

The exploitation paradox in open source

Richard Fontana

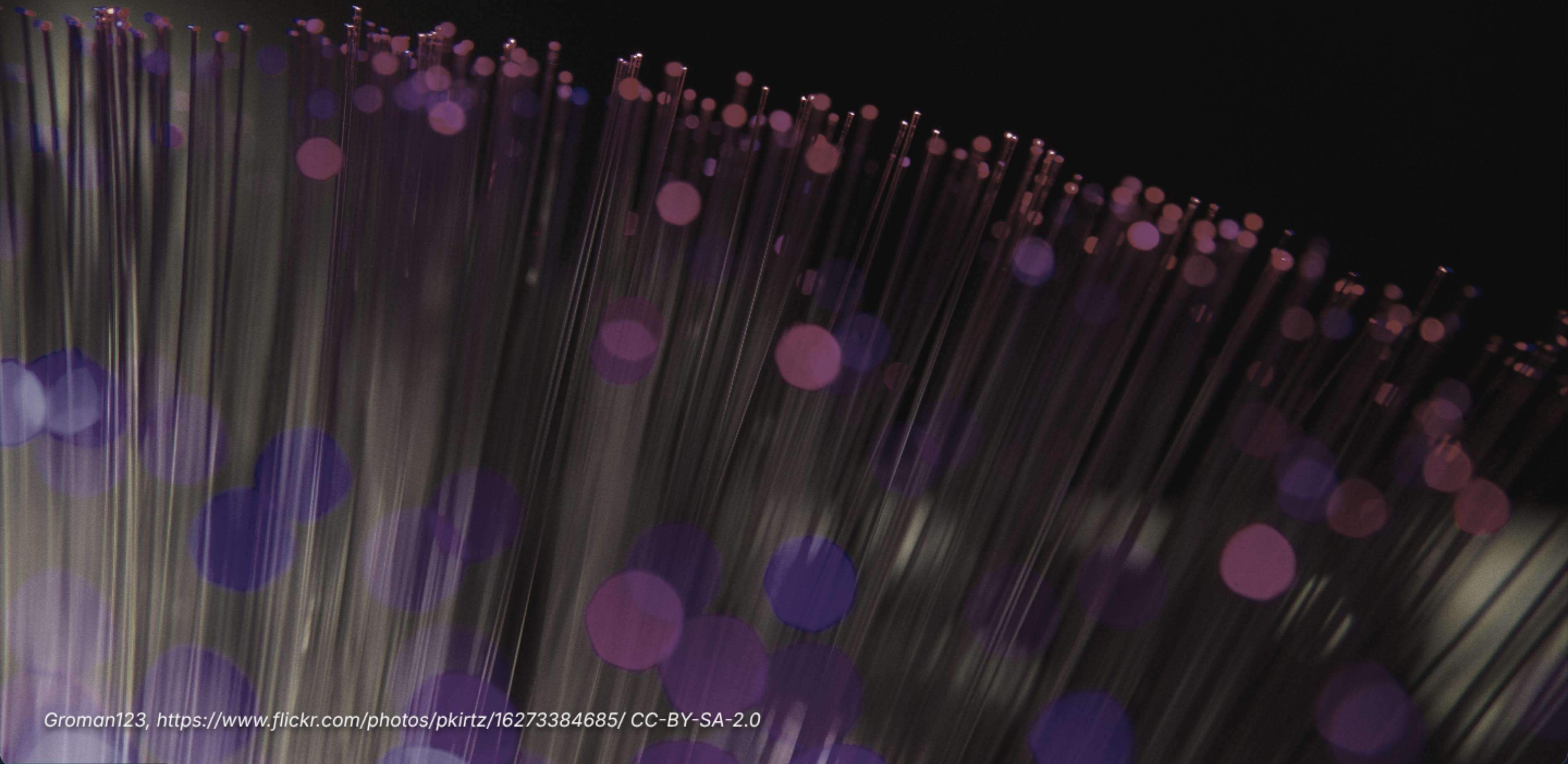
CfgMgmtCamp 2026

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.



aotaro, 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.



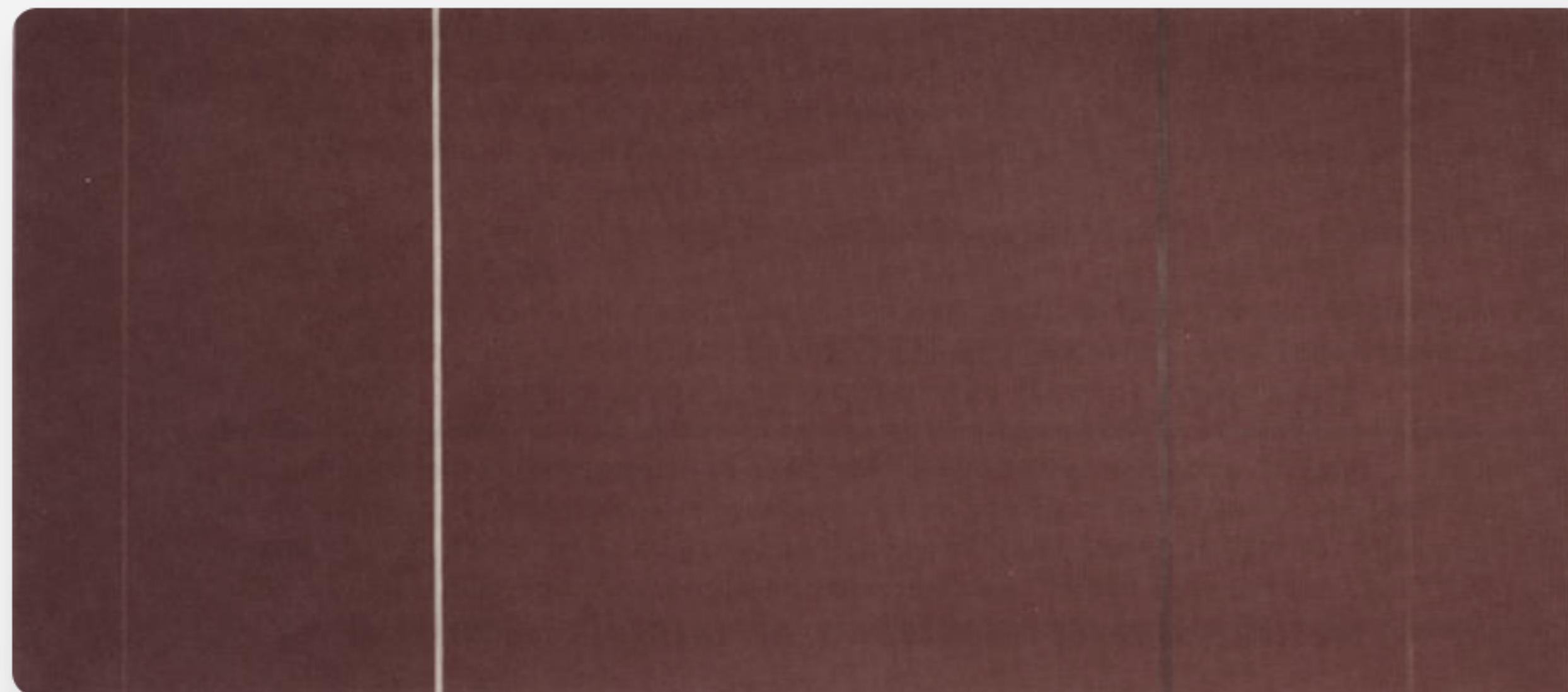
Infrastructure changes create new conditions.

Human choices determine outcomes.

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

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

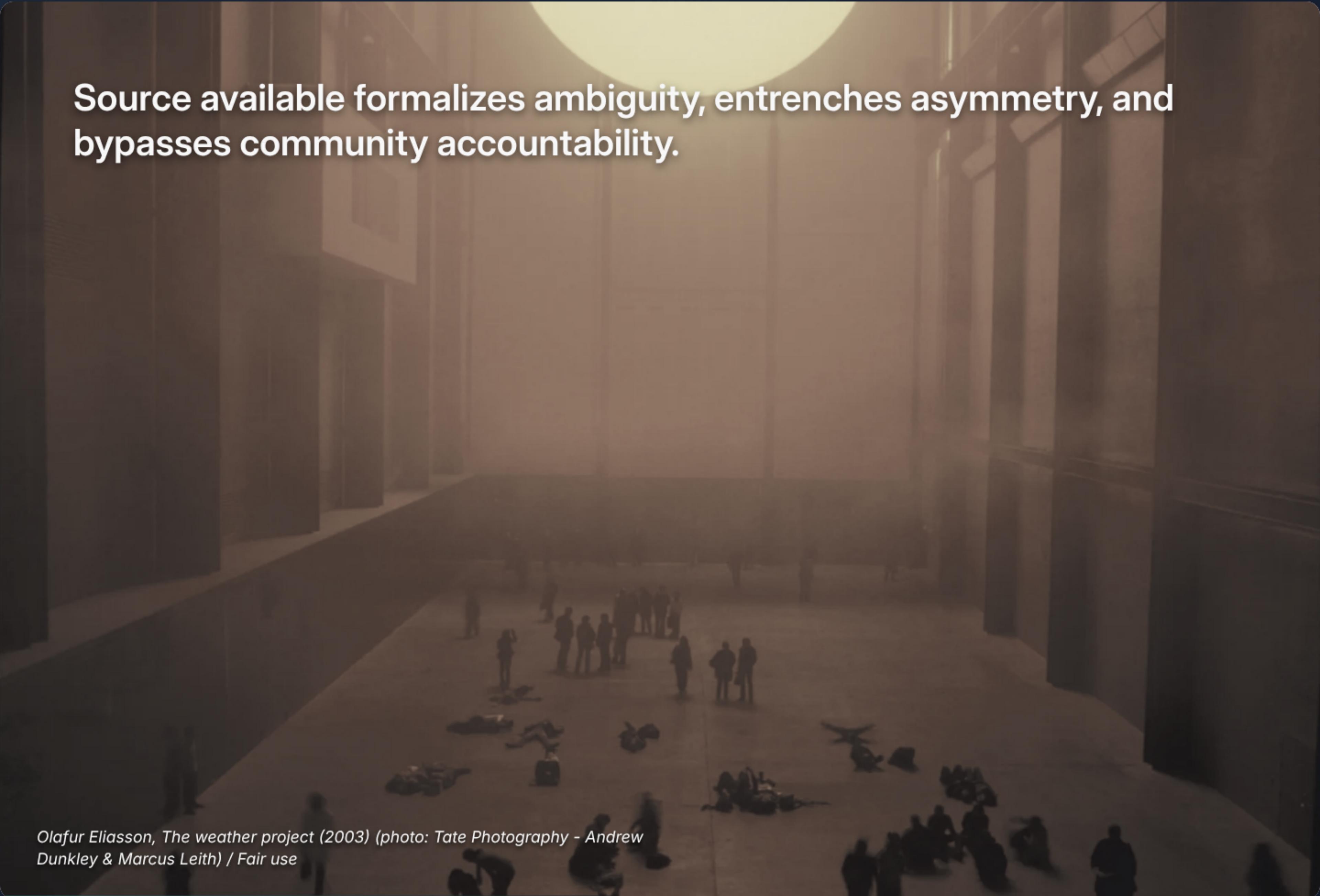
Meanwhile, *open* has become valuable as a brand.



Manolo Chrétien / CC0-1.0

Opportunists turn ambiguity about *open* into an asset.

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: yigruzeltil) / 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

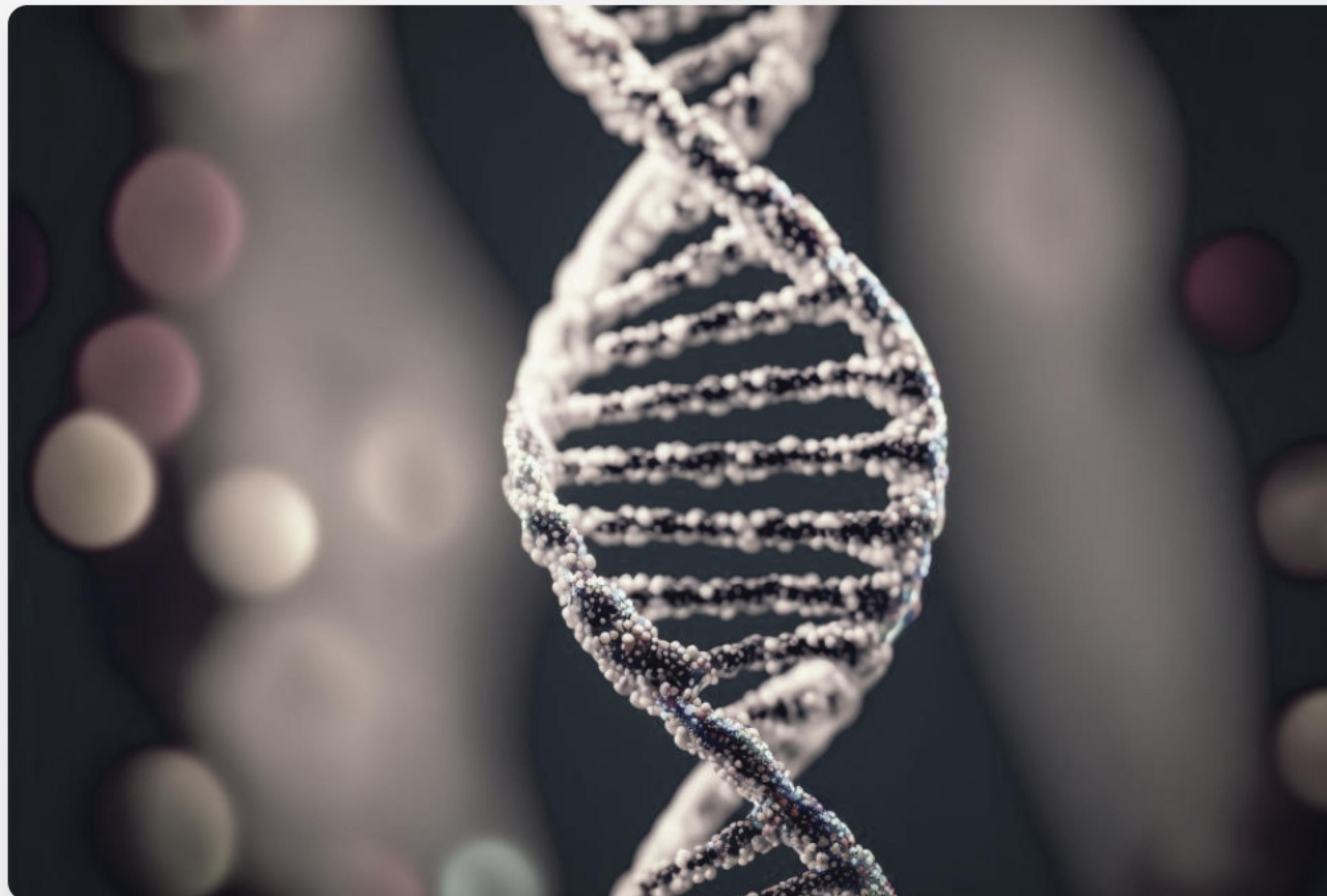
Modify → Participate

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

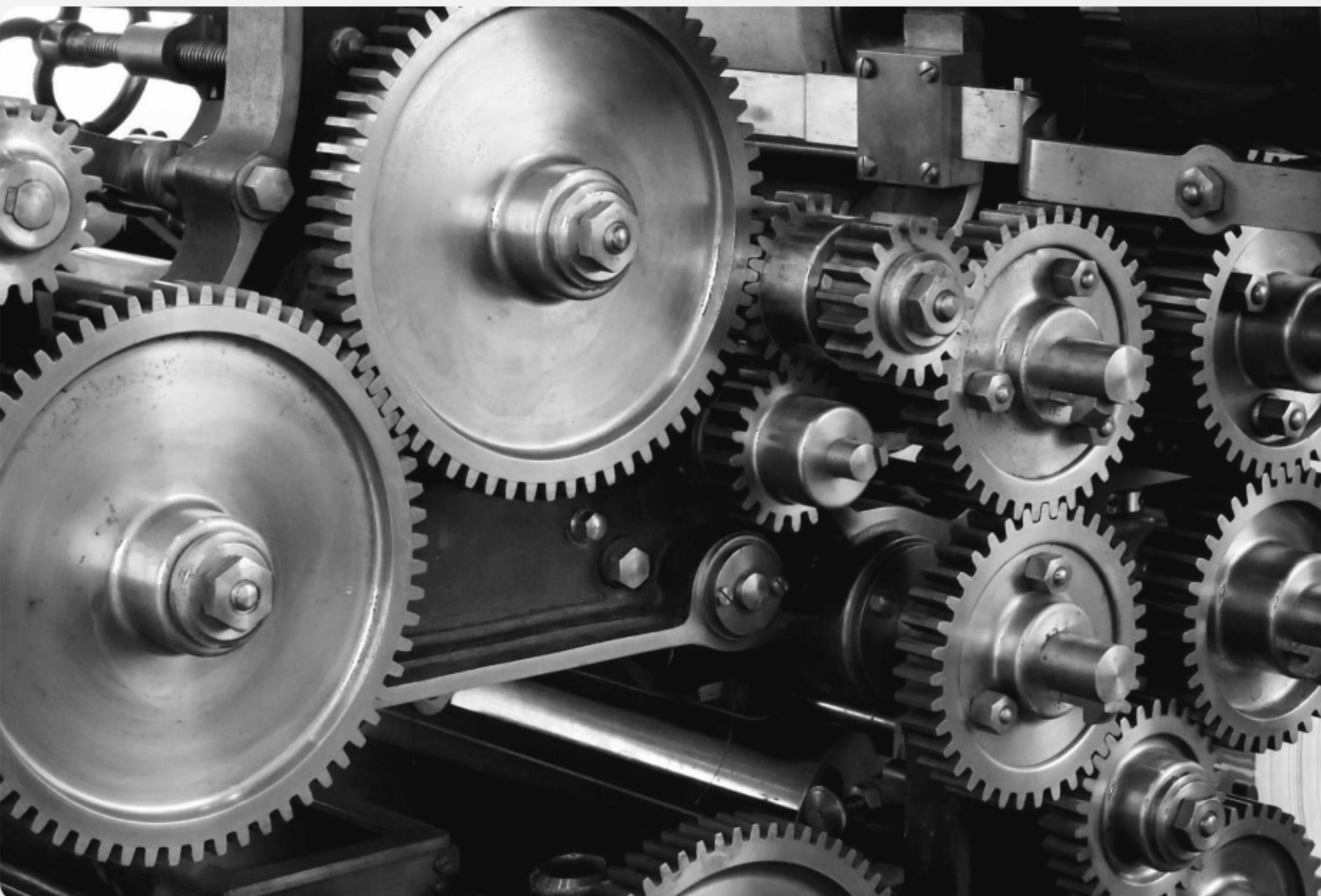
Without verification, claims about systems are performative.



© CEPphoto, 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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