

Eric Steuer ([00:07](#)):

Welcome to Open Minds from Creative Commons. I'm Eric Steuer. As you may know, it's Creative Commons 20th anniversary this year. And one of the ways we're celebrating is with this podcast, a series of conversations with people working on the issues we're involved with in subjects we're excited about. On today's episode, Sarah Pearson, Creative Commons Senior Council speaks with Coraline Ada Ehmke. Ehmke has been an active contributor to the Open Source community for more than 25 years. She's a developer, writer, speaker, musician, and activist. She's the creator of Contributor Covenant, which is a code of conduct used by more than 100,000 Open Source projects and communities.

Eric Steuer ([00:58](#)):

On Ehmke's website, she describes herself as being a big time Open Source troublemaker. She's opposed to the idea that Open Source software should be available to be used by anyone for any purpose. Her view stands in contrast to what is known as the Open Source definition, which says that open source licenses cannot limit who may use a program, even if they're evil. Ehmke is the creator of the Hippocratic License, which prohibits the use of Open Source in conjunction with human rights violations. She's also behind the Organization for Ethical Source, an initiative that aims to ensure that the work of Open Source developers is being used for social good. I hope you enjoy this conversation with Coraline Ada Ehmke.

Sarah Hinchliff Pearson ([01:52](#)):

Well, I thought maybe we'd start the conversation by talking a little bit about your personal entry into open source specifically. So I've heard a little bit about how you got into software development, but I'm curious about how you got specifically into open software and what drew you to it.

Coraline Ada Ehmke ([02:10](#)):

Sure. Well, I've been working with computers my entire life. And actually in the early days when we got our first home computer, a TRS-80 and later a Commodore 64, there was no mechanism for software distribution aside from ordering floppies through the mail, even actually to be clear when I started, there weren't even floppies, you had cassette decks. So the standard way of getting programs on your computer when I started out was flipping through computer magazines and literally typing in source code. So that open sharing of source code is how I learned. And of course, when that's your operating environment, you also to give back, that's a natural human instinct.

Coraline Ada Ehmke ([03:02](#)):

And so I did that throughout my career before open source was a thing. In the 90s I was very involved with the Perl Community and Perl had its own license, the Artistic License, which I think was a precursor to some of the open source licenses. And I contributed freely and openly and enthusiastically to [Sepam 00:03:24], which was their library repository and distribution method. And so it was very natural when open source came along to just adapt to that framework for sharing the source code.

Sarah Hinchliff Pearson ([03:41](#)):

I remember correctly that you're also a musician and artist, and so you've done a bit with Open in that realm as well?

Coraline Ada Ehmke ([03:49](#)):

Yeah, my current project is called Calamity Orchestra, and it's inspired really by the nostalgic listening habits I've developed over quarantine. I went back to a lot of the foundational music in my life. And so Calamity Orchestra is a project that looks at current social, political issues through the lens of 80s music and particular [inaudible 00:04:18] and electronic new wave, things like that. And we are 100% open with everything we're doing with this project.

Coraline Ada Ehmke (04:28):

I stream music production and recording every week and I make archives of those streams available under a Creative Commons license. We released our first single in December and we're happy to upload it to Wiki Commons. And we also make all of the individual parts of our songs available on Wiki Comments or available through Creative Commons license so that people can remix. And we've even gone so far as to cut our band meetings, archive been public under a Creative Commons license. So literally everything about this project is being done in the open and with the intent of enriching the commons with our creative work.

Sarah Hinchliff Pearson (05:18):

That's so cool. Well, so I want to talk a bit about the movement basically that you have founded and created, but maybe to start with that, we'll talk about kind of what you see as being broken within Open Source and what inspired you.

Coraline Ada Ehmke (05:38):

Well, there was a moment, I've long been critical of the way that open source is practiced. And one of the first contributions I made since my social justice awakening, if you will, was the creation of Contributor Covenant, which was unique at the time. It was the first code of conduct for open source projects, for open source communities. And I've continued developing that over the past seven years and not really brought about a change in the way we think about the practice of open source, because it's one of the few examples of a focus on the community around open source, as opposed to the consumers of open source. And I've also done a lot of criticism over the [inaudible 00:06:26] underpinnings of open source and how that fails, especially marginalized folks.

Coraline Ada Ehmke (06:33):

But there's a specific incident in 2019 that started this particular effort. There's a Latinx-Chicanx activist organization called Mijente, and Mijente launched a campaign called No Tech For Ice to protest the use of technology and support ISIS program of human rights abuses that are [inaudible 00:07:02]. So they started tweeting out the names of tech companies who have lucrative contracts with Ice, and among the companies that they listed was a company called Chef, and Chef makes software that makes managing servers easier. And it's very, very widely used.

Coraline Ada Ehmke (07:24):

So there was one developer named Seth Vargo who saw Mijente's tweet, or retweet actually, about his former employer. And Seth is a very active open source contributor. And he'd even built some open source tooling around Chef's offering to make it easier to use. So he felt a sense of responsibility for how the software that he created was being used by Ice and Chef profiting by that. So in an act of conscience, he pulled down his source code [inaudible 00:08:02] and he pulled his code out of Common's distribution. And this caused failures in builds of servers around the world. And within two hours, the code was all restored. And GitHub restored the code, that's where most open source developers store

their code, and the Ruby Jones organization also restored the libraries so they could be freely downloaded again.

Coraline Ada Ehmke ([08:34](#)):

And I remember feeling at the time, the sense of outrage and helplessness, because here was an engineer who is rightly trying to take responsibility for how his work was being used, and he had no tools and no support. And in fact, the open source establishment had to side with human rights abusers over a creator. And that struck me as a fundamental flaw in the way the open source establishment deals with ethical issues. So soon after I wrote the Hypocritic License, which is an ethical open source license based on the United Nations Human Rights declaration.

Coraline Ada Ehmke ([09:22](#)):

And about a month later, I started the Ethical Source Working Group to bring together people from around the globe and of all specializations, not just software developers, to start to think about the problem of how we can bring an ethical framework to bear in the work that we do as technologists, and the working group since then has grown to Chilean group members in 16 time zones. And I'm very happy to say that we also incorporated as a nonprofit in Geneva, Switzerland, and we're working now to professionalize the work that we do and to transform what started as a movement and to a sustainable practice backed by a solid organization.

Sarah Hinchliff Pearson ([10:09](#)):

That's such an incredible story. And I've heard you talk a bit about how there's a need to attack these ethical concerns from multiple angles and not just focusing on licensing for example, but can you talk a little bit about how you see the Organization for Ethical Source, what your initial focus areas will be in terms of how to attack this issue?

Coraline Ada Ehmke ([10:35](#)):

Sure. You're right. We are taking a multi-pronged approach. We have a legal team now that is going to be working on some broad topics in ethical licensure and focusing on strengthening the Hypocritic License. And we also have a project underway that was brought by a young woman named [Don Wages 00:10:54] who wants to create an anti-racist license. So licensing is an important part of our strategy, but really I think the phase that we're in now is a phase of experimentation. This is uncharted territory. And so we're trying to support ethical licensing experiments broadly because we can learn from each other, we can try out different things, and we can hopefully advance on that front. But like I said, a big part of my focus has always been the practice of open source. I think that open source as it is practiced today, places undue burdens on maintainers and creators in service of making things as easy as possible for adopters, and adopters in this case being major tech companies.

Coraline Ada Ehmke ([11:47](#)):

So I think we've really skewed... In the early days to open source, it was very important to tailor an appeal to tech companies and to the broader tech community in order to get traction. But I feel like the pendulum's swung too far and now we give more rights to consumers of our contributions than we do to creators and maintainers. And they're being left behind and they're working hard and not seeing any value, any personal value or a personal remuneration for the work that they've put in. So that's one of our goals, is to shift the balance back to consumer rights, as well as creator rights.

Coraline Ada Ehmke ([12:37](#)):

We're also working on governance. Transparent governance is absolutely essential to a healthy open source community. That includes not only a creator conduct that's fairly and transparently enforced, but also governance policies that are transparent and fair. That center justice and equity in our communities. This is sometimes swept under the rug or sometimes put in a box as DEI, but it's broader than that. When you make things better for marginalized people, you benefit everyone. So there are lots of different angles that we're attacking this problem from. And really, even for us, it's a time of experimentation. This is uncharted territory in our field. So that's why I'm especially interested in bringing people into the working group who are from outside of tech. We have ethicists, we have human rights workers. We have academics who study. We have sociologists. We have people who are bringing their skills from different disciplines that have been working to bring ethics to their work that hopefully we can learn from.

Sarah Hinchliff Pearson ([13:49](#)):

Obviously the response to your work has been incredibly positive and there's been so much momentum in the last year and a half. I'm curious if you can talk a little bit about the, I guess the biggest sources of pushback that you've received from within the open community and where you think those are stemming from?

Coraline Ada Ehmke ([14:12](#)):

Well, something that I say quite often, and it does not make me very many friends is that the founders of the Open Source Movement were coming from a place that was very strongly based in a libertarian philosophies and libertarian politics. And the libertarian platform places individual Liberty above communal liberty. It says that you should do what's best for you regardless of the impact on the people around you. And I think this really embodies the cult of the individual that runs rampant in White Western societies and especially in Silicon Valley. So a lot of what we're running into is wrestling with this concept of freedom that exists in a vacuum, that exists outside of societal concerns. So it's an uphill battle to convince people who truly believe that tech is neutral and truly believes that unfettered open, unrestricted open is a moral virtue. That's what we're going up against.

Coraline Ada Ehmke ([15:27](#)):

And also frankly, we're attacking the status quo. And there are a lot of people who have been very, very well-served by the status quo who feel very threatened when the status quo is criticized. And we're going to be changing the status quo in open source. That's our mission, and this is a difficult fight. And it's interesting you said that I have a lot of positive support because most of what I see is negative. Those positive voices are drowned out by people in the establishment, by open source traditionalist, and by trolls. But to get to something deeper that I was kind of hearing in the question, I think the conflict between the open source traditionalist and people who want to promote ethical source, it's a little bit more fundamental than that.

Coraline Ada Ehmke ([16:22](#)):

I just re-read Elinor Ostrom this year. And one of the things that I took away from it is very early on in her book. She distinguishes between two types of commons, there's the open-access commons and the common property commons or the shared property commons. And it's very clear that the founders of free and open software follow the open-access model. This has why freedom zero, the right to use this software for any purpose without restriction, that's where that comes from, the notion of open access.

And there are some side effects of going with an open-access model. It requires very strong governance, and that governance is institutional, conservative, and slow to change, slow to respond to changing conditions. And one of the things that Ostrom emphasizes is that regardless of which commons member you follow, the optimal strategy to keep people playing by the rules is to have cheap and efficient enforcement.

Coraline Ada Ehmke ([17:34](#)):

And what we have I have with open-access is an IP model. We've structured, we have an incredibly deep licensing infrastructure. We spend a ton of money on enforcement, and that actually goes against what Ostrom said is necessary for healthy commons. And I take exception or I think we're wrong about the open-access framing, and I think my view of open source and really all the digital commons is more of a common property model. And a common property model, the contracts that we agree to between participants, creators and consumers of resources in the commons are not legally binding contracts necessarily, and they don't require appeal to a central authority or to a court system for enforcement. Rather, the contracts are social contracts, they're contracts based around norms. And the great thing about contracts based around norms is that they evolve over time.

Coraline Ada Ehmke ([18:46](#)):

Once you've committed to a license for a piece of software, you're stuck with the terms of that license forever, unless you go through the very arduous process of relicensing. With a social contract framework, the social norms are constantly evolving in response to changing conditions in the community and the community self polices. The community establishes the norms, establishes the rules for participating, and it's all done with the health of the overall community and in mind, not just the health of what has been produced or how it's being used, but also the impact on creators and maintainers. And I think that model opens the door for things like social responsibility, things like thinking about the impact of the work that we do, not on consumers, but on the people that the technology is actually going to be used on. In short, the societal impact of the work that we do. And I think that lens is missing from the open-access framing.

Sarah Hinchliff Pearson ([19:55](#)):

And do you see that as building a top, the open-access licensing model that kind of underpins the open-access version of the commons, or is it something rather that sits to the side of it? I'm curious about that, because it seems to me like the open-access model is really designed with this kind of universality in mind, which necessarily makes it really hard to contextualize and to maintain kind of fluid norms on a global scale.

Coraline Ada Ehmke ([20:32](#)):

I don't know for sure, honestly. I think that's one of the things that this effort needs to explore, how can these two models peacefully coexist, can they peacefully coexist, and that's kind of where the licensing aspect of the work that we're doing comes in, is trying to add ethical layering on top of an established enforcement mechanism, which may work, and it may not work. I think if we have to do a radical reframing of the commons, my sense is that we do, that's going to be even more work, but the benefits, I think the benefits are there. I want to give an example, and this ties back to your music question, the single that we released in December was called Cameras. And it was about how with the massive protests happening worldwide around anti-racism and anti-fascism, everything was mediated by

cameras, whether cell phone cameras, police officers body cameras, or news cameras. And that's what the song was about.

Coraline Ada Ehmke ([21:45](#)):

And we have a videographer, we were to release a video with the single. And so I pointed him at the Wiki Commons page where media on the Black Lives Matter Protests were posted. And there's video there, and there's all sorts of resources there. So he worked on the video and he came with the first draft. And the thing that immediately struck me was there were so few black faces in the protest footage. It was alarming. I could count them on one hand, and this was a four minute video. And I thought about why that might be and realize that for a lot of black Americans taking part in those protests, having their face on camera create safety issues, like significant safety issues. So I understood why they weren't represented there, but the commons is part of how we record history and tell the story of our society. So what does it mean when it's not safe to tell the full story when it's not safe to create a historically accurate portrayal of what's been happening in this country? And open access does not solve that problem.

Sarah Hinchliff Pearson ([23:08](#)):

One thing I've been thinking a bit about is there are some ways in which the fact that absolute freedom is not paramount, almost feels like a departure from open itself by some perspectives of what open means. In other words, I guess there are ways in which the primacy of absolute freedom, that is in itself a value. And so I'm curious to hear from you what led you to not just want to walk away from the movement completely, what motivated you to want to stay in it and try to make it better?

Coraline Ada Ehmke ([23:51](#)):

Because I believe in the mission. I believe that if we are thoughtful and deliberate, we can use our collaborative skill at building software, building new technologies and innovating for social good. And the reason we don't is we're not incentivized to do so. There's no money in it. No one's going to pay for social good, but I believe that we can, I believe that we can find ways to incentivize pro-social behavior. And I believe in the power of technology to transform lives.

Coraline Ada Ehmke ([24:25](#)):

Honestly, I grew up in a town of 500 people in the swamps of Virginia with no prospects. And I dropped out of college and I had nothing. I had no future, but I have my love of technology. And by a series of very happy accidents, I got involved with the tech career and that has lifted me out of poverty. It has made me secure. I have a home, I can take care of my daughter, my life is good. I'm well paid, and technology has absolutely turned my life around. And my mission has always been to make sure that as many people as possible, especially the most vulnerable, the most marginalized, the most undervalued people have the same kind of opportunity that I had to turn their lives around, and open source is an important component of that journey.

Sarah Hinchliff Pearson ([25:27](#)):

That's so inspirational. I guess the last question I wanted to ask was just kind of a connection back to Creative Commons. You know from providing really useful input during the strategy process that our new strategic plan is kind of a move away from just focusing on more sharing under CC licensing and trying to focus more on better sharing and trying to think about what better sharing looks like. And I'm curious if you have thoughts about what better sharing means to you, and or any ways in which you see

Creative Commons and the Organization for Ethical Source potentially working together, or at least working in parallel toward the same ends?

Coraline Ada Ehmke ([26:14](#)):

I think that from what I've seen of the Creative Commons strategy is that the organization is starting to think about impact and freedom doesn't exist in a vacuum, and the commons doesn't exist in a vacuum. And the work that I do with Ethical Source, the work that you do with Creative Commons, the work that [inaudible 00:26:37] does, the work that the Free Software Foundation does, all of these digital commons governance bodies does, has not historically focused on impact. It's like, oh, we got it release, it's in the public view we're done. And I think I was very heartened to see that Creative Commons is starting to think about, well, what is the impact of the content that we make available? What does it mean in a societal context? Who does it help? Who does it hurt? Asking these questions is critical because it's about taking responsibility for the work that we do, and understanding that the work that we do doesn't exist in a vacuum. So I'm hoping that Creative Commons and Ethical Source can find common ground in thinking about the impact, in thinking about ways to maximize societal benefit while minimizing harm.

Sarah Hinchliff Pearson ([27:36](#)):

Thank you so much. I so admire your work and I really think you are making the Open Movement a more equitable place. So I appreciate you being here.

Coraline Ada Ehmke ([27:46](#)):

Thank you so much, Sarah.

Eric Steuer ([27:54](#)):

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