.

Classical freedoms must remain *mobile*.

Run → Reproduce

Study → Verify

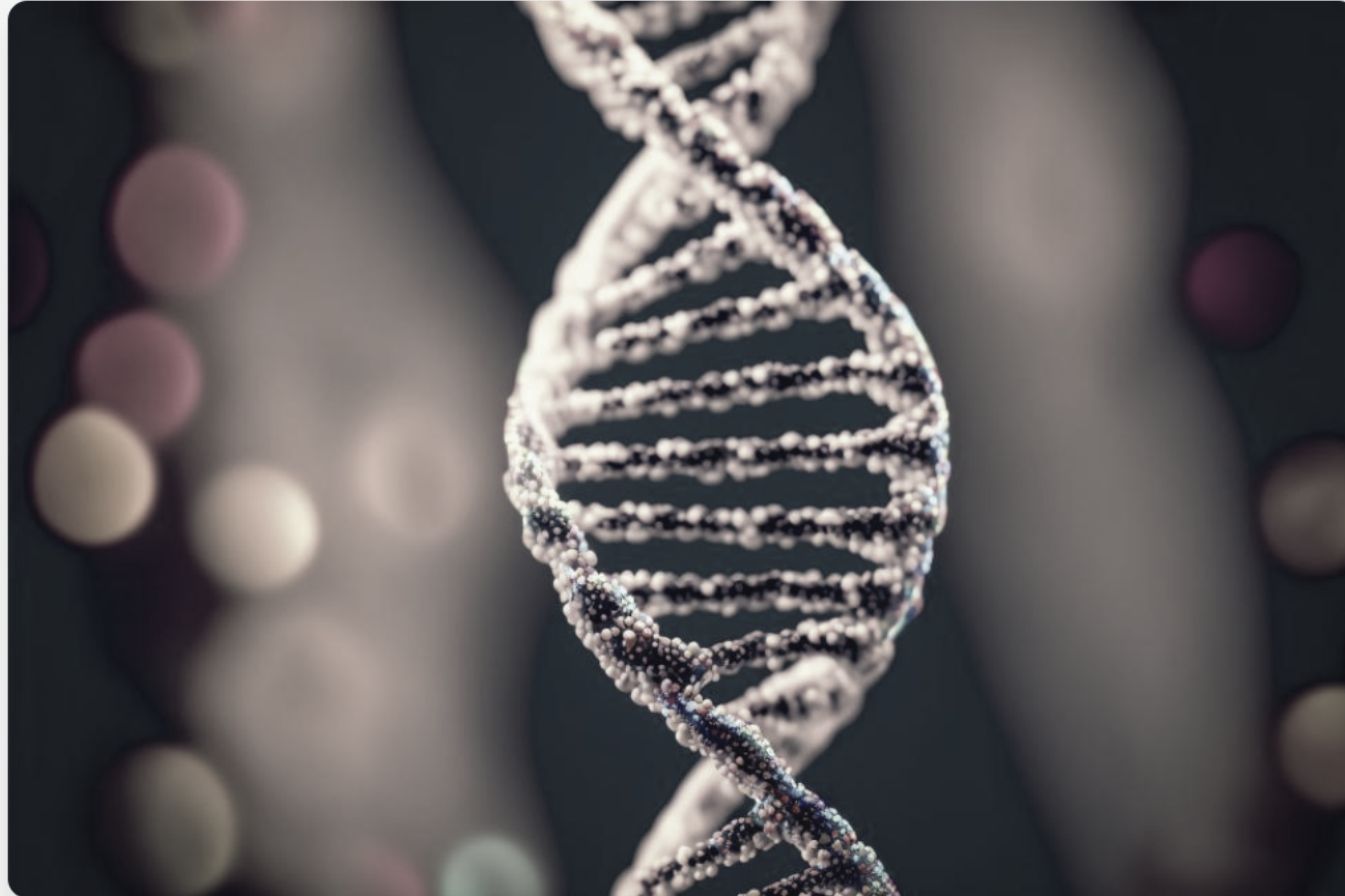
Modify → Participate

Share → Exit

— → Stewardship

Each of these addresses a place where freedom has become hollow.

If something isn't reproducible, you don't *really* run it.



Bango Renders / CC0-1.0

Without verification, claims about systems are performative.



© Cephoto, Uwe Aranas / License at <https://s.42l.fr/KrAuBH36>.

Modification is mostly *local*.

Participation is the freedom to influence a shared system.



Joe deSousa / CC0-1.0

Freedom includes the right to leave.
When exit is too costly, the freedom to fork becomes symbolic.



Hamid Hajihusseini, <https://s.42l.fr/C8IZ-lua> / CC-BY-SA-3.0

**These freedoms are not self-sustaining.
Stewardship makes them durable.**



Richard Fontana, <https://aleatoric.org/> / CC-BY-SA-4.0

The flashpoints of open source are not failures. Open source survives not because it's pure, but because it's self-correcting.



Unknown (ca. 1750) / Public domain

The freedoms are not abstract. They are practiced by people.

Reproduce → Curiosity

Verify → Integrity

Participate → Solidarity

Exit → Courage

Stewardship → Care

We can't eliminate asymmetry, but we can keep it negotiable.



Linnaea Mallette / CC0-1.0

Thank you!

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