FOREWORD

No free gifts

Mary Douglas

Charity is meant to be a free gift, a voluntary, unrequited surrender of resources. Though we laud charity as a Christian virtue we know that it wounds. I worked for some years in a charitable foundation that annually was required to give away large sums as the condition of tax exemption. Newcomers to the office quickly learnt that the recipient does not like the giver, however cheerful he be. This book explains the lack of gratitude by saying that the foundations should not confuse their donations with gifts. It is not merely that there are no free gifts in a particular place, Melanesia or Chicago for instance; it is that the whole idea of a free gift is based on a misunderstanding. There should not be any free gifts. What is wrong with the so-called free gift is the donor's intention to be exempt from return gifts coming from the recipient. Refusing requital puts the act of giving outside any mutual ties. Once given, the free gift entails no further claims from the recipient. The public is not deceived by free gift vouchers. For all the ongoing commitment the free-

gift gesture has created, it might just as well never have happened. According to Marcel Mauss that is what is wrong with the free gift. A gift that does nothing to enhance solidarity is a contradiction.

Mauss says as much in reply to Bronislaw Malinowski who was surprised to find such precisely calculated return gifts in Melanesia. He evidently took with him to his fieldwork the idea that commerce and gift are two separate kinds of activity, the first based on exact recompense, the second spontaneous, pure of ulterior motive. Because the valuable things that circulated in the Trobriand Islands and a vast surrounding region were not in commercial exchange, he expected the transfers to fall into the category of gifts in his own culture. So he expended a lot of care in classifying gifts by the purity of the motives of the giver and concluded that practically nothing was given freely in this sense, only the small gift that a Trobriand husband regularly gave his wife could count. 'Pure gift? Nonsense!' declares Mauss: the Trobriand husband is actually recompensing his wife for sexual services. He would have said 'Nonsense!' just as heartily to Titmus's idea that the archetypal pure-gift relationship is the anonymous gift of blood,[1] as if there could be an anonymous relationship. Even the idea of a pure gift is a contradiction. By ignoring the universal custom of compulsory gifts we make our own record incomprehensible to ourselves: right across the globe and as far back as we can go in the history of human civilization, the major transfer of goods has been by cycles of obligatory returns of gifts.

Though this insight was taken up by archeologists and historians for reinterpreting antique systems of tax, revenues, and trade[2], a fancy archeological insight was not Mauss's objective. *The Essay on the Gift* was a part of an organized onslaught on contemporary political theory, a plank in the platform against utilitarianism. This intention is fully recognized in the new journal, *MAUSS*.[3] Mauss himself wrote very little about political philosophy but The Gift does not spring from nowhere; references to Emile

Durkheim make quite clear where to look for the rest of the programme. And nor does Durkheim come from nowhere. First, I will explain the plan of the book, then I will place it in its context. Finally, I will indicate some of the work that has stemmed from it, and suggest what is still to be done to implement the original programme.

In this book the author has produced an idea that he has probably been mulling over for a long time. Indeed, the idea is profoundly original. We have seen how it runs against our established idea of gift. The book starts with describing the North American potlatch as an extreme form of an institution that is found in every region of the world. The potlatch is an example of a total system of giving. Read this too fast and you miss the meaning. Spelt out it means that each gift is part of a system of reciprocity in which the honour of giver and recipient are engaged. It is a total system in that every item of status or of spiritual or material possession is implicated for everyone in the whole community. The system is quite simple; just the rule that every gift has to be returned in some specified way sets up a perpetual cycle of exchanges within and between generations. In some cases the specified return is of equal value, producing a stable system of statuses; in others it must exceed the value of the earlier gift, producing an escalating contest for honour. The whole society can be described by the catalogue of transfers that map all the obligations between its members. The cycling gift system is the society.

The Gift is a grand exercise in positivist research, combining ethnology, history, and sociology. First Mauss presents the system as found in working order. This takes him to the ethnography of North America. What is striking about the potlatch among the Haïda and Tlingit of the Northwest coast is the extreme rivalry expressed by the rule always to return more than was received; failure to return means losing the competition for honour. There comes a point when there are just not enough valuable things to

express the highest degrees of honour, so conspicuous consumption is succeeded by conspicuous destruction. Then he turns to Melanesia where, in a less extreme form, there are the essentials of potlatch, that is, totalized competitive giving that incorporates in its cycles all things and services and all persons. He treats Polynesia as a variant, because there the totalized giving does not presume rivalry between donor and recipient. When the paths of Polynesian gifts are traced, a stable, hierarchical structure is revealed. It is not the competitive potlatch, but it is still a total system of gift. Where does the system get its energy? In each case from individuals who are due to lose from default heaping obloquy on defaulters and from beliefs that the spirits would punish them. The system would not be total if it did not include personal emotions and religion.

After presenting the system of gift functioning among American Indians and in Oceania, and among Eskimo and Australian hunters, Mauss then turns to records of ancient legal systems. Roman, Germanic, and other Indo-European laws all show signs of the basic principles. There are no free gifts; gift cycles engage persons in permanent commitments that articulate the dominant institutions. Only after the full tour of ethnographic and legal evidence do we finally reach the chapter on the theory of the gift in classical Hindu law. Now we have definitely moved away from working social systems to myths, legends, and fragments of laws: not the system of gift but, as the chapter heading says, the theory of gift. Mauss's early book with Henri Hubert (1889) on Sacrifice[4] took for its central theme a Vedic principle that sacrifice is a gift that compels the deity to make a return: *Do ut des*; I give so that you may give. Given the centrality of India in Max Muller's philological speculations on mythology, any book at that time on religion would need to study Hindu law and epic deeply. It strikes me as likely that Mauss did get the idea of a morally sanctioned gift cycle upholding the social cycle from the Vedic literature that he studied in that first major research. I

am inclined to think that he harboured and developed the great idea all those years. Certainly there is a close connection of matter and treatment between the two books.

In some histories of anthropology the main difference between old-fashioned folklore and modern ethnography has been identified as the replacement of library research by fieldwork. But I would suggest that the main important change came from a new criterion of sound analysis. *The Gift* was like an injunction to record the entire credit structure of a community. What a change that involved from current ideas about how to do ethnology can be seen by reading any of the earlier books cited in the voluminous footnotes whose unsystematic accounts of beliefs and ceremonies provided the uninterpreted bare bones of the gift system.

Because it starts from Northwest Coast American Indians and Melanesians and goes on to Polynesia and then to ancient texts, the book would seem to spring from the fusty debates of library researchers on comparative religion. Yet it is not about religion. It is about politics and economics. After the survey of evidence come the political and moral implications. Following Durkheim, Mauss also considered that every serious philosophical work should bear on public policy. The theory of the gift is a theory of human solidarity. Consequently, a brief reference to contemporary debates on health and unemployment insurance is in place, with the argument deduced from the preceding pages that the wage does not cover society's obligation to the worker. No obligations are ever completely covered. Though Mauss here refers approvingly to some English proposals on social policy, he is writing in a tradition strongly opposed to English liberal thought. At this point the Durkheimian context needs to be filled in.

The main strands in Durkheim's opposition to the English Utilitarians were already formulated by French political philosophers.[5] As Larry Siedentrop summarizes a tradition that stemmed from the eighteenth century, from Rousseau and

Tocqueville, it made three criticisms of English liberalism: first, that it was based on an impoverished concept of the person seen as an independent individual instead of as a social being; second, that it neglected how social relations change with changes in the mode of production; and third, that it had a too negative concept of liberty and so failed to appreciate the moral role of political participation. Furthermore, early English empiricist philosophy did not explain the role of social norms in shaping individual intentions and in making social action possible; their sensationalist model of the mind allowed no scope for explaining rule-governed action. Individualism is the essence of the French critique of utilitarianism. This is exactly where Durkheim's life work starts, as would appear from comparing his writings with the following paragraph by his biographer, Steven Lukes:[6]

> Benjamin Constant believed that 'when all are isolated by egoism, there is nothing but dust, and at the advent of a storm, nothing but mire',[7] while it was Alexis de Tocqueville who gave *individualisme* its most distinctive and influential liberal meaning in France. For Tocqueville it meant the apathetic withdrawal of individuals from public life into a private sphere and their isolation from one another, with a consequent and dangerous weakening of social bonds: individualism was
>
> > a deliberate and peaceful sentiment which disposes each citizen to isolate himself from the mass of his fellows... [which] at first saps only the virtues of public life, but, in the long run...attacks and destroys all others and is eventually absorbed into pure egoism.[8]
>
> (Lukes, 1973)

Among French socialists individualism was a bad word, referring to *laissez faire*, anarchy, social atomization, and exploitation of the poor under a regime of industrial capitalism. However, Durkheim's position was more complex. He believed that the

success of a political system would depend on the extent to which it allowed individual self-awareness to flourish. He tried to keep a delicate balance between reproaching utilitarianism for overlooking that humans are social beings and reproaching socialism for overlooking the demands of the individual.

If one were to be forgetful of this traditional hostility to English utilitarianism it would be easy to misunderstand Durkheim's language and to fall into the trap of thinking that he really believed that society is a kind of separate intelligence that determines the thoughts and actions of its members as the mind does those of the body it is lodged in. Arguing against the nineteenth-century forms of utilitarianism, especially against the political philosophy of Herbert Spencer, it would have seemed hard for the anti-utilitarians to overestimate the importance of shared norms. And as for those whom he attacked, especially those across the Channel or across the Atlantic, it was evidently easier to misrepresent him than to disagree with what he was actually saying. Bartlett refers to Durkheim's idea of the collective memory as a quasimystic soul; Herbert Simon dissociates himself from Durkheimian 'group mind' implications; Alfred Schutz disdainfully dismisses Halbwachs' theories on the 'Collective Memory of Musicians' (which are very much the same as his own) because they are tainted by Durkheim's alleged theory of a unitary group consciousness; see also Bruno Latour on Durkheim's 'big animal'.[9] All these and many others forget that Durkheim's work was actually part of an ongoing research project with close collaborators who quite clearly did not give it this interpretation. So the counterattack has travestied versions of 'group mind', 'mystical unit', 'group psyche' that his language occasionally justifies but his precepts as to method certainly do not. This is why positivism was such an important plank in his programme. Positivism represented an attempt at objectivity. This is why it was necessary for Mauss to set out the plan of his book by beginning with the survey of functioning social systems, ending

with Hindu texts about a vanished system (or one that had perhaps never existed in that form).

Today the same political debate is still engaged, between the contemporary utilitarians and those who, like Durkheim, deplore the effects of unfettered individualism. Some of those working in learned communities that embrace methodological individualism may be right to feel threatened by his teaching. Personally, I think it would be better for them to take it seriously. Hostility and a sense of threat are a sign that collective representations are at work. Our problem is how to take our own and other people's collective representations into account. Durkheim expected to do so by setting up sociology as a science, using positivist methods and looking for social facts. Science was to be a way of escaping bondage to past and to present loyalties. It is easy to mock his scientific pretensions, but who would deny that we really do need to seek for objectivity and to establish a responsible sociological discourse free of subjective hunches and concealed political pressure?

From this point of view *The Gift* rendered on extraordinary service to Durkheim's central project by producing a theory that could be validated by observation. For anthropologists the book has provided a basic requirement for modern fieldwork. It quickly became axiomatic that a field report would be below standard unless a complete account could be given of all transfers, that is, of all dues, gifts, fines, inheritances and successions, tributes, fees and payments; when this information is in place one also knows who gets left at the end of the day without honour or citizenship and who benefits from the cumulative transfers. With such a chart in hand the interpreter might be capable of sensing the meanings of ballads, calypsos, dirges, and litanies; without it one guess will do as well as any other.

Mauss rendered other inestimable services to Durkheim's project of a science of sociology. One is to have demonstrated that when the members of the Durkheimian school talked of

society they did not mean an undecomposable unity, as many of their critics have supposed. If they had thought of society as an unanalysable, unchanging, sacralized entity, the researches of Durkheim's best pupils would never have been undertaken. *The Elementary Forms of the Religious Life*[10] gives snapshot pictures of Australian aborigines and American Indians worshipping spirits who sustain the social forms. It all seems very cut and dried. Durkheim and Mauss in *Primitive Classification*,[11] write as if categories are never negotiated but always come ready tailored to fit the institutions. Their argument at that point was not about change. They did in fact have a theory of change, that is, that changes in the organization of production radically transform the system of categories and beliefs.[12] If their theory had really been about a static social system, there would not have been any point in Maurice Halbwachs considering how public memory changes when part of the population goes away, taking its memories with it, or when a new influx comes bringing memories of their own past to the common pool.[13] Nor would Georges Davy have been so interested in the conditions under which oath-breaking is thought to be punished by God and those in which the sacredness of the oath diminishes.[14] It is an ignorant reading that supposes that Durkheim and his colleagues were looking for static correlations. The modern economy with its increasing specialization of functions is the backdrop to all these comparisons, and particularly to the gift system yielding place to the industrial system.

Another of Mauss's contributions to this collaborative effort is to have introduced a realistic idea of individuals in the pre-market social system where, according to Durkheim's formulations, one might expect only a community of humans mechanically connected to one another by their unquestioning use of this same ideas. Durkheim shared the common belief of his day in a gradual enriching and unfolding of the personality as the collective representations loosened their grip. However, Mauss manages to incorporate individuals acting

in their own interests, even in the kinds of societies in which Durkheim had thought that there was no scope for individual self-interest. On this Mauss rightly remarks that the concept of interest is itself modern.[15] He introduces psychology into the new sociology with essays on collective representations about death, about the body, and about the person.[16] In these he takes off from Durkheim's ideas and develops extended innovations upon them.

He also discovered a mechanism by which individual interests combine to make a social system, without engaging in market exchange. This is an enormous development beyond Durkheim's ideas of solidarity based on collective representations. The gift cycle echoes Adam Smith's invisible hand: gift complements market in so far as it operates where the latter is absent. Like the market it supplies each individual with personal incentives for collaborating in the pattern of exchanges. Gifts are given in a context of public drama, with nothing secret about them. In being more directly cued to public esteem, the distribution of honour, and the sanctions of religion, the gift economy is more visible than the market. Just by being visible, the resultant distribution of goods and services is more readily subject to public scrutiny and judgements of fairness than are the results of market exchange. In operating a gift system a people are more aware of what they are doing, as shown by the sacralization of their institutions of giving. Mauss's fertile idea was to present the gift cycle as a theoretical counterpart to the invisible hand. When anthropologists search around for a telling distinction between societies based on primitive and modern technologies, they try out various terms such as pre-literate, simple, traditional. Each has limitations that unfit it for general use. But increasingly we are finding that the idea of the gift economy comprises all the associations—symbolic, interpersonal, and economic—that we need for comparison with the market economy.

When I try to consider what would be needed now to implement Mauss's original programme, I wonder which current

ideas would be replaced if *The Gift* were to be as significant as he could have hoped. Where anthropology is concerned he would surely be more than satisfied. Nothing has been the same since. The big developments stem from this work. Before we had *The Gift's* message unfolded for us we anthropologists, if we thought of the economy at all, treated it almost as a separate aspect of society, and kinship as separate again, and religion as a final chapter at the end. Evans-Pritchard, who promoted the original English translation and wrote a foreword to the edition that this one replaces, had Mauss's teaching very much at heart when he described the marriage dues of the Nuer as a strand in the total circulation of cattle, and wives, and children, and men: every single relationship had its substantiation in a gift.[17] This was a beginning, but there is no doubt that Claude Lévi-Strauss is the most indebted, which means of course that he gave counter-gifts as magnificent as he received. After *The Elementary Forms of Kinship*[18] we had to count transfers of men and women as the most important among the gifts in total symbolic systems. Numerous, very fine, comparative studies stand as testimony to the transformation of our outlook. However, it is not so easy to carry forward these analyses and apply them to ourselves.

The problem now is the same as it was for Mauss when it comes to applying his insights to contemporary, industrial society. Yet this is what he wanted to see done. As the last chapter in this volume shows, his own attempt to use the theory of the gift to underpin social democracy is very weak. Social security and health insurance are an expression of solidarity, to be sure, but so are a lot of other things, and there the likeness ends. Social democracy's redistributions are legislated for in elected bodies and the sums are drawn from tax revenues. They utterly lack any power mutually to obligate persons in a contest of honour. Taking the theory straight from its context in full-blown gift economies to a modern political issue was really jumping the gun. His own positivist method would require a great deal more patient spadework, both

on theory and in collecting new kinds of data. I myself made an attempt to apply the theory of the gift to our consumption behaviour, arguing that it is much more about giving than the economists realize. Class structure would be clearly revealed in information about giving within and exclusion from reciprocal voluntary cycles of exchange. Much of the kind of information I needed about what happens in our society was missing from census and survey records.[19] It was information that could have been collected if Mauss's theory was recognized. If we persist in thinking that gifts ought to be free and pure, we will always fail to recognize our own grand cycles of exchanges, which categories get to be included and which get to be excluded from our hospitality.[20] More profound insights into the nature of solidarity and trust can be expected from applying the theory of the gift to ourselves. Though giving is the basis for huge industries, we cannot know whether it is the foundation of a circulating fund of stable esteem and trust, or of individualist competition as Thorstein Veblen thought.[21] We cannot know because the information is not collected in such a way as to relate to the issues.

I conclude by asking why this profound and original book had its impact mainly on small professional bodies of archeologists, classicists, and anthropologists. The answer might be that the debate with the utilitarians that Mauss was ready to enter before World War I had lost its excitement by the time he published this volume. One of the most fascinating topics in Lukes's biography is the relation of Durkheim's school to Marxism. Before the war the real enemy, the open enemy of French political philosophy, was Anglo-Saxon utilitarianism. After the war utilitarianism became the narrow province of a specialized discipline of economics. The political enemies of social democracy became communism and fascism. I have remarked how they traced a counterpoint to Marx's central ideas, neutralizing them as it were from communist taint and making something like Marxism

safe for French democracy by diluting the revolutionary component.[22]

The political mood of the interwar years was dominated by concern for the erosion of civil liberties and excessive corporatist claims on the individual.

Now, however, the fashion has changed again. Utilitarianism is not just a technique of econometrics, nor a faded philosopy of the eighteenth century. Solidarity has again become a central topic in political philosophy. Social Darwinism walks again and the survival of the fittest is openly invoked. Philosophically creaking but technically shining, unified and powerful, utility theory is the main analytical tool for policy decisions. However, its intellectual assumptions are under attack. The French debate with the Anglo-Saxons can start again. This time round the sparks from Mauss's grand idea might well light a fuse to threaten methodological individualism and the idea of a free gift.

NOTES

1 R.Titmus (1970) *The Gift Relationship,* New York: Pantheon.
2 K.Polanyi, C.M.Arensberg, and H.W.Pearson (1957) *Trade and Market in Early Empires,* Glencoe: Free Press.
3 An acronym for Mouvement Anti-utilitariste dans les Sciences Sociales (New Series, vol. 1, 1988, La Découverte, Paris).
4 H.Hubert and M.Mauss (1899) 'Essai sur la nature et la fonction du sacrifice', *Année Sociologique,* 2:29–138. (English translation by W.D. Halls, *Sacrifice: its Nature and Function,* with a Foreword by E.E.Evans-Pritchard, Routledge, London, 1964.)
5 L.Siedentrop (1979) 'Two Liberal Traditions' in A.Ryan (ed.) *The* Idea of Freedom, Oxford: Clarendon Press, pp. 153–74. Starting from Rousseau in the eighteenth century, and with Condillac, Bonald, and Maistre, Larry Siedentrop names as the nineteenth-century protagonists of this criticism Madame de Staël, Benjamin Constant, and Les Doctrinaires. The latter group included Guizot and de Tocqueville who took the critique of political theory as an urgent post-revolutionary reform. There was more than a touch of political reaction in the movement. The Doctrinaire theorists

were strongly committed to the idea of hierarchy and the Doctrinaire government (1815–20 and 1820–7) tried to restore the conditions of the *Ancien Régime*.

6 S.Lukes (1973) *Emile Durkheim, His Life and Work*, London: Allen Lane pp. 197–8.

7 B.Constant quoted in Lukes (1973), himself quoting H.Marion (n.d.). 'Individualisme', in *La Grande Encyclopédie*, vol. xx, Paris.

8 A. de Tocqueville (1835–40) *De la démocratie en Amérique*, ii, 2, Ch. 11 in *Oeuvres Complètes*, J.P.Mayer (ed.) (1951) Paris, t. 1, pt. 2:10.

9 Bartlett (1932) *Remembering: A Study in Experimental and Social Psychology*, Cambridge: Cambridge University Press.
H.Simon (1945) *Administrative Behavior, A Study of Decision-making Processes in Administrative Organisation*, Glencoe: Free Press.
A.Schutz (1951) 'Making Music Together' in *Collected Papers*, 1–3, The Hague: Martinus Nijhoff.
B.Latour (1988) in review of Mary Douglas's *How Institutions Think*, *Contemporary Sociology, an International Journal of Reviews*: 383–5.

10 E.Durkheim (1912) *Les Formes Elémentaires de la Vie Religieuse*, Paris: Alcan.

11 E.Durkheim and M.Mauss (1903) 'De quelques formes primitives de classification: contribution à l'etude des representations collectives', *l'Année Sociologique* 6.

12 E.Durkheim (1893) *De la Division du Travail Social: étude sur l'organisation des sociétés superieures*, Paris: Alcan.

13 M.Halbwachs (1925) *Les Cadres Sociaux de la Mémoire*, Paris: Alcan.

14 G.Davy (1922) 'La foi jurée', *Étude Sociologique du Problème du Contrat, la Formation du lien contractuel*, Paris. (English translation by W.D.Halls, *The Division of Labour in Society*, Macmillan, London and New York, 1984.)

15 See A.Hirschman (1973) *The Passions and the Interests*, Princeton, N.J.: Princeton University Press:

16 M.Mauss (1926) 'L'idée de mort', *Journal de Psychologie Normale et Pathologique*,
M.Mauss (1936) 'Les techniques du corps', *Journal de Psychologie*, 3–4.

17 E.E.Evans-Pritchard (1940) *The Nuer: The Political Institutions of a Nilotic People*, Oxford: Clarendon Press.
E.E.Evans-Pritchard (1951) *Kinship and Marriage among the Nuer*, Oxford: Clarendon Press.

18 C.Lévi-Strauss (1949) *Les Structures Elémentaires de la Parenté*, Paris: Presses Universitaires de France.

19 M.Douglas (1978) *The World of Goods*, London: Basic Books and Penguin.
20 M.Douglas (ed.) (1984) *Food in the Social Order*, New York: Russell Sage Foundation.
21 T.Veblen (1928) *The Theory of the Leisure Class*, New York: Vanguard Press.
22 M.Douglas (1980) 'Introduction: Maurice Halbwachs (1877–1945)', *The Collective Memory*, New York: Harper and Row.

INTRODUCTION

THE GIFT, AND ESPECIALLY THE OBLIGATION TO RETURN IT

Epigraph

Below we give a few stanzas from the Havamal, one of the old poems of the Scandinavian Edda.[1] They may serve as an epigraph for this study, so powerfully do they plunge the reader into the immediate atmosphere of ideas and facts in which our exposition will unfold.[2]

(39) I have never found a man so generous
And so liberal in feeding his guests
That 'to receive would not be received',
Nor a man so...[the adjective is missing]
Of his goods
That to receive in return was disagreeable to
Him[3]

(41) With weapons and clothes
Friends must give pleasure to one another;
Everyone knows that for himself [through his
Own experience].
Those who exchange presents with one another
Remain friends the longest
If things turn out successfully.

(42) One must be a friend
To one's friend,
And give present for present;
One must have
Laughter for laughter
And sorrow for lies

(44) You know, if you have a friend
In whom you have confidence
And if you wish to get good results
Your soul must blend in with his
And you must exchange presents
And frequently pay him visits.

(44) But if you have another person
(sic) Whom you mistrust
And if you wish to get good results,
You must speak fine words to him
But your thoughts must be false
And you must lament in lies.

(46) This is the way with him
In whom you have no trust
And whose sentiments you suspect,
You must smile at him
And speak in spite of yourself:
Presents given in return must be similar to
Those received.

(47) Noble and valiant men
Have the best life;
They have no fear at all
But a coward fears everything:
The miser always fears presents.

Cahen also points out to us stanza 145:

(145)` It is better not to beg [ask for something]
Than to sacrifice too much [to the gods]:
A present given always expects one in return.
It is better not to bring any offering
Than to spend too much on it.

Programme

The subject is clear. In Scandinavian civilization, and in a good number of others, exchanges and contracts take place in the form of presents; in theory these are voluntary, in reality they are given and reciprocated obligatorily.

The present monograph is a fragment of more extensive studies. For years our attention has been concentrated on both the organization of contractual law and the system of total economic services operating between the various sections or subgroups that make up so-called primitive societies, as well as those we might characterize as archaic. This embraces an enormous complex of facts. These in themselves are very complicated. Everything intermingles in them, everything constituting the strictly social life of societies that have preceded our own, even those going back to protohistory. In these 'total' social phenomena, as we propose calling them, all kinds of institutions are given expression at one and the same time—religious, juridical, and moral, which relate to both politics and the family; likewise economic ones, which suppose special forms of production and consumption, or

rather, of performing total services and of distribution. This is not to take into account the aesthetic phenomena to which these facts lead, and the contours of the phenomena that these institutions manifest.

Among all these very complex themes and this multiplicity of social 'things' that are in a state of flux, we seek here to study only one characteristic—one that goes deep but is isolated: the so to speak voluntary character of these total services, apparently free and disinterested but nevertheless constrained and self-interested. Almost always such services have taken the form of the gift, the present generously given even when, in the gesture accompanying the transaction, there is only a polite fiction, formalism, and social deceit, and when really there is obligation and economic self-interest. Although we shall indicate in detail all the various principles that have imposed this appearance on a necessary form of exchange, namely, the division of labour in society itself—among all these principles we shall nevertheless study only one in depth. *What rule of legality and self-interest, in societies of a backward or archaic type, compels the gift that has been received to be obligatorily reciprocated? What power resides in the object given that causes its recipient to pay it back?* This is the problem on which we shall fasten more particularly, whilst indicating others. By examining a fairly large body of facts we hope to respond to this very precise question and to point the way to how one may embark upon a study of related questions. We shall also see to what fresh problems we are led. Some concern a permanent form of contractual morality, namely, how the law relating to things even today remains linked to the law relating to persons. Others deal with the forms and ideas that, at least in part, have always presided over the act of exchange, and that even now partially complement the notion of individual self-interest.

We shall thus achieve a dual purpose. On the one hand, we shall arrive at conclusions of a somewhat archeological kind concerning the nature of human transaction in societies around

us, or that have immediately preceded our own. We shall describe the phenomena of exchange and contract in those societies that are not, as has been claimed, devoid of economic markets—since the market is a human phenomenon that, in our view, is not foreign to any known society—but whose system of exchange is different from ours. In these societies we shall see the market as it existed before the institution of traders and before their main invention—money proper. We shall see how it functioned both before the discovery of forms of contract and sale that may be said to be modern (Semitic, Hellenic, Hellenistic, and Roman), and also before money, minted and inscribed. We shall see the morality and the organization that operate in such transactions.

As we shall note that this morality and organization still function in our own societies, in unchanging fashion and, so to speak, hidden, below the surface, and as we believe that in this we have found one of the human foundations on which our societies are built, we shall be able to deduce a few moral conclusions concerning certain problems posed by the crisis in our own law and economic organization. There we shall call a halt. This page of social history, of theoretical sociology, of conclusions in the field of morality, and of political and economic practice only leads us after all to pose once more, in different forms, questions that are old but ever-new.[4]

Method

We have followed the method of exact comparison. First, as always, we have studied our subject only in relation to specific selected areas: Polynesia, Melanesia, the American Northwest, and a few great legal systems. Next, we have naturally only chosen those systems of law in which we could gain access, through documents and philological studies, to the consciousness of the societies themselves, for here we are dealing in words and ideas. This again has restricted the scope of our comparisons.

Finally, each study focused on systems that we have striven to describe each in turn and in its entirety. Thus we have renounced that continuous comparison in which everything is mixed up together, and in which institutions lose all local colour and documents their savour.[5]

THE RENDERING OF TOTAL SERVICES. THE GIFT AND POTLATCH

The present study forms part of a series of researches that Davy and myself have been pursuing for a long time, concerning the archaic forms of contract.[6] A summary of these is necessary.

Apparently there has never existed, either in an era fairly close in time to our own, or in societies that we lump together somewhat awkwardly as primitive or inferior, anything that might resemble what is called a 'natural' economy.[7] Through a strange but classic aberration, in order to characterize this type of economy, a choice was even made of the writings by Cook relating to exchange and barter among the Polynesians.[8] Now, it is these same Polynesians that we intend to study here. We shall see how far removed they are from a state of nature as regards law and economics.

In the economic and legal systems that have preceded our own, one hardly ever finds a simple exchange of goods, wealth, and products in transactions concluded by individuals. First, it is not individuals but collectivities that impose obligations of exchange and contract upon each other.[9] The contracting parties are legal entities: clans, tribes, and families who confront and oppose one another either in groups who meet face to face in one spot, or through their chiefs, or in both these ways at once.[10] Moreover, what they exchange is not solely property and wealth, movable and immovable goods, and things economically useful. In particular, such exchanges are acts of politeness: banquets, rituals, military services, women, children, dances, festivals, and fairs, in

which economic transaction is only one element, and in which the passing on of wealth is only one feature of a much more general and enduring contract. Finally, these total services and counter-services are committed to in a somewhat voluntary form by presents and gifts, although in the final analysis they are strictly compulsory, on pain of private or public warfare. We propose to call all this the *system of total services*. The purest type of such institutions seems to us to be characterized by the alliance of two phratries in Pacific or North American tribes in general, where rituals, marriages, inheritance of goods, legal ties and those of self-interest, the ranks of the military and priests—in short everything, is complementary and presumes co-operation between the two halves of the tribe. For example, their games, in particular, are regulated by both halves.[11] The Tlingit and the Haïda, two tribes of the American Northwest, express the nature of such practices forcefully by declaring that 'the two tribal phratries show respect to each other'.[12]

But within these two tribes of the American Northwest and throughout this region there appears what is certainly a type of these 'total services', rare but highly developed. We propose to call this form the 'potlatch', as moreover, do American authors using the Chinook term, which has become part of the everyday language of Whites and Indians from Vancouver to Alaska. The word potlatch essentially means 'to feed', 'to consume'.[13] These tribes, which are very rich, and live on the islands, or on the coast, or in the area between the Rocky Mountains and the coast, spend the winter in a continual festival of feasts, fairs, and markets, which also constitute the solemn assembly of the tribe. The tribe is organized by hierarchical confraternities and secret societies, the latter often being confused with the former, as with the clans. Everything—clans, marriages, initiations, Shamanist seances and meetings for the worship of the great gods, the totems or the collective or individual ancestors of the clan—is woven into an inextricable network of rites, of total

legal and economic services, of assignment to political ranks in the society of men, in the tribe, and in the confederations of tribes, and even internationally.[14] Yet what is noteworthy about these tribes is the principle of rivalry and hostility that prevails in all these practices. They go as far as to fight and kill chiefs and nobles. Moreover, they even go as far as the purely sumptuary destruction of wealth that has been accumulated in order to outdo the rival chief as well as his associate (normally a grandfather, father-in-law, or son-in-law).[15] There is total service in the sense that it is indeed the whole clan that contracts on behalf of all, for all that it possesses and for all that it does, through the person of its chief[16] But this act of 'service' on the part of the chief takes on an extremely marked agonistic character. It is essentially usurious and sumptuary. It is a struggle between nobles to establish a hierarchy amongst themselves from which their clan will benefit at a later date.

We propose to reserve the term potlatch for this kind of institution that, with less risk and more accuracy, but also at greater length, we might call: *total services of an agonistic type*.

Up to now we had scarcely found any examples of this institution except among the tribes of the American Northwest,[17] Melanesia, and Papua.[18] Everywhere else, in Africa, Polynesia, Malaysia, South America, and the rest of North America, the basis of exchanges between clans and families appeared to us to be the more elementary type of total services. However, more detailed research has now uncovered a quite considerable number of intermediate forms between those exchanges comprising very acute rivalry and the destruction of wealth, such as those of the American Northwest and Melanesia, and others, where emulation is more moderate but where those entering into contracts seek to outdo one another in their gifts. In the same way we vie with one another in our presents of thanks, banquets and weddings, and in simple invitations. We still feel the need to *revanchieren*,[19] as the Germans say. We have

discovered intermediate forms in the ancient Indo-European world, and especially among the Thracians.[20]

Various themes—rules and ideas—are contained in this type of law and economy. The most important feature among these spiritual mechanisms is clearly one that obliges a person to reciprocate the present that has been received. Now, the moral and religious reason for this constraint is nowhere more apparent than in Polynesia. Let us study it in greater detail, and we will plainly see what force impels one to reciprocate the thing received, and generally to enter into real contracts.

1

THE EXCHANGE OF GIFTS AND THE OBLIGATION TO RECIPROCATE (POLYNESIA)

I
'TOTAL SERVICES', 'MATERNAL* GOODS' AGAINST 'MASCULINE GOODS'† (SAMOA)

During this research into the extension of contractual gifts, it seemed for a long time as if potlatch proper did not exist in Polynesia. Polynesian societies in which institutions were most comparable did not appear to go beyond the system of 'total services', permanent contracts between clans pooling their women, men, and children, and their rituals, etc. We then studied in Samoa the remarkable custom of exchanging emblazoned matting between chiefs on the occasion of a marriage, which did not appear to us to go beyond this level.[1]

* The French *utérin*, strictly speaking, relates to children of the same mother, but not necessarily of the same father. It is translated as 'maternal' and relates to the goods that are passed on to such children, i.e. 'maternal goods'.
† 'Masculine goods' [*biens masculins*] relates to goods passed on to children through the father's side.

The elements of rivalry, destruction, and combat appeared to be lacking, whereas this was not so in Melanesia. Finally, there were too few facts available. Now we would be less critical about the facts.

First, this system of contractual gifts in Samoa extends far beyond marriage. Such gifts accompany the following events: the birth of a child,[2] circumcision,[3] sickness,[4] a daughter's arrival at puberty,[5] funeral rites,[6] trade.[7]

Next, two essential elements in potlatch proper can be clearly distinguished here: the honour, prestige, and *mana* conferred by wealth;[8] and the absolute obligation to reciprocate these gifts under pain of losing that *mana*, that authority—the talisman and source of wealth that is authority itself.[9]

On the one hand, as Turner tells us:

> After the festivities at a birth, after having received and reciprocated the *oloa* and the *tonga*–in other words, masculine and feminine goods–husband and wife did not emerge any richer than before. But they had the satisfaction of having witnessed what they considered to be a great honour: the masses of property that had been assembled on the occasion of the birth of their son.[10]

On the other hand, these gifts can be obligatory and permanent, with no total counter-service in return except the legal status that entails them. Thus the child whom the sister, and consequently the brother-in-law, who is the maternal uncle, receive from their brother and brother-in-law to bring up, is himself termed a *tonga*, a possession on the mother's side.[11] Now, he is:

> the channel along which possessions that are internal in kind,[12] the *tonga*, continue to flow from the family of the child to that family. Furthermore, the child is the means whereby his parents can obtain

> possessions of a foreign kind (*oloa*) from the parents who have adopted him, and this occurs throughout the child's lifetime.
>
> This sacrifice [of the natural bonds] facilitates an easy system of exchange of property internal and external to the two kinship sides.

In short, the child, belonging to the mother's side, is the channel through which the goods of the maternal kin are exchanged against those of the paternal kin. It suffices to note that, living with his maternal uncle, the child has plainly the right to live there, and consequently possesses a general right over the latter's possessions. This system of 'fosterage' appears very close to that of the generally acknowledged right of the maternal nephew in Melanesian areas over the possessions of his uncle.[13] Only the theme of rivalry, combat, and destruction is lacking, for there to be potlatch.

Let us, however, note these two terms, *oloa*, and *tonga*, and let us consider particularly the *tonga*. This designates the permanent paraphernalia, particularly the mats given at marriage,[14] inherited by the daughters of that marriage, and the decorations and talismans that through the wife come into the newly founded family, with an obligation to return them.[15] In short, they are kinds of fixed property—immovable because of their destination. The *oloa*[16]—designate objects, mainly tools, that belong specifically to the husband. These are essentially movable goods. Thus nowadays this term is applied to things passed on by Whites.[17] This is clearly a recent extension of the meaning. We can leave on one side Turner's translation: *oloa*=foreign; *tonga*=native. It is incorrect and insufficient, but not without interest, since it demonstrates that certain goods that are termed *tonga* are more closely linked to the soil,[18] the clan, the family, and the person than certain others that are termed *oloa*.

Yet, if we extend the field of our observation, the notion of *tonga* immediately takes on another dimension. In Maori, Tahitian, Tongan, and Mangarevan (Gambier), it connotes everything that may properly be termed possessions, everything that makes one rich, powerful, and influential, and everything that can be exchanged, and used as an object for compensating others.[19] These are exclusively the precious articles, talismans, emblems, mats, and sacred idols, sometimes even the traditions, cults, and magic rituals. Here we link up with that notion of property-as-talisman, which we are sure is general throughout the Malaysian and Polynesian world, and even throughout the Pacific as a whole.[20]

II
THE SPIRIT OF THE THING GIVEN (MAORI)

This observation leads us to a very important realization: the *taonga* [sic] are strongly linked to the person, the clan, and the earth, at least in the theory of Maori law and religion. They are the vehicle for its *mana*, its magical, religious, and spiritual force. In a proverb that happily has been recorded by Sir George Grey[21] and C.O.Davis[22] the *taonga* are implored to destroy the individual who has accepted them. Thus they contain within them that force, in cases where the law, particularly the obligation to reciprocate, may fail to be observed.

Our much regretted friend Hertz had perceived the importance of these facts. With his touching disinterestedness he had noted down 'for Davy and Mauss', on the card recording the following fact. Colenso says:[23] 'They had a kind of exchange system, or rather one of giving presents that must ultimately either be reciprocated or given back.' For example, dried fish is exchanged for jellied birds or matting.[24] All these are exchanged between tribes or 'friendly families without any kind of stipulation'.

But Hertz had also noted—and I have found it among his records—a text whose importance had escaped the notice of both of us, for I was equally aware of it.

Concerning the *hau*, the spirit of things, and especially that of the forest and wild fowl it contains, Tamati Ranaipiri, one of the best Maori informants of Elsdon Best, gives us, completely by chance, and entirely without prejudice, the key to the problem.[25]

> I will speak to you about the *hau*...The *hau* is not the wind that blows–not at all. Let us suppose that you possess a certain article (*taonga*) and that you give me this article. You give it me without setting a price on it.[26] We strike no bargain about it. Now, I give this article to a third person who, after a certain lapse of time, decides to give me something as payment in return (*utu*).[27] He makes a present to me of something (*taonga*). Now, this *taonga* that he gives me is the spirit (*hau*) of the *taonga* that I had received from you and that I had given to *him*. The *taonga* that I received for these *taonga* (which came from you) must be returned to you. It would not be fair (*tika*) on my part to keep these *taonga* for myself, whether they were desirable (*rawe*) or undesirable (*kino*). I must give them to you because they are a *hau*[28] of the *taonga* that you gave me. If I kept this other *taonga* for myself, serious harm might befall me, even death. This is the nature of the *hau,* the *hau* of personal property, the *hau* of the *taonga,* the *hau* of the forest. *Kati ena* (But enough on this subject).

This text, of capital importance, deserves a few comments. It is purely Maori, permeated by that, as yet, vague theological and juridical spirit of doctrines within the 'house of secrets', but at times astonishingly clear, and presenting only one obscure feature: the intervention of a third person. Yet, in order to understand fully this Maori juridical expert, one need only say:

> The *taonga* and all goods termed strictly personal possess a *hau*, a spiritual power. You give me one of them, and I pass it on to a third party; he gives another to me in turn, because he is impelled to do so by the *hau* my present possesses. I, for my part, am obliged to give you that thing because I must return to you what is in reality the effect of the *hau* of your *taonga*.

When interpreted in this way the idea not only becomes clear, but emerges as one of the key ideas of Maori law. What imposes obligation in the present received and exchanged, is the fact that the thing received is not inactive. Even when it has been abandoned by the giver, it still possesses something of him. Through it the giver has a hold over the beneficiary just as, being its owner, through it he has a hold over the thief.[29] This is because the *taonga* is animated by the *hau* of its forest, its native heath and soil. It is truly 'native':[30] the *hau* follows after anyone possessing the thing.

It not only follows after the first recipient, and even, if the occasion arises, a third person, but after any individual to whom the *taonga* is merely passed on.[31] In reality, it is the *hau* that wishes to return to its birthplace, to the sanctuary of the forest and the clan, and to the owner. The *taonga* or its *hau*—which itself moreover possesses a kind of individuality[32]—is attached to this chain of users until these give back from their own property, their *taonga*, their goods, or from their labour or trading, by way of feasts, festivals and presents, the equivalent or something of even greater value. This in turn will give the donors authority and power over the first donor, who has become the last recipient. This is the key idea that in Samoa and New Zealand seems to dominate the obligatory circulation of wealth, tribute, and gifts.

Such a fact throws light upon two important systems of social phenomena in Polynesia and even outside that area. First, we can grasp the nature of the legal tie that arises through the passing on of a thing. We shall come back presently to this

point, when we show how these facts can contribute to a general theory of obligation. For the time being, however, it is clear that in Maori law, the legal tie, a tie occurring through things, is one between souls, because the thing itself possesses a soul, is of the soul. Hence it follows that to make a gift of something to someone is to make a present of some part of oneself. Next, in this way we can better account for the very nature of exchange through gifts, of everything that we call 'total services', and among these, potlatch. In this system of ideas one clearly and logically realizes that one must give back to another person what is really part and parcel of his nature and substance, because to accept something from somebody is to accept some part of his spiritual essence, of his soul. To retain that thing would be dangerous and mortal, not only because it would be against law and morality, but also because that thing coming from the person not only morally, but physically and spiritually, that essence, that food,[33] those goods, whether movable or immovable, those women or those descendants, those rituals or those acts of communion—all exert a magical or religious hold over you. Finally, the thing given is not inactive. Invested with life, often possessing individuality, it seeks to return to what Hertz called its 'place of origin' or to produce, on behalf of the clan and the native soil from which it sprang, an equivalent to replace it.

III
OTHER THEMES: THE OBLIGATION TO GIVE, THE OBLIGATION TO RECEIVE

To understand completely the institution of 'total services' and of potlatch, one has still to discover the explanation of the two other elements that are complementary to the former. The institution of 'total services' does not merely carry with it the obligation to reciprocate presents received. It also supposes two

other obligations just as important: the obligation, on the one hand, to give presents, and on the other, to receive them. The complete theory of these three obligations, of these three themes relating to the same complex, would yield a satisfactory basic explanation for this form of contract among Polynesian clans. For the time being we can only sketch out how the subject might be treated.

It is easy to find many facts concerning the obligation to receive. For a clan, a household, a group of people, a guest, have no option but to ask for hospitality,[34] to receive presents, to enter into trading,[35] to contract alliances, through wives or blood kinship. The Dayaks have even developed a whole system of law and morality based upon the duty one has not to fail to share in the meal at which one is present or that one has seen in preparation.[36]

The obligation to give is no less important; a study of it might enable us to understand how people have become exchangers of goods and services. We can only point out a few facts. To refuse to give,[37] to fail to invite, just as to refuse to accept,[38] is tantamount to declaring war; it is to reject the bond of alliance and commonality.[39] Also, one gives because one is compelled to do so, because the recipient possesses some kind of right of property over anything that belongs to the donor.[40] This ownership is expressed and conceived of as a spiritual bond. Thus in Australia the son-in-law who owes all the spoils of the hunt to his parents-in-law may not eat anything in their presence for fear that their mere breath will poison what he consumes.[41] We have seen earlier the rights of this kind that the *taonga* nephew on the female side possesses in Samoa, which are exactly comparable to those of the nephew on the female side (*vasu*) in Fiji.[42]

In all this there is a succession of rights and duties to consume and reciprocate, corresponding to rights and duties to offer and accept. Yet this intricate mingling of symmetrical and contrary rights and duties ceases to appear contradictory if, above all, one

grasps that mixture of spiritual ties between things that to some degree appertain to the soul, and individuals, and groups that to some extent treat one another as things.

All these institutions express one fact alone, one social system, one precise state of mind: everything—food, women, children, property, talismans, land, labour services, priestly functions, and ranks—is there for passing on, and for balancing accounts. Everything passes to and fro as if there were a constant exchange of a spiritual matter, including things and men, between clans and individuals, distributed between social ranks, the sexes, and the generations.

IV
NOTE: THE PRESENT MADE TO HUMANS, AND THE PRESENT MADE TO THE GODS

A fourth theme plays a part in this system and moral code relating to presents: it is that of the gift made to men in the sight of the gods and nature. We have not undertaken the general study that would be necessary to bring out its importance. Moreover, the facts we have available do not all relate to those geographical areas to which we have confined ourselves. Finally, the mythological element that we scarcely yet understand is too strong for us to leave it out of account. We shall therefore confine ourselves to a few remarks.

In all societies in Northeast Siberia[43] and among the Eskimos of West Alaska,[44] as with those on the Asian side of the Behring Straits, potlatch[45] produces an effect not only upon men, who vie with one another in generosity, not only upon the things they pass on to one another or consume at it, not only upon the souls of the dead who are present and take part in it, and whose names have been assumed by men, but even upon nature. The exchange of presents between men, the 'namesakes'—the homonyms of the spirits, incite the spirits of the dead, the gods,

things, animals, and nature to be 'generous towards them'.[46] The explanation is given that the exchange of gifts produces an abundance of riches. Nelson[47] and Porter[48] have provided us with a good description of these festivals and of their effect on the dead, on wild life, and on the whales and fish that are hunted and caught by the Eskimos. In the kind of language employed by the British trappers they have the expressive titles of 'Asking Festival',[49] or 'Inviting-in Festival'. They normally extend beyond the bounds of the winter villages. This effect upon nature is clearly brought out in one of the recent studies of these Eskimos.[50]

The Asian Eskimos have even invented a kind of contraption, a wheel bedecked with all kinds of provisions borne on a sort of festive mast, itself surmounted by a walrus head. This portion of the mast projects out of the ceremonial tent whose support it forms. Using another wheel, it is manipulated inside the tent and turned in the direction of the sun's movement. The conjunction of all these themes could not be better demonstrated.[51]

It is also evident among the Chukchee[52] and the Koryaka of the far northeast of Siberia. Both carry out the potlatch. But it is the Chukchee of the coast, just like their neighbours, the Yuit, the Asian Eskimos we have just mentioned, who most practise these obligatory and voluntary exchanges of gifts and presents during long drawn-out 'Thanksgiving Ceremonies',[53] thanksgiving rites that occur frequently in winter and that follow one after another in each of the houses. The remains of the banqueting sacrifice are cast into the sea or scattered to the winds; they return to their land of origin, taking with them the wild animals killed during the year, who will return the next year. Jochelson mentions festivals of the same kind among the Koryak, but he has not been present at them, except for the whale festival.[54] Among the latter, the system of sacrifice seems to be very well developed.[55]

Bogoras[56] rightly compares these customs with those of the Russian *Koliada*: children wearing masks go from house to house demanding eggs and flour that one does not dare refuse to give them. We know that this custom is a European one.[57]

The relationships that exist between these contracts and exchanges among humans and those between men and the gods throw light on a whole aspect of the theory of sacrifice. First, they are perfectly understood, particularly in those societies in which, although contractual and economic rituals are practised between men, these men are the masked incarnations, often Shaman priest-sorcerers, possessed by the spirit whose name they bear. In reality, they merely act as representatives of the spirits,[58] because these exchanges and contracts not only bear people and things along in their wake, but also the sacred beings that, to a greater or lesser extent, are associated with them.[59] This is very clearly the case in the Tlingit potlatch, in one of the two kinds of Haïda potlatch, and in the Eskimo potlatch.

This evolution was a natural one. One of the first groups of beings with which men had to enter into contract, and who, by definition, were there to make a contract with them, were above all the spirits of both the dead and of the gods. Indeed, it is they who are the true owners of the things and possessions of this world.[60] With them it was most necessary to exchange, and with them it was most dangerous not to exchange. Yet, conversely, it was with them it was easiest and safest to exchange. The purpose of destruction by sacrifice is precisely that it is an act of giving that is necessarily reciprocated. All the forms of potlatch in the American Northwest and in Northeast Asia know this theme of destruction.[61] It is not only in order to display power, wealth, and lack of self-interest that slaves are put to death, precious oils burnt, copper objects cast into the sea, and even the houses of princes set on fire. It is also in order to sacrifice to the spirits and the gods, indistinguishable from their

living embodiments, who bear their titles and are their initiates and allies.

Yet already another theme appears that no longer needs this human underpinning, one that may be as ancient as the potlatch itself: it is believed that purchases must be made from the gods, who can set the price of things. Perhaps nowhere is this idea more characteristically expressed than among the Toradja of Celebes Island. Kruyt[62] tells us 'that there the owner must "purchase" from the spirits the right to carry out certain actions on "his" property', which is really theirs. Before cutting "his" wood, before even tilling "his" soil or planting the upright post of "his" house, the gods must be paid. Whereas the idea of purchase even seems very little developed in the civil and commercial usage of the Toradja,[63] on the contrary this idea of purchase from the spirits and the gods is utterly constant.

Malinowski, reporting on forms of exchange that we shall describe shortly, points to acts of the same kind in the Trobriand Islands. An evil spirit, a *tauvau* whose corpse has been found (that of a snake or land crab) may be exorcised by presenting to it one of the *vaygu'a*, a precious object that is both an ornament or talisman and an object of wealth used in the exchanges of the *kula*. This gift has an immediate effect upon the mind of this spirit.[64] Moreover, at the festival of the *mila-mila*,[65] a potlatch to honour the dead, the two kinds of *vaygu'a*, those of the *kula* and those that Malinowski for the first time[66] calls 'permanent' *vaygu'a*, are displayed and offered to the spirits on a platform identical to that of the chief. This makes their spirits benevolent. They carry off to the land of the dead[67] the shades of these precious objects, where they vie with one another in their wealth just as living men do upon returning from a solemn *kula*.[68]

Van Ossenbruggen, who is not only a theorist but also a distinguished observer living on the spot, has noticed another characteristic of these institutions.[69] Gifts to humans and to the gods also serve the purpose of buying peace between them both.

In this way evil spirits and, more generally, bad influences, even not personalized, are got rid of. A man's curse allows jealous spirits to enter into you and kill you, and evil influences to act. Wrongs done to men make a guilty person weak when faced with sinister spirits and things. Van Ossenbruggen particularly interprets in this way the strewing of money along the path of the wedding procession in China, and even the bride-price. This is an interesting suggestion from which a whole series of facts needs to be unravelled.[70]

It is evident that here a start can be made on formulating a theory and history of contract sacrifice. Contract sacrifice supposes institutions of the kind we have described and, conversely, contract sacrifice realizes them to the full, because those gods who give and return gifts are there to give a considerable thing in the place of a small one.

It is perhaps not a result of pure chance that the two solemn formulas of the contract—in Latin, *do ut des,* in Sanskrit, *dadā mi se, dehi me*[71]—also have been preserved in religious texts.

NOTE ON ALMS

Later, however, in the evolution of laws and religions, men appear once more, having become again the representatives of the gods and the dead, if they have ever ceased to be. For example, among the Hausa in the Sudan, when the Guinea corn is ripe, fevers may spread. The only way to avoid this fever is to make presents of this grain to the poor.[72] Also among the Hausa (but this time in Tripoli), at the time of the Great Prayer (*Baban Salla*), the children (these customs are Mediterranean and European) visit houses: 'Should I enter?' The reply is: 'O long-eared hare, for a bone, one gets services.' (A poor person is happy to work for the rich.) These gifts to children and the poor are pleasing to the dead.[73] Among the Hausa these customs may be of Moslem origin,[74] both Negro and European at the same time, and Berber also.

In any case here one can see how a theory of alms can develop. Alms are the fruits of a moral notion of the gift and of fortune[75] on the one hand, and of a notion of sacrifice, on the other. Generosity is an obligation, because Nemesis avenges the poor and the gods for the superabundance of happiness and wealth of certain people who should rid themselves of it. This is the ancient morality of the gift, which has become a principle of justice. The gods and the spirits accept that the share of wealth and happiness that has been offered to them and had been hitherto destroyed in useless sacrifices should serve the poor and children.[76] In recounting this we are recounting the history of the moral ideas of the Semites. The Arab sadaka originally meant exclusively justice, as did the Hebrew *zedaqa*:[77] it has come to mean alms. We can even date from the Mischnaic era, from the victory of the 'Poor' in Jerusalem, the time when the doctrine of charity and alms was born, which, with Christianity and Islam, spread around the world. It was at this time that the word *zedaqa* changed in meaning, because in the Bible it did not mean alms.

However, let us return to our main subject: the gift, and the obligation to reciprocate. These documents and comments have not merely local ethnographic interest. A comparison can broaden the scope of these facts, deepening their meaning.

The basic elements of the potlatch[78] can therefore be found in Polynesia, even if the institution in its entirety is not to be found there.[79] In any case 'exchange-through-gift' is the rule there. Yet, it would be merely pure scholasticism to dwell on this theme of the law if it were only Maori, or at the most, Polynesian. Let us shift the emphasis of the subject. We can show, at least as regards the *obligation to reciprocate*, that it has a completely different sphere of application. We shall likewise point out the extension of other obligations and prove that this interpretation is valid for several other groups of societies.