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为什么 Linus Torvalds 不愿意将 Linux 变成 GPLv3 授权？

从 知乎 转载

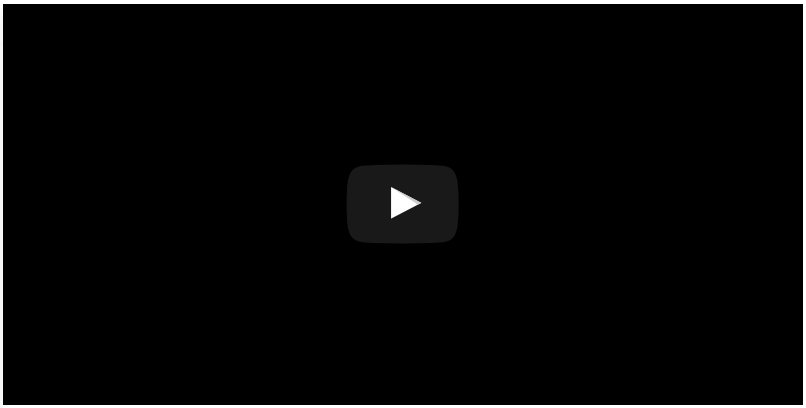
和上篇文章一样，这篇也是来自一个知乎上我回答的问题。

原问题：为什么 Linus Torvalds 不愿意将 Linux 变成 GPLv3 授权？

我的回答：

> 这里有段 Linus Torvalds 在 DebConf 14 上的 Q&A: https://youtu.be/1Mg5_gxNXTo?t=47m20s
>
> 其中关于 GPLv3 和协议的那一段在47:20开始到57:00左右。 里面 Linus 对自己的观点澄清得很清楚了。 看u2b或者听英语有困难的请留评论，我抽空可以试着翻译一下。

DebConf 14: Q&A with Linus Torvalds



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然后接下来就是我承诺的翻译了

> Q: Do you agree that you undermine GPLv3? and ...

问：你是否同意说你贬低了 GPLv3？以及……

L: Yes

L: 是的

Q: How can we get you to stop?

问：我们如何才能让你别这么做？

L: What?

L: 什么？

Q: How can we get you to stop?

问：我们如何才能让你别这么做？

L: Oh I hate GPLv3. I undermined it on purpose. I actually thought the GPLv3 extensions were horrible. I understand why people would want to do them but I think it should have been a completely new license.

L: 哦我讨厌 GPLv3，我是在故意贬低它。实际上我觉得 GPLv3 的扩展非常可怕。 我能理解为什么人们想要做这个，但是我觉得它本应是一个全新的协

议。

> Emm my argument for liking version 2, and I still think version 2 is a great license, was that, "I give you source code, you give me your changes back, we are even." Right? That's my take on GPL version 2, right, it's that simple.

嗯我喜欢版本 2 的那些理由，并且我仍然觉得版本 2 是一个非常棒的协议， 理由是：「我给你源代码，你给我你对它的修改，我们就扯平了」 对吧？这是我用 GPL 版本 2 的理由，就是这么简单。

> And version 3 extended that in ways that I personally am really uncomfortable with, namely "I give you source code, that means that if you use that source code, you can't use it on your device unless you follow my rules." And to me that's, that's a violation of everything version 2 stood for. And I understand

> why the FSF did it because I know what the FSF wants. But to me it's not the same license at all.

然后版本 3 的扩展在某些方面让我个人觉得非常不舒服，也就是说「我给你源代码， 这意味着你必须服从我的一些规则，否则你不能把它用在你的设备上。」 对我来说，这是违反了版本 2 协议所追求的所有目的。然而我理解为什么 FSF 要这么做， 因为我知道 FSF 想要达成什么，但是对我来说这完全是不同的协议了。

> So I was very upset and made it very clear, and this was months before version 3 was actually published. There was a discussion about this long before... There was an earlier version of version 3, years before actually, where I said "No, this is not gonna fly." And during that earlier discussion I had already added to the kernel that, "Hey, I don't have the version 2 or later". And there was

> no... And I was really happy then when version 3 came out, that I have done that something like 5 years before, because there was ever never any question about what the license for the kernel was.

所以我当时非常不安，并且表明了自己的观点，并且这是在版本 3 发布的数月之前。 在那很久之前曾经有过一场讨论……在版本 3 之前有一个早期的版本， 事实上几年之前，那时我就说过：「不，这不可能工作」。 并且在那个早期的讨论阶段我已经在内核里写好了「嘿，我可没有写过版本 2 或者更高版本」。所以之后也没有过（争议）……随后版本 3 出来的时候我非常开心， 因为我早在大概 5 年前做了预防，之后也就再也没有过关于内核的协议究竟是哪个 版本的讨论。

> But I actually thought that version 3 is ... Uh, no ... I actually think version 3 is a **FINE** license, right. I'm a firm believer in, "If you write your code, it is your choice to pick a license." And

> version 3 is a fine license. Version 3 was not a good ... "Here we give you version 2, and then we tried to sneak in these new rules, and tried to force everybody to upgrade." That was the part I disliked. And the FSF did some really sneaky stuff, downright immoral in my opinion.

不过事实上我觉得版本 3 是……呃不……我事实上觉得版本 3 是个 **不错** 的协议， 对吧。我坚定地相信「如果是你写的代码，那么你有权利决定它应该用什么协议」。 并且版本 3 是个不错的选择。版本 3 不好的地方在……「我们给你了版本 2 ，然后我们试图偷偷混入这些新的规则，并且想逼着所有人都跟着升级」这是我不喜欢版本 3 的地方。并且 FSF 在其中做了很多见不得人的事情，我觉得做得很不道德。

> Q: So you are talking about Tivoization?

译注： 关于 Tivoization

Tivoization 是 FSF 发明的一个词，表示 TiVo 的做

法。 TiVo 是一个生产类似电视机顶盒之类的设备的厂商，他们在他们的设备中用到了 Linux 内核和很多别的开源组件，并且他们根据 GPLv2 协议开放了他们使用的组件的源代码。 然而他们在他们出售的设备中增加了数字签名，验证正在执行的系统和软件是他们自己 编制的软件，从而限制了用户修改运行软件的自由。这种做法在 FSF 看来是钻了 GPLv2 的法律上的空子，所以 FSF 提出了 GPLv3 封堵这种做法。

问：所以你在说 Tivoization 的事情么？

> L: Ehmm, yeah the Tivoization is always my main, eh dislike of version 3. And, the FSF was being very dishonest thing. "Hey, we actually allow you to invalidate the Tivoization clause" and they tried to, they literally lied to people, and say "Hey, so that means that you can use GPLv3 without the Tivoization part", right. This is ... How many people heard this particular statement from

the FSF? (Please raise your hands)

L: 没错，Tivoization 的事情一直是我反对版本 3 的主要根据。并且，FSF 在这件事上表现得极不诚实。「嘿，其实我们允许你无效化 Tivoization 条款」，这样他们试图， 应该说他们是在明白着欺骗别人，并且说「嘿，这意味着你可以使用除去 Tivoization 部分的 GPLv3」。 这很……在场的诸位中有谁从 FSF 那儿听过这个说法？（请举手）

Ok, maybe they only tried to convince me with that one. But they did try. And it was like, "I'm not stupid", right. Yes, you can ... The GPLv3 allows you to say "Ok, Tivoization is not an issue for us". But it allows somebody else to take the project, and say "Hey, I ... The GPLv3 without Tivoization is compatible with the full GPLv3, so I will now make my own fork of this, and I will start doing drivers that use the full version of version 3" And where am I stuck then? I am stuck

> saying "Hey I give you the source code, and now I can't take it back your changes". That's completely against the whole point of the license in the first place.

好吧，或许他们只试过对我用这套说辞，但是他们真的试过。我的反应是「我可不傻」，对吧。是的， 的确你可以…… GPLv3 允许你说「好，Tivoization 的事情对我们来说不是问题」， 但是它同时又允许别人接过这个项目，并且说「嘿，我觉得……去掉了 Tivoization 的 GPLv3 是兼容完整的 GPLv3 的，所以我可以 fork 这个项目，然后我将在自己的 fork 上用完整的 GPLv3 写驱动。」然后我就囧了。我的困境在于说「嘿，我给了你我的源代码，现在我却不能拿回你对它 的修改了」。这是彻底违背了我用这个协议最初的目的了。

> So the FSF was, I mean the kind of stuff that was going on behind the scenes, ah, made me once and for all to decide to never had any thing to do with the FSF again. So if you

> wanted to give money to an organization that does good? Give it to the EFF. The FSF is full of crazy bittered people. That's just mine opinion. Uh, actually I have ... Ah ... I overstated that a bit, right. The FSF has a lot of nice people in it, but some of them are bit too extreme.

所以 FSF 是，我是说那时他们暗地里做的那些事情，让我当下决定永远不再和 FSF 有任何瓜葛。 所以如果你想捐钱给一个行善的组织，那就捐给 EFF 吧。FSF 充满了疯狂难处的人。这只是我的观点。呃其实我……嗯……我说得有点过分了。FSF 里有很多不错的人，不过其中有些人有点过激。

> Q: Well I wish the EFF care more about software freedom. But, uh, can you ... Do you think that Tivoization benefits me as a user somehow?

问: 嗯我也希望 EFF 能更多的关注于软件的自由方面。但是你能……你觉得 Tivoization 这种行为也能在某种方式上让我作为用户获益么？

> L: No, no I don't. I mean that ... But that was never my argument. That was not why I selected the GPLv2. This is my whole point. It's not that I think Tivoization is necessarily something that you should strive for. But it is something that in my world view, it's your decision. If you make hardware that locks down the software, that's your decision as a hardware maker. That has no impact on my decision as a software maker to give you the software. Do you see where I am coming from? I don't like the locked down hardware, but at the same time that was never the social contract I intended with Linux.

L: 不，我不觉得。我的意思是……这从来都不是我的论据，这不是我选择了 GPLv2 的理由。 并不是说我觉得 Tivoization 是某种值得你去争取的权利，而是说在我的世界观中，这是你的决定。 如果你生产硬件去锁住了其中的软件，这是你作为一个硬件提

供者的决定。 这完全不影响我作为一个软件提供者给你软件的决定。你能看出我的立场在哪儿了么？我不喜欢上锁的硬件，但是同时这也从来不是我想要给 Linux 加上的的社会契约。

> To me, umm, I mean, people may or may not realize GPLv2 wasn't even the first license for Linux. To me the important part was always "I give you software, you can do whatever you want with it. If you making improvements, you have to give them back." That was the first version of the license. It also had a completely broken clause which was completely insane and I was stupid. Hey it happened. My origin license says that you can't make money change hands. And that was a mistake. That was clearly just wrong and bad because it really didn't have anything to do with what I wanted. But I was young, I was poor, I didn't realize that the whole

> money thing wasn't the important part. And I have saw the errors in my ways, I saw the GPLv2 and said "Hey, that's the perfect license". And I saw the GPLv3 and I said "No, that's overreaching a lot, that's not what I wanted". And so I made Linux GPLv2 only, right.

对我来说，呃我想说，大家可能知道或者不知道，GPLv2 并不是 Linux 的最初的协议。 对我来说重要的部分一直是「我给你软件，你可以用它做任何你想要做的事情。如果你做了任何改进， 你需要把它交还给我。」这是协议最初的样子。最早的协议还有一条完全错误的条款，写得完全不合理， 那时我很傻。嘿我也傻过。我最初的协议说你不能用它赚钱。这是失策，这明显是不对的不好的， 因为它和我真正想要做的事情没有任何关系。但是那时我很傻很天真， 我没意识到钱的事情在其中完全不重要。然后我发现了其中的问题，我看到了 GPLv2 然后说「嘿， 这是个完美的协议」。然后我看到了 GPLv3 我说「不，这做得过分了，这不是我想要的」 所以我让 Linux 成为了仅限 GPLv2 ，对吧。

> Q: So do you think getting the patches back is as useful even if you can't modify the device that it is used on?

问: 所以你是否认为，即使你不能修改跑着这个软件的设备，拿回对软件的修改也还是同样重要的？

> L: Yeah, absolutely. And I mean TiVo itself is actually an example of this. Their patches were kind of crafty but I mean they were basically running on a, originally a fairly standard MIPS thing. And their patches were working around bugs in the chipsets they used. And they were valid patches. The fact that they then felt that their hardware had to be locked down someway. I didn't like it. But as I have mentioned, I felt that that was their decision.

L: 是的，当然。我想说 TiVo 它自己实际上就是一个例子。他们的修改有点复杂，但是我想说他们基本

是，一开始基本是运行在一套相当标准的 MIPS 设备上。然后他们的修改是想绕开他们用到的芯片上的 一些问题，并且这些是合格的修改。之后的事情是他们觉得他们需要锁住他们的硬件，我不喜欢这个。 但是就像我已经说的，我觉得这是他们的决定。

> And they had real reasons for that. That's something people sometimes missed. There are sometimes reasons to do what TiVo did. Sometimes it's imposed on you by, wireless carriers. Sometimes it's imposed on you by Disney. Uh sometimes it's imposed on you by laws. The GPLv3 actually accepts the last one when it comes to things like medical equipment I think. But the point is that the whole Tivoization thing is, sometimes it's, there is a reason for it. And if you make ... I mean I am not a hardware designer. I think FPGA and stuff like that is really cool. But I always ... I

> mean I really don't want to impose my world view on anybody else. You don't have to use Linux. If you do use Linux, the only thing I asked for is source code back. And there is all these other verbiages in the GPLv2 about exact details, those aren't important. And that was always my standpoint.

并且他们有真正的理由去这么做。这是有时人们忽视的地方。有时是真的有理由去做 TiVo 他们做的事情。有时强加给你这种限制的是，无线运营商。有时强加给你的是迪士尼。 有时强加给你限制的甚至是法律。 GPLv3 在医疗设备之类的场合其实允许最后一种情况，我记得。 我的观点是，整个 Tivoization 的事情有时是有理由去这么做的。如果你生产…… 我是说我不是硬件设计者，我觉得 FPGA 之类的东西很酷，但是我……我的意思是我真的不想把我对世界的 看法强加给别人。你不是非得要用 Linux ，如果你想要用 Linux ，那么我唯一要求你做的事情是把源代码（变更）还给我。然后在 GPLv2 中还有很多繁文缛节规定了详细的细节，这

些都不重要。这是我一直以来的观点。

> Q: Ok, well I will stop my non-point of making noise now.

译注： 关于 ISC 协议

ISC 协议是一个开源软件协议，和两句的 BSD 协议功能相同。OpenBSD 项目选择尽量用 ISC 协议公开他们新写的代码。

问: 好吧那我就不浪费时间了。

> L: I mean don't get me ... I mean I like other licenses too. I have used like the four, emmm... Which BSD license is the acceptable one? One of the BSD license is actually really nice. And it's actually the... What?

L: 我的意思是别误解……我也喜欢别的协议。我用过……到底是哪个 BSD 协议是可以接受的？ 有一个 BSD 协议实际上非常不错。它实际上是……什么？

> A: ISC

观众： ISC

> L: ISC? And I actually encourage people who don't care about the giving code back but care about the "Hey, I did something cool, please use it". I encourage people to use the BSD license for that. And I mean the BSD license is wonderful for that. It so happens that I thought that for my project the giving back is equally important so I, for me BSD is bad. But the point is **for me**. The GPLv3 maybe the perfect license for what you guys want to do. And that's fine. And then it's the license you should use. It's just that when somebody else wrote the code you don't get that choice.

L: ISC？并且事实上我在鼓励那些不在意拿回修改但是在意「嘿，我做了一个很酷的东西，请用它」。我鼓励这些人去用 BSD 协议做这些事情。我想说

BSD 协议在这种场合是完美的。 只是碰巧我觉得对于我的项目，拿回修改也同样重要，所以对我而言 BSD 不好。但是重点是 **对我而言** 。 GPLv3 可能对你们想要做的事情而言是完美的协议，这很好，并且这时你就应该去用 GPLv3 。只是当代码是别人写的时候，你没有这个选择权。