



MARCEL MAUSS  
**THE GIFT**

*Expanded Edition*

*Selected, annotated, and translated by*

JANE I. GUYER

# THE GIFT



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**THE GIFT**  
**EXPANDED EDITION**

**Marcel Mauss**

**Selected, Annotated, and Translated**  
**by Jane I. Guyer**

**Foreword by Bill Maurer**



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# Table of Contents

## FOREWORD

“Puzzles and Pathways” by Bill Maurer	ix
---------------------------------------	----

## TRANSLATOR’S INTRODUCTION

“The Gift that Keeps on Giving” by Jane I. Guyer	1
--	---

## PART I: IN MEMORIAM

IN MEMORIAM: THE UNPUBLISHED WORK OF DURKHEIM AND HIS COLLABORATORS	29
--	----

I.) Émile Durkheim	31
a. Scientific Courses	33
b. Course on the History of Doctrines	37
c. Course in Pedagogy	39
II.) The Collaborators	42

## PART II: ESSAY ON THE GIFT: THE FORM AND SENSE OF EXCHANGE IN ARCHAIC SOCIETIES

## INTRODUCTION

Of the Gift and in Particular of the Obligation to Return Presents	55
---	----

I.) Epigraph	55
II.) Program	57
III.) The Method Followed	59
IV.) Prestation, Gift, and Potlatch	60

## CHAPTER ONE

The Gifts Exchanged and the Obligation to Return Them (Polynesia)	65
--	----

I.) Total Prestation: Maternal Goods against Masculine Goods (Samoa)	65
II.) The Spirit of the Thing Given (Maori)	69
III.) Other Themes: The Obligation to Give, the Obligation to Receive	73
IV.) Note: The Present Made to Men and the Present Made to the Gods	76
V.) A Note on Alms	81

## CHAPTER TWO

The Extent of This System: Liberality, Honor, Money	85
---	----

I.) Rules of Generosity (Andamans)	85
II.) Principles, Sense, and Intensity of the Exchange of Gifts (Melanesia)	87
a. New Caledonia	87
b. Trobriand Islands	89
c. Other Melanesian Societies	105
III.) The American Northwest	108
a. Honor and Credit	108
b. The Three obligations: To Give, to Receive, to Make a Return	121
c. The Force of Things	130
d. The Money of Renown	138

IV.) First Conclusion	144
-----------------------	-----

## CHAPTER THREE

Survivals of These Principles in Ancient Law and Ancient Economies	145
--	-----

I.) Personal Law and Real Law (Very Ancient Roman Law)	146
a. <i>Scholium</i> : Explanation	151
b. Other Indo-European Laws	157
II.) Classic Hindu Law	158
a. Theory of the Gift	158
III.) Germanic Law (the Pledge and the Gift)	169
IV.) Celtic Law	175
V.) Chinese Law	175

## CHAPTER FOUR

Conclusion	177
------------	-----

I.) Moral Conclusions	177
II.) Conclusions of Economic Sociology and Political Economy	184
III.) Conclusions on General Sociology and on Ethics	192

## PART III: SELECTED REVIEWS

A SELECTION OF REVIEWS BY MARCEL MAUSS	201
--	-----

I.) Full Translations	201
a. Brown, A. R., <i>The methods of ethnology and social anthropology</i>	201
b. Malinowski, B., <i>The psychology of sex and the foundation of kinship in primitive societies</i>	202
c. Frazer, J. G., <i>The golden bough and Folklore in the Old Testament</i>	204
d. Parsons, E. C., <i>American Indian life</i>	205
e. Radin, P., <i>The Winnebago tribe</i>	207
f. Boas, F., <i>Ethnology of the Kwakiutl</i>	209
g. Rattray, R. S., <i>Ashanti</i>	210



---

h.	Talbot, P. A., <i>Life in Southern Nigeria</i>	211
i.	Rivers, W. H., <i>Medicine, magic and religion</i>	213
II.)	Excerpts	214
a.	Frobenius, L., <i>Dämonen des Sudan, Volksdichtungen aus Ober-Guinea, and Der Kopf als Schicksal</i>	214
b.	Horne, G. and Aiston, G., <i>Savage life in Central Australia</i>	215
c.	Bennett, C. A., <i>A philosophical study of mysticism</i>	217
d.	Shotwell, J. T., <i>The religious revolution of today</i>	218
e.	Emmott, F. B., <i>A short history of Quakerism</i>	218
	INDEX OF NAMES	221

## FOREWORD

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# Puzzles and Pathways

BILL MAURER

The occasion of a new translation of Marcel Mauss' classic *Essai sur le don*—along with the ancillary material that Jane Guyer argues forms its true corpus and context—provides an opportunity to reflect on how this remarkable work has impacted the discipline of anthropology and how it might continue to do so in the future. The future, of course, singularly occupied Mauss himself, who at the end of the main text put forward tentative reflections on how people could go about continuing to live with one another without repeating the horrors of world war. Horrors, that is, that the human species has continued to repeat. Yet despite the loss that surrounded him, Mauss seemed to invite us to find options, to pick up every text, to pursue every route, to wander and puzzle through alternative pathways—a commitment to persevere in the face of grief and dread.

The afterlives of *The gift* have not been limited to the discipline of anthropology, and compared to Mauss' time, our own contemporary horrors seem at once more prosaic and more profound. Always-online, ubiquitous digital communications drive new marketplaces in a “sharing economy” whose instigators and critics explicitly reference gift economies, if not *The gift* itself.<sup>1</sup> The disastrous

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1. From a wide array of examples, I select Leung (2014) for the instigators and Leonard (2014), a widely shared online article, for the critics. Usage of the phrase

effects of climate change, growing economic inequality made visible in the aftermath of the global financial crisis of 2007–8, and geopolitical reconfigurations (often technologically driven) breathing life into new forms of terror by state and nonstate actors alike are making the world a dire and dangerous place. Some popular academic writings taking the long view, however, celebrate the overall decline of violence (Pinker 2011). New financial actors operating on a heretofore unprecedented scale see technologically-driven hope just around the corner, often framed with reference to more “social” economies.<sup>2</sup> Others, in academia and in the streets, decry the entrenchment of inequality (Piketty 2014) and the enduring ties of obligation that persist alongside the rise of impersonal means of exchange brought about by violence (Graeber 2011). At least, in the person of David Graeber, there is an anthropologist in the mix!

These alternately hopeful and critical (even sometimes apocalyptic) assessments seem at odds, of course. One might wish for a new set of rhetorical or analytical tools to cut through them and bring clarity. But Guyer’s translation will not do some brush clearing. No. Instead, it will multiply and ramify new options, alternative perspectives, plural pathways through a rich, fertile thicket. It is almost as if she is engaged in a giant reforestation project, providing the right amount of water and sunlight and fertilizer to precipitate, nurture and sustain whole new organisms, ecosystems, and webs of relations. She is not just expanding the edition. She is reconnecting us to an expansive world.

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“gift economy” surged during the 1990s, a trend that seems to be continuing into the early decades of this century, according to Google’s Ngram viewer, which tracks word frequencies in published works over time. (I thank Lana Swartz for this insight.) The *Christian Science Monitor*’s discussion of the concept is typical of media accounts that incorporate the gift economy as a subset of the corporate-driven “sharing economy” (*Christian Science Monitor* 2015). The sharing economy in this sense is that cluster of business ventures that have emerged in the present decade that seek to open up to the market’s so-called excess capacity of workers (who can, for example, offer transportation directly to purchasers without a taxi company or government licensing agent as an intermediary) or property owners (who could rent out unused rooms or entire apartments or houses for short-term rentals). Disclosure: I taught Mauss in 2007 at an informal seminar for members of an information technology company interested in what *The gift* might hold both for new products (can we build stuff that enables people to “share”?) and for new business models (can we create relationships with our suppliers and contractors that are based not just on economistic “give and get” but on more enduring relationships of reciprocity?).

2. See, for example, blogs like the Gates Foundation’s Impatient Optimists and “social entrepreneurship” organizations like the Unreasonable Institute, or Facebook.

As she has done with Bantu terms (Guyer and Eno Belinga 1995: 102), Guyer assiduously excavates the multiple meanings of the French in *The gift* that are most central to Mauss' endeavor—even “essai” and “don” themselves. Readers familiar with her oeuvre will gravitate toward the monetary metaphor she invokes near the beginning of her introduction. Like tests of the purity and weight of gold, she argues, the *Essai* put select materials together in order to compare them to a standard of centuries of scholarship on the nature of exchange. The *Essai* is thus an essay. It is important, however, not to lose sight of the *statistical* metaphor that is embedded here, too: the assay of precious metals is a quantitative process. It involves sampling and averaging and probabilities, as in the famous Trial of the Pyx, which has warranted the content of precious metal coins in England from the 1100s right up to the present day (Stigler 1999: 383). In the hands of Guyer, however, this does not entail dry maths of impossible abstractions or *ceteris paribus* assumptions but the living, breathing number of peoples and practices, the supple handling and manipulation of coin and commodity, as in the petrol line during a shortage in 1997, a story related in her *Marginal gains* (Guyer 2004: 107). Number is an inventive frontier, densely interwoven with and animated by inspirations and sensations of the practical and mystical kind alike (Guyer et al. 2010: 36). The essay is an experimental test, and a quantitative operation, but one shot through with sense and sensibilities.

Indeed, this perspective on number underscores the nature of the experiment, of the essay, and why it is so important in the world Guyer is expanding for us: it is a test done by recreating, restaging, modeling contexts as best one is able with what one has at hand, as Guyer has done with this translation. Guyer surrounds *The gift* with its archival entailments while regrounding the footnotes back to the bottom of the page, putting the roots back where they belong.<sup>3</sup> This, in turn, permits two things at once. On the one hand, it permits the reader to reconnect with the estuaries, byways, and wanderings of Mauss' intellectual journeys. It restages his own enterprise for us so we can better connect with it. It opens up to us his archive, his library (as my foreword seeks to do, in a smaller way, with Guyer's). And, on the other hand, it has material and psychic consequences for the human act of reading this text. It physically draws the reader's eye first here, then there, back up and down again, across and between the traces of ink on the page or pixels on the screen, recreating the pathways, the almost endless pathways, both of Mauss' journeys and of our own ever-unfolding ones.

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3. See Grafton (1997) on the history of the footnote.

Journeys where we meet all kinds of unexpected characters and find all kinds of routes in the roots.

Such is Guyer's (and Mauss') method: a method of "inspirational pathways, meetings, and companionship" (p. 5). The expanded edition creates an expanse—a new (to us), vast, open yet dense territory, which also permits new relations as we explore afresh our existing connections to this foundational text.

And a method of *companionship*. It was central to Mauss' politics. As Keith Hart has summarized, in making sense of Mauss' cooperativism: "Mauss held that there are two prerequisites for being human: we each have to learn to be self-reliant to a high degree and we have to belong to others in order to survive, merging our identities in a bewildering variety of social relationships" (Hart 2000: 192). It strikes me, though, that there is also something very Africanist about Guyer's method, and, indeed, she at least partially intends with this translation to bring forward Mauss' perspective on Africa. Pathways suggest a phenomenology and a politics. The phenomenology is reminiscent of Guyer's retheorization of wealth-in-people, so common a trope in the literature. Guyer looked to studies of *minkisi*, so-called fetish objects containing powers in particular configurations to address illness, conflict, and conciliation. Citing Wyatt MacGaffey's work with such objects, she and Eno Belinga write: "Minkisi were conglomerates of things, each component evocative of different powers which, when put together, played off one another to make allusions, create tensions and invoke spiritual complementarities that were deeply inspiring and intimidating" (Guyer and Eno Belinga 1995: 113).

MacGaffey (1993) had used the term "composition" to describe this powerful conglomeration. Guyer extended it beyond the *minkisi* object to apply more broadly to the "information societies" (Guyer and Eno Belinga 1995: 116) of equatorial Africa. She thus contrasted the classic understanding of wealth-in-people as an accumulation of followers with the idea of a composition or temporary accretion and coming together of knowledges, skills, objects, and people for a specific purpose. Such compositions can disassemble and disaggregate again only later to recombine.

Compositions are fragile: "social life has to be reconfigured after each gain or loss" of persons or knowledges (ibid.: 102). This is so even if—or perhaps because—the information store from which people in equatorial Africa could draw nearly precisely replicated the whole habitat, a map equal, point by point, with its territory (Vansina 1990: 255).

Are we not in a similar forest, seeking pathways, with Mauss? This is the phenomenological experience.

As for the politics: I have been arguing that *The gift—this gift*—is less a book than an expanse. One has to grope one's way through it, as it is a series of dense, interconnected trails where every so often there are meeting places, even dancing grounds (p. 11). *Especially* dancing grounds. But this does not mean the meetings are always joyous, or that the dances are dances of peace.

What are our stakes in the gift? Not just the book, but the abstraction it has created for us through so many particularities, so many wanderings through the archive. If I have set some of Guyer's library alongside her reassembling of Mauss' own library, it is to exploit the formal parallelisms that run throughout each of their writings. In Guyer's hands, we see the gift is just plain weird, a never-completed action involving always more than the transacting parties, a not-seamless coming together of perspectives or worlds or contending abstractions. The text itself is like this, too, of course. That is why so many of us continually return to it. We know the big story. Yet we mine the footnotes for the other stories that lie within.

Most anthropologists who regularly read and teach and write with the book probably have a favorite footnote. Keith Hart's is footnote 29 in Guyer's translation of chapter 2: "NOTE OF PRINCIPLE ON THE USE OF THE NOTION OF MONEY." Here, Mauss chided Malinowski for limiting the concept of money to the impersonal forms found in the contemporary West. From this footnote, Hart launched his program of rehumanizing the economy, starting with recapturing that aspect of money that is always an expression of and infused with personal relations.

My own favorite footnote has always been footnote 54 in chapter 3. It is in Mauss' preface on his use of Hindu texts. Mauss is struggling with this material, and with his own argument. The footnote is a series of hedges before he even begins: I'm not saying the ancient Aryans had no concept of market or price, or that the *dānadharma* applied to everyone, or was the sole origin of the sort of gift I am about to describe, or that India has no tradition of contract of its own, nor again that there are not other forms of obligation besides those embedded in the gift or in contract, etc., etc. All I want to say, he writes, is that the material demonstrates . . . well, what exactly does it demonstrate? Translation is tricky.

The Cunnison translation goes like this: "We seek only to show the existence, beside these laws, of another system" (Mauss 1967: 123). This is pretty good, but not quite good enough. The original French is: "Nous ne cherchons à démontrer que ceci: la subsistance, à côté de ces droits, d'un autre droit, d'une autre économie et d'une autre mentalité." Here is how Guyer translates it: "We

are looking only to show this: survival, beside these laws, of another law, another economy, and another mentality” (p. 160, n. 54).

*We are looking.* We are in the forest, we are wandering through the library, we are thrown into the messiness of human activity and relationality and we are looking. We are looking to show (we have a point to demonstrate, after all) but we can do it by showing. By showing there is an empirical thing evident to the human senses capable of being shown if I can just direct your attention to it. We are looking to show *you*, after all, you who think that the world goes along in a certain way or that, to temper it somewhat, the world mostly goes along that way, or that there is a dominant tendency. We are looking to show you only this. (*Only* this! Yet the “this” is huge.) There is a survival, there is a persistence. There is something else, still there, enduring, persevering. And continuing “à côté de,” alongside, laterally adjacent. Not underneath, not beyond, not “over there” somewhere far away or on another planet, but right next to. *Right there!* What is it that is right there? “Another law, another economy and another mentality.”

This footnote has helped me to orient my own perspective on the gift, and on *The gift* as illuminating a particular notion of the alternative. An alternative in a plural, ramifying economy, an alternative that is just there, *à côté de*, alongside, if out of phase or oscillating among, various alternatives. This, and only this. It is a modest claim for plurality, deferring any grander stance on cosmology or otherness if only because people sometimes move into and out of those plural perspectives and pathways, sometimes in the same instance, or in the very next clause or action, much as does Mauss’ text. So I have long sought to counter arguments about the dominance of something called capitalism when alongside, next to, I am looking to show other abstractions, other relations, rents and tribute, for example, or alternative modes of counting and accounting, not wholly “other,” not “over there,” but right here.

Everyone knows that one of Mauss’ big points was that the gift is agonistic. Guyer’s translation brings out the struggle in the text itself. The linking words are always buts, however, neverthelesses. Moving through this forest, one has to bring along the capacity to entertain and to follow opposites and paradoxes that are also right here, just beside us. Reason as such might fail in such an expanded context. So, Guyer advocates a shift to *sense*, and retranslates the subtitle of the book: the form and sense of exchange. Guyer invites us to read, to wander, to achieve a sense of the puzzle . . . and a puzzling sense, too, for this is not a completely unlimited, free-play kind of open expanse. Puzzles

are pattern-recognition problems, and there are different ways of completing them—if completion is your game. You can either use pictorial clues to reassemble the puzzle, or you can look at the shapes and edges, ignoring the picture altogether.<sup>4</sup> Still, there is only one way it can go back together again. There are, thus, trails, channels, and games of joint attention that Mauss/Guyer invite us to play when we meet on those dancing grounds. “We are looking only to show.” It’s a book, after all, with a beginning and an end, even if there are ancillary texts and footnotes. It’s not an anything-goes sort of place, even as it asks us to examine every seed, seek out every path, cultivate and dance together so that we may persevere, survive.

And yet: Is it a book? What is the abstract of which the concrete is a book, especially now? One could go on about hypertexts and such, and Mauss links us backward and forward to the disciplinary archive and, today, the corporate imagination, as I indicated at the outset of this foreword. Yet there’s something very old school about putting the footnotes where Mauss had placed them, placing the Essay inside its original surround, the recontextualization of the words inside others’ words, even as Mauss himself embedded others’ words inside his own. For me, this leads down a path I’ve walked before but encourages me to think anew about the fact that always alongside the gift are other forms, other mentalities or dispositions, other creatures in that forest each pursuing their own paths. Keith Hart wrote that Mauss was trying to solve the puzzle of how “to define our individuality while belonging in subtle ways to others” (Hart 2000: 195). Guyer’s translation gives us the good sense to do just that.<sup>5</sup>

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4. This observation is inspired by watching a particular child assemble puzzles.

5. The reference is to Gramsci, refracted through feminist anthropology (see Collier and Yanagisako 1989). The debt to J. K. Gibson-Graham (2006) throughout this foreword should also be made explicit.



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## TRANSLATOR'S INTRODUCTION

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# The Gift that Keeps on Giving

JANE I. GUYER

## EXPLANATION FOR A NEW TRANSLATION

The reason to hazard yet another English translation of *Essai sur le don* by Marcel Mauss, which is probably the single most-cited work in our disciplinary history and has been translated into English twice already, is primarily to recuperate it as it was written, to re-embed it within its own historical ecology of thought, experience, composition, and aspiration, and with key terms in its own conceptual language being made more explicit to the reader. By extracting it from this context, by consigning the voluminous footnotes to endnotes, by rendering its concepts in readily accessible English terms, and by simplifying the title to *The gift*, Cunnison (Mauss 1954) and Halls (Mauss 1990) have done the great service of making its spare, elegant, and brilliant argument of 157 journal pages, in the original, into about eighty pages of continuous narrative text, a short and readable book. They have thereby made it into a crystalized and timelessly relevant source for all students and scholars, across the great spans of age, generation, language, and domain of interest.

The aim of this translation is not to correct their versions, and my introduction is differently oriented than those of Evans-Pritchard (1954) and Mary Douglas (1990), both of which are still important. Evans-Pritchard wrote a moving introduction to the man himself, whom he had known in person. He instigated the translation just after Mauss died in 1950, at the age of seventy-seven,

having survived the Nazi occupation of Paris, when “for a second time, he saw all around him collapse” (Evans-Pritchard 1954: vi). Evans-Pritchard also drew attention to *The gift* as an example of the empirical dedication that scholarship can aspire to: “Mauss did in his study what an anthropologist does in the field” (ibid.: viii). Mary Douglas, in her foreword to the 1990 edition, situated *The gift* in theoretical history in a most helpful way, bringing in the new horizons in the field: her own and others, in the era of the rapid rise of choice theory with its implication of freedom in transactions. She concluded: “Mauss’s grand idea might well light a fuse to threaten methodological individualism and the idea of the free gift” (Douglas 1990: xvi). My own introduction simply explains the form and sense (to quote the subtitle) of the “expanded” nature of this translation, as a contribution to our direct experience of the complex sources and the exacting scholarly artisanship, the personal and collegial dedication, and the political aspiration that vast topics, such as Mauss knew *The gift* to be, can inspire.

There are specifically three ways in which I hope to augment our English-speaking apprehension of this complex work by “expanding the edition.” First, by putting it back into its context of publication in 1925 as a *mémoire* in the journal *L’Année sociologique*, in its first edition after the long hiatus of the war and recovery. Marcel Mauss was the director, Paul Fauconnet the editor, and three other long-standing members of Durkheim’s group—Célestin Bouglé, Henri Hubert, and François Simiand—made up the publication committee. A clear purpose in all three main parts of this issue is the revival of the collegial networks and intellectual momentum of the French School of Sociology, in the context of a wave of new postwar publications throughout Europe and America, and after the death of Durkheim in 1917. The *Essai* was preceded by Mauss’ memorial to all the colleagues and students (twelve in all) who had died since the last edition in 1913, and followed by a very large section of book and article reviews, about eighty by Mauss himself.

Secondly, by restoring the voluminous footnotes on the sources to the foot of each page, as in the original publication.

And thirdly, by indicating within the translated text a few of the key challenges of rendering the—one senses—conscious, encompassing, complexity of Mauss’ language into a straightforward English, where spare simplicity may excise the allusions and variability that enrich the words in the original French. We found that Mauss himself had nuanced his translations of English sources, without seriously altering their meaning. The longer original texts were diligently researched for me first by Elisa Tuijnder, and then all of them, long and

short, by Justin Dyer. Wherever possible, these have been inserted in the text as they were written in English, and indicated where we have had to retranslate Mauss' translation.

For certain purposes, being able to put a work back into context, and to connect to it "as the author writ" (to quote Alexander Pope's imperative in his *Essay on criticism*), may offer further horizons for comprehension and stimulation, especially when many of its sources and references are now out of reach for the reader of a translation, almost a century later. Lévy-Bruhl depicted the *Essai sur le don* as "a fragment of a more extensive study" (Fournier 2006: 244). Indeed, Mauss himself used the concept of "fragment" for his work, a first foray into a vast topic. The crucial words *fragment* and *essai* lose certain allusions in straightforward English. In French, the word *essai* comprises the notion of experiment: a test, an assay. According to my dictionary, the first edition of which was published in 1934 (Chevally and Chevally [1934] 1958), *essai* can apply to the assay of precious metals such as gold, to test samples in relation to a standard. *Fragment* can be an extract, for a purpose, so not something randomly broken off so much as something purposively chosen and crafted for testing. The *Essai* does indeed have this quality: drawing on materials that were new at the time, appreciating their own originality, combining them with established sources, and subjecting them to the test of mutual juxtaposition and interpretive argumentation; and finally placing them all in relation to the standard classic library of scholarship on the literate ancient civilizations, which had already been tested by centuries of erudition and application. The conclusion draws readers back to the present and orients their thought toward a livable and hopeful postwar future, on a topic deemed—by that point in Mauss' argument—to be profoundly worthy of further attention. It is towards the end of the conclusion that Mauss again identifies the purpose of the *Essai* (in the sense of assay) as identifying future horizons of intellectual and social effort: "to indicate the method that we would like to follow, and along what lines we would pursue this research," and to study systems of "total prestation" and gift exchange, "the same kind of system . . . toward which we would like to see our societies orient themselves" (p. 183).

The coming together of Mauss' ethical, personal, intellectual, and political purposes can be grasped more powerfully if the main components of that whole edition of *L'Année sociologique* are retained.<sup>1</sup> A certain representative mood is

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1. See Mauss (1925a, 1925b, 1925c).

captured in the first sentences of the *Essai*, although without the other components of the whole issue of the journal, it is less clear exactly what animates that commitment. It begins with an empirical source, the Havamal, to “situate the reader directly within the atmosphere of ideas and facts” (p. 55), followed by “The subject is clear” (p. 57). This combination of mood, concepts, and evidence, to be continuously tested, permeates the whole text, in a way that its reinsertion in the larger context of the “In memoriam” and the “Reviews” can bring into sharper profile by showing Mauss’ own sense of the times in which he was writing, and his personal sense of indebtedness to his sources. In context, the *Essai* itself reads as a phase in the circulation of intellectual gifts. Mauss’ biographer, Marcel Fournier (2006), describes how Mauss worked in this profoundly exploratory and configurational way, in general: reading deeply and widely into the sources, focused on understanding the “total,” drawing appreciatively on the works of many colleagues and other scholars, past and present, and extrapolating across domains, geographies, and the purposes of scholarship. In the *Essai*, much of the fruit of this way of working lies in the footnotes as well as the text, recording the paths taken by Mauss in his journeys through his empirical sources toward a mapping of the contours of the phenomenon he has identified. Fournier quotes a commentary that would support this view: “‘I do not have the impression that Marcel Mauss would have wanted people to study his writings independent of the time and circumstances in which he was led to write them. . . . As a good philologist . . . he studied every word in its context.’ André-Georges Haudricourt, “*Souvenirs personnels*” *Arc* 48 (1972): 89” (Fournier 2006: 351).

Mauss’ focus on “wholeness” is a theme that Keith Hart (2007) has emphasized in his own appreciation of Mauss’ life-works. Then he and Wendy James brought out three major themes in his wider works that were addressed in the collection they edited: “Mauss’s vision of the social in human history; the economic alternatives to capitalism opened up by his great essay *The Gift*; and his ability to see ‘society’ as shaped through the active, and interactive, life of the imagination” (Hart and James 2014: 3). Under the title “A living inspiration,” they drew out precisely the qualities that I hope this expanded version will open up to readers looking for their own particular inspirations, by being able to draw on Mauss’ own method, which Hart depicted as “eclectic and encyclopedic” (2007: 8).

As an example of Mauss’ inspirational pathways, meetings, and companionship, which I hope the reader will find easier to grasp in this expanded edition,

Fournier claims that reliance on “studies by his late friend Robert Hertz” helped reveal the “spiritual character” of exchange (Fournier 2006: 239). That is, from study with Hertz on *mana*, the fundamental point of the whole argument of *The gift* began to permeate his sensibility to aspects of ethnography and history in the varied works of others. As Mauss describes in the “In memoriam,” Hertz had been killed in battle in 1915, at the age of thirty-three, “already a master amongst masters” (p. 46), but his spirit will live on, as he implies in the segment of the memorial devoted to him and in the application of his ideas in the *Essai*. He notes (in ch. 1) that he found the famous passage on the Maori *hau* in Hertz’s files. He already had his own copy, but clearly wanted to acknowledge the importance of Hertz’s research and reading in laying out the topic to which the *Essai* is devoted.

Another recently deceased colleague who appears frequently in the *Essai*, in chapter 3, is Paul Huvelin, scholar of the history of law, who died of illness in 1924, so just as the final version of *The gift* would have been in the process of publication. It is likely that the erudition of this chapter owes much to Huvelin, as Mauss acknowledges. These colleagues “live on” in his text.

And it is in his résumé of the work of Antoine Bianconi in the “In memoriam,” and in the “Reviews,” that we learn of Mauss’ appreciation of Africa, which barely features in the *Essai*. In the memorial for Bianconi, he writes, “There is no field of observation more vast, more sure, more precise, and at the same time more fertile, than the civilization and in particular the language of the Black Africans” (p. 45). African ethnography may be absent from the text of the *Essai*, a consequence of the fact that at the time it may have been less rich on the topics of Mauss’ immediate concern, while the continent’s economic past had been more commercialized and monetized than elsewhere owing to the Atlantic trade. Nevertheless, through the “In memoriam” and the “Reviews,” we can see that this does not reflect any lack of appreciation for Africa.

## THE IMPETUS FOR SUCH A HOLISTIC APPROACH

It was only through reading the whole text of *L’Année sociologique* of 1923/24 for the composition of a paper for the conference on *Mauss vivant* (*The living Mauss*), organized by Alain Caillé and Keith Hart in 2009, that I saw the possible advantage of a translation that would allow the English-speaking reader



to move seamlessly through its parts, as if this edition of the journal had an integrity of its own. The appreciative response of Keith Hart and Wendy James to my efforts (later published as Guyer 2014) provoked a sense that more could fruitfully be done along these lines. Another engagement with Mauss' work, on the concept of obligation in relation to debt (Guyer 2012), brought the suggestion and the enthusiastic encouragement of the editor of that collection, Holly High, for me to go beyond analysis and commentary, and to make it possible for other English-speakers to connect, as I had done, to the larger work, the footnotes, and the nuances of language: in this case, the way in which Boas had rendered the concept of "debt" in the potlatch, and what Mauss had then done with it. These colleagues all encouraged me to go further along these lines. From the outset of the rather rash project to retranslate *The gift* in this "expanded" form, Giovanni da Col has expressed great, and much appreciated, interest and commitment. Sean Dowdy has offered editorial support at all stages. I also had, in the back of my mind, the example of long-term colleague Karen Fields, who dedicated herself to a new translation of Durkheim's *Elementary forms of religious life* ([1912] 1995). Matthew Carey and Dominic Horsfall skillfully checked and edited my own translation, and Justin Dyer reviewed the entire final text. I would also like to thank Souleymane Bachir Diagne, who guided me toward Yusuf Ali's canonical translation of Surat XLIV, which we have used in chapter 4.

I am indebted to all these colleagues for their confidence that my convictions about the "expanded edition" could contribute to the ongoing study of this classic text by others. We can already see, here in my acknowledgments, the kind of translational problem to which the *Essai* draws our attention, and to which discussions with Holly High about the concept of "debt" in Boas' ethnography, drew me even more deeply. The modern English concept of debt—as in "I am indebted"—as if it were a burden to be carried toward a dated resolution, comes nowhere close to indicating the benefits I have gained by working further at the artisanal craft of translation on such a compelling text, nor does it capture the inspiration that these colleagues have given to me and that I hope has helped create something to be passed on. The spirit of their gift of confidence, the reviewers' suggestions for revision, and the profound gift that is Mauss' original text, observing its own inspiration from the world and propelling it forward in invitational and aspirational mode, has made this work more of a joy than a chore. The following sections address each "expansion" in turn.

## EXPANDED EDITION

*The components: Other parts of L'Année sociologique 1923/24*

Although *The gift* may now be referred to as a “book,” in the context of its original publication, as noted already, the *Essay on the gift* was one of two *Mémoires originaux* (original reports) of the first post-World War I volume of the journal founded by Durkheim, *L'Année sociologique*, both of them authored by Mauss. The first is a memorial to all those of the group around Durkheim who had died since the last edition, before the war. Then follows the “Essay on the gift.” These two *Mémoires* were followed by a very long section of reviews of recent works, which had been published in English, French, German, and Italian, and were considered of relevance to that group’s past and continuing intellectual agendas. Mauss himself authored the memorial, the *Essai sur le don*, and a good proportion of the reviews. Running close to a thousand pages in all, the edition was dedicated to “The Memory of My Master Émile Durkheim,” and carried his photograph as a frontispiece.

So we have here, first, Mauss’ “In memoriam” for the members of the group who had died since 1912: Durkheim himself (in 1917, of a long illness and possibly exacerbated by grief at the death of his son André, of war wounds, in a Bulgarian hospital in 1915), and eleven other “collaborators,” whose ongoing work—what they *would have done* had they lived—is covered, one by one, in twenty-two pages of detailed discussion. Secondly, the *Essay on the gift* is rendered as closely as possible to the original, with notes at the foot of the page so that they are immediately accessible to the attentive and curious reader. Thirdly, there follows a small selection of the reviews that were written by Mauss himself, especially for those works whose empirical material informs *The gift*, and a few others where his comments on the ideas and intellectual ambitions come to the fore and exemplify his orientation within the intellectual life of his time.

Scanning the whole sequence, the reader can sense a certain integrity to it. Referring to his “conviction of the usefulness of our science” and “the hope that man is perfectible through it,” Mauss completes the memorial with: “It is in these sentiments held in common amongst us, beyond death, that we take up again strongly, with heart, the task that we have never abandoned” (p. 51). The reader then turns the page to the title *Essay on the gift: The form and sense of exchange in archaic societies*. From the opening epigraph from the Scandinavian Edda, we move immediately to: “The subject is clear . . . exchanges and contracts are made in the form of a gift” (p. 51). The momentum is inescapable from one

page to the next: from an account of collective and committed intellectual effort on topics of general human importance, resumed strongly beyond death and catastrophic warfare, to an empirical example of Mauss' subject matter—widely practiced modes of creating and circulating qualities of mutual implication—and to an analytical focus on the gift for configuring a vast expanse of sources. There follows the *Essay on the gift*.

The last section of the *Essay*, oriented as it is to the imperative of avoiding war and the possibility of so doing through reviving certain institutions and practices of the gift, returns our thoughts inevitably to Mauss' own experience of the devastations of war, as already expressed in the "In memoriam." At the end of the *Essay*, he writes:

Thus the clan, the tribe, and the peoples have learned—as tomorrow, in our so-called civilized world, classes and nations and individuals too will have to learn—how to confront one another without massacring each other, and to give to each other without sacrificing themselves to the other. Herein lies one of the lasting secrets of their wisdom and their solidarity. (p. 197)

And he embraces the complexity and variability of his sources as a rich heritage rather than a confusion to be reordered:

We see how one can study, in certain cases, the whole of human behavior, the entirety of social life. We can also see how this concrete study can lead not only to a science of customs, to a partial social science, but even to ethical conclusions, or rather—to take up again the old word—"civility," "civic sense," as we say now. Indeed, studies of this kind allow us to glimpse, to measure, to balance the various aesthetic, moral, religious, and economic motives, and the diverse material and demographic factors, which together create a foundation for society and constitute a life in common, and whose conscious direction is the supreme art, *Politics*, in the Socratic sense of the word. (p. 198)

The last words of the *Essay* become again, like the last words of the "In memoriam," a kind of echo, and a transition into the next section. We turn overleaf to about eight hundred pages of reviews of the works of others in the growing fields of sociology, anthropology, law, and economics. Hundreds of names appear in the alphabetical list of the authors whose works are reviewed, or simply duly noted. The works covered range from journal articles to multivolume

compendia, and the entries range from brief indications or summaries to veritable review articles. There are seven large sections each with its own general editor who was a member of the revitalized group: General Sociology (193 pages, edited by Celestin Bouglé, and seven others, including Mauss), Religious Sociology (165 pages, edited by Mauss and Hubert), Moral and Legal Sociology (166 pages, edited by seventeen of the colleagues, including Mauss), Sociology of Crime and Moral Statistics (nine pages edited by M. J. Ray), Economic Sociology (180 pages, edited by François Simiand and four others), Social Morphology (thirty-eight pages edited by eight colleagues, including Mauss) and Miscellaneous (thirty-five pages, devoted to language, the arts, and music, in subsections, to which Mauss contributed on three topics). Each section has many subsections, including one on international law (in the Moral and Legal Sociology section), which includes a review of a book on the newly created League of Nations. Mauss' contributions are in the first three sections: twenty-three in General Sociology, fifty in Religious Sociology, and fifteen in Legal and Moral Sociology.

His reviews show that Mauss advocated turning the same descriptive ethnographic method onto our own "diverse nations" of the present and the religious lives of our own "crowds," and to resisting the evolutionary assumption that, for example, mysticism had completely yielded to positivism. He expected those works to be as detailed and voluminously rich as the published ethnographies on other cultures, and to desist from importing philosophical predilections of our own. The sheer breadth and simultaneity of his reading and writing implicitly convey the active and constant intellectual animation of his mind, his capacity to study in several languages, and his explicit indebtedness to his immediate specialist colleagues in the *Année sociologique* school. All this we find in evidence in the argument and empirical grounding of the *Essay*.

Where the ethnography is concerned, we can note how widely read he was, in several languages. He reviewed books on Native North America, Oceania, Australia, the Arctic, Africa, and Greek mysticism in Christianity (the latter work written in Italian, with his review ending with the complaint that "The German names are often massacred by the printers"). He also reviewed books on Western religion, such as *A short history of Quakerism*, and many others that would encompass a wider range than the *Essay* itself, but clearly extend the breadth of its intellectual reach and inform his attentiveness to spiritual concepts, an orientation which is evident in the work.

We can also note how very recently some of the books and articles that he reviewed had been published, relative to the time of the journal publication: many between 1922 and 1924. Malinowski's *Argonauts of the Western Pacific*, for example, which figures so prominently in *Essay*, was published in 1922. Boas' collection of *Tsimshian mythology* and publication on *Ethnology of the Kwakiutl (based on the data collected by G. Hunt)*, which are referenced so profusely in chapter 2 of the *Essay*, and both of which are featured in the Reviews section, are noted to have been received in Paris in 1924, so only one year before publication of this edition of the journal.

The guidelines for making my choices are (a) to illustrate the breadth of Mauss' reading in ethnography, and his critical appreciation of the empirical sources, especially for works relative to the *Essay*; and (b) to exemplify his critiques of theoretical works that are directly relevant to the *Essay*. I have not included reviews of general theoretical works, such as his six-page review of Kroeber's *Anthropology* (1923), and his twelve-page review of three books in the diffusionist Egyptology school of Elliot Smith (1923 and 1924). These latter reviews, and many others, were more oriented to re-creating the intellectual space for the French School that he was reviving after more than a decade than to informing analysis of the empirical corpus, although they always draw attention to the importance of empirical material. In some cases, Mauss makes direct comments to this effect, for example in the review of Graebner's book, *Ethnologie*, he criticizes its *a priori* deductionism (p. 317), Graebner's willingness to substitute his colleagues' hypotheses for ethnographic facts (p. 318), and he adds Durkheim's insistence on not classifying morphological findings as "psycho-sociological" (p. 318). In the next review, of a book on evolution, he ends on an emphatic note: "The truth is nuanced. Polemics cannot discover it" (p. 320). Again, Mauss is emphasizing the critical importance of empirical work, of participating in other cultural worlds, and of exercising an encompassing imagination about how the knowledge thus generated could be composed for the purpose of learning from it, not only for scholarly purposes but for working toward a new future.

Thus does the issue of *L'Année sociologique* for 1923/24, published in 1925, have the sense of being a single work: an acknowledgment of the gifts of inspiration from others in the group that will live on in spirit; an account of the record on gifts worldwide and across history; a critical appreciation of the works of others, many of which directly inform the *Essay*; and an implicit and explicit assessment of how all of this might keep alive the hope and conviction that

deep attentiveness to human exchange—material, intellectual, moral, spiritual, and even full of ambiguities and antagonisms—might give life to postwar recuperation from the tragedies and travesties for which “we must weep” (p. 51). The components taken together read, in this context, as a powerful point of convergence, the kind of meeting place—even dancing grounds and feasts—for exchange and celebration that the *Essay* itself describes. It expresses an ongoing collaborative current of thought, gathering from the past and opening up to further circuits of distribution and subsequent convergent meetings, rather than a philosophically grounded statement, composed in an ivory tower in the mode that used to be designated as “armchair anthropology,” aiming at clear conceptual definition, theoretical closure, and final authority.

*The notes at the foot of each page*

Mauss is drawing on a mass of sources that fill the detailed footnotes at the bottom of almost every page of the *Essay*, to which he is closely attentive, very assiduously, in their own words. Some pages have much more space devoted to footnotes than to text, all with detailed page references to sources, which then allows the lucid argument to float freely, in larger type, across the top and into the reader's mind as an argument to be understood, rather than a dense landscape to get lost in, and yet without losing all sense of the creative profusion that lies beneath and gives it life. The material form of the *Essay* conveys the details of the rich world from which it emerges, which may still provoke us to revisit its groundings, even very selectively, and to return to the author's sources, many of them now themselves clearly archaic. With the footnotes at the bottom of the page, the *Essay* appears like the dazzling surface of a stream of thought and argument, channeled by its two banks (the “In memoriam” and the “Analyses” [“Reviews”]), acknowledging its upstream sources, and aspiring toward a downstream future, while being continuously nourished from the richly complex life of the tangled undergrowth. With the notes immediately accessible, the reader can paddle on briskly, float gently, or weigh anchor to peer deeply into a whirlpool or a marshy stretch with all its other inhabitants. And we can also glance down to note the care with which the author treats words and concepts, in the people's own languages.

Mauss' profound commitment to the concepts in their own languages, and to the ways in which the ideas and practices to which they refer have shifted across time and space, is more clearly manifest in the footnotes than in the main

text. Attentiveness to etymology and the nuancing of words is one of the fundamental crafts of his analysis, which we can appreciate by just glancing down the page. Even without reading in detail, we can appreciate how he is lifting up a persuasive profile of a range of overlapping human institutions from the prolific, dense, and entangled evidence written in several current and classical European languages, and examining words from many others, thereby making empirical, and aspirationally hopeful, observations rather than adversarial polemic claims about humanity: either in general, or in linear evolutionary processes, or through geographical diffusionist arguments. All of these latter general theories were on the intellectual table at the time of Mauss' writing of the *Essay*. They meet their match in his intellectual craftsmanship of argument and detailed evidence from a vast range of ethnographic and classical sources, from China to the Northwest Coast of America, with its implicit and, in places, explicit invitation to keep being attentive to the full richness of the world and the sources. The specificity of his references—volume numbers, page numbers, lines and stanzas of myths and pronouncements—makes the sources both available and imperative for readers to consult, to add their own test to the process.

### The gift *and its words*

Even in French, people have noted imprecisions in Mauss' conceptual language. His friend Henri Hubert (quoted in Fournier 2006: 244) read the text and struggled with the "long strings of words in discussing the facts that cannot take the place of formal generalization or more precise definition". Derrida argues in *Donner le temps*, with a certain tone of exasperation, that this imprecision/overprecision is characteristic of Mauss' *Essay*:

On pourrait aller jusqu'à dire qu'un livre aussi monumental que l'Essai sur le don, de Marcel Mauss, parle de tout sauf du don: il traite de l'économie, de l'échange, du contrat (do ut des), de la surenchère, du sacrifice, du don et du contre-don, bref de tout ce qui, dans la chose même, pousse au don et à annuler le don. (1991: 39)

In translation:

We can go as far as to say that a book as monumental as the *Essay on the gift*, by Marcel Mauss, speaks of everything except the gift (*don*): it addresses the

economy, exchange, contract (*do ut des*), outbidding, sacrifice, gift and counter-gift, in brief everything that, in the thing itself, impels toward the gift and annuls the gift.

And he writes later of the deep difficulties of translation, and the imprecisions Mauss introduced by the use of Roman law concepts.

In addressing this translational problem, the reader might be reminded of the nuances, variations, archaisms, and inconsistencies of biblical texts and their translation, which, ninety years ago, are possible to sense in the search for a clear social-analytical terminology for the social science disciplines, and much longer ago resonated through philosophy as an enlightenment project. For example, what is the difference between a contract and a covenant? What is the *terumah* (Hebrew, which comprises the notion of lifting *up*), which the Israelites were to give for the making of the sanctuary (Exodus 25:1)? Later, in Leviticus I: 2, there are *korban*, sacrifices to God, of various kinds, each with its own different name. Both *terumah* and *korban*, however, become “offerings” in the King James Version, and in others: *une offrande* in French; a *Heböpfer* in German. Is there an “upward” aura here: toward a higher power in the case of *korban*, and toward the priesthood and community leadership in the case of *terumah*? But modern commentaries can make *terumah* into a “contribution,” or a “donation,” amongst other nuanced translations.<sup>2</sup> Perhaps modern translations have inserted personal generosity and free will, while abstracting the gesture and the imperative implied by upward lift, thus assimilating it more clearly to a philosophy of the voluntary, even individuated, gift.

Although Mauss does not take up the explicitly monotheistic religious vocabulary for giving, except in his section on alms (which is its own concept, with its own etymology), there are comparable nuances in the vocabularies for phenomena he sees as infused with social and spiritual force. For example, *prestation* does imply an upward social gesture in French: a kind of tax, as in the *prestation de travail* (labor “tax”) and other in-kind presentations of the feudal system. And *rendre*, most conventionally “to return,” can sometimes imply a respectful orientation, as if there is already a sense of due that derives from social philosophies of differential spiritual status rather than reciprocity. We can look at Mauss’ very first substantive footnote, occupying almost half a page, where he

2. For “donation” as the term for *terumah*, in a modern Jewish translation, and “offering” for *korban*, see Alter (2004: 460, 547).



himself addresses the variable implications of the translated terminology of the Edda, from its own language of ancient Norse, to see how seriously he took the breadth, depth, and possibly immovable comparative ambiguity of his primary subject matter.

Recognizing that commonality and variety are not incompatible enlarges the contemporary imagination beyond the authoritative terms that we inherit from a cosmology infused with the “givens” of a divine creation of all that has been defined in concept and practice by religious hierarchies, and beyond a philosophical desire for a universally applicable conceptual vocabulary. The purpose of maintaining an intellectual door that is open to nuance may account for Mauss’ maintenance of an imprecise vocabulary even in French, as well as his documenting of the very many vernacular terms, and his initial invocation of the Maori *hau* as a kind of prototype, thus placing his stake outside of, although still in relation to, Western religious and conceptual repertoires. We can also note how often Mauss links his examples, and the phases of the argument, by the grammatical words “but,” “however,” “nevertheless,” “meanwhile,” “so,” “perhaps,” and others, all of which convey an attentiveness to persistent coexistent overlap, amongst deeply complex and varied social creations, and to the committed work still to be done on them. Thus does conceptual imprecision and flexibility become one of the great strengths of the *Essay*, holding the door open for new vistas rather than insisting on closure and final authority.

It is worth reminding ourselves that much of the classical anthropological library with which Mauss was working was written by people who were not writing in their own native languages, and were being closely attentive to texts in the languages of the people with whom they were studying as well. Malinowski was Polish but wrote in English. Boas was German, and his crucial research assistant, George Hunt, was a native speaker of the Kwakiutl language, whose original Kwakiutl texts are preserved in Boas’ field notes. Mauss’ compilation of all this in yet another language, French, seems to bring analytical focus through juxtaposing cognate empirical examples, rather than necessarily aiming to produce a single, reductionist, authoritative, and unambiguous analytical vocabulary. Several of his own translations were nuanced, and selectively taken out of their original contexts. He also notes the mistakes: of others as well as himself, such as in his footnote (p. 119 in the original, here fn. 238 in ch. 2):

We confused the word *Laqa*, *Laqwa* (Boas employs both spellings) with *logwa*.

Our excuse is that at the time Boas often wrote both words in the same way. But

since then it has become clear that one means red, copper, and the other means only a supernatural thing, a thing to be prized, a talisman, etc. All coppers are *logwa*, however, which means our argument still stands. But in this case, the word is a sort of adjective and synonym.

This openness about ungraspable evocations and overlapping meanings in language is a strength, I believe, since it invites *engagement with* a text as well as *instruction by* it, even though it can make quite frustrating any philosophical yearning toward absolute precision. Translation can demand a certain poetic inference, and thereby some differences amongst both writers and readers. My own retranslation may import yet other nuances from the earlier ones. I, and the reviewers, have worked, however, on making sure that these are not straight inaccuracies. But all of anthropology draws both inspiration and humility from the translational challenge of thinking, reasoning, and expressing oneself, from one language to another.

In order to do justice to this quality of Mauss' emergent rather than definitive vocabulary, I have inserted into the English translation, in parentheses, a few words as they are in French: consistently in the case of the words for which "gift" is the main English option. It is, in fact, striking that "*don*" appears rather more often in the footnotes than in the text, especially in the chapter on the classical sources, where its actual etymology, and that of "gift," are traced out in footnotes (see below for details). Five other important terms whose rendition in English is challenging are also indicated in certain places in the text.

#### (A) *Le Don*

By indicating certain terminological variations in the original text of the *Essay*, this translation allows us to see the variability in the conceptual repertoire that Mauss mobilizes. Not all of the objects that he brings under the term "*don/gift*" are actually consistently referred to by this term. There are *cadeaux*, *présents*, and *prestations*, as well as the *don* of the title. In fact, *don* as a noun, as distinct from the verb *donner* and many other grammatical formulations from this verb (see later), appears fewer times than one might imagine. In the text, *cadeau* appears the most frequently, perhaps suggesting the inclusive and nondoctrinal depiction of the range of phenomena Mauss includes, without losing the overlap with the spiritual infusion of *le don*. I turn to the etymology of these words, in Mauss' own work and in Émile Benveniste's (1969, trans. 1973) book on the vocabulary

of Indo-European institutions, later in this introduction. I first illustrate Mauss' own terminological range.

To illustrate the possibilities for variable understandings of key words, when translated, here, below, are the title headings of the first section of the *Essay*, under INTRODUCTION and preceding the quotations from the Havamal. Mauss uses both *don* (in the singular, so as an abstract category) and *présents* (in the plural, so as a collection of undefined things). What, exactly, is being "returned" (the verb *rendre*, which can also mean to "give up," amongst many other nuances)? Against what? These questions remain open, but by implication it is "presents," in the concrete and plural mode, and not *le don*, in the abstract and singular mode. The English difficulty with variations on "gift" can result in sifting out what might seem like inconsistency, but which may have the very purpose of leaving openness to further interpretive thinking.

These are the current versions of the original and the two English translations:

Mauss (1925): Du Don, et en particulier de l'obligation à rendre les présents  
(Most literally: Of the Gift, and in particular of the obligation to return presents)

Cunnison (1954): Gifts and Return Gifts

Halls (1990): The Gift, and Especially the Obligation to Return It.

The struggle with the words is a worthy struggle if we understand the spirit of this particular gift, this text. It is perhaps by retaining Mauss' own words, especially for "gift" itself, that we can still take note of his spirit of inclusiveness and ongoing thinking, in *essai*/essay mode, and avoid the frustrations of aspiring to the philosophical precision that Hubert, and then Derrida, noted was lacking.

If we look closely at the results of noting the French term for something that could be translated as gift each time it appears, plus *prestation*, we see that in fact *don* is not very frequently employed as a noun, except in some chapter titles, passages where the abstract force of obligation is most clearly developed, and in some footnotes. One of the advantages to *don* in French is its adaptability to other forms: *donateur* (the giver), *donataire* (the beneficiary), *données* (givens of information), *donation* (donation), and simply *donner* (to give), which has a great range of possible contextual applications, including in the reflexive form, *se donner*, to give oneself/itself. And it appears to combine well with other words: *échange-don* (gift-exchange, or exchange-gift) and *salaire-don* (recompense for

work), which appear in the text. Empirical facts can be referred to as *données*, literally “givens” (*data*, in its Latin etymology from the verb “to give”), as implicitly distinct from *faits*, literally “made-s” (from the Latin term *factum*, from the verb “to make”), so “facts,” as created by the work of study. Beyond this, I am impressed that *don* as a noun is mainly used in contexts where *la force* (the forces in the spiritual and social world) and/or the ancient quality of the practices are explicitly mentioned. Possibly, in French, *don* already assumes moral and other powers, like the Maori *hau*, in a way that gift does not, in English, at least to the same extent. Perhaps *don* can implicitly invoke a providential world, such as that of the Abrahamic religions, where Creator, creature, created, creative, and other such words resonate with the idea of a world that has already been given, and is infused with forces that then continue in a mutual constitution from which the Origin of All is never absent. *Cadeaux* and *présents*, by comparison, are more mundane and perhaps secular, and scientific, and we therefore have to research the sources by which they *become* infused with the power that makes them into *dons*.

We may have no exact version of some of these nuances in an English where Protestant orientations have finessed the language toward the humanism of free will and personal responsibility. Mauss himself approaches Protestantism as a foreign culture, although not at all in dismissive terms (see “Reviews”). The combination of “service” and “freedom” is a dense Gordian knot in the ethics of all the Abrahamic faiths, solved in varying and changing ways, of which “whom to serve is perfect freedom” is one version. This concept comes from St. Augustine, in a prayer derived from The Gospel according to St. John (13: 18–20), which, however, expresses some measure of continuing—*perpetuel*—mutual implication, with some affinity to what the *Essay* develops as a complex dimension of the *don* in all the cultures Mauss encompasses in the argument. This creation of ongoing mutual implication seems at an angle from the Protestant ideas of recurrent free, individual, consent toward creating “a more perfect union,” by recurrent acts of choice rather than by gathering together and giving. But old assumptions can lie buried in the words of daily speech (as Mauss keeps reminding us), and even in the cultural variants of the written law, which are then deployed with different nuances and implications when used as analytics in the social sciences, and translated into other languages. In a recent extensive analysis of the history and variety of the law of the gift, Richard Hyland (2009) concludes as follows, as quoted from my own review of the book (Guyer 2011: 607):

"The law and the giving of gifts are largely incommensurable fields of human activity. Nonetheless, because the transfer of property is common to both domains . . . attempts to reconcile [them] have produced an intricate and instructive tapestry of comparative law, one that includes some of the most fascinating constructions ever imagined by the legal mind" (para. 1366). Close to the heart of the matter lies the anthropologists' view, descended from Mauss and figuring very early in Hyland's exposition (para. 13), that "the gift is the ultimate shape-shifter" (para. 25), based on its "virtually incomprehensible intermingling of freedom and obligation" (para. 24).

So the expectation of simultaneous closure and complexity may be even worse to cope with in English translation, with our polyglot Germanic-Romance vocabulary, than in the French to which Derrida draws attention. I am reminded of Karl Marx's first footnote in *Capital*, where he points out that the English language uses "the Teutonic" word when we mean the "actual thing," and the Romance word for "its reflexion." Thus: work and labor; worth and value. And perhaps gift and *don*(ation), although these are maybe not as finely coincident as the words to which Marx draws attention.

Mauss himself embraces the dilemma of translation when he chooses to use the Chinook term *potlatch* as a basic comparative concept, rather than attempting a translation. His own *don* presents us with exactly the same challenge if we search for analytical and philosophical precision in English (see ch. 2, fn. 238 on *Laq(w)a/logwa*, cited above). Émile Benveniste's tracing of the Indo-European vocabulary is very helpful to us here, since he points out that the root for *don*, in the original Greek, was nuanced into at least three different concepts by the Greeks themselves.

Such is the way in which the Greek distinguishes for the same notion "gift" between three nouns which, for all they are derived from the same root, are never for one moment confused. This notion is diversified in accordance with social institutions and what I may call the context of intention: *dōsis*, *dōōron*, *dōtinē*, three words for expressing a gift, because there are three ways of conceiving it. (Benveniste [1969] 1973: 57)

Mauss employs his four words for gift—*don*, *cadeau*, *présent*, and *prestation*—in different frequencies in his five chapters, in ways that implicitly convey nuances of meaning in French that we hardly have in English. *Don*, with its classic

spiritual etymology and its defining position in the title of the whole work, rises steadily from a remarkably low level in the introduction to the highest of any term, in any chapter, in chapter 3, on Ancient Law and Ancient Economies, and then in the conclusion. In these culminating chapters, it accounts for about two-thirds of all references to “gifts,” as if it is gathering an intellectual crescendo that has been amplified by the preceding chapters on the rest of the world. *Cadeau*, a more mundane word, patterns in the opposite way: highest of all the terms in the introduction and first ethnographic chapter, then falling steadily in frequency as it seems to merge into “le don” in the conclusion. *Présent* appears steadily at around a standard one-fourth share of a four-term repertoire, except for a dip in chapter 3 on the classics as *don* comes forward. And finally, *prestation*, with its implication of status differentiation and respect, falls slowly through the ethnographic chapters, drops low in chapter 3, then rallies somewhat in the conclusion, where the key analytical concept of the “total” returns, and is attached to it, as “total prestation”: comprising elements of all dimensions of life. Thus do *don* and *prestation* circulate through the argument, gathering up the vast empirical richness of the *cadeau*, the *présent*, and all the indigenous terms (potlatch and many others) into the vast and varied potential offered by bringing them all together in practices through which, Mauss deeply hopes and advocates, men could avoid massacring each other as the nations of Europe have just done.

#### (B) *Rendre*

One large conceptual difficulty, because it might be the single most theoretically weighty idea in the *Essay*, is the rendering of *rendre* in English: usually “to return,” or “to reciprocate,” and sometimes extended into “counter” with respect to the “counter-gift”. The translational problem goes in the opposite direction from *le don*: we have several words for gift in French and fewer in English in the case of *le don*, whereas, in the case of *rendre*, we have a single powerful and richly nuanced and referential word in French and many possibilities in English. The allusion can be vague, or unstated, as to which object or other phenomenon is in motion through *rendre*: The same object “given back” or “returned”? Another object made somehow exactly equivalent, or different but otherwise conceptually linked, to the first, as in “reciprocated”? Between which persons, phenomena, and institutions? On whose agency? In what kind of movement: Between two parties? In circulation? With a sense of orientation implying that the thing

in question is going to a place where it already belongs? *Rendre* can be rendered in the reflexive, *se rendre*, where the thing or person (sur)renders itself. Possibly surrender is an Anglicized version of an archaic French *se rendre*. There are also many mundane and routine turns of phrase in which this verb figures, where its referent is understood even if not stated clearly.

Reciprocate. Return. Give back. Repay. In English, there can be a sense, especially with “return,” of giving back the same thing, or just “a thing for a thing,” although we do have turns of phrase for nonmateriality, such as “return the favor.” In some contexts we might understand better with “repay” or “reciprocate” than with “return.” In French, however, there are many conventional phrases containing *rendre* that imply that there is already the kind of mutual implication for which Mauss makes an explicit argument. We give back because in some sense the thing or quality given already belongs there or wants to go there, especially with respect to encompassing values, as I suggested in the religious-philosophical mutual implication in French conceptual language, which may still carry allusions to concepts in Catholic thought and practice (see Guyer 2014). Here: justice, homage, service, the soul, and obligation, which, etymologically, means “to be tied,” but one can also tie oneself, in the reflexive form, and become mutually implicated (*s’obliger*). All these can be “rendered.” Several of the other verbs of the *Essay* can be reflexive. One might thus sense the past religious assumptions underlying certain terms in Mauss’ text, without religion being explicit, and simply because of the language itself, as Marx pointed out: in this case, that everything in the world is connected, through its derivation from, and orientation toward, a higher power, or larger, or pervasively present, spiritual forces. So I maintain the “return” of the earlier translations in many places, but note the places where it is particularly difficult, as in the reflexive form of *se rendre*.

The power of phraseology and context can perhaps be graphically illustrated, along Marx’s perceptive lines of flight, in the French way of referring to death as *rendre l’âme* (literally, to return the soul, presumably to God, or from whence it came), whereas the equivalent in English, in our Teutonic register, would be “to give up the ghost.” “Give up,” in this particular context, does not even imply “upward” in any cosmological sense, and “ghost” hardly evokes religious spirit, except in the formulation of the Holy Ghost of the Christian Trinity. In German, *Geist* seems not necessarily to orient toward God at all. As Schiller wrote in *Wallensteins Tod* (Act 3), “Es ist der Geist der sich den Koerper baut” (“It is the spirit that builds the body for itself”). And similarly in Hegel, on spirit as a historical force.

(C) *Droit*

Another particular conceptual problem for us in English, but not for Mauss, is the distinction between *droit* (usually a regime of rights) and *loi* (the law) in French. *Loi* indexes to institutionalized rights in Roman law, and enacted codes such as the Napoleonic Code. *Droit* refers more vaguely to “right,” incorporated into the motto of the Norman English kingship as *Dieu et mon droit* (God and my right), implicitly coming from the Almighty, or from long-sanctioned customary practices. Some disagreements over exactly what *mon droit* would refer to draws attention to the difficulty of the abstract “right” and the plural “rights.” As the latter, it can refer to custom that is somehow dignified by tradition or other powers than that of the king and the law. This is hard to translate accurately, especially since Mauss’ ethnographic cases have no formal enacted law of the Roman kind. So I put “right,” in the abstract, where it seems appropriate and comprehensible, and law, as in the previous translations, but with *droit* in parentheses, where it seems best to indicate that Mauss was giving a certain authority and sanctity beyond simply custom. Otherwise, I leave it as “law,” since we did introduce “legal anthropology” into the study of societies with no written records.

(D) *Morale*

One further challenge for translating a key term is *la morale*, which is more like active regimes of teaching, learning, ethical guidance, and discipline than like a coherent domain of moral-philosophical propositions that we might call, in English, “morality.” It can even refer to customs—as in the plural, *les moeurs*—when they have a certain persuasive force of sanctity and sanction. *La Morale* is also the title of the course taught by Durkheim, and described in the memorial. I translate it usually as ethics, while noting the original term.

(E) *Raison*

The subtitle itself is a challenge: *Forme et raison de l'échange*. *Raison* in French is a broader term than reason in English. It implies reasoning, as well as explicit purpose or eventual function. It has a broad and possibly inclusive resonance, where “reason” in English is either abstract, as in “use your reason,” or very specific, followed by a preposition that indicates exactitude, such as “the reason for” a particular action. *Rationale* is perhaps closer to the meaning implied by



Mauss, since it refers implicitly to whatever people's own thinking and explanations would be. He does not use, or explain, the term *raison* in his text. With my own aim of keeping some of the density of Mauss' intellectual ecology, I thought to render it as "sense" in English, as in "making sense," which can be rational in the narrow "sense" while also evoking other modes of shared comprehension, as in "common sense," and the persuasiveness of knowledge through the "senses." As I faced Mauss' first words under his title—"the atmosphere of ideas and facts through which our exposition will move" (p. 51)—the word "sense" seemed to render that motivation and the mobility of thought the most accurately of the options. And it is impossible to leave this text without a sense of the passions involved: on the part of the people, and of Mauss himself. The French terms from the verb *sentir*, to sense, appear more profusely within the text than *raison*: from *le sens*, the meaning, through to all the more physical and emotional invocations of feeling.

Working through the footnotes, on Sanskrit legal texts (ch. 3, fn. 101), we find a passage where Mauss himself sums up a theory he finds consonant with his own: "The jurist poet knew perfectly well how to express what we want to describe" (p. 169). He uses the word *motif*, which can be quite encompassing in French: motivation, pattern, theme. I abstract his summary here:

The whole theory is summarized in a reading that seems recent. *Anus.* 131, under the deliberate title of *dānadharma* (line 3 = 6278): "which gifts (*dons*), to whom, when, by whom." It is here that the five motivations of the gift (*don*) are pleasingly set out: duty, when one gives to the Brahmin spontaneously; interest ("he gives me, he gave to me, he will give to me"); fear ("I am not his, he is not mine, he could do me harm"); love ("he is dear to me, I am dear to him"), "and he gives without delay"; pity ("he is poor and makes himself content with little"). See also Lect. 37. (p. 169. n. 101)

At a late stage, and thanks to a suggestion from Keith Hart for another purpose, I consulted C. S. Lewis' *Studies in words*, and discovered a passage on Descartes' *Discourse on method* that gave independent support to my inference for my translation. Lewis wrote: "Descartes opens . . . with a definition of *le bon sens ou la raison*; but by the second paragraph it has changed into *la raison ou le sens*, Descartes does not notice the change. With, or without *bon*, *sens* is a synonym for *raison*" (Lewis 1960: 153). So, my choice to use "sense" in the title does not rule out the "function of" and "reason for" of the previous translations

of *raison*. In fact, they can both be included as one or another version of “sense,” but I would not want to downplay the “common sense” meaning, the sensations of the body and the passions, and the breadth of the meaning of *raison*, as seen by one its greatest champions.

Finally, to render the whole title more grammatically in English, and to retain the “of” rather than shift to “for,” I insert the definite article—*The form and sense of exchange in archaic societies*—but do not go so far as to turn it into the plural, as did Cunnison—*Forms and functions*—in the first translation. Nothing can quite capture the open abstraction of Mauss’ own formulation, in the “essay” sense of abstracting from profusion in order to identify a particular novel quality. But a slight shift of this sort can perhaps nuance it closer to the original, and also serve to indicate this particular translation when a reader refers to it in any subsequent use of the text.

## ADDENDUM ON REMAINING PUZZLES

First, the names of authors are retained as Mauss himself cited them. The most striking puzzle for English-speaking readers is the reference to A. R. Radcliffe-Brown as simply “Brown.” This was accurate for Radcliffe-Brown’s publications at the time of the writing of *The gift*, since he changed his name by deed poll in 1926, to hyphenate his mother’s maiden name. Cunnison may have replaced Brown by Radcliffe-Brown out of respect and for modern precision. Since we are recuperating the original text, and indeed *The Andaman Islanders* was first published under the name Brown, we have preserved Brown, and simply alert the reader here to this fact.

Then there are places where current readers may be suddenly surprised, and stop in their mental tracks to wonder about the evidence and the sources. Mauss gives us the sources he used, in most cases, but newer scholarship may well have nuanced the understandings, making his own text also seem “archaic” or inscrutable in certain places. There are a few simplifications or specifications that the previous translators have already nuanced into the text where it seemed imprecise. Readers can consult the voluminous scholarship that the *Essay* has inspired, and the nuances it has introduced, in which one senses that Mauss himself would be deeply interested, as suggested earlier. We can always go further on the remaining puzzles left in the text. This was always an *essai* undertaken on a *fragment*. What may seem like mistakes or misunderstandings on his part were

surely, first of all, a reflection of the scholarship of the time, but also part of the process of discovery that he actively promoted and endorsed, as well as one he practiced himself.

To give perhaps the most striking example, from the history of Britain: Mauss' description of a Cornish carpenter offering to build King Arthur a round table to accommodate *sixteen hundred people*, a table that he would carry with him on his royal travels. This is so deeply improbable that perhaps what the reader retains is mainly Mauss' implicit appreciation of the contribution of the carpenter to the project of political peace, beyond the power of the king. The rest is simply mythology, like the sword Excalibur, drawn from a stone. Recent archeological research, however, suggests that King Arthur's Round Table was, in fact, an earthworks construction, like a henge but without the stone circle. This not only takes the whole enterprise out of the realm of fanciful political mythology, but also suggests exactly the kind of "trace," coming forward from the past, that Mauss suggests infuses many practices in the present. We have shifted the concept of the circular gathering place of Anglo-Saxon origin to the round table of the Norman French vocabulary of English (see the drinking song: "Les chevaliers de la table ronde, Goutons voir si le vin est bon"; "Knights of the round table, Let's taste to see if the wine is good"). That *The gift*, as an *Essai*, is an invitation to be motivated by such puzzles and questions, to know more and to go further, is one of the inspirational strengths that a translation can retain. I invite readers to bring their own critical eye to my own translation.

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PART ONE

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# In Memoriam



## In Memoriam

### *The Unpublished Work of Durkheim and His Collaborators*

Durkheim always considered *L'Année sociologique* to be a collective work; he never used it to speak of himself and his collaborators. We will not break with this strict and sound tradition. This “In memoriam” is destined only to make known a body of work.

*L'Année* was not only a publication and a team product. We formed around it; it was a “group”—in the full force of the term.

Under the authority of Durkheim at the time of the war, it was a kind of company, in full vigor of heart and spirit. A whole body of works and ideas was being elaborated within it.

By describing this intimate activity of the group, by giving a picture of what would have been its output if the most tragic of events had not come to decimate it, almost vanquish it, in analyzing what each of these works would have been, we are thereby undertaking a work of compilation. And this will be the true homage that we owe to our dead.

\* \* \*

The promises made would surely have been realized: the works started under the energetic impulse of Durkheim, and his own, would have been accomplished.



In the theoretical exposition that we will lay out, we will make allusion only to the enterprises already in the process of execution, for which there exist written proofs. Some were already almost complete.

But in describing, person by person, the contributions that each one of our dead would have brought, we will also show how they were linked to each other. We will never lose from view that there existed amongst us a true sharing of the work. The example of our dead will be a model. Beyond that, we will show, even in our country, so little accustomed to working in common, what a company of young scholars is capable of, animated by a sincere desire to cooperate.

We shall see that if there had not been a war, Sociology, Science, and our country would have been enriched by such a body of work as few studies have produced.

The published work, and even that which would have been published, was only a part of the whole. Plenty of other ideas were in the process of elaboration, plenty of other facts embraced, of which we will not speak. It may have been that Durkheim and our friends did not make them known to us, or maybe we found only traces that we do not understand or do not find sufficient. We want only to describe that which we are sure to have been on the point of becoming a work of theoretical interest. So this will be a document that we give to Science, a catalog of manuscripts. But one should bear in mind that what we register here was only a certain part of the task undertaken.

\* \* \*

It is also useful, at the moment when we take up *L'Année* again, to convey the sense that the journal is only one aspect of the work of what is now called *The French School of Sociology* (*l'École sociologique française*).

We should also be aware that the journal was not, neither in Durkheim's spirit nor in our own, the main task.

Besides that, the publications that we have been able to bring out since the war, in the series *Travaux de L'Année sociologique*, even those that we will be able to do going forward, are not, and will never be, anything but a portion of what could have been realized.

This "In memoriam" will, then, permit us to measure the extent of the erudition of our dead and the extent of our loss.

Finally, at the moment when we take up this enterprise again, we seek the support of our dead. Their authority enhances our own. . . Only it adds weight

to our responsibility and imposes a tough duty on us: not to allow any fall in the level to which they had raised the collective endeavor. This level would have been very high if they had lived and if Durkheim had stayed here longer to direct us.

## ÉMILE DURKHEIM

Durkheim died on November 15, 1917, in the full power of his age, at fifty-nine and a half years, but after a long illness of which, from its beginning in December 1916, he knew the outcome. He had time to arrange his manuscripts and to leave instructions about their use. Thus, on his "Rousseau on educational theory" he wrote with his own hand, "For Xavier Léon," and it is in the execution of this wish that Madame Durkheim has published this work in the *Revue de métaphysique et de morale*.

Durkheim leaves a large number of unpublished works. But, amongst them, very few are writings in the strict sense. During a respite in his illness, at the moment when he was clinging, without conviction, by pure duty, to the effort and to life, he made the supreme act of faith in starting to write his "Morale," goal of his existence, foundation of his spirit. The beginning of the *Introduction to ethics* (*Introduction à la morale*) was written in Paris and Fontainebleau in the summer before his death. It was published in the *Revue philosophique* of 1919.

The body of the manuscripts consists of courses, the fruit of thirty years in the life of a scholar and a professor, which was the personification of professional conscience.

Durkheim, on principle, wrote out all his courses. At least, he did so as long as he taught at Bordeaux. The absorbing life of Paris, with its accumulated responsibilities, those of teaching and exams, those of *L'Année*, those of administration (University of Paris, Consultative Committee, etc. . . .), prevented him from remaining faithful to his usual habits. The fact that in Paris he repeated several courses from Bordeaux, the final guarantee of his mastery, allowed him to break with the rules that he had followed inflexibly until then. He departed from these rules above all during the war. This is why we find only the first drafts and the summaries of the two courses he gave then, in 1915 and 1916: his course on General Ethics (*Morale générale*) corresponding to the Introduction to ethics (*Introduction à la morale*) that he was going to write; and his course on "Civic and Professional Ethics," taking off from this "Ethics." Irreparable loss (!) since

Durkheim's ideas, on the state in particular, had evolved. He had, in effect, modified certain parts of his theory of the state under the influence of his study of German arguments, and in particular those of Treitschke. The principal ideas of the General Ethics (*Morale générale*), those concerning the Mean, the Normal, and the Ideal, had also been defined in lessons to which he committed himself closely. These rough drafts are very short, but very clear; these are sorts of note (*aide-mémoire*), like those he ordinarily carried with him to give his courses. Perhaps, one day, we will be able to make the effort to reconstitute all of that, if some attentive and intelligent listener can give us some sufficiently exact notes.

In the same way, we must deplore the loss of the entirely new course that Durkheim gave, in 1913–14, just before the war. The purpose that he proposed was to make known to the students this still novel form of philosophical thought: Pragmatism. He had planned this course for his son, André Durkheim, still his student. He wanted to fill a lacuna in the education of these young people. He seized the opportunity, not only to help them to know of this philosophy, but also to define the correspondences, the concordance and the discordance, that he was establishing between this system and philosophical evidence that seemed to him to be emerging from Sociology, in its early stages. He situated himself and his philosophy vis-à-vis Bergson, vis-à-vis William James, vis-à-vis Dewey and the other American pragmatists. Not only was he summarizing their doctrine with power and perceptivity, but he was filtering what should be retained from it, from his own point of view. He took account, above all, of Dewey, for whom he had an ardent admiration. This course had great value and made a big impression on a very wide public; above all—as Durkheim wanted more than anything else—on some young and sharp minds. Unfortunately, the manuscript of these lessons, the philosophical crown of Durkheim's work, is lost. All that remains of it, in the files found in his house, are the few notes and mainly pages with texts that he had extracted from the books of the American pragmatists, and from the books of Dewey in particular. Of these pages, a certain number carry numbers, largely written in blue pencil, that reproduce the order in which these documents were clearly cited in the manuscript, and in the summaries of the lessons that he took with him and sometimes, in fact, did not even take out.

We cannot explain the disappearance of all the other vestiges; perhaps Durkheim had confided the text of his lessons to his son André, and André had communicated the precious manuscript to a comrade who, like him, died. Perhaps Durkheim had faith in the notes that André was taking during the course and perhaps he had lent his notes.

If by chance these documents can be found in the hands of a friend or a holder of good will, we request him, whoever he is, to please send them to us. Perhaps by chance, if the manuscript is found, the collaboration of the students who followed this course, and who are still living, will one day give us a conception of this work. For the moment, we can only indicate its importance.

The manuscripts of most of the other courses are, happily, more or less complete and form an imposing collection. They sort into: scientific courses, that is, of pure sociology and ethics (*morale*); courses in the history of doctrine; courses in pedagogy.

### *Scientific courses*

Naturally these are the most important. We will not speak of the courses on Religion and Suicide, which have been the object of books. Their manuscripts have interest only for curiosity's sake. Durkheim saved them solely by chance: since he held to no fetishism with respect to what he was writing and often emptied out his boxes of everything that seemed to him useless. But we do possess, in their entirety, and for some in several versions, two large courses of which Durkheim's published works contain extracts and are sometimes only a repetition. These are the manuscripts of lessons from the course entitled: Physiology of Rights and Customs (*Physiologie du Droit et des Moeurs*) and those of the course entitled: The Family.

The course in Physiology of Rights and Customs was taught twice in Bordeaux. A first time, between 1890 and 1892: this edition has partly disappeared. It passed, however, into *The division of labor in society*, in particular the chapters on Sanctions and on Regulatory Power. Durkheim gave this course again, with profound modifications, transforming it fundamentally into a complete work on Ethics (*Morale*), in 1898–99 and 1899–1900, in Bordeaux. There remains a definitive version of this series of lessons.

The last part of the second year of this course contains lessons on Domestic Organization and Domestic Ethics (*L'Organisation domestique et la Morale domestique*), of which we speak further. The first part of this second year is devoted to Civic and Professional Ethics (*Morale civique et professionnelle*). In summary, this last year of the course corresponds to what we call in current terms, and rather inappropriately, Practical Ethics. We will soon publish the course on Civic and Professional Ethics. Unfortunately, this will be in a rough and shortened form, as befits his thinking at the time. We will only be able to

indicate in which direction, fifteen years later, Durkheim was finally engaged. To make these indications, I will use some summaries of the lessons, for which we are not even sure of the order. If I can, if some of Durkheim's former students wish to communicate to me their notes from different time periods, I will attempt to present these indications as completely as possible.

The first year of the course corresponded to what one inappropriately calls "Theoretical Ethics" ("*Morale théorique*"). Durkheim, operating in the concrete, called it by a much better name: Theory of Obligation, Sanction, and Morality.

It comprises first of all a definition of the moral fact. A part of this definition informed the memoir that Durkheim published at the Philosophical Society and which has just reappeared in *Philosophy and Sociology*: "The determination of the moral fact." Then come two principal parts of the work: two pieces that are essential to Durkheim's system which are not yet known except to his students. These are his Theory of Moral Obligations and Moral Obligation in General, with a classification of Obligations. Next is his theory of Sanctions, with a classification of them. This is what corresponds to the general physiological study of Rights and Customs. Then come the particular studies of Customs. First, those of infraction and criminality. This study comprises an outline of statistical observations that, unfortunately, Durkheim never followed up. He had left this subject, one just as fine as the subject of *Suicide*, to his students. Let us not dwell on it. Meanwhile, let us say that amongst other novelties, in an era when few statisticians knew the facts, he distinguished sharply between criminality that was violent and against persons, by backward classes and populations, on the one hand, and criminality that was nonviolent and with respect to goods (cheating, abuse of confidence, etc. . . .), by the commercial classes and urban and policed populations, on the other. This section was followed by a study of the genesis and evolution of punishment. In this part of the course were found the lessons that Durkheim took up in his memoir on "Two laws of penal evolution" and the lessons on Responsibility that supplied the theme that P. Fauconnet developed in an original way.

Of the repetitions of this course that Durkheim offered in Paris in 1902–4, in 1908–9, in 1915–16, there remain only outlines and some summaries. A regrettable state of things for this work about which Durkheim never stopped thinking and on which his ideas had evolved; but an understandable state, because it was a work that he wanted to write up, and he naturally kept to himself the reworking of his whole theory. In particular, even at the end of his days, he had made considerable progress in the discussion of doctrines of ethics (*la*

*morale*). He had succeeded in a vast effort of synthesis and critique; he believed that, by subordinating them to the facts of sociology, in considering them as, themselves, aspects of morality, taking them on from a different angle and from a more advanced point of view, he would be able to situate each in its own place, without renouncing any one.

One sees that these two parts—Ethics of Society (*Morale de la Société*), joined to the second part, Morals of Particular Groups within Society, family, professional groups, etc. . . .—form a complete picture of all moral phenomena. For his students, Durkheim had constituted a Science of Customs (*Science des Moeurs*), this science which many philosophers are still discussing and of which he was not only providing the guiding idea but was starting to fill up the ranks.

The course on the Family is also essential.

Durkheim, while dying, gave instructions not to publish his work on the “Family” except in the more popular and more moralist version that he gave in his course on Physiology of Rights and Customs (*Droit et Moeurs*). The penultimate part of this course, which concerned domestic organization, comprises, in fact, a “Resumé of the Course on the Family” and an “Ethics of the Family.” He repeated it in more or less identical form once in Bordeaux, and twice in Paris (1902–3, 1908–9).

But we ask ourselves whether, by respecting this original teaching first of all, we will not then pass it by, to publish the course on the Family. We wonder whether we have the right to keep secret the fine discoveries of which it is full, simply to conceal the errors, the simplifications, and the rough form that was inevitable when Durkheim said things for the first time, more than thirty years ago.

This course on the Family was repeated in Bordeaux in 1895–6, in Paris in 1905–6, and another time in 1909–10, in a form finally mixed, and mediating, between the purely historical form and the moral theory of the family.

Other than his “Morale,” his “Family” was Durkheim’s most cherished work. He knew its value. He spoke of shortening his “Morale” to reduce it to an Introduction in order to devote himself to his “Family” course. The manuscript was simply that of the old course given at Bordeaux (1890–92), but it was so full of facts and ideas, and so precious, that Durkheim himself treated the pages with respect, and for several years did not separate himself from them even on journeys. He nourished the project of picking it up again, to start again, reforge, and complete this work. He wanted to devote the end of his life to this natural and comparative history of the family and marriage up to our own day. Science had

made considerable progress and he wanted to bring to fruition these searches whose progress he himself had followed in the twelve volumes of *L'Année* and numerous memoirs. But he knew that this work surpassed the capacity of one man, and he had wondered whether to ask me to devote myself to it with him. We planned to spend several years of our lives on this.

Of this course, there were extracts: the "Introduction" published in the *Annales de l'Université de Bordeaux* and the "Conclusion" published in the *Revue philosophique* (1920). But we must give a more precise idea of it.

It was in his first year of the course on the Family that he started to study kinship by groups, and the clan, and exogamy. The deepened study of these facts produced the memoirs on the "Prohibition of incest" and "Marriage organization in Australian societies." To each form of domestic organization, Durkheim connects a form of marriage. From 1895, at an international exposition in Bordeaux, he produced in a striking form a phylogenetic scheme of the diverse structures held by the organization, first of all political-familial, then the more and more purely familial of the domestic subgroup. One can see in this table, ranged in genealogical order, first the diverse forms of the clan, then the clan effaced, while still remaining (just as beside the clan had remained the phratry) in relationship, in a second zone of kinship; one sees in parallel the various forms of the family that were, even still in Rome, contemporary with survivals of the clan. The second year of this course was devoted to the evolution of these family forms, more and more restricted, less and less political. Durkheim showed: how the undivided agnatic family constituted itself, tightened its bonds, and then from within it came the patriarchal family; finally how, by a mixture of different rights, and under several influences, the conjugal family of our modern societies became constituted. Again in parallel, he follows the evolution of the forms of marriage: one sees marriage become, more and more, the essential moment in the life of the family after having been a simple condition and a simple effect, until it became the origin and the type of our own "conjugal family."

Nothing has yet come along to contradict this, undoubtedly partial, perhaps too simple, but ingenious, chart of a part of human history. The whole course swarmed with new and documented ideas. There are in particular materials on the undivided agnatic family, on the origins of the Roman patriarchal family, on the Germanic family, on the origin of filiation in both lines, particular to our own societies; pages that remain essential, truths that are unfortunately still reserved for a small group of his students, a handful of researchers, alas (!) decimated.

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*Course on the history of doctrines*

Durkheim's professorial activity was important and the subjects of his teaching were always being renewed. From 1891, he was on the jury for admission to fellowship status; but already, from 1888, for his students who were candidates in this competition, he never failed to prepare what we call "the author," otherwise known as the work, and the doctrine in Greek, English, French, or Latin philosophy, of which a fragment on Morals or Politics was on the program. Durkheim, moreover, was always regularly consulted on the choice of this "author."

From this preparatory work came explanations of texts, with commentaries. These translations are a model for direct exegesis, of the author by the author; from this exegesis that finally, under the impetus of a sound philology and a sound philosophy, under that of Hamelin, Durkheim, Rodier, and others, has replaced the dazzling explications, but beyond the exact subject matter, that young philosophers used to allow themselves in the past. The manuscripts of explications are intact for: two books of Aristotle's *Politics*, one book of the *Nicomachean ethics*; two commentaries on two books by Comte and a book of *De cive* by Hobbes. These works, worthy of being circulated amongst the students, were not, however, destined for print.

On the contrary, Durkheim certainly attached importance to the remainder of his research into the history of doctrines, almost all undertaken for this occasion. He held firmly to his lectures on the ancestors of sociology. For him, the respects paid to the philosophers, his predecessors, constituted noble titles in our learned science, proven and named districts. He was proud of his course on Hobbes and no less proud of his discovery of Rousseau's sociological spirit, a spirit that was quite different from the anarchism with which Rousseau is ordinarily attributed. There is also a manuscript on Condorcet. Durkheim admired him ardently, he knew him in depth, and he noted his influence on Saint-Simon and Comte, on the "Founders." Each of these great authors is the subject of a course of at least ten lectures. Two courses on Comte completed the cycle. Several lectures on the Sociology and Ethics (*Morale*) of Spencer, very early and quite abridged, come from the same studies. Durkheim wanted to publish most of these courses and to bring them together in a volume entitled "The origins of sociology." We will push on to bring this wish to realization.

On the other hand, independently of all preoccupation with instruction, in 1895–96 Durkheim had started a *History of socialism*, or, more exactly, since socialism—which is moving toward becoming a reality—was not then, and is not yet (except in Russia), more than a conviction of certain individuals, certain



groups, and certain classes in certain societies, a history of the doctrine, of the idea of socialism. He taught this course in Bordeaux in 1897–98. The first five lectures have been published in the *Revue de métaphysique et de morale*. Moreover, Durkheim had himself published his definition of socialism in a note in the *Revue philosophique* (1893). The second part of the course remains to be published. This is the most important. It concerns Sismondi and above all Saint-Simon (ten lectures). We will put them in print soon. The course and the manuscript end there. Durkheim did not pursue his studies of socialism. *L'Année sociologique* came along to interrupt them.

I do not know whether the readers of these lines can imagine the immense labor that is implied by this productivity, by a young professor, thoroughly isolated, without support, in Bordeaux. All this was done in fifteen years, from 1887 to 1902, between the twenty-ninth and the forty-fourth years of Durkheim's life. At the same time, he published *The division of labor in society*, *The rules of (sociological) method*, and *Suicide*, organized, edited, and wrote the first four volumes of *L'Année*, without counting his Treatises (*Mémoires*), and without counting the intense collaboration he had with each one of us.

And the form of all these courses has been completed. These are not just notes. These are complete lectures and complete courses. The lectures are fully mutually referential from one to the other, and their parts are linked clearly amongst themselves in a continuous demonstration where the expression is studied in the smallest detail. Each page results from innumerable drafts, covered in hieroglyphics, drafts that Durkheim pitilessly threw into the wastebasket until he sensed that he had arrived at the logical order of the facts and the ideas.

This whole body of work feels the effects of the form it necessarily took. The few philosophy students from the Faculty of Letters at Bordeaux were not the only audience for Durkheim. His courses were public and well followed. There were jurists, students of law, some colleagues, a quite exacting public, happily, on the one side. But on the other, there were also schoolmasters, members of various teaching subjects, and finally this uncertain personnel that peoples the benches of the amphitheatres of our great Faculties in the provinces. Durkheim, who was not only a marvelous teacher, but also loved to teach, at the same time researched—a hard task—scientific truth and didactic efficacy. The requirements of such a collection of commitments have had a certain effect.

But let us imagine for ourselves this crushing task. On subjects entirely new, where no-one, ever, had worked in this fashion, on problems that even still, now,

have not been touched upon by anyone but him, by an entirely new method, and on facts that he was often the first to study, he had to bring forward from one week to the next, with a crushing and astonishing regularity, intellectual material not only elaborated with truth in view, but also digested, with instruction in view, and even on a very broad basis. Durkheim never weakened. For example, his lectures on the "Autorité réglementaire" and on the "Régime de la contravention," 1891–92, what pains they put him to! He had to come to a conclusion each Saturday. It was a serious challenge—which he made for himself—that he had to respond to immediately if he did not want to leave in question his whole "Theory of Sanctions." The agony of the lecture time complicated that of the uncertainty. Through the stress of continual meditation, undertaken day and night for several weeks, a solution was found in time, so that the plan for the course could be followed. It forms a simple passage in *The division of labor in society*.

Durkheim trained very good students at Bordeaux. Several of them became his immediate collaborators. But all this professorial effort only had its full effect in Paris. It was there that he found, from 1902, in one of his classes, a wider audience of young people who were better prepared. The constellation of his collaborators had already grown since the foundation of *L'Année*. That of his students grew suddenly. Most of his courses were then taken up again and recast. We have spoken of this reformatting. Unfortunately, at this time, Durkheim, who was more and more teaching only Sociology, did not generally put the new form into sharp relief.

### *Course in pedagogy*

Our country has never known very well how to employ its people. The Seminar, then Durkheim's Lectureship at Bordeaux, always included instruction in Pedagogy. And he only came to Paris to supplement, and then replace, the respected Buisson in his Professorship on Pedagogy. It was only later, in 1910, that Durkheim's title corresponded to actuality. As a favor, he was allowed to attach "Sociology" to "Pedagogy" for the name of his professorship on the Faculty roster. In Bordeaux as in Paris, Durkheim was always in charge of pedagogy. It was not that he had an aversion to this discipline, at which he was competent. On the contrary, he was infinitely touched by the sympathy, the enthusiasm, the energy, and the intellectual and practical vivacity of the already trained students who were being sent to him from primary schooling. He sensed keenly the interest and the efficacy of his influence on them. But it was a burden on him.

We understand that he always sensed it as a parceling out of his activity, this obligation with which, his whole life, he was to interrupt his favorite studies, those where he felt himself alone to be responsible and ahead of everyone, for the profit of less urgent, less important, tasks. Every week of the year, he had to devote part of his time to advancing a discipline, more practical than Sociology, but at base less essential, even if it is of primordial public interest. However, Durkheim devoted himself to this instruction. He brought to this order of work, honorably and conscientiously, the same spirit, the same originality, the same personal, and at the same time exclusively positive, reflection. In addition, thoughtful Pedagogy is above all to transform a child into a social being. It is a social art. Durkheim was therefore qualified to refresh it.

Paul Fauconnet has described Durkheim's pedagogic works in his *Introduction to pedagogy and sociology*. We will publish it in the collection of the *Travaux de l'Année* on "Moral Education," where Durkheim reconnects his discoveries on the general nature of moral phenomena to his doctrine of education, as a social phenomenon, and bring out the precepts of Pedagogy that can result from it. We shall see how, from the science of Morality that he lays out, he was clarifying the practice. It remains to give an idea of his course on "Intellectual Education." Powerfully original in places, it is less finalized and deeply investigated than the other courses. The fact is that, at the moment when he wrote it up, Durkheim had not yet mastered his thinking about the social origins of Reason, that he never had the time to go into it in a depth that approached the frontiers where the science can rejoin the practice. Moreover, this course had not been repeated in Bordeaux and in Paris, but rather in private seminars. And even the summaries of the last form in which Durkheim offered them must have been neglected, because they cannot be found.

Next, there is a long series of courses, following one another, from 1888 to 1904, on "The History of Pedagogic Doctrines." It is true that this is a discontinuous history, because it does not cover, at one and the same time, the development of teaching institutions and of pedagogic ideas. It simply, and successively, connects all the great authors, one by one, who have illuminated Pedagogy, in particular in France. It begins with Rabelais' and Montaigne's doctrines of education, then those of the French Renaissance and the Humanists, and then Durkheim opposes them to the Realists and the Encyclopedists; the leader of these latter being the renowned Comenius, who is so little known in France and whose work Durkheim knew so well. Coming afterwards there are Rousseau (these lessons have been published), Condorcet, Pestalozzi, and finally Herbart,

this last also poorly appreciated by the classical French authors of history and Pedagogy. I believe that I remember having seen some texts of lessons on Froebel, but I can no longer find them.

But Durkheim's most significant work on matters of pedagogy is the thorough course that he taught on "The History of Secondary Education in France." It is one of the most valuable of Durkheim's unpublished works, in spite of certain imperfections inherent in the nature of instruction and a work of this kind. It was a difficult work and destined for a demanding public. It was concerned with finding a subject that could interest and instruct future teachers in secondary education, future graduates in sciences and letters whom the former rector, Liard, wanted—ultimately—to bring together their duties, questions of instruction and pedagogy, at the École Normale Supérieure. The weight of this load fell on the shoulders of a learned man, occupied elsewhere with many other things. However, Durkheim made this remarkable effort, with heart, conscience, and effectiveness. In place of laying out a fully reasoned and political debate in the way that we still continue to dispute about secondary education, he believed it better to explain to future schoolmasters how the institution that they were about to enter was the product of centuries of social history. In matter of fact terms, he explained to them which moment of this history we were in now, and from there, the nature of the job, and finally the duty of the task that they had to fulfill. Always the same method, initially historical and sociological and finally inductive and normative, permitted him both to make comprehensible the practices that are followed to the present day, and to direct these young teachers toward a better application of their powers and eventually toward delicately suggested reforms. Durkheim was very concerned that this course would be successful. He was very happy when he could ascertain it. Afterwards, the course was repeated regularly every year at the École Normale. It became an essential part of the curriculum in the establishment where Durkheim had done his own studies. Doubtless it will be published quite soon.

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It is not certain that all this work would have seen the light of day even if Durkheim had lived a long time. He gave away freely all that was not central to his ideas and everything that did not satisfy him in terms of the perfection of its proof and organization. I do not know what selections he made, nor which choices life forced him to make. He held above all else only to publish his "Moral" and his "Family."

But as it stands, this work deserves to be published in part, and to be known in its entirety; at least we should know that it exists, to fully appreciate a body of thought that readers only know in fragments and whose influence and radiance grows and will grow still more for a long time.

## THE COLLABORATORS

Durkheim trained several students at Bordeaux. Ever since Bordeaux, he had known how to group a certain number of remarkable workers around himself who, from good will, referred to themselves as his disciples, even though they had undergone only the influence of his method and very little by direct contact. It was in Paris that a compact mass of younger disciples formed around him. These were grouped, above all, amongst the graduating classes of the École Normale of 1902 to 1910, those who received Durkheim's first teaching. Of this generation of collaborators, most have died, almost all killed in the service of their country.

We will convey a sense of the extent of this loss that war and life have inflicted on us, on our science, and on ourselves.

Hertz, David, Bianconi, Reynier, Gelly, who belong to this group, were killed at the front. Beuchat died for Science. The life of Jean-Paul Lafitte was shortened by his wounds. Vacher, Huvelin, Chaillié died at work. All of them leave behind, already, a more or less large body of work published or in manuscript form, important evidence of what they were already contributing. We will see what body of work, great, strong, and at the same time harmonious, would have come from the power of the activity of this group of expert scholars. They were young and, unlike Durkheim and his first collaborators, they had no more need to struggle, but could make use of a victory already gained. They no longer had to forge a method. They could, and would, apply it. We will speak of them in the order of their deaths.

### *Henri Beuchat*

Henri Beuchat was one of our oldest students and collaborators. He had prepared part of the report that I published with his collaboration on *The morphology of the Eskimos*. He died on Wrangell Island in 1914, of hunger and cold, during a geographical and ethnographic expedition organized by Stefansson and

the Canadian government; they have just found his remains. He was supposed to become the ethnographer and observer of the Eskimos within the group of experts that had been formed for this expedition. Lost in the shipwreck were the notes that Beuchat had begun to take and those of numerous works in progress that he had taken in order to clarify them during the long Arctic winters. These works were quite numerous and mostly linguistic.

Beuchat was in the very front rank of Americanists. His *Manual of American Archeology* is still the best in use. He extraordinarily enriched the descriptive sociology, or ethnography, of this part of the world. He had a remarkable linguistic and observational talent. He knew an infinite number of things and knew them well.

### *Maxime David*

Maxime David was the first of our people to fall at the head of a section of the infantry in 1914.

His published work is almost entirely critique, or introductions and translations; nevertheless it is excellent.

He leaves above all a manuscript memoir that he had entrusted to Durkheim, which he had written up under his direction, on "Marriage by group in Australia." This student work is already perfect. It includes a notable discovery of the existence of principles of rights that correspond to marriage classes in the Australian societies where we believed these institutions to be absent, simply because they are not named. We will publish this memoir in bringing it to light.

David, in spite of his task as professor and in the course of varied publications, had broached another work, a large work on Ethics (*Éthique*), of the kind that his friend Gernet was following independently and which he can, fortunately, continue. Durkheim had noted and taught the degree to which the moral concepts of antiquity, above all Greek, had assumed other forms and possessed other values than the classic concepts that come down to us from these civilizations. Basically, we have retained only one choice. But the whole evolution of ancient moral ideas was made from numerous varied concepts, of which a great number have been forgotten, whose meaning is foreign to us, and was even foreign from a certain moment in antiquity itself. Meanwhile these concepts had a long life in Greece, even until after Christianity, and a quite considerable vigor, even more than that of the ideas we have inherited. They exerted over the mass of the people, on rights and on literature, a constraint and an imprint that must

be retraced: first of all because this is the historical truth; and then because if we want to understand how the Greeks, between the seventh and the fourth century before our era, applied themselves to reasoning about justice, good fortune, virtue, and prosperity, we must come to know, together, the lacunae and the miracles of their judgment and, at the same time as their genius, their barbarity.

Miss Jane Harrison and Hirtzel had already entered into this subject matter with respect to Thémis and Diké. Glotz had already run into it and David made note of their works in *L'Année* and sketched out for himself a plan of study (*Année*, XI, p. 284; XII, p. 257).

He had chosen the group of diverse and linked concepts connoted by the terms *αἰδώς*, *ὄβρις*, *τιμῇ*, which we translate so badly by respect and modesty, by insolence, by honor and chastisement. David had already done the part of the work that is the most enjoyable of all. He had reread the ancient Greek literature and had made a fairly complete file of reference notes. The Epics, the Lyrics, the Gnomes, the Tragedies, and the Prose historians were his principal sources, even more than the Philosophers. From all of this, there remain unfortunately only the notes. But one can see what discoveries of history and philosophy, and not solely of sociology, David was to make along this path.

### *Antoine Bianconi*

Antoine Bianconi was also killed at the start of the war, in 1915, also at the head of his section, at the age of thirty-two.

Like David, he had sketched out a great work. Like David, what he published was mainly critique. Nevertheless, his functions as editing secretary of the *Revue du mois*, where he assisted Borel with distinction, required him to follow the topic of the moment.

But he had a positive and generous spirit; he desired to construct something; he had sketched three works that would have been important.

First, he had chosen as his principal subject of study a question that we had left aside, so difficult and vast is it, and where he would surely have found the chance to show his talent as a scholar, his ability to organize the evidence. He had chosen for his field of study the question of the forms that had clothed human reason and, in agreement with us, he had delimited the first of his works. Amongst the civilizations where the diverse, and even unusual, forms that the categories of the human spirit have been able to take may best be studied, and—across these grammatical, mythological, and other forms—the

main directive ideas of humanity, there is no field of observation more vast, more sure, more precise, and at the same time more fertile, than the civilization and in particular the language of the Black Africans, and above all, amongst them, the *Bantu*. In their case, the language itself divides things into numerous grammatical categories, from six to a dozen and even more, depending on the dialect. Following the circumstances, the language considers this or that thing under the aspect of action, of place, of person, of instrument, etc. . . . A certain number of things, animated things, etc., can only be considered following one or two categories, some others following a great number. A comparative study of the languages of this immense, though quite homogeneous, group of populations, which are remarkably uniform, yet—within the limits of this uniformity—sufficiently varied, could release some of the secrets, not only of classification, but even more of categorization within the human spirit. One could also, through a parallel study of mythology and of social organization, brought closer to linguistic categories, hope to deepen the problem, if not find the solution. In the diverse notes that he consecrated to the books of Dennett, Bianconi pointed to the direction he was going in order to engage with greater prudence than this author. (See particularly *Année*, XI, p. 128 and following.) He had already greatly advanced his collection of evidence regarding the nature of Bantu words. The recent publication of Torrend's excellent comparative grammar was going to facilitate the task, or rather to furnish him with the means of verifying all his preparatory work, which he was on the brink of completing. Unfortunately, from all this, there remain only the notes. A fine and large subject to take up again!

Bianconi was also working on *The idea of grace in St. Augustine*.

He had also started, as a joint work taken up by the two of us, a complete bibliography of our African colonies.

But he had been distracted from his works of pure science by the considerable effort that he made for his students and his teaching. He wanted to popularize, in secondary education, the science that, in his ardor, he could not abide to leave trapped in a corner distanced from philosophy. Bianconi, like David, Hertz, and Reynier, had the passion and the conscience of the professoriate, of their career. But as for their differences—since these remained relatively classical in their scholarly careers—he was more daring. He wanted to constitute a whole course in philosophy, entirely new, where the place of collective life, not only in the moral life, but also in the psychological life of man, would be marked at each moment. It was a grand and generous ambition. The manuscript of this



course, taught last to the students of the school in Amiens, is almost complete. Bianconi was infinitely committed to this work, which he considered almost complete and ripe. Extracts will be published soon through the care of Madame Rudreauf-Bianconi.

*Robert Hertz*

Robert Hertz was killed in the useless attack of Marcheville, April 13, 1915, at the age of thirty-three, leading his section out of the trench. He leaves a body of work that is already distinguished, of critique and theory, and a body of manuscripts that is even more important. He was already a master amongst masters, and his power for work was as great as his work. He had taught at the École Pratique des Hautes Études. There remain from his courses some manuscripts of lessons, of which I have made, and will make, use. Above all, he leaves two works, one finished at least provisionally, the other incomplete. It is this latter that would have been the greatest and the most novel.

Hertz had focused himself on the study of phenomena that are at the same time religious and moral. And he had chosen the most difficult, the least studied, part where everything is still to be done, namely that of the dark side of humanity: crime and sin, punishment and forgiveness. He had started a truly formidable work of accumulation and elaboration of materials. The two famous memoirs that he published on "The collective representation of Death" (*Année*, X), and the "Pre-eminence of the right hand" (*Revue philosophique*, 1907), together, are only a prologue and an appendix. But they show the degree to which Hertz was a master of his ideas and controlled the sea of facts. But then he had defined his subject too vastly wide. Sin and forgiveness in human history, reduced to several typical facts, was too great a field to till. There remain of this grand idea some important fragments coming from his courses: in particular a completed study of the Christian penitentiary regime, an important study, but which we will not be able to get back up on its feet. Finally, to end with, he still restrained himself. His first work was to have a more modest subject as an area for observation, if not as deep an analysis; this would have been: *Sin and expiation in lower societies*. There remains an introduction to this, almost complete, published in the *Revue de l'histoire des religions* in 1921, then a large mass of drafts, of texts of lessons, many different sketches of different points, above all of the conclusion. But, what is more precious, intact and organized, about half in a perfect order, in the order of the argument, are

all the documents of which Hertz wanted to make use. They constitute an incomparable collection. Almost all are taken from Polynesian societies, with several probings into American and African societies; and a few comparisons with Semitic and classical antiquity brought to enrich them. I have been able, approximately and by abridging, with the help of papers and these drafts, to rewrite the book that Hertz would have written, perhaps otherwise; but I have made an effort to remain faithful to his thinking. The book will come out, I firmly hope, in the collection of works of *L'Année* under the name of Robert Hertz, with a mention of my own effort and responsibility . . . for the faults. At least, this capital work will be saved.

Hertz, to relax from this great work, entertained himself with folklore and mythology. We understand here the folklore of the present, where he could apply his skills not only as sociologist but also as observer. His delightful "Saint-Basse" (*Revue de l'histoire des religions*, 1912), his *Notes de folklore* observations taken on "his men," which he sent from the front to his wife and which the *Revue des traditions populaires* published in 1915, were pastimes for him. A whole work, created, documented, and written in less than two years on the Myth of Athena, is in the same vein. Hertz considered this redaction of this work to be only provisional. We all formed, around Durkheim, before the war, what was in fact a milieu of trust toward one another, but one that was very critical and—let us agree—perhaps too demanding. Hertz aligned himself with the advice of some of us and proposed some easy, but very important, modifications. Meanwhile, as it is, the work deserves to be published, perhaps will be published and doubtless published by one of us, as it remains.

### *Jean Reynier*

Jean Reynier ran the same dangers as his friends; but it was in an accident with a trench engine that he died in 1915, for his country, at the age of thirty-two. Like David and Hertz, he destined himself for research on mixed phenomena, religious and moral at the same time. He had chosen his subject, which is vast: asceticism. He had started his collection of notes on Christian asceticism and Hindu asceticism, which he went to study in India in person. His widow has found only summaries of remarkable lessons that he gave at the conference of our master Sylvain Levi, on the Tantras, this very extraordinary mystical, magical, and above all erotic creation of Hindu and Tibetan asceticism: a signal phenomenon that Reynier understood perfectly.

*Georges Gelly*

We were able to believe for a long time that Georges Gelly, at least, would remain for us. Right up to the end he was exposed to numerous and serious dangers. One day in 1918 took him away from us like the others, at just thirty-one years of age.

He had chosen as his principal subject of study, in the theory of literary and religious aesthetics, the relationships between the myth, the fable, and the novel. He had started his documentation on classical antiquity and the Celtic and Anglo-Saxon High Middle Ages. A distinguished philosopher and philologist, he would have marked his own place in these studies, which are much practiced, but which must be practiced in another way.

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Since the war, amongst us have died: Antoine Vacher, Jean-Paul Lafitte, René Chaillié, and Paul Huvelin.

*Antoine Vacher*

Antoine Vacher died in Paris in 1920, of a very long and very painful illness, stoically endured. He had ceased his direct interest in "Social Morphology." He gave it attention only when, moving from his studies of physical geography, he had the chance of measuring, from time to time, the influence of geographical factors on human agglomerations. But his teaching and his critical work did not lose contact with us. He had some notes on "Human Geography" in manuscript.

*Jean-Paul Lafitte*

Jean-Paul Lafitte was above all a marvelous journalist, but his critiques were always practical. His last published work, on the book of Mr. Meillet, *Languages in the new Europe*, satisfied the author more than all the other articles that his work had inspired.

Lafitte had a scientific competence that spread across all the natural sciences. He was apt at learning anything, but he defined himself primarily as a sociologist. He became one of the members of the scientific office in the International Bureau of Labor. We could count on him to render service there.

A long and cruel illness brought him down, perhaps accelerated by the two wounds that he received in the service of his country.

*René Chaillié*

René Chaillié died in 1923; he had painfully and dangerously endured a part of the war. He was one of our oldest and most faithful collaborators. Under the guise of an amateur, difficult to define at work, he concealed a real devotion to our science, which he propagated with extraordinary effectiveness, in the most diverse of contexts. There is an excellent work of his, brilliantly completed, on the family terminology of the Eskimo.

For a long time he had been the zealous reviser of our trial versions, and created, with our poor Beuchat, the tables and indexes of *L'Année*. His notes, taken in the courses of Durkheim and others, are precious. His heir has been willing to promise that he will confide copies to us.

*Paul Huvelin*

Paul Huvelin left us suddenly after a painful illness lasting several weeks, in June 1924, at the moment when he was realizing his greatest productivity, at fifty-one years of age; just as, more enthusiastic than any of us, he started to collaborate on this new edition of *L'Année sociologique*.

He was one of those who had joined Durkheim and the first cluster of his students the most independently. His assistance had been effective. He brought to *L'Année* his incontrovertible authority as a jurist and historian of law. He also brought us a powerful contribution. His memoir on "Magic and individual Rights" is classic.

Huvelin leaves a book, which we hope will soon see the light of day. He taught a course at Brussels University and published an introductory lesson whose title is: *Human cohesions*. Huvelin was one of the only men qualified to be able to write a book on this kind of subject. He had always had a taste for the practice and a taste for the idea, while at the same time being a master of juridical dialectics. From what we know of this course and the manuscript, there he mixed his techniques as a jurist, the fruits of his political experience, with his preoccupations and his knowledge as a sociologist. This work will be relished, as are all general theories that are edified by true specialists in their learning. The loss of Huvelin is irreparable for us.

*André Durkheim*

Let me conclude, on a personal note, this objective memoir where we want only to describe the works that we could hope from our heroes, from our venerated dead. But it would be unjust and inhuman not to mention, at the end and by exception, the name of one who was going to be associated with us and whose loss, doubly felt, paternally and intellectually, was one of the causes of Durkheim's death. The latter rested upon his son, one of his most brilliant students, the most noble and grand of expectations.

André Durkheim died on December 18, 1915, in a Bulgarian hospital, as a result of wounds that he had received while he was commanding a section of the extreme rear-guard of the retreat from Serbia. He had already been wounded once and had twice been evacuated from the French front.

The only manuscript that he leaves is a memoir in the History of Philosophy on a point in the doctrine of Leibniz, a work worthy of publication.

Under the direction of Mr. Meillet, André Durkheim had already commenced the linguistic studies which were going to make of him the purely sociological linguist that we needed.

We name only André Durkheim amongst the young people who were going to join us. There were very many of them. We cannot estimate the loss that their death inflicts on us but we think of them.

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What this would have become, if there had been no war, what we agreed to call the French School of Sociology, this is what is indicated here and even proven.

Let us imagine that Gelly had become our expert in aesthetics, and that André Durkheim had become our linguist. We would only have needed a technologist in order to be complete. Let us imagine that Durkheim had established his *Family* and his *Ethics*, that Hertz had edited his *Sin and expiation* and other works; let us imagine that Bianconi had produced his *Course in philosophy* and his *Categories of thought in Bantu languages and civilizations*; that we had the books of Reynier and Maxime David, and yet others. Would this not have been a magnificent flowering?

All this added to what has been possible to publish since the war, for example in the *Travaux de l'Année*, only that, only what had been started and even completed by our dead, would have made of our small group one of the most honorable phalanxes of scholars.

And I do not speak of the works of the living, whom the war stopped sharp in their efforts and productivity, and whom the hard postwar life so little encouraged.

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In effect, we remain no more than a handful. Escaped from the front, or exhausted from rear-guard action, we have only amongst us a few young people happy to be young.

Our group resembles those little woods in devastated regions where, for a few years, a few old trees, riddled to bursting, try to become green again. But if just the undergrowth can grow in their shade, the wood will reestablish itself.

Let us take courage and let us not measure our weakness too much. Let us not think too much about the sad present. Let us not compare it too closely with these faded powers and these lost glories. We must weep only in secret for these friendships and inspirations that we miss. We will set ourselves the task of managing without them, our leader, those who supported us, and even those who were to pick up from us and replace us.

Let us work a few more years. Let us try to do something that honors the memory of all of them, that will not be too unworthy of what our Master inaugurated.

Maybe the sap will rise again. Another seed will fall and germinate.

It is in this spirit of faithful memory to Durkheim and all our dead; it is in continuing communion with them; it is in sharing their conviction of the usefulness of our science; it is in being nourished like them by the hope that man is perfectible through it; it is in these sentiments held in common amongst us, beyond death, that we take up again strongly, with heart, the task that we have never abandoned.

MARCEL MAUSS



PART TWO

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**Essay on the Gift**

*The Form and Sense of Exchange in Archaic Societies*





## INTRODUCTION

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# Of the Gift, and in Particular of the Obligation to Return Presents

## EPIGRAPH

Below are several stanzas of the Havamal, one of the old poems of the Scandinavian Edda.<sup>1</sup> They can serve as the epigraph to this work, so well do situate the reader directly within the atmosphere of ideas and facts through which our exposition will move.<sup>2</sup>

39      I have never found a man so generous  
          and so liberal in feeding his guests  
          that "to receive would not have been received"  
          nor a man so . . . (the adjective is missing) . . .  
          with his goods  
          that to receive in return was disagreeable to him.<sup>3</sup>

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1. It is Cassell who put us on the track of this text, *Theory of social economy*, Vol. II, p. 345. Scandinavian scholars are familiar with this feature of their national antiquity.
  2. Maurice Cahen was willing to make this translation for us.
  3. The stanza is obscure, especially because the adjective is missing in line 4, but the meaning is clear when one supplies, as one ordinarily does, a word that means liberal, extravagant. Line 3 is also difficult. Cassel translates it as "who does not take what is offered to him." In contrast, Cahen's translation is literal. "The expression is

- 41      With weapons and garments  
          friends must give one another pleasure,  
          each one knows it for himself (through his own experiences),  
          Those who mutually exchange presents  
          are friends for the longest time  
          if things succeed in taking a good turn.
- 42      One must be a friend  
          for one's friend  
          and return gift (*cadeau*) for gift (*cadeau*)  
          one must meet laughter with laughter  
          and falsehood with deceit.
- 44      You know that if you have a friend  
          in whom you have trust,  
          and if you wish to obtain a good result,  
          you must blend your soul with his  
          and exchange gifts (*cadeaux*)  
          and pay him frequent visits.

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ambiguous," he writes. "Some understand 'that to receive is not agreeable to him,' others interpret 'that to receive a gift (*cadeau*) did not carry the obligation to return it.' Naturally, I lean toward the second explanation." In spite of our incompetence in the ancient Nordic language, we allow ourselves another interpretation. The expression corresponds evidently to an old saying that should be something like "to receive is received." Accepting this, the verse would be alluding to the state of mind of the visitor and the visited at the time. Each is supposed to offer his hospitality or his presents as if they ought never to be returned. Yet each accepts the presents of the visitor or the counterprestations of the host, because they are goods and also a means of strengthening the contract, to which both are integral parties.

It even appears to us that we can disentangle from these stanzas a part that is more ancient. The structure of all of them is the same, curious and clear. In each piece there is a legal saying at its center: "to receive should not be received" (39); "those who convey gifts (*cadeaux*) to one another are friends" (41); "return gifts for gifts" (*cadeaux pour cadeaux*) (42); "you must blend your soul with his and exchange gifts" (*cadeaux*) (44); "the miser is always afraid of gifts" (*cadeaux*) (48); "a gift (*cadeau*) given always waits for a gift (*cadeau*) in return" (145), etc. This is a veritable collection of sayings. This proverb or rule is surrounded by a commentary that develops it further. We are dealing here not only with a very ancient form of law (*droit*), but even a very ancient form of literature.

- 44 [*sic*] But if you have another one  
 Whom you distrust,  
 And if you want to arrive at a good result,  
 You must speak fine words to him  
 But have false thoughts,  
 And return deceit for falsehood.
- 46 It is thus for the one  
 in whom you have no trust  
 and whose motives you suspect,  
 You must smile at him  
 But speak in a dissembling way:  
 The gifts (*cadeaux*) returned must resemble the gifts (*cadeaux*) received.
- 48 Generous and courageous men  
 have the best life:  
 they have no fears whatsoever.  
 But a coward is afraid of everything;  
 The miser is always afraid of gifts (*cadeaux*).

Cahen also points out stanza 145:

- 145 It is better not to beseech (to ask)  
 than to sacrifice too much (to the gods):  
 A gift (*cadeau*) given always expects a gift (*cadeau*) in return.  
 It is better not to bring an offering than to spend too much.

## PROGRAM

The subject is clear. In Scandinavian civilization, and a good number of others, exchanges and contracts are made in the form of a gift (*cadeau*), in theory voluntary, in reality obligatorily given and received.

This work is a fragment of much vaster studies. For years, our attention has been on the regime of contract law and on the system of economic prestations (*prestations*) amongst the various sections and subgroups that make up so-called primitive societies, and also those societies that we could define as archaic. There

is an enormous collection of facts there. And they themselves are very complex. Everything mixes in, everything that constitutes the life that is strictly social of the societies that have preceded our own—as far back as those of protohistory. In these “total” social phenomena, as we propose to call them, are expressed all at once and at a stroke all sorts of institutions: religious, judicial, and ethical (*morale*)—these being political and familial at the same time; economic—and they presume particular forms of production and consumption, or rather of prestation and distribution; without forgetting the aesthetic phenomena which bring things into final form, and the morphological phenomena manifested by these institutions.

Of all these very complex forms, and of this multiplicity of social things in motion, we want to consider here just one trait, profound but in isolation: the voluntary character, so to speak, apparently free and without cost, and yet constrained and interested, of these prestations. They have almost always taken the appearance of a present, of a gift (*cadeau*) offered generously, even when there is only a fiction, a formality, a social falsehood in the gesture that accompanies the transaction, and, fundamentally, obligation and economic interest. Even so, although we will indicate with precision all the various principles that have given this aspect to a necessary form of exchange—that is, the division of social labor itself—of all these principles, we will only study one of them deeply. *What is the precept and interest that, in societies of a backward or archaic kind, means that the present which has been received must be returned? What force is there in the thing one gives that compels the recipient to return it?* This is the problem on which we will focus especially, while also indicating the others. By presenting a sufficiently large number of facts, we hope to provide an answer to this precise question, and to show in which direction we can engage a whole study of connected questions. We will also see which new problems we are led into: some concerning an enduring form of contractual ethics, such as how the law of things (*droit réel*) still remains, up to our own day, connected to the law of persons (*droit personnel*); others concerning the forms and ideas that have always presided over exchange, at least in part, and which, still now, supplement the notion of individual interest.

Thus, we will attain a double goal. First, we will arrive at conclusions that are in some sense archeological with respect to the nature of human transactions in the societies that surround us or have immediately preceded us. We will describe the phenomena of exchange and contract in those societies that are not deprived of economic markets, as has been asserted—since the market is a

human phenomenon with which, in our view, no known society is unfamiliar—but whose regime of exchange differs from ours. We will see here the market before the institution of merchants, and before their main invention, money in the strict sense; how they functioned before the forms of contract and sale that we call modern (Semitic, Hellenic, Hellenistic, and Roman) were discovered, on the one hand, and before formal money, on the other. We will see the ethics and economy that are at play in these transactions.

And as we will ascertain that this ethics (*morale*) and this economy continue to function in our own society in a lasting and, so to say, underlying way, and as we believe to have found here one of the human bedrocks on which our societies are built, we can draw some ethical conclusions to several problems posed by the crisis of our law (*droit*) and the crisis of our economy; and there we will stop. This page of social history, of theoretical sociology, of ethical conclusions, of political and economic practice, simply leads us, in the end, to ask once more, in new ways, some old but ever new questions.<sup>4</sup>

## THE METHOD FOLLOWED

We have followed a method of precise comparison. First of all, as usual, we have only studied our subject in areas that have been defined and chosen: Polynesia, Melanesia, the American Northwest, and a few major legal codes (*droits*). Then, of course, we have only chosen those legal codes (*droits*) where, thanks to documents and philological work, we have access to the consciousness of the societies themselves, for what concerns us here is terms and ideas; this has further restricted the field of our comparison. Finally, each study has addressed systems that we have striven to describe in order, and each in its entirety; in so doing we have avoided that constant comparison whereby everything is mixed together, and institutions lose their local color, and documents their savor.<sup>5</sup>

4. I have not been able to consult Burckhard, *Zum Begriff der Schenkung*, p. 53 *et seq.*

But for Anglo-Saxon law (*droit*), the fact that we are going to bring to light has been evoked very well by Pollock and Maitland, *History of English Law*, Vol. II, p. 82 “The wide word ‘gift,’ which . . . will cover sale, exchange, gage and lease.” Cf. *ibid.*, pp. 212–14, and “there is no free gift (*don*) that has the force of law.” See also the whole dissertation by Neubecker on the Germanic dowry, *Die Mitgift*, 1909, p. 65 *et seq.*

5. The notes and everything that is not in large type are indispensable only to specialists. [Typeface that varies for nota bene and some elaborations in the original French version has been rendered in regular type here. —Ed.]

## PRESTATION, GIFT, AND POTLATCH

The present work is part of the series of research projects that Davy and I have been pursuing for a long time on archaic forms of contract.<sup>6</sup> A review of these is necessary.

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It appears that there has never existed anything resembling what we call Natural Economy, neither in an era quite close to our own, nor in the societies that we quite wrongly lump together under the label of primitive or backward.<sup>7</sup> As a result of a strange but classic aberration, we used to choose as the archetype of this economy Cook's texts concerning exchange and barter amongst the Polynesians.<sup>8</sup> However, it is these same Polynesians whom we will study here, and see how far removed they are from a state of nature in matters of law (*droit*) and economy.

In those economies and legal regimes that have preceded our own, we never, so to speak, see the simple exchange of goods, wealth, and products that occurs in individual trades. First of all, it is not individuals but collectivities that mutually oblige one another, make exchanges and contracts;<sup>9</sup> the persons present at

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6. Davy, *La foi jurée* (*Travaux de L'Année sociologique*, 1922). See the bibliographic references in Mauss, "Une forme archaïque de contrat chez les Thraces," *Revue des études grecques*, 1921; R. Lenoir, "L'Institution du potlatch," *Revue philosophique*, 1924.
  7. M. F. Somlo, *Der Güterverkehr in der Urgesellschaft* (Institut Solvay, 1909) has devoted a good discussion to these facts, and a vista, p. 156, where he begins down the same path we too will follow.
  8. Grierson, *Silent trade*, 1903, has already given the necessary arguments needed to put an end to this assumption. The same for Von Moszkowski, *Vom Wirtschaftsleben der primitiven Völker*, 1911; but he considers theft as primitive and confuses the right to take and theft. One can find a good account of the Maori material in W. von Brun, *Wirtschaftsorganisation der Maori* (Beitr. De Lamprecht, 18) (Leipzig, 1912), where a chapter is devoted to exchange. The most recent work of all on the economy of so-called primitive peoples, Koppers, "Ethnologische Wirtschaftsordnung," *Anthropos*, 1915–16, pp. 611–51, pp. 971–1079, is mainly useful for its account of doctrines. The rest is a little dialectic.
  9. Since our last publications, we have ascertained, in Australia, the emergence of regular prestations between tribes, and no longer only between clans and phratries, in particular on the occasion of death. Among the Kakadu of the Northern Territories,

a contract are moral persons: clans, tribes, and families, which confront and oppose one another, either in groups face to face in the field itself, or through the intermediary of their chiefs, or in both fashions at once.<sup>10</sup> In addition, what they exchange are not exclusively goods and wealth, movable and fixed goods, or economically useful things. They are above all pleasantries, banquets, rites, military services, women, children, feasts, fairs, of which the market is only one aspect, and where the circulation of wealth is only one term of a much more general and much more permanent contract. Finally, these prestations and counterprestations are entered into somewhat more voluntarily, by way of presents and gifts (*cadeaux*), although ultimately they are strictly compulsory, on pain of private or public war. We have proposed to refer to all this as the *system of total prestations*. The purest type of these institutions seems to be characterized by the alliance of two phratries in Australian or North American tribes in general, wherein the rites, marriages, inheritance of goods, bonds of law and interest, military and priestly ranks—all are complementary and presuppose collaboration between the two moieties of the tribe. For example, games in particular are

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there is a third funeral ceremony after the second burial. During this ceremony, the men proceed to a kind of judicial inquiry to determine, at least fictitiously, who caused the death by sorcery. But contrary to what happens in most Australian tribes, no vendetta is carried out. The men are content to gather their spears and to define what they will ask for in exchange. The following day, the spears will be taken to a neighboring tribe, the Umorlu, for example, in whose camp the purpose of this dispatch is perfectly understood. There the spears are laid out in bundles, by owner. And based on a tariff known in advance, the objects desired are placed in front of these bundles. Then everything is taken to the Kakadu (Baldwin Spencer, *Tribes of the Northern Territory*, 1914, p. 247). Sir Baldwin mentions that these objects could be exchanged again for the spears, a fact that I do not understand very well. In fact, he finds it difficult to understand the connection between these obsequies and these exchanges, and, he adds, “the natives have no idea of it.” The custom is perfectly understandable, however: it is in some sense a regular juridical composition, replacing the vendetta, and serving as the origin of an intertribal market. This exchange of things is simultaneously the exchange of pledges of peace and the solidarity of mourning, as this ordinarily takes place in Australia between families and clans linked and allied by marriage. The only difference is that this time the custom has become intertribal.

10. Even a poet as late as Pindar writes: *νεανία γαμβρῷ προπινῶν οἰκοθὺν οἰκαδε*. The whole passage still feels like the state of law (*droit*) that we will describe. The themes of gift (*présent*), wealth, marriage, honor, favor, alliance, meals in common, and the dedicated drink, even that of the jealousy aroused by marriage, all are represented here by expressive words, worthy of commentary.



governed by them.<sup>11</sup> The Tlinkit and the Häida, two tribes of the American Northwest, express the nature of these practices powerfully by saying that “the two phratrries show each other respect.”<sup>12</sup>

But, in these two latter tribes of the American Northwest, and throughout this region, there appears to be a form of these total prestations that is characteristic, certainly, but more developed and relatively rare. We have proposed to call it “potlatch,” as do, moreover, American authors, drawing on the Chinook name, which has become part of the everyday language of whites and Indians, from Vancouver to Alaska. “Potlatch” means essentially “to nourish” or “to consume.”<sup>13</sup> These very rich tribes, who live on the islands or the coast, or between the Rockies and the coast, spend their winter in endless celebration: banquets, fairs, and markets, which represent at the same time the solemn assembly of the tribe. This is organized according to their hierarchical brotherhoods, their secret societies—often confused with the former—and with the clans; and everything, including clans, marriages, initiations, shamanistic séances, and the worship of the great gods, totems, or the collective or individual ancestors of the clan—everything mixes together in an inextricable network of rites, of legal and economic prestations, of the assigning of political ranks in the society of men, in the tribe and the confederations of tribes, and even internationally.<sup>14</sup>

11. See in particular the remarkable rules of the ball game among the Omaha: Alice Fletcher and Francis La Flesche, “Omaha Tribe,” *Annual Report of the Bureau of American Anthropology*, XXVII, 1905–6, pp. 197 and 366.
12. Krause, *Tlingit Indianer*, p. 234 *et seq.*, has clearly noted this character of the festivals and rites that he describes, without giving them the name of potlatch. Boursin, in Porter, “Report of the Population. . . of Alaska,” in *Eleventh Census*, 1900, pp. 54–66, and Porter, *ibid.*, p. 33, have clearly noted the character of reciprocal glorification of the potlatch, this time named as such. But it is Swanton who has stressed it the best: “Social conditions, beliefs, and linguistic relationships of the Tlingit Indians,” *Annual Report of the Bureau of American Ethnology*, XXVI, 1905, p. 345, etc. Cf. our observations, *Année sociologique*, XI, p. 207 and Davy, *La foi jurée*, p. 172.
13. On the meaning of the word potlatch, see Barbeau, *Bulletin de la Société de Géographie de Québec*, 1911; Davy, p. 162. However, it does not seem to us that the meaning proposed would be the original one. In fact, for the word potlatch, Boas gives—in Kwakiutl, it is true, and not in Chinook—the meaning of “feeder,” nourisher, and literally “place of being satiated.” *Kwakiutl Texts, Second Series, Jesup Epx.*, Vol. X, p. 43, n. 2; cf. *ibid.*, Vol. III, p. 255, p. 517, s.v. PoL. But the two senses of potlatch, gift (*don*) and food, are not mutually exclusive, the essential form of the prestation here being alimentary, in theory at least. On these meanings, see below, p. 129, n. 209.
14. The juridical side of the potlatch is the side studied by Adam in his articles in *Zeitschrift für vergleichender Rechtswissenschaft*, 1911 and following. And *Festschrift*

But what is remarkable in these tribes is the principle of rivalry and antagonism that dominates all these practices. People go so far as to fight, even killing chiefs and nobles who confront each other in this way. Furthermore, they go so far as to destroy any accumulated wealth in a purely extravagant manner in order to outdo a chief, simultaneously a rival and a partner (usually a grandfather, father-in-law, or son-in-law).<sup>15</sup> There is total prestation in the sense that it is very much the whole clan that contracts for everyone, for everything that it possesses, and for everything that it does, through the intermediary of its chief.<sup>16</sup> But this prestation takes on, through the chief, a very marked agonistic demeanor. It is essentially usurious and extravagant, and one is participating in something that is, first and foremost, a struggle between nobles to establish a hierarchy amongst themselves from which eventually their clan will profit.

We propose to reserve the name potlatch for this kind of institution, which we could call, less contentiously and with more precision, but also at greater length: *total prestations of the agonistic type*.

Until now we had hardly found any examples of this institution except in the tribes of the American Northwest and parts of North America,<sup>17</sup> in Melanesia and in Papua.<sup>18</sup> Everywhere else, in Africa, in Polynesia and in Malaysia, in South America, and in the rest of North America, the foundations of exchanges

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Seler, 1920, and Davy in his *La foi jurée*. The religious and economic aspects are no less essential and should be treated no less deeply. The religious nature of the people involved and the things exchanged or destroyed are not in fact irrelevant to the nature even of contracts, no more than the values that are applied to them.

15. The Haïda say "to kill" wealth.
16. See Hunt's documents in Boas, "Ethnology of the Kwakiutl," *Annual Report of the Bureau of American Ethnology*, XXXV (II), p. 1340, where one can find an interesting description of the way in which the clan brings its contributions to the chief for the potlatch, and also some very interesting palaver. The chief says, in particular: "For this will not be in my name. This will be in your name and you will become famous among the tribes when they will say that you give your property for a potlatch" (p. 1342, i.31 *et seq*).
17. Indeed, the domain of the potlatch surpasses the bounds of the tribes of the Northwest. In particular, one must consider the "asking festival" of the Eskimos of Alaska as something other than a borrowing from the neighboring Indian tribes: see later, p. 76, n. 45.
18. See our observations in *Année sociologique*, XI, p. 101 and XII, pp. 372-74 and *Anthropologie*, 1920 (Report of the meetings of the Institut Français d'Anthropologie). Lenoir has pointed out two quite clear facts about the potlatch in South America ("Expéditions maritimes en Mélanésie," *Anthropologie*, Sept. 1924).

between clans and families seemed to us to remain a more elementary kind of total prestation. However, deeper research now brings to light a fairly important number of intermediary forms between these exchanges comprising acute rivalries, with destruction of wealth, like those of the American Northwest and Melanesia, and others, of a more moderate similarity, where the contractors compete with presents (*cadeaux*); in the same way that we compete with our bonuses, our banquets, our weddings, in our simple invitations, and how we still feel a need to “*revanchieren*,”<sup>19</sup> as the Germans say. We have found these intermediary forms in the ancient Indo-European world, in particular amongst the Thracians.<sup>20</sup>

Various themes—rules and ideas—are contained in this type of law (*droit*) and economy. The most important amongst these spiritual mechanisms is evidently that which obliges the return on the present received. Now, nowhere is the moral and religious sense of this constraint more apparent than in Polynesia. When we study it more closely, we will see clearly what force impels the return on a thing received, and in general the execution of contracts relating to things.

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19. Thurnwald, *Forschungen auf den Salomo Inseln*, 1912, Vol. II, p. 8, uses the word.

20. *Revue des études grecques*, XXXIV, 1921.

## CHAPTER ONE

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# The Gifts Exchanged and the Obligation to Return Them (Polynesia)

### TOTAL PRESTATION: MATERNAL GOODS AGAINST MASCULINE GOODS (SAMOA)

In this research on the extent of the system of contractual gifts (*dons*), it seems that for a long time there was no potlatch, strictly speaking, in Polynesia. Polynesian societies with the most comparable institutions did not seem to go beyond the system of “total prestations,” permanent contracts between clans pooling their women, their men, their children, their rituals, etc. The facts that we have studied so far, particularly in Samoa, with the remarkable custom of the exchange of emblazoned mats between chiefs on the occasion of marriage, did not seem to us to go beyond this level.<sup>1</sup> The element of rivalry, of destruction, of combat, seemed to be missing, whereas they are not missing in Melanesia. In the end, there were too few facts. We would be less critical now.

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1. Davy, *Foi Jurée*, p. 140, studied these exchanges regarding marriage and its similarity to contract. We shall see that they have another extension.

First of all, this system of contractual gifts (*cadeaux*) in Samoa extends well beyond marriage; they accompany the following events: childbirth,<sup>2</sup> circumcision,<sup>3</sup> illness,<sup>4</sup> menarche,<sup>5</sup> funeral rites,<sup>6</sup> trade.<sup>7</sup>

Next, two essential elements of the potlatch, in the strict sense, are clearly attested to: that of honor, prestige, the “mana” that wealth confers,<sup>8</sup> and that of the absolute obligation to reciprocate these gifts (*dons*), under the threat of losing this “mana,” this authority, this talisman and source of wealth that is authority itself.<sup>9</sup>

On the one hand, Turner tells us that after the festivities at a birth:

The relations of the husband brought “*oloa*,” which includes pigs, canoes, and all kinds of foreign property, such as cloths, hatchets, etc. The relations of the

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2. Turner, *Nineteen Years in Polynesia*, p. 178; *Samoa*, p. 82 *et seq*; Stair, *Old Samoa*, p. 175.
  3. Krämer, *Samoa-Inseln*, Vol. II, pp. 52–53.
  4. Stair, *Old Samoa*, p. 180; Turner, *Nineteen years*, p. 225; *Samoa*, p. 142.
  5. Turner, *Nineteen Years*, p. 184; *Samoa*, p. 91.
  6. Krämer, *Samoa-Inseln*, Vol. II, p. 105; Turner, *Samoa*, p. 91.
  7. Krämer, *Samoa-Inseln*, Vol. II, p. 96 and p. 363. The commercial expedition, the “*malaga*” (cf. “*walaga*,” New Guinea), is effectively very close to the potlatch, which itself is characteristic of the expeditions in the neighboring Melanesian archipelago. Krämer uses the word “*Gegengeschenk*” for the exchange of “*oloa*” against “*tonga*,” which we will discuss. Meanwhile, if we are to avoid falling into the exaggerations of the English ethnographers of the school of Rivers and Elliot Smith, or into those of the American ethnographers who, following Boas, see in the whole American potlatch system a series of loans, we must nevertheless accord a large part to the traveling around of institutions; especially in this case where considerable trade, from island to island, from port to port, across very great distances, from very early on, must have brought with it not only things but also ways of exchanging. Malinowski, in works that we will cite below, had the right sense of this. See a study of several of these institutions (Northwest Melanesia) in R. Lenoir, “Expeditions maritimes en Mélanésie,” *Anthropologie*, September 1924.
  8. Emulation among Maori clans is, in any case, mentioned quite often, in particular in relation to festivals. Cf. S. P. Smith *Journal of the Polynesian Society* (cited from here as *JPS*), XV, p. 87, see pp. 1, 59, n. 4.
  9. The reason we will not say, in this case, that there is potlatch in the strict sense is that the usurious character of the counterprestation is missing. Meanwhile, as we will see in Maori law (*droit*), the fact of not repaying entails a loss of “mana,” of “face,” as the Chinese say; and in Samoa, under the same threat, one must give and return.

wife brought “*tonga*,” which includes the leading articles manufactured by the females, viz. fine mats and native cloth. The “*oloa*” brought by the friends of the husband was all distributed among those of the wife, and the “*tonga*” brought by the friends of the wife was divided among those of the husband; and thus the whole affair was so managed, that the friends were the benefited parties chiefly, and the husband and wife left no richer than they were. Still, they had the satisfaction of having seen what they considered a great honour, viz., heaps of property collected on occasion of the birth of their child.<sup>10</sup>

On the other hand, these gifts (*dons*) may be obligatory, permanent, with no other counterprestation than the rights (*droits*) that they entail. Thus the child whom the sister and by extension the brother-in-law, the maternal uncle, receive from their brother and brother-in-law for them to raise is himself called a *tonga*, a maternal good.<sup>11</sup> Now, he is

a channel through which native property (or “*tonga*”) continues to flow to that family from the parents of the child. On the other hand, the child is to its parents a source of obtaining foreign property (or “*oloa*”) from the parties who adopt it, not only at the time of its adoption, but as long as the child lives. Hence the custom of adoption is not so much the want of natural affection, as the sacrifice of it to this systematic facility of traffic in native and foreign property.<sup>12</sup>

In short, the child, as a maternal good, is the means by which the goods of the maternal family are exchanged against the goods of the male side of the family. And it suffices to note that, living with his maternal uncle, he obviously has a right to live there, and consequently a general right over the latter’s possessions, to the

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10. Turner, *Nineteen years*, p. 178; *Samoa*, p. 52. This theme of ruin and honor is fundamental to the Northwest American potlatch, see esp. in Porter, “Report of the population . . . of Alaska,” *Eleventh Census*, p. 34.

11. Turner, *Nineteen years*, p. 178, *Samoa*, p. 83, calls the young man “adopted.” He is mistaken. The use is exactly that of “fosterage,” of upbringing outside the natal family, with the precision that this “fosterage” is a sort of return to the uterine family, because the child is brought up in the family of its father’s sister, in reality with its uterine uncle, who is the husband of this woman. We must not forget that in Polynesia we are in a classificatory double descent community: maternal and paternal, see our account of the work of Elsdon Best, “Maori nomenclature,” *Année sociologique*, VII, p. 420, and the observations of Durkheim, *Année sociologique*, V, p. 37.

12. Turner, *Nineteen years*, p. 179, *Samoa*, p. 83.

extent that this system of "fosterage" appears very close to the recognized general right of the uterine nephew over his uncle's possessions in Melanesia.<sup>13</sup> All that is missing for this to be potlatch are the elements of rivalry, combat, and destruction.

But let us note the two terms, *oloa* and *tonga*, in particular the second. They designate the permanent paraphernalia, in particular the marriage mats,<sup>14</sup> inherited by the daughters of the marriage, the insignia, the talismans, that enter via the woman into the newly founded family, with a duty of return;<sup>15</sup> these are, in short, a sort of immovable property, fixed according to their destination. The *oloa*<sup>16</sup> refer, in sum, to objects, instruments for the most part, that belong specifically to the husband; these are essentially movable property. This term is also applied to things that have come from whites.<sup>17</sup> This is obviously a recent extension of the meaning. And we can put aside Turner's translation: *oloa* = foreign; *tonga* = native. It is inexact and insufficient, if not without interest, because it shows that certain properties called *tonga* are more attached to the soil,<sup>18</sup> to the clan, to the family, and to the person, than certain others called *oloa*.

But if we extend our field of observation, the notion of *tonga* immediately takes on another dimension. It connotes in Maori, in Tahitian, in Tongan, and in Mangarevan everything that makes one rich, powerful, and influential,

13. See our observations on the Fijian *vasu*, in "Procès verbaux de l'IFA," *Anthropologie*, 1921.

14. Krämer, *Samoa-Inseln*, s.v. *toga*, Vol. I, p. 482, Vol. II, p. 90.

15. Ibid., Vol. II, p. 296. Cf. p. 90 (*toga* = *Mitgift*); p. 94, exchange of *oloa* against *tonga*.

16. Ibid., Vol. I, p. 477. Violette, *Dictionnaire Samoan-Français*, s.v. *toga* expresses it very well: "riches of the region consisting of fine mats and *oloa*, riches such as houses, small boats, cloth, guns" (p. 194, col. 2); and it refers back to *oa*, riches, goods, which includes all foreign articles.

17. Turner, *Nineteen years*, p. 179, cf. p. 186. Tregear (to the word *toga*, s.v. *taonga*), *Maori comparative dictionary*, p. 468, mixes the properties that carry this name and those that carry the name of *oloa*. It is evidently an oversight.

Rev. Ella, "Polynesian native clothing," *JPS*, IX, p. 169, describes the 'ie *tonga* (mats) thus:

The 'ie *tonga* forms the chief wealth of the natives; indeed at one time were used as a medium of currency in payment for work, &c., also for barter, interchange of property, at marriages, and other special occasions of courtesy. They are often retained in families as heirlooms, and many old 'ie are well known and more highly valued as having belonged to some celebrated family.

Cf. Turner, *Samoa*, p. 120. All these expressions have their equivalent in Melanesia, in North America, and in our own folklore, as we shall see.

18. Krämer, *Samoa-Inseln*, Vol. II, pp. 90, 93.

everything that can be exchanged, any object that can be used for payment.<sup>19</sup> These are exclusively valuables, talismans, heraldry, sacred mats, and idols, sometimes even traditions, cults, and magical rituals. Here we return to this notion of talisman-property, which we are sure is general throughout the Malay-Polynesian world, and even the Pacific as a whole.<sup>20</sup>

## THE SPIRIT OF THE THING GIVEN (MAORI)

So this observation leads us to a very important realization. The *taonga*, at least in the Maori theory of law (*droit*) and religion, are strongly linked to the person, the clan, the soil. They are the vehicle for its “mana,” for its magical, religious and spiritual force. In a proverb, happily collected by Sir George Grey<sup>21</sup> and C. O. Davis,<sup>22</sup> they are asked to destroy the individual who has accepted them. Thus do they contain this force within themselves, in cases where the law (*droit*), and in particular the obligation to reciprocate, has not been observed.

Our late lamented friend Hertz had caught a glimpse of the importance of these facts; with his touching selflessness he had noted “For Davy and Mauss” on the file containing the following fact. Colenso says: “They had . . . a kind of Barter, or Exchange;—or, more properly, a giving to be afterwards repaid by a gift.”<sup>23</sup> For example, they exchange dried fish against potted birds, and mats.<sup>24</sup> All this is exchanged within tribes, or to members of “a friendly tribe . . . but always without any kind of stipulation or fixed price.”

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19. V. Tregear, *Maori comparative dictionary*, ad. verb. *taonga*: (Tahitian) *tataoa*, to give property, *faataoa*, to compensate, to give property (Marquesas). Lesson, *Polynésiens*, Vol. II, p. 232, *taetae*. Cf. “pull presents” *tiau taetae*, presents given, “gifts (*cadeaux*) and goods of their country given in order to obtain foreign goods,” Radiguet, *Derniers sauvages*, p. 157. The root of the word is *tabu*, etc.
  20. See Mauss, “Origine de la notion de monnaie,” *Anthropologie*, 1914 (“Procès verbaux de l’IFA”), where almost all the facts cited, excluding those concerning Negritos and Americans, relate to this area.
  21. *Proverbs*, p. 103 (trans. p. 103)
  22. *Maori mementoes*, p. 21.
  23. In *Transactions of the New-Zealand Institute*, I, p. 17.
  24. The tribes of New Zealand are theoretically divided, by Maori tradition itself, into fishermen, farmers, and hunters, and are supposed to exchange their products constantly. Cf. Elsdon Best, “Forest-lore,” *Transactions of the New-Zealand Institute*, XLII, p. 435.



But Hertz had also noted—something I find among his papers—a text whose importance had escaped both of us, since I was equally familiar with it.

With respect to the *hau*, the spirit of things and particularly of the forest, and the game within it, Tamati Ranaipiri, one of Elsdon Best's best Maori informants, gives us quite by chance, and without bias, the key to the problem.<sup>25</sup>

I will now speak of the *hau*. . . . The *hau* is not the *hau* that blows—not at all.<sup>26</sup> I will carefully explain to you. Suppose that you possess a certain article, and you give that article to me, without price. We make no bargain over it. Now, I give that article to a third person, who, after some time has elapsed, decides to make some return for it (*utu*),<sup>27</sup> and so he makes me a present of some article (*taonga*). Now, that article (*taonga*) that he gives to me is the *hau* of the article I first received from you and then gave to him. The goods (*taonga*) that I received for that item I must hand over to you. It would not be right for me to keep such goods for myself, whether they be desirable (*rauwe*) items or otherwise (*kino*). I must hand them over to you, because they are a *hau*<sup>28</sup> of the article (*taonga*) you gave me. Were I to keep such equivalent for myself, then some serious evil would befall me, even death. Such is the *hau*, the *hau* of personal property, or the forest *hau*. *Kati ena*. (Enough on these points.)

This text, of capital importance, merits a few comments. Purely Maori, imbued with a still imprecise theological and juridical spirit, and doctrines of the “house of secrets,” but astonishingly clear at times, it contains only one obscure feature: the intervention of a third person. But to understand this Maori jurist well, it is enough to say:

25. Ibid., p. 431, Maori text, trans. p. 439.

\* Translator's note: Mauss worked with both the Maori and the English versions to insert the Maori words into his own rendition of this passage. We preserve this intervention, while otherwise being exact to the original text by Elsdon Best.

26. The word “*hau*” designates, like the Latin *spiritus*, both the wind and the soul; more precisely, at least in some cases, the soul and the power of inanimate and vegetal things, the word *mana* being reserved for men and spirits, and applying to things less often here than in Melanesia.

27. The word *utu* refers to the satisfaction of blood avengers, compensations, repayments, responsibility, etc. It also designates price. It denotes a complex ethical, legal, religious, and economic notion.

28. *He hau*. The entire translation of these two phrases has been shortened by Elsdon Best, whom I follow nonetheless.

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 (*cadeau*) 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*.

Interpreted in this way, the idea not only becomes clear, but emerges as one of the central tenets of Maori law (*droit*). The gift (*cadeau*) received and exchanged is binding as the thing received is not inert. Even abandoned by the giver, it is still something of his. Through this thing he has a hold over the recipient in the same way that he, as its owner, has a hold over the thief.<sup>29</sup> Because the *taonga* is animated by the *hau* of its forest, of its territory, of its soil; it is truly “native”;<sup>30</sup> the *hau* pursues anyone who holds it.

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29. A great number of demonstrative facts had been collected on this last point by R. Hertz for one of the paragraphs of his work *Sin and expiation*. They prove that the sanction for theft is the simple magical and religious effect of *mana*, of the power that the owner retains over the thing stolen; and also, that this thing, surrounded by taboos and marked with signs of ownership, is completely charged with the *hau*, the spiritual power. It is the *hau* that avenges the theft, which takes hold of him, bewitches him, leads him to death, or constrains him to restitution. These facts can be found in Hertz's book, which we will publish, in the paragraphs devoted to *hau*.
30. We will find in R. Hertz's work the documents on the *mauri* to which we allude here. These *mauri* are simultaneously talismans, palladiums, and sanctuaries where the soul of the clan, *hapu*, its *mana* and the *hau* of its soil reside.

The documents of Elsdon Best on this point need some commentary and discussion, in particular those that concern the remarkable expressions of *hau whitia* and *kai hau*. The main passages are “Spiritual concepts,” *Journal of the Polynesian Society*, X, p. 10. (Maori text), and IX. p. 198. We cannot give them the attention they deserve, but here is our interpretation: “*hau whitia*, averted *hau*,” says Elsdon Best, and his translation seems accurate, since the sin of theft or that of nonpayment or of non-counterprestation is a turning away of the soul, of the *hau*, as in cases (which they confuse with theft) of the refusal to make a deal or to make a gift. On the contrary, the *kai hau* is badly translated when we consider it as the simple equivalent of *hau whitia*. In fact, it clearly refers to the act of eating the soul and is certainly the synonym of *whangai hau*. Cf. Tregear, *Maori comparative dictionary*, s.v. *kai* and *whangai*. But this equivalence is not so simple. For the standard present is that of food, *kai*, which alludes to the system of sharing food and of the fault that exists in remaining in debit. There is more: the word *hau* itself goes back into this sphere of ideas: Williams, *Maori dictionary*, p. 23, s.v. *hau* says: “Return present by way of acknowledgment for a present received.”

It pursues not only the first recipient, and even eventually a third party, but every individual to whom the *taonga* is simply transmitted.<sup>31</sup> Basically, it is the *hau* which wants to come back to its place of birth, to the sanctuary of the forest, to the clan, and to the owner. It is the *taonga*, or its *hau*—which, moreover, is itself a kind of individual<sup>32</sup>—that attaches itself to this series of users, until they reciprocate an equivalent or superior value from their own belongings, from their *taonga*, their possessions, or else from their work or their trade by way of their feasts, festivals, and presents. This in turn will give the donors authority and power over the first donor, who has now become the last recipient. And that is the dominant idea that seems to preside, in Samoa and in New Zealand, over the obligatory circulation of riches, tribute, and gifts (*dons*).

Such a fact clarifies two important systems of social phenomena in Polynesia, and even outside of Polynesia. First of all, we can grasp the nature of the legal tie that the transfer of a thing creates. We will come back to this point later. We will show how these facts can contribute to a general theory of obligation. But for the moment it is clear that, in Maori law (*droit*), the bond of law (*droit*), a bond occurring between things, is one of souls, because the thing itself has a soul, is of the soul. From which it follows that to present something to someone is to present something of oneself. Then we may better understand the very nature of exchange by gifts (*dons*), of everything that we call total prestations, and among these the “potlatch.” We realize clearly and logically that, in this system of ideas, one must give back to the other what is in reality a part of his own nature and substance;

31. We also draw attention to the remarkable expression *kai-hau-kai*. Tregear, *Maori comparative dictionary*, p. 116. “to return a present of food given by one tribe to another; festivity (South Island).” It signifies that this present and feast given back are in reality the soul of the first prestation, which returns to its point of departure: “food that is the *hau* of the food.” In these institutions and these ideas are mixed up all kinds of principles that our European vocabularies, in contrast, take great care to distinguish.
32. Indeed, the *taonga* seem to be endowed with individuality, even beyond the *hau* that confers on them their relationship with their owner. They bear names. According to the best enumeration (that of Tregear *Maori comparative dictionary*, p. 360, s.v. *pounamou*, extracted from Colenso’s manuscripts), they only include the following categories exclusively: the *pounamu*, the famous jades, the sacred property of the chiefs and clans, usually *tiki*, so rare, so individuated and so well sculpted; and diverse kinds of mats, of which one, emblazoned no doubt like those of Samoa, bears the name of *korowai*. (It is the only Maori word that reminds us of the Samoan word *oloa*, the Maori equivalent of which we have searched for in vain.)

A Maori document gives the name of *taonga* to the *Karakia*, magical formulas that are individually named, and considered to be personal talismans that can be passed on: *JPS*, IX, p. 126 (trans. p. 133).

for to accept something from someone is to accept something of his spiritual essence, of his soul. To keep this thing would be dangerous and life-threatening, not simply because it would be illicit, but also because this thing comes from the person, not only morally but physically and spiritually too, this essence, this nourishment,<sup>33</sup> these goods, movable or immovable, these women or these descendants, these rites and these communions, create a magical and religious hold over you. Finally, the thing given is not an inert thing. Animate, often individuated, it tends to return to what Hertz called its “place of origin,” or to produce, for the clan and the soil from which it came, an equivalent that replaces it.

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

To understand completely the institution of total prestation and of the potlatch, we still have to find the explanation for the two other instances which are complementary to the first, for total prestation does not bring with it only the obligation to return the gifts (*cadeaux*) received; it presupposes two others, of equal importance: the obligation to give them, on the one hand, and the obligation to receive them, on the other. The complete theory of these three obligations, of these three themes in the same complex, would offer a fundamental and satisfying explanation for this form of contract between Polynesian clans. For the time being we can only indicate how the subject might be treated.

A large number of facts concerning the obligation to receive are easily found, for a clan, household, company, or guest have no choice but to ask for hospitality,<sup>34</sup> to receive gifts (*cadeaux*), to trade,<sup>35</sup> to contract an alliance, both

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33. Elsdon Best, “Forest lore,” p. 449.

34. Here might be placed the study of the system of facts that the Maori classify under the expressive phrase “contempt of *Tabu*.” The main document can be found in Elsdon Best, “Notes on Maori mythology,” *JPS*, IX, p. 113. *Tabu* is the “emblematic” word for food in general, its personification. The expression “*Kaua e takahi wa Tabu*” “Do not scorn *Tabu*” is used with respect to a person who has refused the food presented to him. But the study of these beliefs concerning food in Maori areas will take us much further. It suffices to say that this god, this hypostasis of food, is identical to *Rongo*, the god of plants and of peace. Then we will understand better the association of ideas: hospitality, food, communion, peace, exchange, law (*droit*).

35. See Elsdon Best, “Spiritual concepts,” *JPS*, IX, p. 198.

through women and through blood. The Dayaks have even developed an entire moral and legal (*droit*) system around the duty not to fail to share the meal in which one partakes or which one has seen being prepared.<sup>36</sup>

The obligation to give is no less important. To study it could allow us to understand how people came to be exchangers. We can only point out a few facts. To refuse to give,<sup>37</sup> to neglect to invite, as to refuse to take,<sup>38</sup> is equivalent to declaring war; it is to refuse alliance and communion.<sup>39</sup> As a consequence, one gives because one is forced to do so, since the recipient has a kind of right of

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36. See Hardeland, *Dayak Wörterbuch*, s.v. *indjok*, *irek*, *pahuni*, Vol. I, pp. 190, 397. The comparative study of these institutions can be extended over the whole area of Malaysian, Indonesian, and Polynesian civilization. The only difficulty consists in recognizing the institution. One example: it is under the heading of "forced trade" that Spenser St. John describes the way in which, in the state of Brunei (Borneo), the nobles extracted tribute from the Bisayas, starting by making them a gift (*cadeau*) of cloth, later paid for at a usurious rate and over a number of years (*Life in the forests of the Far East*, Vol. II, p. 42). The error comes already from the civilized Malays themselves, who were exploiting a custom of their less civilized brothers and no longer understood them. We will not mention all the Indonesian facts of this kind (see later account of the work by Kruyt, "Koopen in Midden Celebes").

37. To neglect to invite someone to a war dance is a sin, a fault that, in the South Island, carries the name of *puha*. H. T. de Croisilles, "Short traditions of the South Island," *JPS*, X, p. 76 (to note: *tabua*, gift of food).

The Maori ritual of hospitality comprises an obligatory invitation, which the guest must not refuse, but neither must he solicit it. He must walk toward the reception house (which varies, according to caste) without looking around himself. His host must deliberately prepare a meal for him, and be present, humbly. Upon departure, the stranger receives a gift (*cadeau*) of provisions for the journey (Tregear, *Maori race*, p. 29; see p. 1 for *identical* rites in Hindu hospitality).

38. In real life the two rules are indissolubly mixed with each other, like the antithetical and symmetrical prestations that they prescribe. A proverb expresses this mix: Taylor (*Te ika a mau*, p. 132, proverb no. 60) translates it in approximate fashion: "*When raw it is seen, when cooked it is taken away.*" "It is better to eat the food only half cooked, than wait and have to divide it with others."

39. Chief Hekemaru (mistake for Maru), according to legend, refused to accept "food" unless he had been seen and received in the stranger village. If his cortège passed unnoticed and only then were messengers sent to invite him and his followers to retrace their steps and share in their food, he would reply that "The food will not follow his back." By this, he meant that the food offered to the "sacred back of his head" (that is to say, that he had already passed beyond the village) would be dangerous to those who would give it to him. Hence the proverb: "the food will not follow at the back of Hekemaru" (Tregear, *Maori race*, p. 79).

property over everything that belongs to the donor.<sup>40</sup> This property is expressed and conceived of in the form of a spiritual bond. Thus, in Australia, the son-in-law who owes all that he has hunted to his father- and mother-in-law may not consume anything in front of them, for fear that their breath alone might poison what he is eating.<sup>41</sup> We saw earlier that the *taonga* uterine nephew in Samoa has the same kind of rights, altogether comparable to the rights of the uterine nephew (*vasu*) in Fiji.<sup>42</sup>

In all this there is a series of rights and duties to consume and return, corresponding to the rights and duties to present and receive. This intricate mix of symmetrical and opposing rights and duties no longer appears contradictory once we understand that there is, above all, a mix of spiritual bonds between things that are in some way of the soul, and individuals, and groups who treat each other, to some degree, as things.

And all these institutions express only one fact, one social regime, one definite mentality: that everything—food, women, children, goods, talismans, the soil, work, services, sacerdotal positions, and ranks—is material to be passed on and used in settling accounts. Everything moves back and forth as if there were a constant exchange of spiritual matter, comprising things and people, between clans and individuals, across ranks, sexes, and generations.

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40. The Tuhoe tribe commented to Elsdon Best ("Notes on Maori mythology," *JPS*, VIII, p. 113) on these principles of mythology and law (*droit*): "Our fame has preceded us. The people of the area go out to hunt and fish in order to have good food. They catch nothing, because "our *mana* has preceded us" and rendered all the animals, all the fish, invisible; "our *mana* has banished them" . . . etc. (There follows an explanation of ice and snow, of *Whai riri* [transgression against the water], which holds the food back, far from men.) In reality, this rather obscure commentary describes the state of a territory of a *hapu* of hunters whose members had not done what was necessary to receive another clan's chief. They would have committed a "*kaipapa*," a fault against the food, and thereby destroyed their harvests, their game and fish, their own food for themselves.

41. Ex. Arunta, Unmatjera, Kaitish, Spencer, and Gillen, *Northern Tribes of Central Australia*, p. 610.

42. On the *vasu*, see in particular the old document by Williams, *Fiji and the Fijians*, Vol. I, 1858, p. 34 *et seq.* Cf. Steinmetz, *Entwicklung der Strafe*, Vol. II, p. 241 *et seq.* This right of the uterine nephew corresponds only to familial solidary union. But it permits other rights to present themselves, for example those of kin by marriage, and what they generally call "legal theft."

## NOTE: THE PRESENT MADE TO MEN AND THE PRESENT MADE TO THE GODS

A fourth theme plays a part in this economy and ethics of presents: that of the gift (*cadeau*) made to men, in sight of the gods and of nature. We have not conducted the general study necessary to bring out the importance of this. Moreover, the facts available do not all relate to those areas to which we have limited ourselves. Finally, the mythological element, which we still understand poorly, is too strong on this point for us to omit it. So we limit ourselves to a few remarks.

In all societies of northeast Siberia<sup>43</sup> and among the Eskimo of western Alaska,<sup>44</sup> as well as those on the Asian side of the Behring Straits, the potlatch<sup>45</sup>

43. See Bogoras, *The Chuckchee (Jesup North Pacific Expedition, Memoir of the American Museum of Natural History, VII)*. The obligations to give, to receive, and to return gifts (*cadeaux*) and hospitality are more marked among the maritime Chuckchee than among the reindeer Chuckchee *Social organization*, *ibid.*, Part III, pp. 634, 637. Cf. The rule for the sacrifice and slaughter of reindeer. *Religion*, *ibid.*, Part II, p. 375: the duty to invite, the right of the guest to ask for what he wants, his own obligation to give a gift (*cadeau*).

44. The theme of the obligation to give is profoundly Eskimo (see our work "Variations saisonnières dans les sociétés eskimo," *Année sociologique*, IX, p. 121). One of the most recent Eskimo collections to be published still contains fables of this kind, demonstrating generosity. Hawkes, *The Labrador Eskimos (Canadian Geological Survey, Anthropological Series)*, p. 159.

45. We have considered the festivals of the Eskimo of Alaska as a combination of Eskimo elements and the borrowing of practices from the Indian potlatch, in the strict sense ("Variations saisonnières dans les sociétés eskimo," *Année sociologique*, IX, p. 121). But, in the time since we wrote this, the potlatch has been identified, as well as the use of gifts (*cadeaux*), among the Chuckchee and the Koryak of Siberia, as we will see. Consequently, the borrowing could just as well have been made to them as to the American Indians. Also, we must take into account the fine and plausible hypotheses of Sauvageot (*Journal des Américanistes*, 1924) on the Asiatic origin of the Eskimo languages, hypotheses which come to confirm the longest-lasting ideas of archeologists and anthropologists on the origins of the Eskimo and their civilization. Finally, everything shows that the Eskimo of the west, rather than being degenerate by comparison with those of the east and center, are closer, linguistically and ethnologically, to the source. This seems now to have been proved by Thalbitzer.

Under these conditions, we must be clearer and say that there is a potlatch among the eastern Eskimo and that this potlatch is very anciently established there. Meanwhile there remain the totems and masks which are quite special to the festivals of the west, and a certain number of which are evidently of Indian origin; finally we can explain only rather poorly the disappearance of the Eskimo potlatch in the east and the center of the American Arctic, if only by the shrinking of Eskimo societies in the east.

produces an effect not only on the men who rival one another's generosity, not only on the things that they transact or consume, on the souls of the dead who are present and take part and whose names the men bear, but also on nature. The exchanges of gifts (*cadeaux*) between men, "namesakes," homonyms of the spirits, incite the spirits of the dead, the gods, things, animals, nature, to be "generous towards them."<sup>46</sup> The exchange of gifts (*cadeaux*) produces an abundance of wealth, they explain. Nelson<sup>47</sup> and Porter<sup>48</sup> have provided us with a good description of these festivals and of their influence on the dead, on game, whales, and the fish that the Eskimos hunt and catch. They refer to them using the kind of language employed by English trappers, with the expressive name "Asking Festival,"<sup>49</sup> or "Inviting-in Festival." Ordinarily they extend beyond the boundaries of the winter villages. This effect on nature is very well described in one of the most recent works on these Eskimos.<sup>50</sup>

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46. Hall, *Life with the Esquimaux*, Vol. II, p. 320. It is extremely remarkable that this expression has been given to us, not with respect to the observations on the Alaskan potlatch, but with respect to the Central Eskimos, who know only the winter festivals of communal life and the exchange of gifts (*cadeaux*). This proves that the idea goes beyond the limits of the institution of the potlatch, in the strict sense.
  47. "Eskimos about Behring Straits," *XVIIIth Annual Report of the Bureau of American Ethnology*, p. 303 *et seq.*
  48. Porter, "Alaskan," *XIth Census*, pp. 138 and 141, and above all Wrangell, *Statistische Ergebnisse*, p. 132.
  49. Nelson. Cf. "asking stick" in Hawkes, "The inviting-in feast of the Alaskan Eskimo," *Geological Survey (Mémoire 45, Anthropological Series, II)*, p. 7.
  50. Hawkes, "The inviting-in feast," pp. 7, 3, 9, description of one of the festivals; Unalaklit against Malemiut. One of the most characteristic traits of this complex is the comic series of prestations on the first day, and the gifts (*cadeaux*) they entail. The tribe that succeeds in making the other laugh can demand of them anything it wants. The best dancers receive valuable presents, pp. 12–14. It is a very clear and very rare example of ritual representations (I do not know of other examples except in Australia and America) of a theme that is, on the contrary, quite frequent in mythology: that of a jealous spirit who, when he laughs, lets go of the thing he is holding.

The rite of the "Inviting-in Festival" ends, moreover, with a visit from the *angekok* (the shaman) to the spirit people, "*inua*," whose mask he wears; they tell him that they have enjoyed the dances, and will send game. Cf. gift (*cadeau*) made to the seals. Jenness, "Life of the Copper Eskimos," *Report of the Canadian Arctic Expedition*, XII, 1922, p. 178, n. 2.

The other themes of the law of gifts (*cadeaux*) are also well developed, for example the chief "*nāskuk*" does not have the right to refuse any present or dish, however rare, under pain of eternal disgrace, Hawkes, "The inviting-in feast," p. 9.



The Eskimos of Asia have even invented a sort of machine, a wheel adorned with all kinds of provisions, and carried on a sort of festive pole, surmounted by the head of a walrus. This part of the pole extends above the tent of which it forms the central support. It is manipulated from within the tent by means of another wheel and turned in the direction of the sun's movement. The conjunction of all these themes could not be better expressed.<sup>51</sup>

It is also evident among the Chuckchee<sup>52</sup> and the Koryaks of the far north-east of Siberia. Both have the potlatch. But it is the maritime Chukchee, like the neighboring Yupik, the Asiatic Eskimos we have just mentioned, who most practice these obligatory and voluntary exchanges of gifts (*dons*), of presents (*cadeaux*), over the course of long "Thanksgiving Ceremonies"<sup>53</sup> that take place frequently, many in winter, in each of the houses, one after the other. The remains of the festive sacrifices are thrown into the sea or scattered to the wind; they return to their land of origin and take away with them the game killed during the year, which will come back the following year. Jochelson mentions festivals of the same sort among the Koryak, but he was not present at them, except the whale festival.<sup>54</sup> Among these people, the system of sacrifice appears to be clearly developed.<sup>55</sup>

Bogoras<sup>56</sup> correctly likens these customs to the Russian "Koliada": children in masks go from house to house to demand eggs and flour, and no-one dares refuse them. We know that this custom is European.<sup>57</sup>

The relationships between these contracts and exchanges among humans and those between men and gods shed light on an entire aspect of the theory of sacrifice. First of all, one understands them perfectly well, especially in those societies where these contractual and economic rituals are practiced between men,

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Hawkes is perfectly correct to consider (p. 19) the feast of the Déné (Anvik) described by Chapman (*Congrès des Américanistes de Québec*, II, 1907) as a loan made by the Indians to the Eskimos.

51. See fig. in Bogoras, *The Chukchee* (Part II), p. 403.

52. Bogoras, *ibid.*, pp. 399–401.

53. Jochelson, *The Koryak* (*Jesup North Pacific Expedition, Memoir of the American Museum of Natural History* VI), p. 64.

54. *Ibid.*, p. 90

55. Cf., p. 98, "This is for Thee."

56. *The Chukchee*, p. 400.

57. On customs of this kind, see Frazer, *The golden bough* (3rd ed.), Vol. III, pp. 78–85, p. 91 *et seq*; Vol. X, p. 169; Vol. V, pp. 1, 161.

but where these men are masked incarnations, often shamanistic, and possessed by the spirit whose name they bear; they act only, in reality, as representatives of the spirits.<sup>58</sup> For these exchanges and contracts draw not only men and things into their vortex, but also the sacred beings which are more or less associated with them.<sup>59</sup> This is very clearly the case with the Tlingit potlatch, one of the two kinds of Haida potlatch, and the Eskimo potlatch.

The evolution was natural. One of the first groups of beings with whom men had to make contracts, and who, by definition, were there to make contracts with them, were above all the spirits of the dead and the gods. In fact, it is they who are the real owners of the things and goods of the world.<sup>60</sup> With them it was most necessary to exchange and most dangerous not to exchange. But, conversely, with them it was easiest and safest to exchange. Destruction by sacrifice has the precise goal of being an act of giving that is necessarily reciprocated. All forms of potlatch in the American Northwest and Northeast Asia include this theme of destruction.<sup>61</sup> It is not only to show power and wealth and lack of self-interest that they put slaves to death, that they burn precious oils, that they throw copper objects into the sea, and even set fire to princely houses. It is also

58. On the Tlingit potlatch, see below, pp. 119–120, 127. This character is fundamental to the whole Northwest American potlatch. However, it is little apparent because the ritual is too totemic for its action upon nature to be stressed in relation to its action on the spirits. It is much clearer in the Behring Straits, particularly in the potlatch made between the Chukchee and the Eskimos on St. Lawrence Island.

59. See the myth of the potlatch in Bogoras, *Chukchee mythology*, 1910, p. 14. Two shamans engage in conversation: “What will you answer?” that is to say, “give as return presents.” This dialogue ends in a wrestling match; then the shamans make a contract with each other and exchange their magic knife and magical necklace, then their spirit (magic assistants), and finally their bodies (p. 15). But they do not succeed perfectly in their flights and their landings; they have forgotten to exchange their bracelets and “tassels,” “my guide in motion,” p. 16. They finally succeed in performing their tricks. We see that all these things have the same spiritual value as the spirit itself, and are themselves spirits.

60. See Jochelson, *The Koryak*, p. 30. A Kwakiutl chant of the dance of the spirits (shamanism of the winter ceremonies) comments on this theme.

You send us everything from out of the under world, ghosts!  
who take away men's senses.  
You heard that we were hungry, ghosts! . . .  
We shall receive plenty from you, etc. . .

Boas, *Secret societies and social organization of the Kwakiutl Indians*, p. 483.

61. See Davy, *Foi Jurée*, p. 224 *et seq.*, and see later p. 95.

to sacrifice to the spirits and to the gods, in fact indistinguishable from their living incarnations, the holders of their titles, their initiated allies.

But already there appears another theme that no longer needs this human support, one that may be as old as the potlatch itself: the belief that it is from the gods that one must purchase and that the gods know how to repay the price of things. Perhaps nowhere does this idea express itself more typically than among the Toradja of the Celebes. Kruyt<sup>62</sup> tells us that “the owner there must ‘purchase’ from the spirits the right to accomplish certain acts upon ‘his’—in reality ‘their’—property.” Before cutting “his” wood, even before tilling “his” soil, planting the post of “his” house, he must pay the gods. Even though the notion of purchase seems very little developed in the civil and commercial customs of the Toradja,<sup>63</sup> that of purchase from the gods and the spirits is on the contrary fully formed.

Malinowski, with respect to the forms of exchange that we will describe shortly, points to facts of the same kind in the Trobriands. They conjure up an evil spirit, a *tauvau* whose corpse they have found (that of a snake or ground crab), by presenting it with one of the *vaygu’a*, a valuable object, ornament, talisman, and object of wealth all at the same time, that serve in *kula* exchange. This gift (*don*) has a direct effect on the mind of this spirit.<sup>64</sup> Moreover, at the time of the festival of *mila-mila*,<sup>65</sup> a potlatch in honor of the dead, the two kinds of *vaygu’a*, those of the *kula* and those that Malinowski calls for the first time<sup>66</sup> the “permanent *vaygu’a*,” are displayed and offered to the spirits on a platform identical to that of the chief. This renders their spirits good. They take away the shade of these valuables to the land of the dead,<sup>67</sup> where they vie with one another in wealth, just as the living do when they return from a ceremonial *kula*.<sup>68</sup>

62. “Koopen in Midden Celebes,” *Mededeelingen der Koninklijke Akademie van Wetenschappen, Afdeling Letterkunde* 56; Series B, no. 5, pp. 163–68, pp. 158–59.

63. *Ibid.*, pp. 3 and 5 of the abstract.

64. *Argonauts of the Western Pacific*, p. 511.

65. *Ibid.*, pp. 72, 184.

66. *Ibid.*, p. 512 (those that are not objects of obligatory exchange). Cf. Baloma, “Spirits of the dead,” *Journal of the Royal Anthropological Institute*, 1917.

67. A Maori myth, that of Te Kanava, Grey, *Polynesian myth*, Routledge, p. 213, recounts how the spirits, the fairies, took the shade of the *pounamu* (jades etc.) (alias *taonga*) displayed in their honor. A myth, exactly the same as in Mangaia, Wyatt Gill, *Myths and songs from the South Pacific*, p. 257, tells the same thing of red-disk necklaces and how they gained favor with the beautiful Manapa.

68. *Argonauts*, p. 513 Malinowski exaggerates a little (*ibid.*, p. 510 *et seq.*), the novelty of these facts, which are identical to those of the Tlingit potlatch and the Haida potlatch.

Van Ossenbruggen, who is not only a theorist but a distinguished observer who lives there in situ, noticed another characteristic of these institutions.<sup>69</sup> Gifts (*dons*) to men and to the gods both have the purpose of buying peace from one another. In this way they keep away evil spirits, and more generally evil influences, even those that are not personalized: for a man's curse allows jealous spirits to penetrate you and kill you, and evil influences to act; and wrongs committed against men weaken the guilty party in the face of spirits and sinister things. Van Ossenbruggen interprets the money thrown at a wedding procession in China and even the bride-price for the bride in the same way. This is an interesting suggestion from which a whole series of facts can be derived.<sup>70</sup>

We see here how one can elaborate a theory and a history of contract sacrifice. This presupposes institutions of the kind we are describing, and, conversely, realizes them at the highest level, since the gods who give and return gifts are there to give a grand thing in place of a small one.

It is perhaps no accident that the two solemn formulas of the contract—in Latin *do ut des*, in Sanskrit *dadami se, dehi me*<sup>71</sup>—have also been preserved in religious texts.

## A NOTE ON ALMS

Later, however, in the evolution of law (*droits*) and religions, men reappear as representatives of the gods and the dead, if indeed they had ever ceased to be so. For example, among the Hausa of the Sudan, when the “Guinea corn” is ripe, fevers may become widespread; one way of avoiding the fever is to make presents of this corn to the poor.<sup>72</sup> Among the same Hausa (this time in Tripoli), at

69. “Het primitieve denken, voorn. in Pokkengebruiken...,” *Bijdragen tot de Taal-, Land-, en Volkenkunde van Nederlandsch- Indië*, 71, pp. 245 and 246.

70. Crawley, *Mystic rose*, p. 386, has already put forward a hypothesis of this kind, and Westermarck has taken it up and started to examine it. See in particular: *History of human marriage*, 2nd edition, Vol. I, p. 394 *et seq.* But he did not see clearly down to the basics, in that he failed to identify the system of total prestations with the more developed system of the potlatch, of which all of these exchanges, in particular the exchange of women and marriage, are only one part. On the fertility of marriage that is assured by the gifts (*dons*) made to the couple, see below p. 171–72.

71. *Vajasaneyi Samhitā*, see Hubert and Mauss, *Essai sur le sacrifice*, p. 105 (*Année sociologique*, II).

72. Tremearne, *Haoussa superstitions and customs*, 1913, p. 55.

the time of the Great Prayer (Baban Salla), the children (these customs are both Mediterranean and European) visit houses: "Shall I enter, shall I enter, or shall I return?" . . . "O Prick-Eared hare," they reply, "through a bone, one gets service." (A poor person is happy to work for the rich). These gifts (*dons*) to children and to the poor are pleasing to the dead.<sup>73</sup> Among the Hausa, these customs are possibly of Muslim<sup>74</sup> origin, or of Muslim, Black, and European origin all at the same time, as well as Berber.

In any case, we see how a theory of alms might develop. Alms are the fruit of a moral notion of the gift (*don*) and of fortune,<sup>75</sup> on the one hand, and of a notion of sacrifice, on the other. Generosity is obligatory because Nemesis avenges the poor and the gods for the excess of happiness and wealth of certain men who should rid themselves of it; it is the old ethics of the gift (*don*) made principle of justice; and the gods and spirits accept that their share, which once was offered to them and destroyed in vain sacrifices, should serve the poor and children. Here we are telling the story of the moral ideas of the Semites. The Arab *sadaqa*, like the Hebrew *tzedakah*, originally meant exclusively justice; and it has come to mean alms. We can even date from the era of the Mishnah, from the victory of the "Paupers" in Jerusalem, the moment when the doctrine of charity and alms was born, which spread around the world with Christianity and Islam. It is at this moment that the word *tzedakah* changes meaning, because in the Bible it did not mean alms.\*

But let us come back to our main subject: the gift (*don*) and the obligation to reciprocate (*rendre*).

These documents and commentaries are not only of local ethnographic interest. A comparison can broaden and deepen the scope of this evidence.

73. Tremearne, *The ban of the Bori*, 1915, pp. 238–39.

74. Robertson Smith, *Religion of the Semites*, p. 283, "The poor are the guests of God."

75. The Betsimisaraka of Madagascar recount that, of two chiefs, one distributed everything that he owned, the other distributed nothing and kept everything. God gave fortune to the one who was generous and ruined the miser (Grandidier, *Ethnographie de Madagascar*, Vol. II, p. 67, n.a.).

\* Translator's note: Footnote indications for Notes 2 and 3 (on p. 59 of the original), are missing in the original text. They are as follows:

2. On the notions of alms, generosity, and liberality, see the collection of evidence by Westermarck, *Origin and development of moral ideas*, Vol. I, ch. XXIII.

3. On a magical value still present in the *sadaqa*, see later.

The fundamental elements of the potlatch<sup>76</sup> can therefore be found in Polynesia, even if the complete institution<sup>77</sup> is not; in any case, the exchange-gift

76. We have not been able to repeat the task of rereading an entire literature. There are questions that only come up after the research is over. But we do not doubt that in reconstituting the systems of disconnected facts produced by ethnographers, we would still find important traces of the potlatch in Polynesia. For example, the festivals of food display, *hakari*, in Polynesia (see Tregear, *Maori race*, p. 113) include exactly the same laying out, the same scaffolding, piles, and food distribution, as the *hekarai*, the same festivals with the same names as those of the Melanesians of Koita. See Seligman, *The Melanesians*, p. 141–45, and later. On the Hakari, see also Taylor, *Tē ika a mauī*, p. 13; Yeats, *An account of New Zealand*, 1835, p. 139. Cf. Tregear, *Maori comparative dictionary*, s.v. *hakari*. Cf. a myth in Grey, *Polynesian myth*, p. 213 (1855 edition), p. 189 (Routledge's popular edition), which describes the *hakari* of Maru, the god of war; here the solemn designation of the donors is exactly the same as that of the New Caledonians, Fijians, and New Guineans. Here again is a speech that forms *Umu taonga* (*taonga* "oven") for a *hikairo* (distribution of food), preserved in a chant (Sir E. Grey, "Ko. Nga Moteatea," *Mythology and traditions in New Zealand*, 1853, p. 132) insofar as I can translate it (stanza 2).

Give me my *taonga* on this side  
 Give me my *taonga*, so that I can put them in piles  
 Put them in piles facing toward the land  
 Put them in piles facing toward the sea  
 Etc . . . toward the East . . .  
 Give me my *taonga*.

The first stanza no doubt alludes to the stone *taonga*. We see to what degree even the notion of *taonga* is inherent in this ritual of the festival of food. Cf. Percy Smith, "Wars of the northern against the southern tribes," *JPS*, VIII, p. 156 (Hakari de Te Toko).

77. Supposing that it cannot be found in present-day Polynesian societies, it could be that it existed in the civilizations and societies that the immigration of the Polynesians absorbed or replaced, and it is also possible that the Polynesians had it before their migration. In fact, there is a reason for which it has disappeared from a part of this area. This is that the clans are definitively hierarchical in almost all these islands, and even concentrated around a monarchy; one of the principal conditions of the potlatch is therefore missing: the changeability of a hierarchy that the rivalry between chiefs has the precise purpose of temporarily stabilizing. Similarly, if we find more traces (perhaps from secondary information) among the Maori, more than from any other island, it is precisely because the chieftaincy there has been reconstituted and the clans have become rivals.

For destructions of wealth of the Melanesian or American type in Samoa, see Krämer, *Samoa-Inseln*, Vol. I, p. 375. See index s.v. *ifoga*. The Maori *murū*, destruction of goods because of a wrongdoing, could perhaps also be studied from this point of view. In Madagascar, the relations between the *Lobateny*—who must trade among each other, can insult each other, and ruin everything belonging to one

(*don*) is the rule. But it would be pure scholasticism to emphasize this theme of law (*droit*) if it was only Maori, or at most Polynesian. Let us shift the subject. At least for the *obligation to reciprocate*, we can demonstrate that it clearly has yet another domain of applicability. We will also outline the extent of other obligations and prove that this interpretation holds for many other groups of societies.

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another—are likewise traces of ancient potlatches. See Grandidier, *Ethnographie de Madagascar*, Vol. II, p. 131 and n., pp. 132–33. Cf. p. 155.

## CHAPTER TWO

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# The Extent of This System

## *Liberality, Honor, Money*

### RULES OF GENEROSITY (ANDAMANS)\*

First, one also finds these customs amongst the Pygmies, who, according to Father Schmidt,<sup>1</sup> are the most primitive of peoples. Brown observed, as early as 1906, facts of this kind amongst the Andamans (North Island), and has described them excellently with respect to hospitality between local groups and

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\* NB. All these facts, like those that will follow, are borrowed from quite varied ethnographic provinces, whose connections are not the goal of our studies. From an ethnological point of view, there is no shadow of a doubt as to the existence of an Atlantic civilization, which can partly explain the shared traits, for example, between the Melanesian potlatch and the American potlatch, and the similarity of the North Asian and North American potlatch. But, on the other hand, these beginnings amongst the Pygmies are quite extraordinary. No less so the traces of the Indo-European potlatch, of which we will speak. So we will abstain from any fashionable considerations on the migration of institutions. In our case it is too simple and too dangerous to speak of borrowing, and no less dangerous to speak of independent invention. Furthermore, all the maps that we compose are only based on our poor knowledge or current ignorance. For the moment, it is enough for us to show the nature and very wide distribution of this theme of law (*droit*); it is for others to write a history of it, if they can.

1. *Die Stellung der Pygmaënvölker*, 1910. We do not agree with P. Schmidt on this point. See *Année sociologique*, XII, p. 65 *et seq.*



visitors—to festivals and fairs that serve the voluntary–obligatory exchanges (trade in ochre and products of the sea for products of the forest, etc.):

For the most part . . . as each local group, and indeed each family, was able to provide itself with everything that it needed in the way of weapons and utensils, the exchange of presents did not serve the same purpose as trade and barter in more developed communities. The purpose that it did serve was a moral one. The object of the exchange was to produce a friendly feeling between the two persons concerned, and unless it did this it failed of its purpose.<sup>2</sup>

No one was free to refuse a present that was offered to him. Each man and woman tried to out-do the others in generosity. There was a sort of amiable rivalry as to who could give away the greatest number of valuable presents.<sup>3</sup>

The presents seal the marriage, and form a kinship bond between both the two parental couples. They give the two “sides” the same nature, and this identical nature is clearly manifested in the prohibition that places a taboo, from the first betrothal to the end of their days, on the two groups of kin, who, from then on, will not see one another again, not speak to each other again, but perpetually exchange presents (*cadeaux*).<sup>4</sup> In reality, this prohibition expresses both the intimacy and the fear that reigns between this kind of reciprocal creditor and debtor. This principle proves the following: the same taboo, signaling simultaneously both intimacy and distance, is still established amongst young people of both sexes who have, at the same time, undergone the “turtle-eating or pig-eating ceremony,”<sup>5</sup> and who are also obliged to exchange presents for their whole lives. There are facts of this kind in Australia as well.<sup>6</sup> Brown also describes for us

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2. *Andaman Islanders*, 1922, p. 83. “Although the natives themselves regarded the objects thus given as being presents, yet when a man gave a present to another he expected that he would receive something of equal value in return, and would be very angry if the return present did not come up to his expectations.”
  3. *Ibid.*, pp. 83–84; cf. p. 237. Brown then observes how unstable this contractual activity is, how it leads to sudden quarrels, although its purpose is often to stop them.
  4. *Ibid.*, p. 237.
  5. *Ibid.*, p. 81.
  6. The fact is indeed perfectly comparable to the *kalduke* relationships of the *ngiampe* amongst the Narrinyerri, and to the *Yutchin* amongst the Dieri; on these relations we reserve our right to return.

rituals of meeting after a long separation—embracing, greeting with tears—and he shows how exchanges of presents are equivalent to these<sup>7</sup> and how they blend together sentiments and persons.<sup>8</sup>

Fundamentally these are mixes. Souls are blended into things; things are blended into souls. Lives are blended together, and so it is that the persons and things that are mixed each emerge from their own spheres and blend with each other: this is precisely what contract and exchange are.

## PRINCIPLES, SENSE, AND INTENSITY OF THE EXCHANGE OF GIFTS (MELANESIA)

The Melanesian peoples have either conserved or developed the potlatch better than the Polynesians.<sup>9</sup> But this is not what concerns us. They have, in any case, better than the Polynesians, conserved, on the one hand, and developed, on the other, the whole system of gifts (*dons*) and of this form of exchange. And there appears amongst them, much more clearly than in Polynesia, the notion of money,<sup>10</sup> so the system becomes in part more complicated, but also clearer.

### *New Caledonia*

Here we find not only the ideas that we want to bring out, but even their expression in the characteristic documents that Leenhardt has gathered on the New Caledonians. He started by describing the *pilou-pilou* and the system of

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7. Ibid., p. 237.

8. Ibid., pp. 245–46. Brown puts forward an excellent sociological theory regarding these manifestations of communion, of identity of sentiments, and of the character, both obligatory and yet free, of their manifestations. There is another problem here, albeit connected, to which we have already drawn attention: “L’expression obligatoire des sentiments,” *Journal de Psychologie*, 1921.

9. See above, pp. 82, 83, n. 77.

10. There may be a need to take up again the question of money with respect to Polynesia. See above, p. 68, n. 17, the citation from Ella on Samoan mats. The large hatchets, the jades, the *tiki*, the teeth of sperm whales, are no doubt types of currency, as are a great number of shells and crystals.

festivals, gifts (*cadeaux*), and prestations of all sorts, including money,<sup>11</sup> which we should not hesitate to call potlatch. The legal language used in the solemn speeches of the herald are quite typical. Thus, during the ceremonial presentation of yams<sup>12</sup> for the feast, the herald says: "If there is some ancient *pilou* before which we have not been, there, amongst the *Wi*, etc . . . this yam hastens toward it as once such a yam came from them to us . . ."<sup>13</sup> It is the thing itself that returns. Later, in the same speech, it is the spirit of the ancestors that lets "descend . . . upon these portions of food the effects of their action and strength." "The result of the action you have accomplished appears today. Every generation has appeared in its mouth." Another no less expressive way to represent the legal (*droit*) bond is: "Our festivals are the movement of the hook that serves to bind together the various sections of the straw roofing so as to make one single roof, one single word."<sup>14</sup> It is the same things that return, the same thread that passes through.<sup>15</sup> Other authors also note these same facts.<sup>16</sup>

11. "La monnaie néo-calédonienne," *Revue d'ethnographie*, 1922, p. 328, particularly with respect to the moneys at the end of funerals, and the principle, p. 332. *La fête du Pilou en Nouvelle-Calédonie*, *Anthropologie*, p. 226 *et seq.*

12. *Pilou*, pp. 236–37; cf. pp. 250 and 251.

13. *Ibid.*, p. 247; cf. pp. 250–51.

14. *Pilou*, p. 236, Cf. "Monnaie," p. 332.

15. This formula seems to belong to Polynesian juridical symbolism. In the Mangaia Islands, peace was symbolized by a "very open house" bringing together the gods and the clans under a "well-woven" roof. Wyatt Gill, *Myths and songs of the South Pacific*, p. 294.

16. Father Lambert, *Mœurs des Sauvages neo-calédoniens*, 1900, describes numerous potlatches: one in 1856, p. 119; the series of funeral feasts, pp. 234–35; a potlatch for a second burial, pp. 240–46. He grasped that the humiliation and even emigration of a vanquished chief was the sanction for a present and a potlatch not reciprocated, p. 53; and he understood that "every present demands in return another present," p. 116. He uses the common French expression of "un retour" (a return): a regulated return; the "returns" are displayed in the home of the rich, p. 125. Presents are obligatory on a visit. They are the condition of marriage, pp. 10, 93–94; they are irrevocable and the "returns are given with interest," in particular the *bengam*, first cousin of a sort, p. 215. The *trianda*, dance of the presents, p. 158, is a remarkable case of formality, ritualism, and juridical aesthetic mingled together.

*Trobriand Islands*

At the other end of the Melanesian world, another well-developed system is equivalent to that of the New Caledonians. The inhabitants of the Trobriand Islands are amongst the most civilized of these races. Today, wealthy pearl fishers, and before the arrival of Europeans, rich makers of pottery, shell money, stone hatchets, and valuables, they have always been good traders and daring navigators. And Malinowski gives them a truly fitting name when he compares them to Jason's companions: "Argonauts of the Western Pacific." In one of the best books of descriptive sociology, focusing, so to speak, on the subject that concerns us, he has described an entire system of inter- and intratribal commerce for us that bears the name of *kula*.<sup>17</sup> We still await his description of all the institutions presided over by the same principles of law (*droit*) and economy: marriage, festival of the dead, initiation, etc. As a result, our description remains only provisional. But the facts are of capital importance and clear.<sup>18</sup>

The *kula* is a kind of grand potlatch; a vehicle for widespread intertribal commerce, it extends across all the Trobriand Islands, part of the Entrecasteaux Islands, and the Amphlett Islands. It involves all the tribes in all these territories indirectly, and several large tribes directly: the Dobu in the Amphletts, the Kiriwina, the Sinaketa, the Kinatava in the Trobriands, and the Vakuta on

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17. See "Kula," *Man*, 51, July 1920, p. 90 *et seq*; *Argonauts of the Western Pacific*, London 1922. All the references that are not otherwise indicated in this section refer to this book.

18. Yet Malinowski exaggerates, pp. 513 and 515, the novelty of the facts that he describes. First of all, the *kula* is fundamentally no more than an intertribal potlatch, of the kind quite common in Melanesia, and to which belong the expeditions that Father Lambert describes, in New Caledonia, and the great expeditions, the Olo-Olo of the Fijians, etc. See Mauss, "Extension du potlatch en Mélanésie," "Procès-verbaux de l'IFA," *Anthropologie*, 1920. The meaning of the word *kula* seems to me tied to that of other words of the same type, for example: *ulu-ulu*. See Rivers, *History of the Melanesian society*, Vol. II, pp. 415 and 485, Vol. I, p. 160. But from certain perspectives, even the *kula* is less characteristic than the American potlatch, the islands being smaller, and the societies less rich and less strong than those of the British Columbian coast. Amongst the latter is to be found the intertribal potlatch. One even encounters veritable international potlatches: for example, Haïda against Tlingit (Sitka was in fact a shared village, and the Nass River a constant meeting place); Kwakiutl against Bella Coola, against Heiltsuq; Haïda against Tsimshian, etc. This is, moreover, in the nature of things; the forms of exchange are normally extendable and international. They have without doubt, both there and elsewhere, followed and cleared the way for trade routes between these tribes, who were equally rich and equally seafaring.

Woodlark Island. Malinowski does not give the translation of the word, which undoubtedly means “circle”; and it is indeed as if all these tribes, these maritime expeditions, these valuables and objects for use, these foods and festivals, these services of all kinds, ritual and sexual, these men and women, were bound into a circle,<sup>19</sup> following a regular motion around it, both in time and in space.

*Kula* trade is of a noble kind.<sup>20</sup> It seems to be reserved for the chiefs, who are simultaneously the leaders of the fleets and canoes, the traders, and also the recipients of gifts: from their vassals, who take the form of their children; from their brothers-in-law, who are also their dependents; as well as the chiefs of a number of subject villages. Trade is practiced in a noble fashion, apparently in a purely disinterested and modest way.<sup>21</sup> It is carefully distinguished from the simple economic exchange of useful merchandise, which carries the name of *gimwali*.<sup>22</sup> The latter is in fact practiced, in addition to the *kula*, in the great primitive fairs that represent the assemblies of the intertribal *kula*, or the small markets of the internal *kula*; they are marked by very tenacious bargaining between the two parties, a process unworthy of the *kula*. They say of an individual who does not conduct the *kula* with the requisite greatness of soul that he “conducts it like *gimwali*.” In appearance, at least, the *kula*—like the North American *potlatch*—consists in giving by some, and receiving by others,<sup>23</sup> the recipients one day being the donors the next. Even in the most complete, most solemn, the highest and most competitive form of the *kula*,<sup>24</sup> that of the great maritime expeditions—the “*Uvalaku*”—the rule is to leave with nothing to exchange, without even anything to give, except in exchange for food, which one refuses even to ask for. They act as if they do nothing but receive. It is when the

19. Malinowski takes a liking to the expression “*kula* ring.”

20. P. 97, “noblesse oblige.”

21. See p. 473, the expressions of modesty: “my *kuleya* (food left over), take it; I brought it to-day,” said while a precious necklace is being given.

22. See pp. 95, 189, 193. It is in a purely didactic fashion, and to make himself understood by Europeans, that Malinowski, p. 187, places the *kula* amongst “ceremonial barter with deferred payment” (in return): the word barter, like the word exchange, is European.

23. See “Primitive economics of the Trobriand Islanders,” *Economic Journal*, March 1921.

24. Rites of *tananarere*, display of the products from the expedition, on the beach of Muwa, pp. 374–75, 391. Cf. *Uvalaku* de Dobu, p. 381 (April 20–21). They determine who has been the most handsome, that is, the luckiest, the best trader.

visiting tribe plays host to the visited tribe one year later that the gifts (*cadeaux*) will be repaid with interest.

However, during lesser *kula*, they take advantage of the sea journey to exchange cargo; the nobles themselves trade. There is a lot of indigenous theory about this. Numerous things are solicited,<sup>25</sup> requested, and exchanged, and all manner of relationships are formed in addition to the *kula*. But the latter always remains the goal, and the decisive moment in these relationships.

The act of giving itself takes on very solemn forms: the thing received is scorned, mistrusted, picked up only for an instant after having been thrown at their feet; the giver puts on an air of exaggerated modesty,<sup>26</sup> having ceremonially brought his present, to the sound of a conch-shell he apologizes for giving only his leftovers, and throws the given object at the feet of his rival and partner.<sup>27</sup> Meanwhile, the conch and the herald proclaim to everyone the solemnity of the transfer. The aim in all this is to demonstrate generosity, liberty, and autonomy, as well as greatness.<sup>28</sup> And yet, deep down, it is mechanisms of obligation, and even obligation through things, that are at play.

The essential stuff of these gift-exchanges (*échanges-donations*) is the *vaygu'a*, a sort of money.<sup>29</sup> There are two kinds of these: the *mwali*, beautiful

25. Ritual of *wawoyla*, pp. 353–54; magic of *wawoyla*, pp. 360–63.

26. See above, p. 90, n. 21.

27. P. 471. See the frontispiece and the photograph plates LX *et seq*; see later p. 172.

28. Exceptionally, we will show that one can compare these morals with the fine paragraphs of the *Nicomachean ethics* on the *μεγαλοπρέπεια* and *ἐλευθερία*.

29. NOTE OF PRINCIPLE ON THE USE OF THE NOTION OF MONEY.

We persist, in spite of Malinowski's objections ("Primitive currency," *Economic Journal*, 1923) in using this term. Malinowski protested in advance against its abuse (*Argonauts*, p. 499, n. 2) and criticized Seligman's nomenclature. He reserves the notion of money for objects serving not only as means of exchange but also as a standard for measurement of value. Simiand has made objections of the same kind to me regarding the use of the notion of value in societies of this type. These two scholars are surely correct in their point of view; they understand the word money and the word value in a narrow sense. By this reasoning, there has been no economic value except when there has been money, and there has been no money except when precious things, condensed wealth itself and signs of riches, have become real money, that is, inscribed, impersonalized, detached from all relationship with any moral being, collective or individual, other than the authority of the state which mints them. But the question thus posed is not that of the arbitrary limit that we must place on the use of the word. In my own view we are only defining a second type of money in this way: our own. In all societies that preceded those wherein they monetized gold, bronze, and silver, there were other things—stones, shells, and

precious metals in particular—that were used and have served as means of exchange and payment. In a good number of those that still surround us, this same system in fact functions, and it is this that we are describing.

It is true that precious things differ from what we are used to conceiving of as instruments of liberation. First of all, in addition to their economic nature, and of their value, they also have a magical nature, and are talismans in particular: “life-givers,” as Rivers called them, and as Perry and Jackson do still. Furthermore, they have a very general circulation within a society and even between societies; but they are still attached to persons or clans (the first Roman coins were minted by the *gentes*), to the individuality of their previous owners, and to contracts drawn up between moral persons. Their value is still subjective and personal. For example, the threaded shell money, in Melanesia, is still measured according to the hand-span of the giver. Rivers, *History of the Melanesian Society*, Vol. II, p. 527; Vol. I, pp. 64, 71, 101, 160 *et seq.* Cf. the expression *Schulterfaden*: Thurnwald, *Forschungen . . .*, Vol. III, p. 41 *et seq.*, Vol. I, p. 189 v. 15. *Hüftschnur*, Vol. I, p. 263, l. 6, etc. We will see other important examples of these institutions. It is still true that these values are unstable, and that they lack the necessary character of a standard or measure: for example, their price rises and falls with the number and size of the transactions in which they have been used. Malinowski gives the very nice comparison of the *vaygu'a* of the Trobriands acquiring prestige in the course of their voyages in the same way as the crown jewels. Likewise, the emblazoned copper objects of the American Northwest and the Samoan mats grow in value at each *potlatch*, with each exchange.

But on the other hand, from two points of view, these precious things have the same functions as the money in our own societies and therefore deserve to be classified at least in the same genre. They have a power of purchase and this power is enumerated. For such and such an American “copper” is due a payment of so many blankets, to such and such a *vaygu'a* there correspond this many baskets of yams. The idea of number is there, even if this number is fixed by something other than the authority of the state, and varies in the sequence of *kulas* and *potlatches*. What is more, this purchasing power is truly liberating. Even if it is only recognized amongst particular individuals, clans, and tribes, or only between associates, it is no less public, official, or fixed. Brudo, Malinowski’s friend, and like him a long time resident of the Trobriands, paid his pearl divers with *vaygu'a* as well as with European money or goods of fixed value. The transition from one system to the other was made without hitches, and was therefore possible. Armstrong, with respect to the moneys used on Rossel Island, near the Trobriands, gives very clear indications of this and persists in the same error as us, if indeed there is an error. “A unique monetary system,” *Economic Journal*, 1924 (sent in proofs).

According to us, humanity has long been feeling its way. At the outset, in the first phase, we found that certain things, almost all magical and precious, were not destroyed by use and we endowed them with purchasing power; see Mauss, “Origines de la notion de monnaie,” *Anthropologie*, 1914, in “Procès verbaux de l’IFA” (at that time we had only just discovered the distant origins of money). Then, in the second phase, having succeeded in putting these things into circulation, both within the tribe and far outside it, humanity found that these instruments for purchase could serve as a means of numeration and circulation of riches. This is the

armshells, fitted and polished from a shell and worn during grand occasions by their owners or their kin; and the *soulava*, necklaces worked by the skilled craftsmen of Sinaketa in the pretty mother-of-pearl of the red spondylus. These are worn ceremonially by the women,<sup>30</sup> though occasionally by the men, for example in their death-throes.<sup>31</sup> But normally both of them are hoarded. They are kept in order to revel in their possession. The making of the former, the gathering and crafting of the latter, and the trade in these two objects of exchange and prestige are, with a few other, more secular and ordinary exchanges, the source of prosperity for the Trobrianders.

According to Malinowski, these *vaygu'a* are animated by a kind of circular movement: the *mwali*, the armshells, pass regularly from west to east, while the *soulava* always travel from east to west.<sup>32</sup> These two movements in opposite directions occur between all the Trobriand Islands, the Entrecasteaux, the Amphletts, and the remote islands of Woodlark, Marshall Bennett, Tubetube, and right up to the extreme southeast coast of New Guinea, from which come the unfinished armshells. And it is there that this trade meets the great expeditions

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stage that we are in the process of describing. And it is from this stage on that, in quite an early period in Semitic societies, but doubtless not so early in others, they invented—the third phase—the means for detaching these precious things from groups and peoples, and making them permanent instruments for the measure of value, or even a universal, if not rational, measure—while waiting for something better.

There has therefore been, in our view, a form of money that preceded our own. Without counting those that consist of objects of use, for example, and by further example, in Africa and Asia, the plates and ingots of copper, iron, etc. And without counting livestock, both in our own ancient societies and in present-day African societies.

We apologize for having had to take a position on these questions, which are too vast in scope. But they touch on our subject too closely, and we had to be clear.

30. Plate XIX. It seems that Trobriand women, like the “princesses” of the American Northwest, and several other persons, serve to some extent as a way of displaying ostentatious objects, not to mention the fact that they also “enchant” them in this way. Cf. Thurnwald, *Forschungen. Salomo Inseln*, Vol I, pp. 138, 159, v. 7.
31. See later, p. 95, n. 41.
32. See map, p. 82. Cf. “Kula,” *Man*, 1920, p. 101. Malinowski tells us that he has not found the mythical or other reasons for the direction of this circulation. Finding them would be of great importance. For, if the reason lay in the orientation of these objects, in that they tended to return to a point of origin and follow a path of mythical origin, this fact would be prodigiously similar to the Polynesian one, and to the Maori *hau*.



of the same kind that come from New Guinea (South Massim),<sup>33</sup> which Seligman has described.

In principle, the circulation of these signs of wealth is incessant and unerring. One must neither hold them too long, nor be slow, nor must one hold onto them too tightly<sup>34</sup> nor give one to any other person than the designated partners, in the designated direction, that is, “armshell direction” or “necklace direction.”<sup>35</sup> One should, and one may, keep them from one *kula* to the next, and the whole community swells with pride at the *vaygu’a* that one of its chiefs has obtained. There are even occasions, such as in the preparation of funerary celebrations, the grand *s’bi*, when it is permitted only to receive, without giving anything in return.<sup>36</sup> But this is in order to reciprocate everything and spend everything when the feast has begun. It is thus a kind of property that one acquires through the gift (*cadeau*) received. But property of a certain kind. One could say that it involves all sorts of legal (*droit*) principles that we, in our modern world, have carefully separated from one another. It is both property and possession, a pledge and a thing leased out, a thing sold and purchased, as well as deposited, commissioned, and entrusted; for it is only given to you on condition of your making use of it for another, or to pass it on to a third party, a “remote partner,” *murimuri*.<sup>37</sup> Such is the truly typical nature of this economic, legal, and moral complex that Malinowski managed to discover, retrieve, observe, and describe.

This institution also has its mythical, religious, and magical aspect. The *vaygu’a* are not undifferentiated things, simple units of money. Each one, at least the most expensive and coveted—and other objects have the same prestige<sup>38</sup>—each one has a name,<sup>39</sup> a personality, a history, and even a story. So much so that certain individuals even lend them their names. It is not possible to say that they are really the objects of a cult, since the Trobrianders are positivists in their

33. See on this civilization and this trade, Seligman, *The Melanesians of British New Guinea*, ch. XXXIII *et seq.* Cf. *Année sociologique*, XII, p. 374; *Argonauts*, p. 96.

34. The people of Dobu are “hard in the Kula,” *Argonauts*, p. 96.

35. *Ibid.*

36. Pp. 502, p. 492.

37. The “remote partner” (*muri muri*, cf. *muri* Seligman, *Melanesians*, pp. 505, 752) is known by at least some of the series of partners, like our own bank correspondents.

38. See the observations, correct and of general importance, pp. 89 and 90, on ceremonial objects.

39. P. 504, names of pairs, p. 89, p. 271, See the myth, p. 323, the way in which one hears of a *soulava*.

own way. But it is impossible not to recognize their eminent and sacred nature. To possess some of them is “exhilarating, comforting, soothing in itself.”<sup>40</sup> Their owners handle them and look at them for hours at a time. Contact alone is enough to transfer their virtues.<sup>41</sup> The *vaygu’a* are placed on the forehead and the chest of a dying man, rubbed on his stomach, dangled before his nose. They are his supreme comfort.

But there is more. The contract itself is affected by this nature of the *vaygu’a*. Not only the armshells and the necklaces, but all the goods, decorations, and weapons as well, everything that belongs to the partner is thus animated, by sentiment at least, if not by a personal soul, so that they themselves take part in the contract.<sup>42</sup> A very beautiful formula, the “spell of the conch,”<sup>43</sup> serves, after having evoked them, to enchant, to draw closer toward<sup>44</sup> the candidate-partner the things that he must ask for and receive:

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40. P. 512.

41. P. 513.

42. P. 340, commentary, p. 31.

43. On the use of the conch, see pp. 340, 387, 471. Cf. pl. LXI. The conch is an instrument that is sounded at each transaction, at each solemn moment in the shared meal, etc. On the extent, if not the history, of the use of the conch, see Jackson, *Pearls and shells* (University of Manchester Series, 1921).

The use of trumpets and drums during festivals and contracts can be found in a great number of negro (*nègre*) societies (Guinean and Bantu), Asian, American, Indo-European, etc. It links to the theme of law and economy that we are studying here, and merits its own study, both in itself and of its history.

44. P. 340. *Mwanita*, *mwanita*. Cf. the text in *kiriwina* of the first two lines (2nd and 3rd, in our own view), p. 448. This word is the name of long worms with black circles, with which the necklaces of spondylus discs are identified, p. 341. There follows this evocation-invocation: “Come there together. I will make you come there together. Come here together. I will make you come here together. The rainbow appears there. I will make the rainbow appear there. The rainbow appears here. I will make the rainbow appear here.” Malinowski, according to the natives, considers the rainbow as a simple omen. But it can also designate the multiple reflections of mother-of-pearl. The expression “come here together” reflects the things of value that go together in the contract. The play on words between “here” and “there” is represented very simply by the sounds *m* and *w*, which are a kind of formative; they are very frequent in magic.

Then comes the second part of the exordium: “I shall be the only chief; I shall be the only old man, etc.” But this is only interesting from other points of view, that of the potlatch in particular.

[A state of excitement<sup>45</sup> seizes my partner<sup>46</sup>]  
 A state of excitement seizes his dog,  
 A state of excitement seizes his belt . . .

And so on: “. . . his *gwara* (the taboo on coconut and betel); . . .<sup>47</sup> his *bagido'u* necklace; . . . his *bagiriku* necklace; . . . his *bagidudu* necklace,<sup>48</sup> etc., etc.”

Another, more mythical,<sup>49</sup> more intriguing formula, but of a more common type, expresses the same idea. The *kula* partner has an animal assistant, a crocodile that he invokes to bring him necklaces (in Kitava, *mwali*).

Crocodile, fall down. Take thy man! Push him down under the *gebobo!* (part of the canoe where the cargo is stowed away). Crocodile, bring me the necklace, bring me the *bagido'u*, etc.

An earlier formula from the same ritual invokes a bird of prey.<sup>50</sup>

45. The word translated in this way is, cf. p. 449, *munumwaynise*, reduplication of *mwana* and *mwayna*, which expresses “itching” or “state of excitement.”

46. I suppose that there must be a line of this kind because Malinowski says formally, p. 340, that the main word of the enchantment indicates the state of mind which invades the partner and which will make him give generous gifts (*cadeaux*).

47. Generally imposed for the *kula* and the *s'oi*, funeral feasts, with a view to gathering the necessary food and areca nuts, as well as precious objects. Cf. p. 347 and 350. The spell extends to food.

48. Various names for necklaces. They are not analyzed in this work. These names are composed of *bagi*, necklace (p. 351) and of various words. There follow other special names for necklaces, equally enchanted.

As this formula is one of the *kula* of Sinaketa, where they look for necklaces and leave armshells, they speak only of necklaces. The same formula is used in the *kula* of Kiriwina; but then, since it is there that they look for armshells, it would be the names for different sorts of armshells that would be mentioned, with the rest of the formula remaining the same.

The conclusion of the formula is also interesting, but again only from the point of view of the potlatch: “I shall *kula* (do my trade), I shall rob my Kula (my partner); I shall steal my Kula; I shall pilfer my Kula. I shall *kula* so as to make my canoe sink. . . . My fame is like thunder, my steps are like earthquake!” This closing phrase has a strangely American form to it. There are analogous ones in the Solomon Islands. See later, p. 143, n. 257.

49. P. 344, commentary p. 345. The end of the formula is the same as the one we have just cited: “I shall *kula*,” etc.

50. P. 343. Cf. p. 449, text of the first line with grammatical commentary.

The final spell used by the partners and contractors (in Dobu or Kitava, by the people of Kiriwina), contains a couplet,<sup>51</sup> for which two interpretations are given. The ritual, moreover, is very long and continually repeated; its goal is to enumerate everything that the *kula* proscribes, everything pertaining to hatred and war that must be exorcised in order to trade amongst friends.

Thy fury, O man of Dobu, is as when the dog sniffs;

Thy war paint, O man of Dobu, is as when the dog sniffs, etc.

Other versions say:

The dog is docile, etc.<sup>52</sup>

Or else:

Thy fury ebbs, it ebbs away, O man of Dobu! . . . The dog plays about.

Thy anger ebbs, it ebbs away, O man of Dobu! . . . The dog plays about; etc.

From which we should understand: "Your rage becomes like the dog that plays." The essence is the metaphor of the dog that gets up and licks the hand of its master. So should the man, if not the woman, of Dobu. A second interpretation, sophisticated and not exempt from scholasticism, says Malinowski, but evidently indigenous, provides another commentary that chimes better with what we know of the rest: "Dogs play about nose to nose. Supposing we mentioned the word [dog], as it was of old arranged, the valuables do the same. Supposing we had given away armshells, the necklace will come, they will meet." The expression, the parable, is lovely. The whole complex of collective sentiments is given in one go: the potential hatred between associates, the isolation of the *vaygu'a* ceasing though enchantment; men and precious things gathering together like dogs that play and run towards a voice.

51. P. 348. This couplet comes after a series of lines (p. 347). "Thy fury ebbs, it ebbs away, O man of Dobu!" Then follows the same series with "Woman of Dobu." Cf. later p. 77. The women of Dobu are taboo, while those of Kiriwina prostitute themselves to visitors. The second part of the incantation is of the same type.

52. Pp. 348, 349.

Another symbolic expression is that of the marriage of *mwali*, armshells, feminine symbols, and the *soulava*, necklaces, masculine symbols, that tend toward each other, like the male towards the female.<sup>53</sup>

These various metaphors signify exactly the same thing as is expressed in other terms by the mythical jurisprudence of the Maori. Sociologically, it is once more the mixture of things, of values, of contracts, and of men that is being expressed.<sup>54</sup>

Unfortunately, we have little knowledge of the rule of law (*droit*) that governs these transactions. Either it is an unconscious rule, or poorly formulated by the people of Kiriwina, Malinowski's informants; or else, given it is clear for the Trobrianders, it ought to be the object of a new inquiry. The first gift (*don*) of a *vaygu'a* carries the name of *vaga*, "opening gift."<sup>55</sup> It opens the transaction, definitively committing the recipient to a return gift (*don*), the *yotile*,<sup>56</sup> which Malinowski translates excellently as "clinging gift": the gift (*don*) that will "clinch the transaction." Another title for this last gift (*don*) is *kudu*, the tooth that bites, that really cuts, slices, and liberates.<sup>57</sup> This one is obligatory; it is expected, and it must be equivalent to the first; if need be, it can be taken by force or surprise,<sup>58</sup> one may<sup>59</sup> avenge oneself<sup>60</sup> through magic, or at least by insult and grievance, for a poorly reciprocated *yotile*. If one is unable to make the return on it, it is possible to offer a *basi* that only "pierces" the skin, does not

53. P. 356; perhaps here there is a myth of orientation.

54. We could use the term here usually employed by Lévy-Bruhl: "participation." But in fact this term has its origin in confusions and mixtures, and particularly in juridical identifications and communions of the kind that we now have to describe.

We are dealing with the principle here, and there is no need to go into the consequences.

55. Pp. 345 *et seq.*

56. P. 98.

57. Perhaps there is also in this word an allusion to an ancient money based on boar-tusks.

58. Use of *lebu*, p. 319, Cf. *Mythe*, p. 313.

59. Violent complaint (*injuria*), p. 357 (see numerous songs of this kind in Thurnwald, *Forschungen*, Vol. I).

60. P. 359. They say of a famous *vaygu'a*: "Many men died because of it." It seems, at least in one case, that of Dobu (p. 356), that the *yotile* is always a *mwali*, an armshell, the female principle of the transaction: "We do not now *kwyapolu* or *pokala* the *mwali*, for they are women." But in Dobu, they only seek armshells, and it is possible that this fact has no other significance.

bite it, does not finish the deal. It is a kind of temporizing gift, which serves to put off the donor. It appeases the creditor, formerly donor, but it does not liberate the debtor,<sup>61</sup> future donor. All these details are intriguing, and everything in these expressions is striking; but we do not know what the sanction is. Is it purely moral<sup>62</sup> and magical? Is the individual who is “hard at the *kula*” merely disdained, or perhaps bewitched? Does not the unfaithful partner also lose something else: his noble title or at least his place amongst the chiefs? That is what we still need to know.

But from another angle, the system is typical. Except for the old Germanic law of which we speak later, given the present state of our observations, and of our historical, juridical, and economic knowledge, it would be hard to find a practice of gift-exchange (*échange-don*) that is clearer, more complete, more conscious, and also better understood by the observer who records it than the one that Malinowski has found in the Trobriands.<sup>63</sup>

The *kula*, in its essential form, is only one moment, the most solemn, of a vast system of prestations and counterprestations that, in truth, seems to encompass the whole of economic and civic life in the Trobriands. The *kula* seems to be only the culminating point of all this, particularly the international and intertribal *kula*; certainly it is one of the purposes of existence and of the great voyages, but in the end only the chiefs take part, and still only those of the maritime tribes, and even then only a few of these. It simply gives concrete expression to other institutions and gathers them together.

First of all, the exchange of *vaygu'a* during the *kula* is incorporated into an extremely wide-ranging series of other exchanges, from commerce to salary, from solicitation to pure politeness, from complete hospitality to reticence and prudishness. In the first place, except for the *uvalaku*, the grand formal voyages that are

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61. It seems that there are several different systems of transactions here, all mixed together. The *basi* can be a necklace, cf. p. 98, or an armshell of less value. But one can also give as *basi* other objects that are not strictly speaking *kula*: limestone spatulas (for betel nut), coarse necklaces, large polished hatchets (*beku*), pp. 358, 481, which are also kinds of money, come into play here.

62. Pp. 57, 359.

63. Malinowski's book, like Thurnwald's, shows the superior observation of a true sociologist. Moreover, it was Thurnwald's observations on the *mamoko*, *Forschungen*, Vol. III, p. 40, etc., the “*Trostgabe*,” in Buin, which set us on the path to some of these facts.

purely ceremonial and competitive,<sup>64</sup> all *kulas* provide the occasion for *gimwali*, ordinary trade, which does not necessarily occur between partners.<sup>65</sup> There is a free market between individuals from allied tribes, as well as between those with narrower associations. Secondly, additional gifts (*cadeaux*) pass between the partners in the *kula*, given and reciprocated, as if in an uninterrupted chain, as well as the obligatory trade. The *kula* even takes these for granted. The partnerships that it represents, which is the principle of it,<sup>66</sup> begins with an initial gift (*cadeau*), the *vaga*, that one solicits with all one's strength through "solicitory gifts"; for this first gift (*don*), one may court the future partner, who is still independent, and whom one pays, in a certain fashion, by means of an initial series of gifts (*cadeaux*).<sup>67</sup> Whereas one is sure that the return *vaygu'a*—the *yotile*, the lock—will be returned, one is not sure that the *vaga* will be given or even that the "solicitory gifts" will be accepted. This fashion of soliciting and accepting a gift (*cadeau*) is the rule. Every gift (*cadeau*) that one makes in this way carries a name (they display them before offering them); in this case, these are "*pari*".<sup>68</sup> Others have a title indicating the noble and magical nature of the object being offered.<sup>69</sup> But to accept one of these presents is to show that one is ready to enter into the game, if not to stay in it. Certain names given to these gifts (*cadeaux*) express the legal (*droit*) situation

64. P. 211.

65. P. 189. Cf. pl. XXXVII. Cf. p. 100, "*secondary trade*."

66. Cf. p. 93.

67. It seems that these gifts (*cadeaux*) carry the generic name of *waywoyla*. Pp. 353–54; cf. pp. 360–61. Cf. *Woyla*, "*kula* courting," p. 439, in a magical formula where all the objects that the future partner could possess are precisely enumerated, and whose "effervescence" should convince the donor. Amongst these things is indeed the series of gifts (*cadeaux*) that follows.

68. This is the most general term: "presentation goods," pp. 439, 205, and 350. The word *vata'i* is the one that designates the same gifts (*cadeaux*) made by the people of Dobu. Cf. p. 391. These "arrival gifts" are counted in the formula: "my limepot, it boils; my spoon, it boils; my small basket, it boils," etc. (same theme and same expressions, p. 200).

In addition to these generic names, there are particular names for various gifts (*cadeaux*) in various circumstances. The offerings of food that the Sinaketa people take to Dobu (and not vice-versa)—the pots, mats, etc.—bear the simple name of *pokala*, which corresponds quite well to a salary, an offering, etc. Also called *pokala* are the *gugu'a* "personal belongings." p. 501, cf. pp. 313, 270, which the individual takes with him to try to seduce (*polapokala*, p. 360) his future partner, cf. p. 369. In these societies there is a lively sense of the difference between things that are for personal use and things that are "properties," durable things in the family and in circulation.

69. Ex., p. 313, *buna*.

that their acceptance entails;<sup>70</sup> in these cases the matter is deemed concluded. This gift is ordinarily something quite precious: a large polished stone axe, for example, or a whale-bone spoon. To receive it is to truly commit to giving the *vaga*, the first gift (*don*) desired. But one is still only halfway to being a partner. Only solemn tradition commits completely. The importance and nature of these gifts (*dons*) come from the extraordinary competition that takes place between the potential partners of the arriving expedition. They search for the best possible partners in the opposing tribe. It is a serious matter, for the partnership they seek to forge establishes a kind of clan bond between the partners.<sup>71</sup> To choose, one must therefore seduce, dazzle.<sup>72</sup> While still taking rank into account,<sup>73</sup> one has to get there before the others, or in a better way than the others, thus bringing about a more plentiful exchange of the most valuable things, which are naturally the property of the richest people. Competition, rivalry, display, the search for greatness and self-interest, these are the various incentives that underpin all these acts.<sup>74</sup>

There are the arrival gifts (*dons*). Other gifts are given in return of equivalent value; these are the departure gifts (*dons*) (called *talo'i* on Sinaketa),<sup>75</sup> of taking leave, and they always surpass the gifts (*dons*) of arrival. Already the cycle of prestations and counterprestations is being accomplished alongside the *kula*. Naturally, there have been—for the whole duration of these transactions—prestations of hospitality, food, and, on Sinaketa, of women.<sup>76</sup> Finally, during this whole time, other additional gifts are offered, and always regularly reciprocated. It even seems to us that these *korotumna* represent a primitive form of the *kula*—consisting of stone hatchets<sup>77</sup> and curved pigs' tusks.<sup>78</sup>

70. Ex., the *kaributu*, pp. 344 and 358.

71. They say to Malinowski: "My partner same as my clansman (*kakaveyogu*)—he might fight me. My real kinsman (*veyogu*), same navel string, would always side with us" (p. 276).

72. This is what expresses the magic of the *kula*, the *mwasila*, see further p. 174.

73. The chiefs of the expedition and the chiefs of the canoes in fact take precedence.

74. An entertaining myth, that of Kasabwaybwayreta, p. 342, showcases all these different motives. We see how the hero obtained the famous necklace Gumakarakedakeda, how he outdistances all his *kula* companions, etc. See also the myth of Takasikuna, p. 307.

75. P. 390. In Dobu, pp. 362, 365, etc.

76. In Sinaketa, not in Dobu.

77. On the trade in stone hatchets, see Seligman, *Melanesians*, pp. 350 and 353. The *korotumna*, *Argonauts*, pp. 365, 358, are normally decorated whale-bone spoons and decorated spatulas, which also serve as *basi*. There are yet more intermediary gifts (*dons*).

78. *Doga*, *dogina*.



Moreover, the intertribal *kula* is, in our view, only the exaggerated form, the most solemn, the most dramatic, of a more general system. It takes the tribe itself fully outside of the narrow limits of its own borders, and even of its interests and laws (*droits*); but normally, within the tribes, the clans and villages are linked by bonds of the same sort. In this case it is only local and domestic groups and their chiefs who leave their own homes, pay each other visits, enter into trade, and marry amongst themselves. Perhaps this is no longer called the *kula*. However, Malinowski, as distinct from the “maritime *kula*,” speaks justifiably of the “internal *kula*” and of “*kula* communities” that provide the chief with his objects for exchange. But it is not an exaggeration to speak in this case of potlatch in the strict sense. For example, the visits of the people of Kiriwina to Kitava for funeral celebrations, *s’oi*,<sup>79</sup> bring much more than the *vaygu’a*; we see a kind of simulated attack (*youlawada*),<sup>80</sup> and a distribution of food, with a display of pigs and yams.

What is more, the *vaygu’a* and all such objects are not always acquired, made, and exchanged by the chiefs themselves,<sup>81</sup> nor, could we say, are they made<sup>82</sup> or exchanged by the chiefs for themselves. Most reach the chiefs in the form of gifts (*dons*) from their lower-status kin, particularly their brothers-in-law, who are their vassals at the same time,<sup>83</sup> or sons, who are also enfeoffed. In return, once the expedition comes home, most of the *vaygu’a* are ceremoniously transferred to the chiefs of the villages, clans, and even to the common people of partner clans; in short, to all who took part directly or indirectly, and often very indirectly, in the expedition.<sup>84</sup> These people are thus compensated.

Finally, alongside or, if we prefer, above, below, all around, and, in our view, at the foundation of this system of internal *kula*, the system of gifts (*dons*) exchanged spreads throughout the whole economic, tribal, and moral life of the Trobrianders. It is “permeated” with it, as Malinowski puts it so well. It is a

79. Pp. 486–91. On the extent of these customs in certain civilizations designated as Northern Massim, see Seligman, *Melanesians*, p. 584. Description of the *walaga*, pp. 594 and 603; cf. *Argonauts*, pp. 486–87.

80. P. 479.

81. P. 472.

82. The making and the gift (*don*) of *mwali* by brothers-in-law bears the name *youlo*, pp. 503, 280.

83. P. 171 *et seq*; cf. p. 98 *et seq*.

84. For example, in the construction of canoes, the gathering of pottery, or the provision of food.

constant “give and take.”<sup>85</sup> As if it were traversed in all directions by a continuous flow of gifts (*dons*) given, received, and reciprocated, by obligation and by self-interest, for the sake of greatness and in return for services, both as challenges and as pledges. We cannot lay out all the facts here, which Malinowski himself has not yet finished publishing. Yet here are two of the main ones.

An altogether analogous relationship to that of the *kula* is that of the *wasi*.<sup>86</sup> It establishes regular obligatory exchanges between partners in agricultural villages, on the one hand, and maritime villages, on the other. The agricultural partner comes to deposit his produce in front of the house of his partner the fisherman. On another occasion, the latter, after a big catch, will return with the fruits of his fishing, with interest, to the agricultural village.<sup>87</sup> It is the same system of division of labor that we have already seen in New Zealand.

Another impressive kind of exchange takes the form of display.<sup>88</sup> These are the *sagali*, large-scale distributions of food<sup>89</sup> that take place on various special occasions: harvests, the construction of the chief’s hut and of new canoes, funeral celebrations.<sup>90</sup> These distributions are made to groups that have given service to the chief or his clan:<sup>91</sup> in cultivation, transporting large tree trunks to where canoes or beams are carved, funeral services rendered by the people of the clan of the dead, etc. These distributions are completely equivalent to the Tlingit potlatch; the theme of combat and rivalry appears the same. There, we see phratries and clans and allied families confronting each other; generally

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85. P. 167: “The whole tribal life is permeated by a constant ‘give and take’; . . . every ceremony, every legal and customary act is done to the accompaniment of material gift (*don*) and counter-gift (*contre-don*); . . . wealth given and taken is one of the main instruments of social organisation, of the power of the chief, of the bonds of kinship through blood or marriage.” Cf. pp. 175–76 and *passim* (see index: *Give and Take*).

86. It is often identical to that of the *kula*, the partners often being the same, p. 193; for the description of the *wasi*, see pp. 187–88. Cf. pl. XXXVI.

87. The obligation lasts to this day, in spite of the inconveniences and the losses that the pearl fishers suffer, obliged to spend their time fishing and so losing substantial wages for a purely social obligation.

88. See pl. XXXII and XXXIII.

89. The word *sagali* means distribution (like *hakari* in Polynesian), p. 491. Description pp. 147–50; pp. 170, 182–83.

90. See p. 491.

91. This is particularly evident in the case of funeral feasts. Cf. Seligman, *Melanesians*, pp. 594–603.

speaking, they seem to be group matters, to the extent that the personal profile of the chief does not make itself felt.

But in addition to these groups' rights and the collective economy, already less similar to the *kula*, it seems to us that all individual relations of exchange are of this type. Maybe only a few consist of simple barter. However, since this hardly happens save between kin, allies, or *kula* and *wasi* partners, it does not seem that exchange is truly free. Even, in general, what one receives, and therefore what one has gained possession of—in whatever way—one does not keep for oneself, except if one cannot do without it; ordinarily, it is passed on to someone else, to a brother-in-law,<sup>92</sup> for example. The very things you have acquired and then given can come back to you on the very same day.

All repayments for prestations of any kind fall within this framework. Here, in no particular order, are the most important.

The *pokala*<sup>93</sup> and the *kaributu*,<sup>94</sup> "solicitory gifts" that we have seen in the *kula*, are species of a much vaster type which corresponds quite well to what we call remuneration (*salaire*). They are offered to the gods and to the spirits. Another generic name for remuneration is *vakapula*<sup>95</sup> and *mapula*,<sup>96</sup> which are marks of recognition and welcome, and must be reciprocated. On this subject,

92. P. 175.

93. P. 323, another term is *kwaypolu*, p. 356.

94. Pp. 378–79, 354.

95. Pp. 163, 373. The *vakapula* has subdivisions that bear special titles: for example, *verwoulo* (initial gift) and *yomelo* (final gift) (this proves its identical nature with the *kula*, cf. the relationship *yotile vaga*). A certain number of these payments bear special names: *karibudaboda* designates the remuneration given to those who work on the canoes, and in general to those who work in the fields, for example, and in particular for the final payment for the harvest (*urigubu* in the case of the annual harvest prestations by a brother-in-law, pp. 63–5, 181), and for completing the fabrication of necklaces, pp. 394 and 183. They also have the title of *sousala* when it is sufficiently large (fabrication of the discs of Kaloma, pp. 373, 183). *Youlo* is the name of the payment for the fabrication of a necklace. *Purwayu* is for the name of the food given to encourage the team of woodcutters. See the pleasing song, p. 129: "The pig, the coco drinks, the yams are finished, and yet we pull—very heavy!"

96. The two words *vakapula* and *mapula* are different moods of the verb *pula*, *vaka* being evidently the formative of the causative. On *mapula* see pp. 178 *et seq.*, 182 *et seq.* Malinowski often translates it as "repayment." It is generally compared with a "salve," for it calms the pain and fatigue of the service rendered, and compensates for the loss of the object or the thing given, and the title or privilege foregone.

we consider that Malinowski has made<sup>97</sup> a great discovery that illuminates all the economic and juridical relations between the sexes within marriage: services of all kinds rendered to the wife by the husband are considered a remuneration-gift (*salaire-don*) for the service rendered by the wife when she lends what the Qur'an still calls "the field." The rather immature legal language of the Trobrianders has given rise to a number of distinctive names for all kinds of counterprestations, according to the name of the prestation repaid,<sup>98</sup> of the thing given,<sup>99</sup> of the occasion,<sup>100</sup> etc. Certain names take into account all these considerations: for example, the gift (*don*) made to a musician or for the acquisition of a title is called *laga*.<sup>101</sup> It is hard to believe how much more complicated this vocabulary becomes, thanks in part to a curious inability to divide and define, as well as through or by strange refinements of nomenclature.

#### *Other Melanesian societies*

It is not necessary to multiply the comparisons with other areas of Melanesia. Nevertheless, some details borrowed here and there will strengthen conviction and prove that the Trobrianders and New Caledonians have not developed in an abnormal manner a principle that could not be found amongst kindred peoples.

At the southern limit of Melanesia, in Fiji, where we have identified the potlatch, other notable institutions are in force, which belong to the system of the gift (*don*). There is a season, that of the *kere-kere*, during which one can refuse nothing to anyone.<sup>102</sup> Gifts (*dons*) are exchanged between two families on the

97. P. 179. The name of "sexual gifts (*dons*)" is also *buwana* and *sebuwana*.

98. See previous notes: in the same way *Kabigidoya*, p. 164, designates the ceremony for the presentation of a new canoe, the people who make it, the act they perform in "breaking the head of the new canoe," etc., and the gifts (*cadeaux*), which, moreover, are returned with interest. Other words designate the location of the canoe, p. 186; welcome gifts (*dons*), p. 232. etc.

99. *Buna*, gifts (*dons*) of "big cowrie shell," p. 317.

100. *Youlo*, *vaygu'a* given in recompense for harvest work, p. 280.

101. Pp. 186, 426, etc. clearly designate all counterprestations with interest. Since there is another name, *ula-ula*, for the simple purchase of magical formulas (and *sousala* when the prize-gifts [*prix-cadeaux*] are very significant, p. 183). *Ula'ula* is also used when the presents are offered to the dead as well as the living (p. 183), etc.

102. Brewster, *Hill tribes of Fiji*, 1922, pp. 91-92.

occasion of a marriage,<sup>103</sup> etc. Additionally, Fijian money, sperm whale teeth, is of exactly the same kind as that of the Trobriands. It has the title of *tambua*<sup>104</sup> and is adorned with stones (mothers of the teeth) and ornaments that are kinds of “mascots,” talismans, and “lucky charms” of the tribe. The sentiments felt by the Fijians for their *tambua* are exactly the same as those we have just described: “*Tambua* are regarded by their owners very much as a girl does her dolls. They like to take them out, admire and talk about their beauty. . . . [They are] oiled and polished and kept in the seclusion of their special *kato* or baskets for many years.”<sup>105</sup> To present them constitutes a petition; to accept them is to commit oneself.<sup>106</sup>

The Melanesians of New Guinea, and certain Papuans influenced by them, call their money *tau-tau*;<sup>107</sup> it is of the same kind, and the object of the same beliefs, as the money of the Trobriands.<sup>108</sup> But we must also liken this name to *tahu-’ahu*,<sup>109</sup> which means “loan of pigs” (Motu and Koita), and is a name<sup>110</sup> we are familiar with. It is the Polynesian term itself, root of the word *taonga*, in Samoa and New Zealand, for jewels and properties incorporated into the family. The words themselves are Polynesian, as are the things.<sup>111</sup>

We know that the Melanesians and the Papuans of New Guinea have the potlatch.<sup>112</sup>

103. Ibid., p. 191.

104. Ibid., p. 23. One recognizes the word taboo, *tambu*.

105. Ibid., p. 24.

106. Ibid., p. 26.

107. Seligman, *Melanesians* (glossary, pp. 754 and 77, 93, 94, 109, 204).

108. See the description of the *doa*, ibid., pp. 89, 71, 91, etc.

109. Ibid., pp. 95 and 146.

110. Moneys are not the only things in this system of gifts (*dons*) that these tribes of the Gulf of New Guinea call by the same name as the Polynesian word with the same meaning. We have already noted earlier, p. 80, n. 65, the identical nature of the New Zealand *hakari*, and the *hekarai*, feasts for the display of food that Seligman described for us in New Guinea (Motu and Koita), see *Melanesians*, pp. 144–45, pl. XVI–XVIII.

111. See above p. 66, n. 2. It is remarkable that the word *tun*, in the Motu dialect (Banks Islands)—clearly identical to *taonga*—has the meaning of “purchase” (particularly a woman). Codrington, in the myth of Qat buying the night (*Melanesian Languages*, pp. 307–8, n. 9), translates it as: “to buy with a great price.” In reality it is a purchase made according to the rules of the potlatch, well attested to in this part of Melanesia.

112. See documents cited in *Année sociologique*, XII, p. 372.

The fine documents that Thurnwald has passed on to us on the tribes of Buin<sup>113</sup> and on the Banaro<sup>114</sup> have already provided us with numerous points of comparison. The religious character of the things exchanged is evident, in particular that of money, in how it pays for songs, wives, love, and services. As in the Trobriands, it is a kind of pledge. Finally Thurnwald has analyzed in a well-researched case study<sup>115</sup> one of the facts that best illustrates both what this reciprocal gift system is and what we mistakenly call marriage by purchase. In reality, the latter comprises prestations in all directions, including the family-in-law: they send back the wife whose kin have offered insufficient return presents.

In short, all these islands, and probably the part of southern Asia that is related to them, have the same system of law (*droits*) and economy.

The image we make for ourselves of these Melanesian tribes, even richer and more commercial than the Polynesians, is therefore very different from that which we ordinarily make. These people have a highly developed extradomestic economy and system of exchange, the rhythm of which is perhaps more intense and more hectic than that known to our own peasants, or to the fishing villages along our coasts, maybe not even a hundred years ago. They have an extensive economic life, going beyond the borders of their islands and their dialects, all constituting a significant trade. But by means of gifts (*dons*) made and returned, they have vigorously replaced a system of purchase and sale.

The problem that these laws (*droits*) came up against, and Germanic law too as we shall see, was in their failure to isolate and separate their economic and juridical concepts. They had no need to do so, however. In these societies neither the clan nor the family is able to dissociate itself or its actions from others; nor are individuals themselves, however influential or self-aware they may be, able to comprehend that they would have to oppose one another and learn to distinguish their actions from each other. The chief is one with his clan and they with him; individuals feel themselves acting in a single fashion. Holmes remarks precisely that in the two dialects, one Papuan and one Melanesian, of the tribes that he has encountered at the mouth of the Finke (Toaripi and Namau) "for the verbs 'to borrow' and 'to lend' there was only one word." "The same terms are so often used to express seemingly antithetical operations."<sup>116</sup> "Strictly speaking,

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113. See above all *Forschungen*, Vol. III, pp. 38–41.

114. *Zeitschrift für Ethnologie*, 1922.

115. *Forschungen*., Vol. III, pl. 2, n. 3.

116. *In Primitive New-Guinea*, p. 294.

the natives did not know how to borrow and lend in the sense that we do both. If they borrowed from me, or I from them, there was always something given in the form of an honorarium for the loan when it was returned.”<sup>117</sup> These men have neither the concept of sale nor of loan, and yet carry out economic and juridical operations that have the same function.

Similarly, the notion of barter is no more natural to the Melanesians than to the Polynesians.

One of the best ethnographers, Kruyt, even while making use of the word “sale,” describes for us with precision<sup>118</sup> this same state of mind amongst the inhabitants of the central Celebes. And yet the Toradja have long been in contact with the Malays, great merchants.

Thus one part of humanity, relatively rich, hard-working, and creating considerable surpluses, has known, and knows now, how to exchange significant things, under other forms and for reasons other than those with which we are familiar.

## THE AMERICAN NORTHWEST

### *Honor and credit*

From these observations on several Melanesian and Polynesian peoples, a clearly defined picture of this regime of the gift (*don*) is taking shape. Material and moral life, and exchange, function there in a form that is both disinterested and obligatory at the same time. Furthermore, this obligation is expressed in a mythical, fantastic, or, if we wish, symbolic and collective way; it assumes the aspect of the interest attached to the things exchanged. These are never completely detached from those exchanging them; the communion and partnerships that they establish are relatively indissoluble. In reality, this symbol of social life—the permanence of the influence of the things exchanged—serves

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117. Holmes has in fact described rather poorly for us the system of intermediary gifts (*dons*), see above *basi*.

118. See the work cited above, p. 80, n. 62. The uncertain meaning of the words that we translate poorly, “to purchase, to sell,” is not particular to Pacific societies. We will come back to this subject later, p. 170, n. 106, but for now it is enough to remind ourselves that, even in our own everyday language, the word “sale” (*vente*) can mean both sale and purchase, and in Chinese there is only a tonal difference between the two monosyllables that represent the act of selling and the act of purchasing.

only to reflect the manner in which the subgroups of these segmented societies, archaic in type, are constantly intertwined with one another and sense that they owe each other everything.

The Indian societies of the American Northwest present the same institutions, except that here they are even more radical and more pronounced. First of all, one could say that barter is unknown there. Even after long contact with Europeans,<sup>119</sup> it seems that none of the significant transfers of wealth<sup>120</sup> that occur there constantly are made in any other way than the ceremonial form of the potlatch.<sup>121</sup> We will describe this institution from our point of view.

NB. First of all, a short description of these societies is indispensable. The tribes, peoples, or rather groups of tribes whom we will mention all reside on the northwest coast of America: in Alaska,<sup>122</sup> the Tlingit and Haïda; and in British Columbia, mainly Haïda, Tsimshian, and Kwakiutl.<sup>123</sup> They also live off the sea,

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119. With the Russians since the eighteenth century and the French Canadian trappers since the beginning of the nineteenth.

120. See, however, the sale of slaves: Swanton, "Haïda texts and myths," *Bureau of American Ethnology, Bulletin*, 29, p. 410.

121. A summary bibliography of theoretical works concerning the "potlatch" is given above, p. 60, n. 6; p. 62, n. 13.

122. This succinct picture is traced out without justification, but it is necessary. We warn that it is not complete, either from the point of view of the number and names of the tribes, or from the point of view of their institutions.

We omit a large number of tribes, mainly the following: (1) Nootka (Wakash or Kwakiutl group), Bella Coola (a neighboring tribe); (2) Salish tribes of the southern coast. On the other hand, research concerning the extent of the potlatch ought to be pushed further south, as far as California. There—something remarkable from other points of view—the institution seems widespread into the societies of the so-called Penutia and Hoka groups: see, for example, Powers, *Tribes of California (Contributions to North American Ethnology, III)*: p. 153 (Pomo), p. 238 (Wintun), p. 303, 311 (Maidu); cf. pp. 247, 325, 332, 333, for other tribes; general observations p. 411.

Next, the institutions and arts that we describe in a few words are infinitely complicated, and certain omissions are no less intriguing than those that are present. For example, pottery is unknown there, as it is in the last layer of civilization in the South Pacific.

123. The sources that allow for the study of these societies are impressive; they are of remarkable reliability, being abundantly philological and composed of texts that are transcribed and translated. See summary bibliography, in Davy, *Foi Jurée*, pp. 21, 171, and 215. To this should be added principally: F. Boas and G. Hunt, *Ethnology of the Kwakiutl* (henceforth cited as *Ethn. Kwa.*), 35th *Annual Report of the Bureau of American Ethnology*, 1921, see account later; F. Boas, *Tsimshian*



or the rivers, from fishing more than hunting; but unlike the Melanesians and the Polynesians, they have no agriculture. They are, however, very rich, and even now their fishing grounds, their hunting, and their furs leave them with considerable surpluses, especially when quantified in European terms. They have the most solid houses of all the American tribes, and a highly developed cedar industry. Their canoes are of good quality, and even though they do not venture into the open sea, they know how to navigate between the islands and the coast. Their material arts are very advanced. In particular, even before the arrival of iron in the eighteenth century, they knew how to recover, smelt, mold, and beat the copper that one finds in its raw state in Tsimshian and Tlingit country. Certain kinds of these coppers, genuine emblazoned shields, serve them as a kind of money. Another sort of money must have been the fine blankets, so-called Chilkat,<sup>124</sup> beautifully embellished and that still serve as decoration,

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*mythology*, 31st *Annual Report of the Bureau of American Ethnology*, 1916, published 1923 (henceforth cited as *Tsim. myth.*). Yet all these sources have a drawback: either the old ones are insufficient or the new ones, in spite of their detail and depth, are not complete enough from the point of view that concerns us here. It is toward material civilization, toward linguistics and mythological literature, that Boas and his collaborators on the Jesup Expedition turned their attention. Even the works of older professional ethnographers (Krause, Jacobsen) or most recent ones (Sapir, Hill Tout, etc.) follow along the same lines. Juridical, economic, and demographic analyses remain to be completed. (However, social morphology is opened up by the various *Censuses of Alaska and British Columbia*.) Barbeau promises us a complete monograph on the Tsimshian. We await this indispensable information and we hope to see this example followed soon, so clearly is this the time for it. On numerous points concerning the economy and law, the old documents—those of the Russian explorers, those by Krause (*Tlingit Indianer*), by Dawson (on the Häida, Kwakiutl, Bella Coola, etc.), most of which were published in the *Bulletin of the Geological Survey of Canada* or in the *Proceedings of the Royal Society of Canada*; those of Swan (Nootka), *Indians of Cape Flattery*, *Smithsonian Contributions to Knowledge*, 1870; those of Mayne, *Four years in British Columbia*, London, 1862—are still the best, and their dates give them a definitive authority.

In the nomenclature of these tribes, there is one difficulty. The Kwakiutl form a tribe and also give their name to several other tribes, which, confederated with them, form a veritable nation bearing this name. We will try to make clear which Kwakiutl tribe we are speaking of on each occasion. Unless stated otherwise, we will be referring to the Kwakiutl proper. The word Kwakiutl, meanwhile, simply means “rich,” “smoke of the world,” and in itself demonstrates the importance of the economic facts we will describe.

We will not reproduce the spelling details of the words in these languages.

124. On the Chilkat blankets, Emmons, *The Chilkat Blanket (Memoirs of the American Museum of Natural History, III)*.

some of them of considerable value. These peoples have excellent sculptors and designers. Pipes, maces, sticks, spoons of sculpted horn, etc., adorn our ethnographic collections. The whole of this civilization is remarkably uniform, within quite wide bounds. Evidently these societies interacted with each other from very ancient times, although they belong, at least in their languages, to at least three different families of peoples.<sup>125</sup> Their winter life, even for the southernmost peoples, is very different from their summer one. The tribes have a double morphology: they disperse from the end of spring to go hunting, to gather the roots and succulent berries of the mountains, and to fish for salmon in the rivers; when winter comes they come together in what they call "towns." It is then, throughout the time when they are concentrated in the same place, that they exist in a state of perpetual activity. Social life becomes extremely intense, even more intense than in the congregations of tribes that can occur in the summer, a sort of perpetual agitation. There are constant visits of one tribe to another, one clan to another, one family to another. There are repeated festivities, continually, with each occasion often lasting a very long time. In the event of a wedding, or of various rituals and initiations, they spend everything that has been amassed during summer and autumn with great industriousness along one of the richest coasts in the world, and all without counting the costs. This occurs in domestic life too: when they invite the people of their clan; when they have killed a seal; when they open a chest of preserved berries or roots; when a whale is stranded; everyone is invited.

Their moral civilization is also remarkably uniform, although tiered between the regime of the phratry (Tlingit and Haida) of maternal descent and the clan of modified male descent of the Kwakiutl; the general characteristics of social organization, and particularly of totemism, are almost the same across the tribes. They have brotherhoods, as in Melanesia, in the Banks Islands, erroneously called secret societies, which are often international, but where male society and, amongst the Kwakiutl certainly, female society merge with the organization of clans. One part of the gifts (*dons*) and counterprestations that we will discuss is intended, as in Melanesia,<sup>126</sup> to pay for the rank and the successive

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125. See Rivet, in Meillet and Cohen, *Langues du monde*, p. 616 *et seq.* It is Sapir, "Nadéné languages," *American Anthropologist*, 1915, who finally traced the Tlingit and the Haida languages back to branches of Athapaskan root.

126. On these payments for the acquisition of ranks, see Davy, *Foi Jurée*, pp. 300–305. For Melanesia, see the ex. in Codrington, *Melanesians*, p. 106 *et seq.* etc.; Rivers, *History of the Melanesian Society*, Vol. I, p. 70 *et seq.*

ascensions<sup>127</sup> within these brotherhoods. The rituals, those of the brotherhoods and the clans, take place one after the other at the weddings of chiefs, at the “copper sales,” initiations, shamanistic ceremonies, and funeral ceremonies, the latter being more developed in Haïda and Tlingit country. All this transpires across an indefinitely extended series of “potlatches.” Potlatches happen everywhere, in response to other potlatches. As in Melanesia, there is a constant “give and take.”

The potlatch itself, so typical a phenomenon, and at the same time so characteristic of these tribes, is none other than the system of gifts (*dons*) exchanged.<sup>128</sup> They differ from the Melanesian potlatch only in the violence, exaggeration, and antagonism they stir up, on the one hand, by a certain lack of juridical concepts, and, on the other, by a structure that is simpler and rougher, particularly amongst the two northern nations, the Tlingit and the Haïda.<sup>129</sup> The collective nature of the contract<sup>130</sup> appears more clearly here than in Melanesia and Polynesia. Ultimately, and despite appearances, these societies are closer to what we call simple total prestations. The juridical and economic concepts, moreover, have less clarity, less conscious precision. In practice, however, the principles are formal and clear enough.

127. This word “ascension” should be taken both literally and figuratively. Just as the ritual of *vājapeya* (post-Vedic) includes a ritual of ascension up a ladder, so Melanesian rituals consist of making a young chief climb onto a platform. The Snahnaimuq and the Shushwap of the Northwest have the same scaffolding from which the chief distributes his potlatch. Boas, 5th *Report on the Tribes of North-Western Canada* (*British Association for the Advancement of Science*, 1891, p. 39); 9th *Report* (*British Association for the Advancement of Science*, 1894), p. 459. The other tribes only know the platform where the chiefs and other high brotherhoods are seated.

128. This is how old authors, Mayne, Dawson, Krause, etc., describe its mechanism. See in particular Krause, *Tlingit Indianer*, p. 187 *et seq.*, a collection of documents by older authors.

129. If the hypothesis of the linguists is exact, and if the Tlingit and Haïda are simply Athapaskans who have adopted the civilization of the Northwest (a hypothesis not far from Boas’ own), then the primitive character of the Tlingit and Haïda potlatch becomes clear. It is also possible that the violence of the potlatch of the American Northwest comes from the fact that this civilization is at the meeting point of two groups of related peoples who both had it: one civilization coming from southern California and one from Asia (on this, see p. 76).

130. See Davy, *Foi Jurée*, p. 247 *et seq.*

Yet two notions are much more in evidence here than in the Melanesian potlatch or in the more evolved or more fragmented institutions of Polynesia: the notion of credit according to a time limit, and also the notion of honor.<sup>131</sup>

Gifts (*dons*) circulate, as we have seen in Melanesia and in Polynesia, with the certainty that they will be reciprocated, having as “guarantee” the virtue of the thing given, which is itself the “guarantee.” But, in every possible society, it is in the nature of the gift (*don*) to impose a time limit. By its very definition, a common meal, a

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131. On the potlatch, Boas has written nothing better than the following pages from 12th *Report on the North-Western Tribes of Canada* (*British Association for the Advancement of Science*, 1898), pp. 54–55 (cf. *Fifth Report*, p. 38):

The economic system of the Indians of British Columbia is largely based on credit, just as much as that of civilized communities. In all his undertakings the Indian relies on the help of his friends. He promises to pay them for this help at a later date. If the help furnished consisted in valuables, which are measured by the Indians by blankets as we measure them by money, he promises to repay the amount so loaned with interest. The Indian has no system of writing, and therefore, in order to give security to the transaction, it is performed publicly. The contracting of debts, on the one hand, and the paying of debts, on the other, is the potlatch. This economic system has developed to such an extent that the capital possessed by all the individuals of the tribe combined exceeds many times the actual amount of cash that exists; that is to say, the conditions are quite analogous to those that prevail in our community: if we want to call in all our outstanding debts, it is found that there is not by any means money enough in existence to pay them, and the result of an attempt of all the creditors to call in their loans results in disastrous panic, from which it takes the community a long time to recover.

It must clearly be understood that an Indian who invites all his friends and neighbours to a great potlatch, and apparently squanders all the accumulated results of long years of labour, has two things in his mind that we cannot but acknowledge as wise and worthy of praise. His first object is to pay his debts. This is done publicly and much ceremony, as a matter of record. His second object is to invest the fruits of his labour so that he that the greatest benefits will accrue from them for himself as well as for his children. The recipients of gifts at this festival receive them as loans, which they use in their present undertakings, but after the lapse of several years they must repay them with interest to the giver or his heir. Thus the potlatch comes to be considered by the Indians as a means of insuring the well-being of their children if they should be left orphans while still young.

By correcting the terms “debt,” “payment,” “calling in,” and “loan,” and replacing them by terms such as “presents given” and “presents returned,” terms which Boas also ends up using, one has a fairly precise idea of how the notion of credit in the potlatch functions.

On the notion of honor, see Boas, 7th *Report on the North-Western Tribes*, p. 57.

distribution of *kava*, or a talisman that one takes away cannot be reciprocated immediately. "Time" is necessary to fulfill every counterprestation. The notion of a time limit is therefore logically implied when it comes to paying visits, contracting marriages and alliances, brokering peace, attending games and organized combat, celebrating rotating festivals, rendering ritual services of honor, "displaying reciprocal respect,"<sup>132</sup> all the things that one exchanges, at the same time as other more and more numerous and precious things, as these societies grow more wealthy.

Current economic and juridical history is enormously mistaken on this point. Imbued with modern ideas, it makes up *a priori* ideas about evolution,<sup>133</sup> following a so-called necessary logic; fundamentally it is built on ancient traditions. Nothing is more dangerous than this "unconscious sociology," as Simiand has called it. For example, Cuq also says, "In primitive societies they know only the regime of barter; in those more advanced, they practice selling for cash. Sale on credit characterizes a superior phase of civilization; it first manifests indirectly, as a combination of sale for cash and loans."<sup>134</sup> In fact, the point of departure lies elsewhere. It has been given in a category of rights that leaves aside the jurists and economists, who are themselves not interested in it; it is the gift (*don*), a complex phenomenon, particularly in its most ancient form, that of the total prestation, which we do not deal with in this text; but the gift (*don*) necessarily entails the notion of credit. The evolution of economic law has not gone from barter to sale, and from cash to credit. On the one hand, barter has arisen from a system of gifts (*cadeaux*) given and reciprocated according to a time limit that, having at one time been quite arbitrary, came to be reduced by a process of simplification. From the same system, on the other hand, came purchase and sale, the latter in the form of credit and cash as well as loans. For we have no proof that any of the legal systems that have evolved beyond the phase we are describing (Babylonian law in particular) would not have understood credit, which is known by all archaic societies that survive around us today. This is another simple and realistic way of resolving the two "moments in time" that the contract brings together, and that Davy has already studied.<sup>135</sup>

132. Tlingit expression: Swanton, *Tlingit Indians*, p. 421, etc.

133. We did not notice that the notion of a time limit was not only as ancient, but also as simple, or, if you wish, as complex, as the notion of cash.

134. "Étude sur les contrats de l'époque de la première dynastie babylonienne," *Nouvelle revue historique du droit*, 1910, p. 477.

135. Davy, *Foi Jurée*, p. 207.

No less important is the role that the notion of honor plays in Indian transactions.

Nowhere is the individual prestige of a chief and the prestige of his clan so closely linked to expenditure and to the exacting return with interest on the gifts (*dons*) accepted, in a way that transforms those who had previously been obligated to you into the obligated themselves. Consumption and destruction are genuinely unlimited. In certain potlatches, one must spend all that one has, and keep nothing.<sup>136</sup> It is a case of who is the richest and also the most madly profligate. Everything is based on the principle of antagonism and rivalry. The political status of individuals, in the brotherhoods and clans, and in ranks of all sorts, are obtained by "war of property,"<sup>137</sup> as by real war, or by chance, inheritance, alliance, and marriage. But everything is conceived of as if it were a "contest of wealth."<sup>138</sup> The marriage of children and positions in brotherhoods are only won through potlatches exchanged and returned. One can lose them in the potlatch as one loses them in war, in gambling,<sup>139</sup> racing, and wrestling

136. Distribution of all property: Kwakiutl, Boas, *Social Organization and secret societies of the Kwakiutl Indians* (Report American National Museum), 1895 (henceforth cited as *Sec. soc.*), p. 469. In the case of a novice's initiation, *ibid.*, p. 551, Koskimo, Shushwap: redistribution, Boas 7th Report, 1890, p. 91, Swanton, *Tlingit Indians* (21st Annual Report of the Bureau of American Ethnology) (henceforth *Tlingit*), p. 442 (in a speech): "he has spent everything in order to put him on display" (his nephew). Redistribution of everything that has been won by gambling, Swanton, *Texts and myths of the Tlingit Indians* (Bulletin no. 39 Bureau of American Ethnology) (henceforward *Tlingit T. M.*), p. 139.

137. On the war of property, see the song of Maa, *Sec. soc.*, pp. 577, 602: "We fight with property." The opposition, war of wealth, war of blood, can be found again in the speeches that were made at the same potlatch in 1895 at Fort Rupert. See Boas and Hunt, *Kwakiutl texts*, 1st series, *Jesup Expedition*, Vol. III (henceforth cited as *Kwa III*), pp. 485, 482; cf. *Sec. soc.*, pp. 668 and 673.

138. See particularly the myth of Haiyas (*Haïda texts, Jesup Expedition*, VI, no. 83, Masset), who lost "face" while gambling, and who died as a result. His sisters and nephews went into mourning, gave a revenge potlatch and he came back to life again.

139. It would be worth doing a study on gambling here, which even amongst us is not considered a contract, but a situation where one's honor is at stake and goods are given up that, after all, one could easily not give up. Gambling is a kind of potlatch and gifts (*dons*) system. Its extent even in the American Northwest is remarkable. Whatever is known of the Kwakiutl (see *Ethn. Kwa.*, p. 1394, s.v. *ebayu*; dice (?) s.v. *lepa*, p. 1435, cf. *lep*, p. 1448, "second potlatch, dance"; cf. p. 1423, s.v. *maqwacte*), it does not seem to play a comparable role to the one it plays amongst the Haïda, Tlingit, and Tsimshian. They are inveterate and constant gamblers. See description

matches.<sup>140</sup> In a certain number of cases, it is not even a matter of giving and reciprocating, but of destroying,<sup>141</sup> to avoid even giving the impression of wanting

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of the stick game amongst the Haïda: Swanton, *Haïda (Jesup Expedition, V. I)*, pp. 58 *et seq.*, 141 *et seq.*, for the faces and names; the same game amongst the Tlingit, description with the names of sticks; Swanton, *Tlingit*, p. 443. The ordinary Tlingit *nāq*, the piece that wins, is equivalent to the Haïda *djil*.

The stories are full of legends of games, of chiefs who lost everything through gambling. A Tsimshian chief even lost his children and kinsmen; *Tsim. myth.*, pp. 207, 101, cf. Boas, *ibid.*, p. 409. A Haïda legend recounts the story of an all-out game between the Tsimshian and the Haïda. See *Haïda T. M.*, p. 322. Cf. the same legend: games against the Tlingit, *ibid.*, p. 94. A catalog of themes of this kind can be found in Boas, *Tsim. myth.*, pp. 847 and 843. Etiquette and ethics dictate that the winner leave the loser, his wife, and his children their freedom, *Tlingit T. M.*, p. 137. There is no need to underline the connection between this trait and the Asiatic legends.

Moreover, there are undeniable Asiatic influences here. On the extent of Asiatic games of chance in America, see the fine work of E. B. Tylor, "On American lot-games, as evidence of Asiatic intercourse," *Bastian Festschrift* in suppl. *International Archiv für Ethnographie*, 1896, p. 55 *et seq.*

140. Davy has demonstrated the theme of challenge, of rivalry. To which we should add the theme of wager. See, for example, Boas, *Indianische Sagen*, pp. 203–6. Wager of food, wager of wrestling, wager of ascension, etc., in the legends. Cf. *ibid.*, p. 363, for catalog of themes. The wager is still today a remnant of these rights and this ethic. It involves only honor and credit, and yet makes wealth circulate.

141. On the potlatch of destruction, see Davy, *Foi Jurée*, p. 224. We must add the following observations. To give is already to destroy, see *Sec. soc.*, p. 334. A certain number of rituals of giving involve destruction; ex. the ritual of reimbursing the dowry—or, as Boas calls it, "repayment of the debt of marriage"—involves a formality called "sinking the canoe"; *Sec. soc.*, pp. 518, 520. But this ceremony is symbolic. Meanwhile visits to the Haïda and Tsimshian potlatch involve the actual destruction of the canoes of the guests. Amongst the Tsimshian they destroy them on arrival, after having carefully helped in the unloading of all that they contained, and more beautiful canoes are given back upon departure: Boas, *Tsim. myth.*, p. 338.

But destruction in the strict sense seems to constitute a superior form of expenditure. They call it "killing property" amongst the Tsimshian and the Tlingit. Boas, *Tsim. myth.*, p. 344; Swanton, *Tlingit*, p. 442. In reality, they even give this name to distributions of blankets: "this many blankets were lost in order to see it", *Tlingit*.

Two other motives come into play in this practice of destruction in the potlatch: first, the theme of war: the potlatch is a war; it bears the name "dance of war" amongst the Tlingit, Swanton, *Tlingit*, p. 458, cf. p. 436. In the same fashion, during a war, one can seize the masks, the names, and the privileges of the owners who have been killed, so in a war of property one kills the property; either one's own, so that others may not have it, or that of others, by giving them goods that they will be obliged to return, or will not be able to return.

The second theme is that of sacrifice. See above, p. 79. If one kills the property, it means that it has a life. See later, p. 133. A herald says: "Let our property remain

your gift to be reciprocated. They burn whole casks of olachen (candle-fish) oil, or whale oil;<sup>142</sup> they burn houses and thousands of blankets; they break the most valuable coppers and throw them into the water, in order to crush and “flatten” their rival.<sup>143</sup> Thus one advances not only oneself, but one’s family too up the social scale. So we have here a system of law (*droit*) and economy wherein considerable wealth is being constantly spent and transferred. We could, if we wished, describe these transfers as exchange, or even trade and sale.<sup>144</sup> But this trade is noble, full of etiquette and generosity; and in any case, when it is carried out in another spirit, with immediate gain as its goal, it then becomes the object of very marked scorn.<sup>145</sup>

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alive under the attacks of the chief; let the copper remain unbroken,” *Ethn. Kwa.*, p. 1285, l. 1. Perhaps even the meanings of the word “*yäq*”—to be laid out dead, or to distribute in a potlatch, cf. *Kwa.*, Vol. III, p. 59, and index, *Ethn. Kwa.*—can be explained in this way.

But in principle it is about the transmitting of the things destroyed to the spirits, as in normal sacrifice, in particular to the clan’s ancestors. This theme is naturally more developed amongst the Tlingit (Swanton, *Tlingit* pp. 443, 462), amongst whom the ancestors not only help with the potlatch and profit from the destructions, but profit more from the presents that are given to their living homonyms. Destruction by fire seems to be characteristic of this theme. Amongst the Tlingit, see a very interesting myth, *Tlingit T. M.*, p. 82. Häida, sacrifice by fire (Skidegate) Swanton, *Häida texts and myths. Bull. (Bureau of American Ethnology, no. 29)* (henceforth, *Häida T. M.*), pp. 36, 28, and 91. The theme is less evident amongst the Kwakiutl, amongst whom there exists also a divinity called “The-One-Sitting-on-the-Fire,” and to whom they sacrifice the clothing of a sick child, in order to pay it: *Ethn. Kwa.*, pp. 705, 706.

142. Boas, *Sec. soc.*, p. 353, etc.

143. See later, p. 129, n. 209, concerning the word *p!E:s* (*sic*).

144. It seems that even the words “exchange” and “sale” would be foreign to the Kwakiutl language. I cannot find the word “sale” in the various glossaries of Boas concerning the sale of a copper object. But this putting up for auction is nothing less than a sale; it is a sort of bet, a contest of generosity. As for the word “exchange,” I find it only under the form of *L'ay*; but in the text referred to, *Kwa.*, Vol. III, p. 77, l. 41, he uses it with respect to a change of name.

145. See the expression “greedy for food,” *Ethn. Kwa.*, p. 1462, “desirous to get wealth quickly,” *ibid.*, p. 1394; see the beautiful denunciation of the “little ones”: “The little ones who deliberate, the little hard-struggling ones, the little ones whom you have vanquished, who promise to give away canoes, the little ones to whom property is given, the little ones who call property, the little ones who work secretly for property [the term translated as ‘property’ is ‘*maneg*,’ to return a favor, *ibid.*, p. 1403], the little traitors,” *ibid.*, p. 1287, l. 15–18. Cf. another speech where it is said of the chief who has given the potlatch, and of those people who receive and never give back: “He told them to eat . . . he put them across his back.” *ibid.*, p. 1293; cf. p. 1291. See another imprecation against the “little ones,” *ibid.*, p. 1381.



It is clear that the notion of honor that manifests itself so violently in Polynesia, and that is always present in Melanesia, is truly destructive in this case. Again on this point, classical teachings misjudge the motives that have inspired people, and everything we owe to the societies that have preceded ours. Even as learned a scholar as Huvelin believed himself obliged to deduce the notion of honor, reputed to be without effect, from the notion of magical effect.<sup>146</sup> He only sees in honor and prestige the substitute for magic. The reality is more complex. The notion of honor is no more alien to these civilizations than the notion of magic.<sup>147</sup> Polynesian *mana* itself symbolizes not only the magical force of every being, but also their honor, and one of the best translations of this word is "authority," "wealth."<sup>148</sup> The Tlingit and Haïda potlatch consists in considering

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One must not believe that a morality of this kind would be contrary to economy or correspond to a communistic idleness. The Tsimshian blame avarice and tell of their principal hero, Raven (the creator), and how he was sent away by his father because he was greedy; *Tsim. myth.*, p. 61, cf. p. 444. The same myth exists amongst the Tlingit. These people also blame the laziness and mendacity of the guest, and tell how Raven and the people who go from town to town seeking invitations were punished.

146. *Injuria* (*Mélanges Appleton*); "Magie et droit individuel," *Année sociologique*, X, p. 28.

147. One pays for the honor of dancing amongst the Tlingit: *Tlingit T. M.*, p. 141. Payment of the chief who has composed a dance. Amongst the Tsimshian: "Everything is done for honour. . . . Above everything is wealth and the display of vanity," Boas, 5th *Report*, 1899, p. 19. Duncan in Mayne, *Four years*, p. 265, had already said "for the sheer vanity of the thing." In addition, a great number of rituals, not only those of ascension, etc., but also those that consist, for example, of "lifting the copper object" (Kwakiutl), *Kwa Tlingit T. M.*, p. 117, "lifting the post of potlatch," funerary and totemic, "lifting the center-post" of the home, the old festive pole, translate principles of this kind. One must not forget that the purpose of the potlatch is to know which is "the most 'exalted' family" (commentary of the chief Katishan regarding the myth of the Raven, Tlingit, *Tlingit T. M.*, p. 119, n. a.).

148. Tregear, *Maori Comparative dictionary*, s.v. *mana*. It would be worth a study into the notion of wealth itself. From our current point of view, the rich man is a man who has *mana* in Polynesia, "*auctoritas*" in Rome, and, in these American tribes, who is a "big" man, *walas* (*Ethn. Kwa.*, p. 1396). But we need really only to indicate the link between the notion of wealth, that of authority, the right to command those who receive gifts (*cadeaux*), and the potlatch; it is very clear. For example, amongst the Kwakiutl, one of the most important clans is that of the Walaska (simultaneously the name of a family, a dance, and a fraternity); this name means "the great ones who come from on high," who distribute at the potlatch; *walasila* means not only wealth, but also "distribution of blankets on the occasion of putting a copper object up for auction." Another metaphor consists in deeming that the individual has been

these mutual services<sup>149</sup> as honors. Even in genuinely primitive societies, such as the Australians, the point of honor is as sensitive as in our own, and can be satisfied by prestations, food offerings, precedence, and rituals, as well as by gifts (*dons*).<sup>150</sup> Men knew how to pledge their honor and their names long before they knew how to write.

The Northwest American potlatch has been sufficiently studied with respect to everything that pertains to the form of the contract itself. We should, however, situate the study of it made by Davy and Leonhard Adam<sup>151</sup> within the wider context where it belongs for the subject that concerns us. For the potlatch is much more than a juridical phenomenon: it is one that we propose to term "total." It is religious, mythological, and shamanistic, since the chiefs who engage in it represent and incarnate the ancestors and the gods whose names they bear, whose dances they dance, and whose spirits possess them.<sup>152</sup> It is also

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made "heavy" by the potlatches given: *Sec. soc.*, pp. 558, 559. The chief is said to "swallow the tribes" to whom he distributes his riches; he "vomits the property," etc.

149. A Tlingit song, said to be of the Raven phratry: "It is they who make the Wolves 'valuable'," *Tlingit T. M.*, p. 398, no. 38. The principle that the "respects" and "honors" to be given and reciprocated include gifts (*dons*) is very precise in both tribes. Swanton, *Tlingit*, p. 451; Swanton, *Haïda*, p. 162, exempts the reciprocation of certain presents.

150. Cf. later (Conclusion), p. 183, n. 8.

The etiquette of the banquet, of the gift (*don*) that one receives with dignity, that one does not solicit, is extremely marked in these tribes. Let us point out only three Kwakiutl, Haïda, and Tsimshian facts that are instructive from our point of view: the chiefs and nobles at the banquets eat little, it is the vassals and the common people who eat a lot; they literally "purse their lips." Boas *Kwa. Ind.*, (*Jesup*, V. LI), pp. 427, 430; dangers of eating a lot, *Tsim. myth.*, pp. 59, 149, 153, etc. (myths); they sing at the banquet: *Kwa. Ind. (Jesup Expedition, V.II)*, pp. 430, 437. They sound the conch "so that no one should say we are dying of hunger," *Kwa.*, Vol. III, p. 486. The noble never solicits. The shaman doctor never asks the price; his "spirit" forbids it of him." *Ethn. Kwa.*, pp. 731, 742; *Haïda T. M.*, pp. 238, 239. There also exists a fraternity and a dance of "begging" amongst the Kwakiutl.

151. See Bibliography, p. 38.

152. The Tlingit and Haïda potlatches have especially developed this principle. Cf. *Tlingit Indians*, pp. 443, 462. Cf. speech in *Tlingit T. M.*, p. 373; the spirits smoke, while the guests smoke. Cf. p. 385. l. 9; "We who dance here for you, we are not really ourselves. It is our uncles who died long ago who are dancing here." The guests are spirits, the lucky charms *gona' qadet*, *ibid.*, p. 119, n. a. In fact, what we have here, pure and simple, is the confusion of the two principles of sacrifice and gift (*don*); comparable, except perhaps for their effect on nature, in all the cases that we have already cited (above p. 79). To give to the living is to give to the dead. A

economic, and one must measure the value, the importance, the reasons and effects of these, even today, enormous transactions, when calculated in European values.<sup>153</sup> The potlatch is also a phenomenon of social morphology: the gathering of tribes, clans, and families, even of nations, produces a state of agitation, of remarkable excitement. They fraternize, all the while remaining strangers; they communicate and confront each other in a gigantic forum of trade and a constant tournament.<sup>154</sup> We will pass over the artistic phenomena, which are extremely numerous. Finally, even from a juridical point of view, to what we have already gathered from the form of these contracts, and what might be called their human purpose, as well as the legal status of the parties involved (clans, families, rankings, and nuptials), we must add this: the material objects of the contracts, the things that are exchanged in them, they too have a special quality which makes people give them and above all reciprocate them.

It could have been useful—if we had enough space—to distinguish, for the purposes of our exposition, four forms of the Northwest American potlatch: (1) a potlatch where the phratries or the families of the chiefs are exclusively, or almost exclusively, involved. (Tlingit); (2) a potlatch where phratries, clans, chiefs, and families play an almost equal role; (3) a potlatch of chiefs confronting each other by clan (Tsimshian); (4) a potlatch of chiefs and brotherhoods (Kwakiutl). But it would take too long to proceed in this way. Furthermore, the distinction between three of the four forms (leaving out the Tsimshian form) has been expounded by Davy.<sup>155</sup> Finally, with respect to our own study of the three themes of the gift (*don*), the obligation to give, the obligation to receive, and the obligation to make a return, all four forms of the potlatch are relatively identical.

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remarkable Tlingit story (*Tlingit T. M.*, p. 227), tells of how a resuscitated individual knows how a potlatch has been made for him: a common theme is that of the spirits who reproach the living for not having given a potlatch. The Kwakiutl surely had the same principles. Example speech, *Ethn. Kwa.*, p. 788. Amongst the Tsimshian, the living represent the dead. Tate writes to Boas: "In some of these cases offerings appear rather in the form of presents given at a feast." *Tsim. myth.*, p. 452 (Historical legends), p. 287. Collection of themes, Boas, *ibid.*, p. 846, for comparisons with the Haida, Tlingit, and Tsimshian.

153. See later a few examples of the value of copper objects, p. 140, n. 243.

154. Krause, *Tlinkit Indianer*, p. 240, describes well the ways that Tlingit tribes have of confronting each other.

155. Davy, *Foi Jurée*, pp. 171 *et seq.*, 251 *et seq.* The Tsimshian form does not distinguish itself very tangibly from the Haida form. Perhaps the clan is more in evidence there.

*The three obligations: To give, to receive, to make a return*

*The obligation to give is the essence of the potlatch.* A chief must give *potlatches*, for himself, his son, his son-in-law, or his daughter,<sup>156</sup> and for his dead.<sup>157</sup> He can only preserve his authority over his tribe and over his village, even over his family; can only maintain his rank amongst the chiefs<sup>158</sup>—nationally and internationally—if he can show that he is haunted and favored by the spirits and by fortune,<sup>159</sup> that he is possessed by it and possesses it,<sup>160</sup> and he can only prove this fortune by spending it, by sharing it, and by humiliating others by putting them in the “shadow of his name.”<sup>161</sup> The Kwakiutl and Haida nobles

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156. There is no need to go over Davy's demonstration concerning the relationship between the potlatch and political status, particularly that of the son-in-law and the son. It is equally unnecessary to comment on the communal value of banquets and exchanges. Ex.: the exchange of canoes between two spirits means that from then on they have but “a single heart,” one being the father-in-law and the other being the son-in-law. *Sec. soc.*, p. 387. The text *Kwa.* Vol. III, p. 274 adds that “it was as if they had exchanged names.” See also *ibid.*, p. 23: in the myth of the Nimkish festival (another Kwakiutl tribe), the purpose of the wedding banquet is the installation of the daughter in the village, “where she will eat for the first time.”
157. The funeral potlatch has been documented and sufficiently studied amongst the Haida and Tlingit; amongst the Tsimshian, it seems to be more especially associated with the end of mourning, the erection of the totem pole, and with cremation; *Tsim. myth.*, p. 534 *et seq.* Boas does not point to any funeral potlatch amongst the Kwakiutl, but we find a description of a potlatch of this kind in a myth: *Kwa.*, Vol. III, p. 407.
158. The potlatch to retain his right to a crest, Swanton, *Haida*, p. 107. See story of Leg.ek, *Tsim. myth.*, p. 386. Leg.ek is the title of the main Tsimshian chief. See also *ibid.*, p. 364, the stories about chief Nesbalas, another Tsimshian chief grand title, and the fashion in which he ridicules chief Haïmas. One of the most important chieftaincy titles amongst the Kwakiutl (Lewikilaq) is that of Dabend, (*Kwa.*, Vol. III, p. 19, l. 22. cf. *dabendgal'ala*, *Ethn. Kwa.*, p. 1406, col. 1), who before the potlatch has a name which means “able to hold the end.”
159. A Kwakiutl chief says: “this is my pride: the names, the roots of my family, all my ancestors were . . .” (and here he lists his name, which is both a title and a common name) “givers of *maxwa*” (grand potlatch); *Ethn. Kwa.*, p. 887, l. 54. Cf. p. 843, l. 70.
160. See later, p. 129, n. 29 (in a speech): “Therefore I am covered in property. Therefore I am rich. Therefore I am a counter of property,” *Ethn. Kwa.*, p. 1280, l. 18.
161. To buy a copper is to put it “under the name” of the buyer: Boas, *Sec. soc.*, p. 345. Another metaphor is that the name of the giver of the potlatch “takes on weight” through the potlatch given. *Ibid.*, p. 345. There are other expressions of the same idea of the giver's superiority over the receiver; the notion that the latter is in a way a slave as long as he has not bought himself back. (“The name is bad” then, say the Haida: Swanton, *Haida*, p. 70. Cf. later p. 128, n. 203.) The Tlingit say that “we put the

have exactly the same notion of “face” as the Chinese man of letters or officer.<sup>162</sup> They say of one of the great mythical chiefs who gave no potlatch that he had a “rotten face.”<sup>163</sup> Even the expression is more exact here than in China. For in the American Northwest to lose prestige is indeed to lose the soul; it is literally the “face,” the dancing mask, the right to incarnate a spirit, to carry a crest, a totem, truly the *persona*, that are thus all at stake, and that one loses in the potlatch,<sup>164</sup> in the game of gifts<sup>165</sup> (*dons*), just as one can lose them in war<sup>166</sup> or through a ritual error.<sup>167</sup> In all these societies, one hastens to give. There is no

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gifts (*dons*) on the back of the people who receive them.” Swanton, *Haïda*, p. 428. The Haïda have two very symptomatic expressions: “to make (his needle) go” and “to run fast” (cf. the New Caledonian expression, above, p. 88), and which appears to signify “to fight an inferior”: Swanton, *Haïda*, p. 162.

162. See the story of Haimas, how he lost his liberty, his privileges, his masks, and other things, his auxiliary spirits, his family, and his properties: *Tsim. myth.*, pp. 361, 362.

163. *Ethn. Kwa.*, p. 805; Hunt, Boas’s Kwakiutl author, writes: “I do not know why the chief Maxuyalidze (literally, ‘giver of potlatch’) never gave a feast. That is all about this. This is called *qelsem* (that is, ‘rotten face,’ one who gives no feast)” *ibid.*, l. 13–15.

164. The potlatch is in fact a dangerous thing, whether one does not give it, or one receives it. The people who came to a mythical potlatch died from it (*Haïda T.*, *Jesup*, VI, p. 626; cf. p. 667, same myth, Tsimshian). Cf. for comparisons, Boas, *Indianische Sagen*, p. 356, no. 58. It is dangerous to partake of the substance of he who gives the potlatch: for example, to consume at a potlatch of spirits in the world below. Kwakiutl legend (Awikenog), *Indianische Sagen*, p. 239. See the fine myth of the Raven that brings food from its flesh (several examples); Çtatlöq, *Indianische Sagen*, p. 76; Nootka, *ibid.*, p. 106. Comparisons in Boas, *Tsim. myth.*, pp. 694, 695.

165. The potlatch is in effect a game and a test. For example, the test consists in not having hiccups during the banquet. “Better to die than to have hiccups,” it is said. Boas, *Kwakiutl Indians* (*Jesup Expedition*, Vol. V, part II), p. 428. See a formula for the challenge: “Let us try to have them [the house-dishes] emptied by our guests!” *Ethn. Kwa.*, p. 991, l. 43. Cf. p. 992. On the uncertain meaning between the words that mean to give food, to reciprocate food and to return it, see glossary (*Ethn. Kwa.* s.v. *yenesa*, *yenka*: to give food, to recompense, to make a return).

166. See above, p. 116, n. 141, the equivalence of potlatch and war. The knife at the end of the stick is the symbol of the Kwakiutl potlatch: *Kwa.*, Vol. III, p. 483. Amongst the Tlingit, it is the raised lance. *Tlingit T. M.*, p. 117. See the rituals of the potlatch of compensation amongst the Tlingit. The war of the Kloo people against the Tsimshian: *Tlingit T. M.*, pp. 432, 433, n. 34: dances for having made someone a slave; potlatch without dances for having killed someone. Cf., later, ritual for the gift (*don*) of copper, in section titled “The money of renown.”

167. On ritual errors amongst the Kwakiutl, see Boas, *Sec. soc.* pp. 433, 507, etc. Expiation consists precisely in giving a potlatch or at least a gift (*don*).

This is, in all societies, an extremely important principle of law and ritual. A distribution of wealth plays the role of a fine, of a propitiation vis-à-vis the spirits,

single occasion, even outside of the ceremonies and assemblies of winter, when one is not obliged to invite one's friends, to share with them the windfall from a hunt or a food gathering, which come from the gods and the totems;<sup>168</sup> when one is not obliged to redistribute all that has come your way from a potlatch of which you have been a beneficiary;<sup>169</sup> when one is not obliged to acknowledge through gifts (*dons*) any services granted,<sup>170</sup> be it from a chief,<sup>171</sup> or a vassal, or a kinsman;<sup>172</sup> everything, at least for nobles, comes under pain of violating etiquette and losing rank.<sup>173</sup>

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and of the reestablishment of communion with men. Father Lambert, *Morals of the New Caledonian savages*, p. 66, had already noted amongst the Canaques the right of uterine kin to claim indemnities when one of their own loses his blood in his father's family. The same institution is found amongst the Tsimshian: Duncan in Mayne, *Four years*, p. 265, cf. p. 296 (potlatch in the case of loss of a son's blood). The Maori institution of the *murū* should probably be compared with this.

The potlatch for the repurchase of captives should be interpreted in the same way. For it is not only to buy back the prisoner, but also to reestablish "the name," that the family, which allowed him to be made a slave, should give a potlatch. See the story of Dzebasā, *Tsim. myth.*, p. 388. The same rule exists amongst the Tlingit: Krause, *Thlinkit Indianer*, p. 245. Porter, *XIth Census*, p. 54, Swanton, *Tlingit*, p. 449.

The potlatches for the expiation of ritual errors amongst the Kwakiutl are numerous. But we should make note of the potlatch of expiation for the parents of twins who are going off to work. *Ethn. Kwa*, p. 691. A potlatch is owed to a father-in-law in order to win back a wife who has left you—evidently by your own fault. See the vocabulary, *ibid.*, p. 1423, col. 1, bottom. The principle can be applied artificially: when a chief seeks an opportunity for a potlatch, he sends his wife back to his father-in-law, so as to have a pretext for fresh distributions of wealth: Boas, *5th Report*, p. 42.

168. A long list of these obligations to give festivals—after fishing, gathering, hunting, opening of boxes of preserves—is given in the first volume of *Ethn. Kwa.*, p. 757 *et seq.* Cf. p. 607 *et seq.* for the etiquette, etc.

169. See above, p. 115, n. 136.

170. See *Tsim. myth.*, pp. 512, 439; cf. p. 534, for payment of services. Kwakiutl ex.: payment to the counter of blankets, *Sec. soc.*, pp. 614, 629 (Nimkish, summer festival).

171. The Tsimshian have a remarkable institution that prescribes the relative shares at the potlatch of chiefs and the potlatch of vassals, and which divides them out between them. Although rivals confront one another within their respective feudal classes, which cut across clans and phratries, there are also rights that are exercised from class to class. Boas, *Tsim. myth.*, p. 539.

172. Payments to kin. *Tsim. myth.*, p. 534.; cf. Davy, *Foi Jurée* for the opposing systems amongst the Tlingit and the Haida, the allotment of potlatches by families, p. 196.

173. A Haida myth from Masset (*Haida texts, Jesup*, VI, no. 43) tells of how an old chief does not give enough potlatches. The others no longer invite him; he dies as a result;

The obligation to invite is altogether evident when exercised from clan to clan or tribe to tribe. It even only makes sense if offered to people outside the family, the clan, or the phratry.<sup>174</sup> They have to bring together whoever can<sup>175</sup> and really wants to go to,<sup>176</sup> or just shows up at,<sup>177</sup> the feast or the potlatch.<sup>178</sup> To neglect to do so has disastrous consequences.<sup>179</sup> An important Tsimshian myth<sup>180</sup> shows the state of mind from which this essential theme of European folklore sprang: that of the wicked fairy forgotten at the baptism and the wedding. The fabric of institutions into which it is woven appears clearly here: we see in which civilizations it has operated. A princess in one of the Tsimshian villages has conceived in the “land of the otters” and miraculously gives birth

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his nephews erect a statue of him, give a feast, ten feasts, in his name; and then he is reborn. In another myth from Masset, *ibid.*, p. 727, a spirit addresses a chief, saying to him: “you have too much property, you must make a potlatch” (*wal* = distribution, cf. the word *walgal*, potlatch). He builds a house and pays the builders. In another myth, *ibid.*, p. 723, l. 34, a chief says: “I will keep nothing for myself,” cf. later “I will make a potlatch ten times (*wal*).”

174. On the way in which clans regularly confront each other (Kwakiutl), Boas, *Sec. soc.*, p. 343; (Tsimshian), Boas, *Tsim. myth.*, p. 497. This is taken for granted in the land of phratries. See Swanton, *Haïda*, p. 162; *Tlingit*, p. 424. This principle is remarkably clear in the myth of the Raven, *Tlingit T. M.*, p. 115 *et seq.*

175. Naturally they do not invite those who have shown themselves unworthy, those who have not given feasts, those who do not own the names of feasts, Hunt in *Ethn. Kwa.*, p. 707; those who have not returned the potlatch, cf. *ibid.*, index, s.v. *Waya* and *Wayapo Lela*, p. 1395, cf. p. 358, l. 25.

176. From here we have the recurring tale—just as common to our own European and Asian folklore—of the danger of not inviting the orphan, the abandoned, the poor unexpected visitor. Ex. *Indiandische Sagen*, pp. 301, 303: See *Tsim. myth.*, p. 784 *et seq.*

177. The Tlingit have a remarkable expression: the guests are required to “float,” their canoes “to go astray at sea,” the totem pole that they carry is adrift; it is the potlatch, the invitation that stops them. *Tlingit T. M.*, p. 394, no. 22, p. 395, no. 24 (in speeches). A quite common title for the Kwakiutl chief is “he towards whom we paddle,” he is “the place to which we come,” ex. *Ethn. Kwa.*, p. 187, l. 10 and 15.

178. The offense that consists in neglecting someone means that his supporting kin also abstain from coming to the potlatch. In a Tsimshian myth, the spirits do not come unless the Great Spirit has been invited; they all come when he is invited; *Tsim. myth.*, p. 277. A story tells of how they did not invite the great chief Nesbalas, and so the other Tsimshian chiefs did not come; they said: “He is chief, we cannot quarrel with him”. *Ibid.*, p. 357.

179. The offense has political consequences. Ex. of the potlatch of the Tlingit with the Eastern Athapascans. Swanton, *Tlingit*, p. 435. Cf. *Tlingit T. M.*, p. 117.

180. *Tsim. myth.*, pp. 170 and 171.

to a "Little Otter." She returns with her child to the village of her father, the Chief. "Little Otter" catches some large halibut, which his grandfather serves at a feast for all his fellow chiefs from all the tribes. He presents him to them all and advises them not to kill him if they encounter him in his animal form while out fishing: "This is my grandson who has brought this food for you, which I have served to you, my guests." Thus the grandfather grew rich in all manner of goods that they gave to him when they came to his house to eat the whales, seals, and all the fresh fish that "Little Otter" brought back during the scarcity of winter. But they had forgotten to invite one chief. And one day, when the crew of a canoe of the overlooked tribe encountered "Little Otter" at sea holding a large seal in his jaws, their archer killed "Little Otter" and took the seal. The grandfather and the tribes searched for "Little Otter," until they learned what had happened to the forgotten tribe. They apologized; they did not know "Little Otter." His mother the princess died of grief; the chief, who was inadvertently to blame, brought the grandfather chief all sorts of gifts (*cadeaux*) as expiation. And the myth concludes:<sup>181</sup> "This is why the people held great festivals when the son of a chief was born and received his name, so that no-one would not know him." The potlatch, the distribution of goods, is the fundamental act of "recognition", military, juridical, economic, religious, and in every sense of the word. They "recognize" the chief or his son and become "grateful"<sup>182</sup> to him.

Sometimes the rituals of Kwakiutl<sup>183</sup> feasts and of other tribes of this group express this principle of obligatory invitation. It can happen that a part of the ceremony begins with that of the Dogs. These are represented by masked men, who leave one house to force their way into another. It commemorates the occasion on which the people of three other clans of the Kwakiutl tribe proper neglected to invite the highest ranking of their clans, the Guetela.<sup>184</sup> The latter, not wanting to remain "profane," entered into the dance house and destroyed everything.

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181. Boas puts this sentence from the text by Tate, his native editor, in a note, *ibid.*, p. 171, n. a. We must, on the contrary, join the morality of the myth to the myth itself.

182. Cf. the detail of the Tsimshian myth of Negunaks, *ibid.*, p. 287 *et seq* and the notes on p. 846 for the equivalents of this theme.

183. Ex.; at the invitation to the currant feast, the herald says: "We come back to call you, the only one (who has not come yet)." *Ethn. Kwa.*, p. 752.

184. Boas, *Sec. soc.*, p. 543.



*The obligation to receive* is no less constraining. One does not have the right to refuse a gift (*don*), to refuse the potlatch.<sup>185</sup> To act in this way is to show that one fears having to reciprocate, to fear being “flattened,” until one has repaid it. In reality, this is to be “flattened” already. It is “to lose the weight” of one’s name;<sup>186</sup> either to admit oneself beaten in advance,<sup>187</sup> or, on the contrary, in certain cases, to proclaim oneself the victor and invincible.<sup>188</sup> It seems indeed, at least amongst the Kwakiutl, that a recognized position in the hierarchy and victories in previous potlatches allow one to refuse the invitation, or even, when one is present, to refuse the gift (*don*), without war following on from it. But then the potlatch is obligatory for the one who has refused: in particular he will have to render even richer the grease feast, where this ritual of refusal can in fact be observed.<sup>189</sup> The chief who believes himself superior refuses the spoonful of grease presented to him; he leaves to fetch his “copper object” and returns with it to “put out the fire” (of grease). There follows a series of formalities that mark the challenge and commit the chief, who himself has refused to give another potlatch, to another grease feast.<sup>190</sup> But in principle every gift (*don*) is always accepted and even praised.<sup>191</sup> One must appreciate aloud the food that has been prepared for one.<sup>192</sup> But in accepting it one knows one is committing oneself.<sup>193</sup> One receives a gift

185. Amongst the Tlingit, the guests who delayed for two years before coming to the potlatch to which they had been invited are “women.” *Tlingit T. M.*, p. 119, n. a.

186. Boas, *Sec. soc.*, p. 345.

187. Kwakiutl. They are obliged to come to the seal feast, although the grease makes them vomit: *Ethn. Kwa.*, p. 1046. Cf. p. 1048: “Try to eat everything in your dishes.”

188. This is why they sometimes address their guests in fear; for if they reject the offer, they would show themselves superior. A Kwakiutl chief says to a Koskimo chief (tribe of the same nation): “Don’t refuse my kind offer, else I shall be ashamed. I do not do the same as other people, who only pretend to give feasts, giving only to those who have to buy my property from me.” Boas, *Sec. soc.*, p. 546.

189. Boas, *Sec. soc.*, p. 355.

190. See *Ethn. Kwa.*, p. 774 *et seq.*, another description of the feast of oils and salalberries. It comes from Hunt and seems better. It also seems that this ritual is used when one does not invite or does not give. A similar kind of festival ritual, given to scorn a rival, includes drumming songs (*ibid.*, p. 770, cf. p. 764).

191. Haïda formula: “Do the same thing, give me good food” (in myth), *Haïda texts* (*Jesup*, IV), pp. 685, 686. (Kwakiutl), *Ethn. Kwa.*, p. 767, l. 39, p. 738, l. 32, p. 770, the story of PoLelasa.

192. Songs indicating that one is not satisfied are very precise. Tlingit. *Tlingit T. M.*, p. 396, no. 26, no. 29.

193. Amongst the Tsimshian, the chiefs have a rule of sending a messenger to examine the gifts (*cadeaux*) that the guests at the potlatch bring for them. *Tsim. myth.*, p. 184,

(*don*) “as a burden.”<sup>194</sup> One does more than benefit from a thing and a feast; one has accepted a challenge; and one has been able to accept it because of the certainty of returning it,<sup>195</sup> to prove that one is not unequal.<sup>196</sup> And in confronting each other in this way, the chiefs sometimes place themselves in comic situations, which are surely perceived as such. As in ancient Gaul and Germany, or in our own banquets for students, troops, or peasants, one commits to gulping down large quantities of food to “do honor” in a grotesque way to one’s host. The challenge is taken up even if one is only the heir of the person who made it.<sup>197</sup> To abstain from giving,<sup>198</sup> as to abstain from receiving, is to lose status—as is to abstain from reciprocating.<sup>199</sup>

*The obligation to reciprocate*<sup>200</sup> is the whole potlatch, insofar as it does not consist of pure destruction. These acts of destruction, themselves very often sacrificial and for the benefit of the spirits, do not need, it seems, to be reciprocated unconditionally, particularly when they are the work of a superior chief within

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cf. pp. 430 and 434. According to a capitulary (ordinance) from the year 803, at the court of Charlemagne, one official was charged with a similar sort of inspection. Maunier brings this fact to my attention, which Dèmeunier mentioned.

194. See p. 121, n. 161. Cf. the Latin expression “*ære obætatus*,” run into debt.

195. The myth of the Raven amongst the Tlingit tells of how he is not at a feast because the others (of the opposing phratry; poorly translated by Swanton, who should have written the opposing phratry to the Raven) showed up noisily and crossed the dividing line that, in the dance house, separated the two phratries. The Raven fears that they may be invincible. *Tlingit T. M.*, p. 118.

196. The inequality that comes as a result of acceptance is quite apparent in Kwakiutl speeches, *Sec. soc.*, pp. 355, 667, l.17, etc. Cf. p. 669, l. 9.

197. Ex. Tlingit, Santon, *Tlingit*, pp. 440, 441.

198. Amongst the Tlingit, a ritual allows one to be paid more, and allows the host, on the other hand, to force a guest to accept a gift (*cadeau*): the unsatisfied guest makes a gesture of leaving; the giver offers him twice as much while mentioning the name of a dead kinsman: Swanton, *Tlingit Indians*, p. 442. It is likely that this ritual corresponds to the right of the two contract-makers to represent the spirits of their ancestors.

199. See the speech, *Ethn. Kwa.*, p. 1281: “The chiefs of the tribe never return (feasts) . . . they disgrace themselves, and you rise as head chief over those who have disgraced themselves.”

200. See the speech (historical tale) at the potlatch of the great chief Leg.ek (title of the prince of the Tsimshian), *Tsim. myth.*, p. 386: they say to the Haida: “You will shall the last among all the chiefs, because you are not able to throw away coppers as the high chief has done.”

the clan or the chief of a clan that is already acknowledged to be superior.<sup>201</sup> But normally the potlatch should always be repaid with interest, and indeed any gift (*don*) must be repaid with interest. The rates generally range from 30 to 100 percent per year. Even if a subject receives a blanket from his chief for a service rendered, he will give him back two in return on the occasion of a marriage in the chief's family, or the enthronement of the chief's son, etc. It is true that the latter will in turn distribute back to him all the goods that he obtains in future potlatches, where the opposing clans will return his kindnesses.

The obligation to reciprocate worthily is imperative.<sup>202</sup> One loses "face" forever if one does not reciprocate or if one does not destroy equivalent values.<sup>203</sup>

The punishment for failing to reciprocate is slavery for debt, at least amongst the Kwakiutl, Haïda, and Tsimshian. As an institution it is truly comparable, both in nature and function, to the Roman *nexum*. The individual who has failed to return the loan or the potlatch loses his rank and even his status as a free man. Amongst the Kwakiutl, when an individual with bad credit borrows, he is said to "sell a slave." There is no need to point out here the identical nature between this and the Roman expression.<sup>204</sup>

The Haïda<sup>205</sup> even say—as if they had discovered the Latin expression independently—that a mother who gives the mother of a young chief a present for a betrothal at a young age to "puts a thread around him".

201. The ideal would be to give a potlatch that would not be reciprocated. See in a speech: "You wish to give away property that is not to be returned": *Ethn. Kwa.*, p. 1282, l. 63. The individual who has given a potlatch is compared to a tree, to a mountain (cf.: earlier p. 96): "I am the only great chief, I the tree! You here are right under me. . . . a fence . . . I am the first to give you property." Ibid., p. 1290, verse 1. "Go on! raise the unattainable potlatch-pole, for this is the only thick tree, the only thick root." Ibid., verse 2. The Haïda express this using the metaphor of the spear. The people who accept "live from his spear" (of the chief): *Haïda texts* (Masset), p. 486. This is, moreover, a type of myth.

202. See the tale of an insult given for a potlatch poorly returned, *Tsim. myth.*, p. 314. The Tsimshian still remember the two coppers that are owed them by the Wutsenaluk, *ibid.*, p. 364.

203. The "name" remains "broken" until a copper of equal value to that of the challenge has been broken: Boas, *Sec. soc.*, p. 543.

204. When an individual thus discredited borrows something to make an obligatory distribution or redistribution, he "commits his name," and the synonymous expression is "he sells a slave." Boas, *Sec. soc.*, p. 341; cf. *Ethn. Kwa.*, pp. 1451, 1424, s.v. *kelgelkend*, cf. p. 1420.

205. The intended may not yet be born, but the contract binds the young man already: Swanton, *Haïda*, p. 50.

But, just as the Trobriand “*kula*” is but an extreme case of the exchange of gifts (*dons*), so the potlatch of the societies of the Northwest American coast is just a monstrous product of the system of presents. At least in the land of phratries, amongst the Haïda and Tlingit, there remain important vestiges of the ancient total prestation, which is also so characteristic of the Athabaskans, an important group of related tribes. They exchange presents for any reason, any “service”; and everything is reciprocated eventually or even then and there in order to be redistributed immediately.<sup>206</sup> The Tsimshian are not far from having preserved the same rules.<sup>207</sup> And in many cases, the same rules apply even outside the potlatch, amongst the Kwakiutl.<sup>208</sup> We will not labor this obvious point; the old authors do not describe the potlatch any differently, so much so that one may ask whether it actually constitutes a distinct institution.<sup>209</sup> Let

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206. See above, p. 114, n. 132. In particular, the rites of peace amongst the Haïda, Tsimshian, and Tlingit consist of immediate prestations and counterprestations; fundamentally, these are exchanges of pledges (emblazoned coppers) and hostages, both slaves and women. Ex. in the war of the Tsimshian against the Haïda, *Haïda T. M.*, p. 395: “As they had marriages of women on each side, with their opponents, because they feared that they could become angry again, so there was peace.” In a war between the Haïda and the Tlingit, see a potlatch of compensation, *ibid.*, p. 396.
207. See above, p. 123, n. 170, and in particular Boas, *Tsim. myth.*, pp. 511, 512.
208. (Kwakiutl): a distribution of property in both directions, one piece after another. Boas *Sec. soc.*, p. 418; repayment the following year of fines paid for ritual errors; *ibid.*, pp. 518–20, 563; p. 423, l. 1.
209. On the word potlatch, see above p. 62, n. 13. It seems, moreover, that neither the idea nor the nomenclature presupposing the use of this term has the kind of precision in the languages of the Northwest found in the pidgin Anglo-Indian term “sabit,” based on Chinook.

In any case, the Tsimshian language distinguishes between *yaok*, the great intertribal potlatch (Boas (Tate), *Tsim. myth.*, p. 537, cf. p. 511, cf. p. 968, incorrectly translated by potlatch) and others. The Haïda distinguish between the “*walgat*,” and the “*sitka*,” Swanton, *Haïda*, pp. 35, 178, 179, 68 (Masset’s text), the funeral potlatch, and the potlatch for other reasons.

In Kwakiutl, the word common to both Kwakiutl and Chinook, “*poL*” (sated) (*Kwa.*, Vol. III, p. 211, l. 13, *PoL* satiated, *ibid.*, p. 25, l. 7), seems to designate not the potlatch but the banquet or the effect of the banquet. The word “*poLa*” designates the giver of the feast (*Kwa.*, 2nd series, *Jesup*, Vol. X, p. 79, l. 14, p. 43, l. 2) and also the place where one is sated (legend of the title of one of the Dzawadaenoxu chiefs). Cf. *Ethn. Kwa.*, p. 70, l. 30. The most general name in Kwakiutl is “*p!Es*,” “flatten” (the name of the rival) (index, *Ethn. Kwa.*, s.v.) or else the baskets, after emptying them (*Kwa.*, Vol. III, p. 93, l. 1, p. 451, l. 4). The great tribal and intertribal potlatches seem to have their own name, *maxwa* (*Kwa.*, Vol. III, p. 451, l. 15); Boas derives, from its root *ma*, two other words, in a rather unlikely way: one is *marwil*,

us recall that amongst the Chinook, one of the lesser known tribes, but which would have been amongst the most important ones to study, the word potlatch means gift (*don*).<sup>210</sup>

### *The force of things*

We can push the analysis still further and show that in the things exchanged during the potlatch there is a quality that forces the gifts (*dons*) to be passed around, to be given and returned.

First of all, at least the Kwakiutl and the Tshimshian make the same distinction between the various types of property as the Romans, or the Trobrianders and Samoans. For them, there exist, on the one hand, the objects of consumption and for ordinary sharing<sup>211</sup> (I have found no traces of exchange). On the other hand, there are the family's precious things,<sup>212</sup> the talismans, emblazoned

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the room of initiation, and the other the name of the orca (*Ethn. Kwa.*, index, s.v.). In fact, amongst the Kwakiutl, there are a whole host of technical terms for designating all sorts of potlatch, as well as all the various types of payments and repayments, or rather gifts (*dons*) and counter-gifts (*contre-don*): for marriages, for indemnities to shamans, for advances, for interest on late repayments; in short, for all kinds of distributions and redistributions. Ex.: "*men(a)*," "pick up," *Ethn. Kwa.*, p. 218: "a little potlatch at which the clothes of a young girl are thrown to the people in order to be gathered up by them"; "*payol*," "to give a copper," another term for giving a canoe, *Ethn. Kwa.*, p. 1448. The terms are numerous, varying, and concrete, and overlap with one another, as in all archaic nomenclatures.

210. See Barbeau, "Le potlatch," *Bulletin de Société Géographique de Québec*, 1911, col. III, p. 278, n. 3 for the meaning of the references indicated.

211. Perhaps also for sale.

212. The distinction between property and provisions is very clear in Tsmshiam. *Tsim. myth.*, p. 435. Boas says, doubtless following Tate, his correspondent: "While the possession of what is called "*rich food*" (see p. 406) was essential for maintaining the dignity of the family, the provisions themselves were not counted as constituting wealth. Wealth is obtained by selling [we would actually say: gifts (*dons*) exchanged] provisions for other kinds of goods, which, after they have been accumulated, are distributed in the potlatch." (Cf. above, p. 106, n. 111, Melanesia.)

The Kwakiutl distinguish between simple provisions and property-wealth in the same way. The two words comprising the latter term are equivalent. Apparently it bears two names, *Ethn. Kwa.*, p. 1454. The first is *yàq* or *yāq* (Boas's vacillating philology). Cf. Index, s.v. p. 1393 (cf. *yàqu*, to distribute). The word has two derivatives "*yegala*," property, and "*yāxulu*," goods in the form of talismans, paraphernalia, cf. words derived from *yā*, *ibid.*, p. 1406. The other word is "*dadekas*," cf. index to *Kwa*, Vol. III, p. 519. Cf. *ibid.*, p. 473, l. 31; in Newetsee dialect *daoma*, *dedemala* (index

coppers, fur blankets, cloths embroidered with coats of arms. This latter class of objects is transferred as ceremoniously as are women in marriage, "privileges" to the son-in-law,<sup>213</sup> names and ranks to children and sons-in-law. It is even

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to *Ethn. Kwa*, s.v.). The root of this word is *dâ*. The meaning of this is intriguingly analogous to the same Indo-European root "dâ": to receive, to take, to hand carry, to handle, etc. Even the derivations are significant. One means "to take a piece of the enemy's clothing to cast a spell on it," another "put into hand," "put into the home" (bringing together the meanings of *manus* and *familia*, see later) (regarding the blankets given before the purchase of coppers, which are to be returned with interest); another word means "put a quantity of blankets on the pile belonging to the adversary, (and by so doing) to accept them." A derivative of the same root is even more intriguing: "*dadelta*," to be jealous of one another. *Kwa.*, Vol. III, p. 133, l. 22; evidently the original meaning must be: the thing that one takes and which causes jealousy; cf. "*dadego*, to fight, doubtless to fight with property.

Other words still have the same meaning, but a more precise one. For example: "property in the house," *mamekas*, *Kwa.*, Vol. III, p. 169, l. 20.

213. See the numerous speeches of transmission, Boas and Hunt, *Ethn. Kwa.*, p. 706 *et seq.*

There is almost nothing of moral or material value (we are intentionally not using the word "useful") that is not the object of beliefs of this sort. First of all, moral things are indeed goods, properties, the object of gifts (*dons*) and exchanges. For example, as in more primitive civilizations, such as the Australians, one leaves to the tribe to which one has transmitted it the *corroboree*, the representation that one has learned from them, so amongst the Tlingit, after the potlatch, one "leaves" a dance in exchange to the people who gave it to you, Swanton, *Tlingit Indians*, p. 442. The essential property amongst the Tlingit, the most inviolable and the one that excites people's jealousy, is that of the totemic name and crest, *ibid.*, p. 416, etc.; it is this, moreover, that makes one happy and rich.

Totemic emblems, festivals and potlatch, names conquered in these potlatches, presents that others must return to you and which are attached to the potlatch given, all these follow from each other: ex. Kwakiutl, in a speech: "And now my feast goes to him" (designating the son-in-law, *Sec. soc.*, p. 356). It is the "seats" and also the "spirits" of the secret societies that are thus given and reciprocated. (See a speech on the ranks of properties and the property of ranks). *Ethn. Kwa.*, p. 472. Cf. *ibid.*, p. 708, another speech: "Here is your winter song, your dance of winter, everyone will take property on it, on the blanket of winter; this is your song, this is your dance." A single word in Kwakiutl designates the talismans of the noble family and its privileges: the word "*k'leso*," crest, privilege, ex. *Kwa.*, Vol. III, p. 122, l. 32.

Amongst the Tsimshian, the masks and emblazoned dance and parade hats are called "a certain amount of property, according to the amount given away at the potlatch" (according to the presents made by the chief's maternal aunts to the "women of the tribes"); Tate in Boas, *Tsim. myth.*, p. 541.

Conversely, amongst the Kwakiutl, for example, things are viewed from a moral perspective, and the two precious things in particular, the essential talismans, the "giver of death" (*balayu*) and "the water of life" (which are evidently a single

inaccurate in their case to speak of them as being given up. They are to be loaned rather than sold or abandoned. Amongst the Kwakiutl, a certain number of them, although they may appear in the potlatch, cannot be given away. Fundamentally, these “properties” are *sacra*, of which the family can divest itself only with great difficulty, and in some cases never.

More detailed observations reveal the same division of things amongst the Haïda. They, in fact, have even deified the notion of property and of fortune in the manner of the Ancients. By way of a mythological and religious effort, quite rare to find in America, they have been able to give substance to an abstraction: “Property woman” (as English writers say), of whom we have myths and descriptions.<sup>214</sup> Amongst them, she is nothing less than the mother, the founder goddess of the dominant phratry, the Eagles. But on the other hand—a strange fact, which arouses very distant memories of the Asiatic and ancient world—she seems identical to the “queen,”<sup>215</sup> the principal piece in the stick-game game,

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quartz crystal), the blankets, etc., which we have mentioned. In a curious Kwakiutl saying, all these paraphernalia are identified with the grandfather, as is natural, since they are only lent to the son-in-law in order to be returned to the grandson. Boas, *Sec. soc.*, p. 507.

214. The myth of Djilqags can be found in Swanton, *Haïda*, pp. 92, 95, 171. Masset’s version can be found in *Haïda texts* (*Jesup*, VI), pp. 94, 98; that of Skidegate, *Haïda T. M.*, p. 458. His name figures in a certain number of *Haïda* family names belonging to the eagle phratry. See Swinton, *Haïda*, pp. 282, 283, 292, and 293. In Masset the name of the goddess of fortune is rather Skil, *Haïda T. (Jesup, VI)*, p. 665, l. 23, p. 306, cf. Index, p. 805. Cf. the bird Skil, Skirl (Swanton, *Haïda*, p. 120). Skiltagos means copper-property, and the fabulous tale of the way in which they find the “coppers” is linked to this name, cf. p. 146, fig. 4. A sculpted post represents Djilqada, its copper and its post and crests. Swanton, *Haïda*, p. 125. Cf. pl. 3, fig. 3. See the descriptions by Newcombe, *ibid.*, p. 46. Cf. the figurative reproduction, *ibid.* fig. 4. Its fetish has to be stuffed with stolen things and stolen itself.

Its exact title is *ibid.*, p. 92, “property making noise.” And it has four additional names, *ibid.*, p. 95. It has a son who bears the title “Stone ribs” (actually of copper, *ibid.*, pp. 110, 112). Whoever meets it, or its son or daughter, will be lucky in gambling. It has a magic plant; one becomes rich by eating of it; one also becomes rich by touching a piece of its blanket, or by finding mussels that it has left in a row, etc. *Ibid.*, pp. 29, 109.

One of these names is “Property is keeping itself in the house.” A great number of individuals carry titles composed with Skil; “Who waits for Skil,” “Way to Skil.”: See in the Haïda genealogical lists, E. 13, E. 14; and the phratry of the raven, R. 14, R. 15, R. 16.

It seems to be the opposite of the “Plague woman,” cf. *Haïda T. M.*, p. 299.

215. On the Haïda *djil* and Tlingit *naq*, see above p. 115, n. 138.

the one who wins everything and whose name she bears in part. This goddess is found in Tlingit<sup>216</sup> country, and her myth, if not her cult, exists amongst the Tsimshian<sup>217</sup> and the Kwakiutl.<sup>218</sup>

Together, these precious things constitute a magical dowry; this is often identical for both the giver and the *recipient*, and also for the spirit who has endowed the clan with these talismans, or for the founding hero of the clan to whom the spirits gave them.<sup>219</sup> In any case, the sum of these things is always, in all the tribes, of spiritual origin and spiritual nature.<sup>220</sup> Moreover, it is contained in a box, or rather a large emblazoned<sup>221</sup> chest that is itself endowed with a

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216. The complete myth can be found amongst the Tlingit, *Tlingit T. M.*, pp. 173, 292, 383. Cf. Swanton, *Tlingit*, p. 460. In Sitka, Skil's name is undoubtedly Lenaxidek. She is a woman with a child. On hearing the sound of this child, who is nursing, they run after him. If they are scratched by him, they are scarred, and the sight of their scabs makes other people happy.

217. The Tsimshian myth is incomplete: *Tsim. myth.*, pp. 154, 197. Compare Boas's notes, *ibid.*, pp. 746, 760. Boas did not make the identification, but it is clear. The Tsimshian goddess wears a "garment of wealth."

218. It is possible that the myth of Qominoqa, of the "rich" (woman), has the same origin. She seems to be the object of a cult reserved for certain clans amongst the Kwakiutl., ex. *Ethn. Kwa.*, p. 862. A hero of Qoexsotenog bears the title of "body of stone," and becomes "property on the body." *Kwa.*, Vol. III, p. 187. Cf. p. 247.

219. See, for example, the myth of the clan of the Orca: Boas, *Handbook of American Indian languages*, Vol. I, pp. 554-59. The founder hero of the clan is himself a member of the Orca clan. "I am trying to get a *logwa* [a talisman cf. p. 554, l. 49] from you," he says to a spirit he meets, which has a human form, but which is an orca, p. 557, l. 122. The latter recognizes him as being of his clan; he gives him the copper-pointed harpoon that kills whales (forgotten in the text, p. 557): the orca are "killer-whales." He also gives him his (potlatch) name. He will be called "Place-of-getting-Satiated," "Feeling-Satiated." His house will be the "house of the killer-whales," with a "killer-whale (painting) on the front." "And your dish will be a killer-whale dish; and the death-bringer (*halayu*) and the 'water of life' and the quartz-edged knife, which is to be your butcher knife (shall be yours)," p. 557.

220. A miraculous box containing a whale, and which has given its name to a hero, bore the title of "Wealth coming ashore," Boas, *Sec. soc.*, p. 374. Cf. "property drifting toward me," *ibid.*, pp. 247, 414. The property "makes noise," see above. The title of one of the main Masset chiefs is "He whose property makes noise," *Haïda texts* (*Jesup*, VI, p. 684). The property is alive (Kwakiutl.): "Let our property remain alive under the attacks of the chief; let the copper remain unbroken," sings Maamtagila, *Ethn. Kwa.*, p. 1285, l. 1.

221. The paraphernalia of the family, that which circulates amongst the men, their daughters, or their sons-in-law, and comes back to the sons when they are newly initiated or get married, is ordinarily kept in a box, or case, decorated and



powerful individuality,<sup>222</sup> that speaks, that is tied to its owner, that contains his soul, etc.<sup>223</sup>

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emblazoned, the fittings of which are altogether characteristic of this Northwest American civilization (from the Yurok of California all the way to the Behring Straits). This box generally bears the faces and eyes of either the totems or the spirits, whose attributes it contains: ornamented blankets, the talismans "of life" and "of death," the masks, the mask-hats, the headdresses and crowns, and the bow. The myth often confuses the spirit with this box and its contents. Ex., *Tlingit T. M.*, p. 173): the *gonagadet*, which is the same as the box, the copper object, the headdress, and the bell rattle.

222. It is its transfer, the gift of it, that originally, as at every new initiation or marriage, transforms the *recipient* into a "supernatural" individual, into an initiate, a shaman, a magician, a noble, an owner of dances and seats in the brotherhood. See speeches in the histories of Kwakiutl families, *Ethn. Kwa.*, pp. 965, 966. Cf. p. 1012.

223. The miraculous box is always mysterious, and kept in the back rooms of the house. There can be boxes within boxes, packed one inside the other in great numbers. (Haïda), Masset, *Haïda texts* (*Jesup*, VI, p. 395). It contains spirits, for example the "mouse woman," *Haïda T. M.*, p. 340: for example again, the Raven who bursts the eyes of the unfaithful holder. See the catalogue of examples of this theme in Boas, *Tsim. myth.*, pp. 854, 851. The myth of the sun locked in the box that floats is one of the most widespread (catalogue in Boas, *Tsim. myth.*, pp. 641, 549). We know of the extension of these myths in the ancient world.

One of the most common episodes in the stories of the hero is that of the very small box, which is quite light for him, but too heavy for all, and in which there is a whale. Boas, *Sec. soc.*, p. 374; *Kwa. T.*, 2nd series (*Jesup*, X, p. 171); whose food is inexhaustible, *ibid.*, p. 223. This box is animate, it floats of its own accord, *Sec. soc.*, p. 374. The box of Katlian brings riches, Swanton, *Tlingit Indians*, p. 448; cf. p. 446. The flowers, "dung of the sun," "wooden egg to burn," "that make rich," in other words, the talismans that it contains, the riches themselves, have to be fed.

One of them contains the spirit that is "too strong to be taken over," whose mask kills the carrier (*Tlingit T. M.*, p. 341).

The names of these boxes are often symptomatic of their use in the potlatch. A large Haïda box for grease is called the mother (Masset) *Haïda texts* (*Jesup*, VI, p. 758. The "box with red-hot bottom" (sun) "scatter water" into the "sea [of] the other tribes" (the water, the blankets are what the chief distributes): Boas, *Sec. soc.*, p. 551 and p. 564, n. 1.

The mythology of the miraculous box is equally characteristic of the societies of the North-Asian Pacific. There is a fine example of a comparable myth, in Pilsudski, *Material for the study of the Aïnu languages*, Krakow, 1913, pp. 124 and 125. This box is given by a bear, the hero has to observe taboos: it is full of gold and silver things, of talismans that give wealth. The technique of the box is, moreover, the same throughout the whole Northern Pacific.

Each of these precious things, these signs of wealth, has—as in the Trobriands—its individuality, its name,<sup>224</sup> its attributes, its power.<sup>225</sup> The large abalone shells,<sup>226</sup> the shields that are covered with them, the belts and blankets that are

224. The “things of the family are individually named” (Haïda), Swanton, *Haïda*, p. 117; houses, doors, plates, sculpted spoons, canoes, salmon traps, all carry names. Cf. the expression “continuous chain of property,” Swanton, *Haïda*, p. 15.

We have the list of things that are named by the Kwakiutl, by clan, in addition to the variable titles of the nobles, men and women, and their privileges—dances, potlatches, etc.—which are likewise properties. The things we would call furniture, and that are named and personified under the same conditions, are dishes, the house, the dog, and the canoe. See *Ethn. Kwa.*, p. 793 *et seq.* In this list, Hunt neglected to mention the names of coppers, large abalone shells, and doors.

The spoons threaded onto a cord attached to a kind of canoe with carved figures have the title of “anchor line” (see Boas, *Sec. soc.*, p. 422, in a ritual of payment for marriage debt). Amongst the Tsimshian, the canoes, coppers, spoons, stone pots, stone knives, and dishes of chieftainesses are all named: Boas, *Tsim. myth.*, p. 506. Slaves and dogs are always valuable goods and beings adopted by families.

225. The only domestic animal of these tribes is the dog. It bears a different name according to clan (and is probably in the chief’s family), and cannot be sold. “They are men like ourselves,” say the Kwakiutl, *Ethn. Kwa.*, p. 1260. “They protect the family” against sorcery and against enemy attacks. A myth tells of how a Koskimo chief and his dog Waned would change into one another and bore the same name. *Ibid.*, p. 835. Cf. above p. 80 and later (Celebes) p. 178, n. 4. Cf. the fantastic myth of the four dogs of Lewiqlaqui, *Kwa.*, Vol. III, pp. 18 and 20.

226. “Abalone” is the “sabir” Chinook word referring to the large “*haliotis*” shells that serve as ornaments, as nose-rings (Boas, *Kwa. Indians*, *Jesup*, VI, p. 484), ear-rings (Tlingit and Haïda, see Swanton, *Haïda*, p. 146). They are also displayed on emblazoned blankets, on belts, on hats. Ex. (Kwakiutl), *Ethn. Kwa.*, p. 1069. Amongst the Awikenog and the Lasikoala (tribes of the Kwakiutl group), the abalone shells are displayed around a shield, one of strangely European shape: Boas, *5th Report*, p. 43. This kind of shield appears to be a primitive or equivalent form of the copper shields, which also have a strangely medieval shape.

It seems that the abalone shells must, in the past, have had the value of money, in the same way coppers have now. A Çtatlolq (southern Salish) myth associates the two characters, K’okoïs “copper” and Teadjas “abalone”; their son and daughter marry each other and the grandson takes the “metal chest” from the bear, seizing his mask and his potlatch: *Indianische Sagen*, p. 84. An Awikenog myth links the names of shells, as well as the names of coppers, to “daughters of the moon”: *ibid.*, pp. 218 and 219.

These shells each have their own name amongst the Haïda, at least when they are of great value and well known, just like in Melanesia, Swanton, *Haïda*, p. 146. Elsewhere, they serve to give names to individuals or spirits. Ex.: amongst the Tsimshian, index of proper names, Boas, *Tsim. myth.*, p. 960. Cf., amongst the Kwakiutl, the “abalone names,” by clan, *Ethn. Kwa.*, pp. 1261–75, for the tribes Awikenog, Naqoatok, and Gwasela. This was clearly an international custom. The abalone box of the Bella Coola (a box enriched with shells) is itself mentioned

decorated with them, the blankets, which are themselves emblazoned<sup>227</sup> and covered with the faces and eyes of animals and humans that have been woven in and embroidered. The houses and the beams and the decorated walls<sup>228</sup> are all beings. Everything speaks—the roof, the fire, the sculptures, the paintings—for the magical house is built<sup>229</sup> not only by the chief or his people or the people of

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and described precisely in the Awikenog myth; it encloses, moreover, the abalone blanket, and both of them have the brilliance of the sun. And the name of the chief whose myth contains this story is Leg.ek. Boas, *Indianische Sagen*, pp. 218 *et seq.* This name is the title of the main Tsimshian chief. We realize that the myth has traveled with the thing. In a Haïda myth, from Masset, that of “Raven the Creator” himself, the sun that he gives to his wife is an abalone shell: Swanton, *Haïda texts* (*Jesup*, VI), pp. 313, 227. For the names of the mythical heroes with abalone titles, see examples *Kwa*, Vol. III, pp. 50, 222, etc.

Amongst the Tlingit, these shells were associated with shark teeth: *Tlingit T. M.*, p. 129. (Compare the use of sperm whale teeth above, Melanesia.)

Furthermore, all these tribes have the cult of *dentalia* (small shells) necklaces. See in particular, Krause, *Tlinkit Indianer*, p. 186. In short, we find here all the same forms of money, with the same beliefs and serving the same purposes, as in Melanesia and, the Pacific in general.

Moreover, these various shells were the objects of trade that was also practiced by the Russians during their occupation of Alaska; and this trade went in both directions, from the Gulf of California to the Behring Straits: Swanton, *Haïda texts* (*Jesup*, VI), p. 313.

227. The blankets are decorated just like the boxes; they are even reproduced from the designs on the boxes (see. fig., Krause, *Tlinkit Indianer*, p. 200). They always have something spiritual about them, cf. the expression: (Haïda), “belts of spirit,” torn blankets, Swanton, *Haïda* (*Jesup Expedition*, VI), p. 165, cf. p. 174. A certain number of mythical mantles are “mantles of the world”: (Lilloët), myth of Qäis, Boas, *Indianische Sagen*, p. 60: a mantle of fish (Heiltsuug), *Indianische Sagen*, p. 248; comparison of examples on this theme, Boas, *ibid.*, p. 359, no. 113.

Cf. the mat that speaks, *Haïda texts*, Masset (*Jesup Expedition*, VI), pp. 430 and 432. It seems that the cult of blankets, mats, and skins arranged into blankets has to be related to the cult of emblazoned mats in Polynesia.

228. Amongst the Tlingit it is accepted that everything in the house speaks, that the spirits speak to the posts and beams of the house, and that they speak from the posts and beams, and that these too speak, and that dialogues are exchanged between the totemic animals, the spirits, and the men and things of the house; this is a recurring principle of Tlingit religion. Ex. Swanton, *Tlingit*, pp. 458, 459. Amongst the Kwakiutl, the house listens and speaks, *Ethn. Kwa.*, p. 1279, l. 15.
229. The house is perceived as a kind of movable good. (We know that it remained so in Germanic law for a long time.) It is transported and it transports itself. See the great number of myths of the “magical house,” built in the blink of an eye, in particular given by a grandfather (catalogued by Boas, *Tsim. myth.*, pp. 852, 853); see Kwakiutl examples, Boas, *Sec. soc.*, p. 376, and the figures and plates, pp. 376 and 380.

the opposing phratry, but also by the ancestors and the gods; it is this house that both receives and vomits up the spirits and the youthful initiates.

Each of these precious things,<sup>230</sup> moreover, has its own fruitful quality.<sup>231</sup> It is not simply a sign or a pledge; it is also a sign and a pledge of wealth, a magical and religious principle of rank and abundance.<sup>232</sup> The dishes<sup>233</sup> and spoons<sup>234</sup>

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230. The following are equally precious magical and religious things: first, eagle feathers, often identified with rain, food, quartz, and "good medicine." Ex. *Tlingit T. M.*, pp. 383, 128, etc.; Haïda (masset), *Haïda texts (Jesup, VI)*, p. 292; second, canes and combs, *Tlingit, T. M.*, p. 385, Haïda, Swanton, *Haïda*, p. 38; Boas, *Kwakiutl Indians (Jesup, V.II)*, p. 455; third, bracelets, ex. tribe of the Lower Fraser, Boas, *Indianische Sagen*, p. 36; (Kwakiutl), Boas, *Kwakiutl Indians (Jesup, V.II)*, p. 454.

231. All these objects, including spoons, plates, and coppers, have, in Kwakiutl, the generic title of *logwa*, which has the precise meaning of "talisman, supernatural thing." (See the observations that we have made on this word in our work "Note sur l'origine de la notion de monnaie," and in our preface, Hubert and Mauss, *Mélange d'histoire des Religions*). The notion of "*logwa*" is exactly that of *mana*. But here, and for our purposes, it is the "virtue" of wealth and food that produces wealth and food. A speech talks of the talisman, of the "*logwa*," which is "The-Great-Past-Increaser-of-Property": *Ethn. Kwa.*, p. 1280, l. 18. A myth tells of how a "*logwa*" was "content to acquire property," and how four *logwa* (belts etc.) amassed it. One of them was called "the thing that makes property accumulate," *Kwa.*, Vol. III, p. 108. In reality, it is wealth that makes wealth. A Haïda saying even speaks of "property that makes one rich," with respect to the abalone shells worn by a pubescent girl; Swanton, *Haïda*, p. 48.

232. A mask is called "obtaining food". Cf.: "and you will be rich in food" (a Nimkish myth), *Kwa.*, Vol. III, p. 36, l. 8. One of the most important nobles among the Kwakiutl has the title of "Inviter," that of "giver of food," "giver of eagle down." Cf. Boas, *Sec. soc.*, p. 415.

The ornamented baskets and boxes (for example, those used for the berry harvest) are equally magical: ex.: Haïda myth (Masset), *Haïda texts (Jesup, VI)*, p. 404; the very important myth of Qäls mixes up the pike, the salmon, and the thunderbird, and a basket that the spittle of this bird fills with berries. (Tribe of the Lower Fraser River), *Indianische Sagen*, p. 34; equivalent myth of the Awikenog, 5th Report, p. 28: a basket bears the name "never empty."

233. The dishes are each named according to what the carving on them represents. Amongst the Kwakiutl, they represent the "animal chiefs." Cf. above, pp. 134-35. One of them has the title of "dish that keeps itself full." Boas, *Kwakiutl Tales* (Columbia University), p. 264, l. 11. Those of a certain clan are "*logwa*"; they have spoken to an ancestor, the Inviter (see previous note), and told him to take them. *Ethn. Kwa.*, p. 809, Cf. the myth of Kaniqilaku. *Indianische Sagen*, p. 198. Cf. *Kwa. T.*, 2nd series (*Jesup, X*), p. 205: how the transformer has given his father-in-law (who was tormenting him) berries from a magic basket to eat. These transformed themselves into a bramble bush that sprouted from all over his body.

234. See, above, p. 135, n. 224.

used for eating in ceremony, and that are decorated, sculpted and emblazoned with the totem of the clan or the totem of the rank, are animate things. They are replicas of the inexhaustible instruments, the creators of food, which the spirits gave to their ancestors. They themselves are assumed to be enchanted. Thus are things mixed up with the spirits, their originators, and instruments for eating with the food. Kwakiutl dishes and Haida spoons, moreover, are essential goods that circulate under strict conditions and are carefully shared out amongst the clans and families of the chiefs.<sup>235</sup>

*The money of renown*<sup>236</sup>

But above all it is the emblazoned coppers,<sup>237</sup> fundamental goods for the potlatch that they are, which are the object of important beliefs and even a cult.<sup>238</sup> First, all the tribes have a cult and a myth regarding copper<sup>239</sup> as a living being.

235. See, above, *ibid.*

236. The expression is borrowed from the German "*Renommier-geld*" and has been used by Krickenberg. It describes very precisely the use of these shields, sheets of metal that are simultaneously pieces of money and in particular objects for display that are carried during the potlatch by chiefs, or by those for whom the potlatch is being given.

237. However much it has been discussed, the copper industry in the American Northwest is still poorly known. Rivet, in his remarkable work on "*Orfèvrerie précolombienne*," *Journal of the Americanists*, 1923, omitted it on purpose. In any case, it seems certain that this art predates the arrival of the Europeans. The Tlingit and the Tsimshian, the Northern tribes, searched for, mined, or received indigenous copper from the Copper River (cf. the older authors and Krause, *Tlinkit Indianer*, p. 186). All these tribes speak of the "great mountain of copper": (Tlingit), *Tlingit T. M.*, p. 160; (Haida), Swanton, *Haïda (Jesup, V)*, p. 130; (Tsimshian), *Tsim. myth.*, p. 299.

238. We take the opportunity here to rectify an error that we committed in our "*Note sur l'origine de la notion de monnaie*." We confused the word *Laga*, *Laqwa* (Boas employs both spellings) with *logwa*. Our excuse is that at the time Boas often wrote both words in the same way. But since then it has become clear that one means red, copper, and the other means only a supernatural thing, a thing to be prized, a talisman, etc. All coppers are *logwa*, however, which means our argument still stands. But in this case, the word is a sort of adjective and synonym. Ex.: *Kwa.*, Vol. III, p. 108, two titles of "*logwa*" that are coppers: the one that is "content to acquire property," "the one that makes property accumulate." But not all "*lowga*" (sp. as in original) are coppers.

239. Copper is a living thing: its mine, its mountain are magical, full of "plants of wealth," Masset, *Haïda texts (Jesup, VI)*, pp. 681, 692. Cf. Swanton, *Haïda*, p. 146, other

At least amongst the Haïda and Kwakiutl, copper is identified with the salmon, itself the object of a cult.<sup>240</sup> But in addition to this element of metaphysical and technical mythology,<sup>241</sup> all these coppers, each in its own way, are the objects of beliefs that are individual and particular. Each main piece belonging to the

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myth. It is true that it has an odor, *Kwa. T.*, p. 64, l. 8. The privilege of working the copper is the object of an important cycle of legends amongst the Tsimshian: the myth of Tsauda and of Gao, *Tsim. myth.*, p. 306 *et seq.* For the catalog of equivalent themes, see Boas, *Tsim. myth.*, p. 856. Copper seems to have been personalized amongst the Bella Coola, *Indianische Sagen*, p. 261. Cf. Boas, *Mythology of the Bella Coola Indians (Jesup Expedition, I:2)*, p. 71, where the myth of copper is associated with the myth of abalone shells. The Tsimshian myth of Tsauda is tied to the myth of the salmon, which we will discuss.

240. Being red, copper is identified with the sun, ex.: *Tlingit T. M.*, no. 39, n. 81; with “fire fallen from the sky” (name of a type of copper), Boas, *Tsimshian texts and myths*, p. 467; and, in all these cases, with salmon. The identification is particularly clear in the case of the twin cult amongst the Kwakiutl, people of salmon and copper. *Ethn. Kwa.*, p. 685 *et seq.* The mythical sequence seems to be the following: spring, arrival of the salmon, new sun, red color, copper. The identity of copper and salmon is more characterized amongst the nations of the north (see catalogue of equivalent cycles, Boas, *Tsim. myth.*, p. 856). Ex.: Haïda myth of Masset, *Haïda texts (Jesup, VI)*, pp. 689, 691, l. 6, *et seq.* n. 1. Cf. legend of the ring of Polycrate: that of a salmon who has swallowed copper, Skidegate (*Haïda T. M.*, p. 82). The Tlingit have (and the Haïda after them) the myth of the creature whose name has been translated into English as Mouldy-end (name of the salmon); see the myth of the Sitka: chains of copper and salmon, *Tlingit. T. M.*, p. 307. A salmon in a box becomes a man, another version from Wrangell, *ibid.*, no. 5. For the equivalents, see Boas, *Tsim. myth.*, p. 857. A Tsimshian copper object had the title of “copper object which goes upriver,” a clear allusion to the salmon. Boas, *Tsim. myth.*, p. 857.

It would be worth researching what links the cult of copper to the cult of quartz. Ex: the myth of the quartz mountain, *Kwa T.*, 2nd series (*Jesup, X*), p. 111.

Similarly, the cult of jade, at least amongst the Tlingit, must be linked to that of copper: a jade salmon speaks, *Tlingit. T. M.*, p. 5. A jade stone speaks and gives names, Sitka. *Tlingit. T. M.*, p. 416. Finally we must remember the cult of shells and its associations with that of copper.

241. We have seen that the family of Tsauda amongst the Tsimshian seems to be the smelters of copper or the holders of its secrets. It seems that the myth (Kwakiutl) of the princely family Dzawadaenoqu is a myth of the same sort. It brings together Laqwagila, the copper maker, Qomqomgila, the Rich, and Qomoqoa “the Rich Woman,” who makes coppers, *Kwa.*, Vol. III, p. 50; and ties everything in with a white bird (sun), son of the thunderbird, who senses the copper and transforms himself into a woman, who in turn gives birth to two twins who smell of copper. *Kwa.*, Vol. III, pp. 61–67.

The Awikenog myth about ancestors and nobles who bear the same title, “maker of copper,” is a lot less interesting.

families of clan chiefs has its own name,<sup>242</sup> its own individuality, its own value,<sup>243</sup> in the full sense of the word, magical and economic, permanent and perpetual, despite the vicissitudes of the potlatches, and even beyond the partial or complete destruction through which they pass.<sup>244</sup>

242. Every copper object has its own name. "The great coppers which have names" say the Kwakiutl speeches, Boas, *Sec. soc.*, pp. 348, 349, 350. The list of names of coppers, unfortunately, does not indicate which clan is the perpetual owner, *ibid.*, p. 344. We are quite well informed on the names of the great Kwakiutl coppers. They show the cults and beliefs that are attached to them. One bears the title "Moon" (Nisqa tribe), *Ethn. Kwa.*, p. 856. Others bear the name of the spirit they incarnate and that gave them. Ex.: the Dzonoqoa, *Ethn. Kwa.*, p. 1421; they reproduce its face. Others bear the name of the founder spirits of the totems; one copper is called "Beaver Face" *Ethn. Kwa.*, p. 1427; another, "Sea Lion," *ibid.*, p. 894. Other names simply allude to the shape, "Copper in a T," or "Long Top Side," *ibid.*, p. 862. Others are simply called "Great-Copper," *ibid.*, p. 1289, or "Ringings-Copper," *ibid.*, p. 962 (also name of a chief). Other names allude to the potlatch that they embody, and whose value is concentrated in them. The name of the copper Maxtoselem is "he of whom the others are ashamed." Cf. *Kwa.*, Vol. III, p. 452, n. 1: "they are ashamed of their debts" (debts = *gagim*). Other name, "cause-quarrel," *Ethn. Kwa.*, pp. 893, 1026, etc.

On the names of Tlingit coppers, see Swanton, *Tlingit*, pp. 421, 405. Most of these names are totemic. For the names of Haïda and Tsimshian coppers, we only know those which have the same name as the chiefs, their owners.

243. The value of the coppers amongst the Tlingit varied according to their height, and was priced in numbers of slaves. *Tlingit. T. M.*, pp. 337, 260, 131 (Sitka and Skidegate), etc. Tsimshian). Tate, in Boas, *Tsim. myth.*, p. 540; cf., *ibid.*, p. 436. Similar principle: (Haïda), Swanton, *Haïda*, p. 146.

Boas has studied closely the way in which each copper augments in value with each series of potlatch: for example: the current value of the copper Lesaxalayo around 1906–10 was 9,000 woolen blankets, valued at \$4 each, 50 canoes, 6,000 blankets with buttons, 260 silver bracelets, 60 gold bracelets, 70 gold ear-rings, 40 sewing machines, 25 phonographs, and 50 masks, and the herald said: "For Prince Laqwagila, I will give all these poor things": *Ethn. Kwa.*, p. 1352. Cf. *ibid.*, l. 28, where the copper object is compared to a "whale's body."

244. On the principle of destruction, see above. Yet the destruction of coppers seems to be of a particular character. Amongst the Kwakiutl, it is done in pieces, breaking a new portion at each potlatch. And there is honor to be had in trying to regain, during other potlatches, each of the portions of the copper, and to rivet them together until it is whole again. A copper object of this kind grows in value. Boas, *Sec. soc.*, p. 334.

In any case, to spend them, to break them, is to kill them, *Ethn. Kwa.*, p. 1285, l. 8 and 9. The general expression is to "throw them into the sea"; this is also common amongst the Tlingit, *Tlingit. T. M.*, p. 63, p. 399, song no. 43. If the coppers do not drown, do not fail, do not die, it is because they are false, they are made of wood, they float. (Story of a potlatch between the Tsimshian and the Haïda, *Tsim. myth.*,

They also have a quality of attraction that calls out to other coppers, just as wealth attracts wealth, so do titles bring honor, possession of spirits and fine alliances,<sup>245</sup> and vice-versa. They are alive and have autonomous movement<sup>246</sup> and they incite the same in other coppers.<sup>247</sup> One of them,<sup>248</sup> amongst the Kwakiutl, is called the “copperbringer,” and the story depicts how the pieces gather around him, while the name of its owner is “property drifting toward me”. Another frequent name for coppers is that of “property-bringer.” Amongst the Haïda and the Tlingit, the objects are a “fortress” around the princess who brings them;<sup>249</sup> elsewhere the chief who possesses<sup>250</sup> them is rendered invincible.

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p. 369). When they are broken, they are said to be “dead in the water off our beach” (Kwakiutl), Boas, *Sec. soc.*, p. 564, and n. 5.

245. It seems that amongst the Kwakiutl there were two kinds of coppers: the most important ones, which do not leave the family, which may only be broken in order to be recast; and others that circulate intact, of lower value, and that seem to act as satellites to the first kind. Ex. Boas, *Sec. soc.*, pp. 564, 579. Amongst the Kwakiutl, to possess these secondary coppers undoubtedly corresponds to the possession of noble titles and the ranks of the second order with which they travel, from chief to chief, from family to family, between the generations and the sexes. It seems that great titles and great coppers remain firmly within the clans, or at least the tribes. It would be difficult, moreover, for it to be otherwise.
246. A Haïda myth of the potlatch of chief Hayas tells of how a copper object sang: “This thing is very bad. Stop Gomsia (the name of a town and of a hero); around the little copper there are many others.” *Haïda texts* (Jesup, VI), p. 760. It concerns a “little copper” that became “big” by itself, and around which others grouped themselves. Cf. above, the copper salmon.
247. In a children’s song, *Ethn. Kwa.*, p. 1312, l. 3, 14, “The high-named coppers of the chiefs of the tribes will assemble around him.” The coppers are required to “fall by themselves into the house of the chief” (name of a Haïda chief. Swanton, *Haïda*, p. 274, E). They are “flat things meeting inside of the house,” *Ethn. Kwa.*, p. 701.
248. See the myth of the “copperbringer” in the myth of the “Inviter” (Qoexsot’enox), *Kwa.*, Vol. III, p. 248, l. 25, 26. The same copper is called “property-bringer,” Boas, *Sec. soc.*, p. 415. The secret song of the noble who has the title of Inviter is:

My name will be: property drifting toward me on account of my property-bringer.

The coppers also drift to me on account of the copperbringer.

The Kwakiutl text says precisely “*L’aqwagila*,” the “maker of coppers,” and not simply “the bringer.”

249. Ex. in a Tlingit potlatch speech, *Tlingit. T. M.*, p. 385.

250. In a speech about donations of coppers in honor of a newly initiated son, the coppers given are an “armor of wealth,” Boas, *sec. Soc.*, p. 557 (alluding to the coppers hanging around the neck). The title of the young man is, moreover, Yaquis, “carrier of property.”



They are the “divine flat things”<sup>251</sup> of the house. Often the myth identifies all of them, the spirits that have given the coppers,<sup>252</sup> their owners, and the objects themselves.<sup>253</sup> It is impossible to discern what it is that creates a spiritual force in one and one of wealth in the other: the copper speaks, it moans;<sup>254</sup> it asks to be given away, destroyed; they cover it with blankets to keep it warm, in the same way that they bury a chief under the same blankets that he must distribute.<sup>255</sup>

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251. An important ritual during the cloistering of pubescent Kwakiutl princesses demonstrates these beliefs very well: they carry the coppers and abalone shells, and at that time themselves assume the title of the coppers, of “flat and divine things meeting in the house.” It is said then that “they and their husbands will easily acquire coppers,” *Ethn. Kwa.*, p. 701. “Coppers in the house” is the title of the sister of an Awikenog hero, *Kwa.*, Vol. III, p. 430. The song of a noble Kwakiutl girl, anticipating a kind of *svayamvara*, a choice by the husband in Hindu fashion, perhaps belongs to the same ritual and is expressed thus: “I am seated on coppers. . . . My belt has been woven by my mother, which I use when I look after the dishes that will be given as a marriage present,” etc. *Ethn. Kwa.*, p. 1314.
252. The coppers are often identical to the spirits. This is the well-known theme of the shield and animate heraldic crest. Identity of the copper and of the “Dzonoqoa” and the “Qominoqa,” *Ethn. Kwa.*, p. 460. In other cases, they are only attributes of certain mythical animals. “The copper doe” and its “copper antlers” play a role in the summer festivals of the Kwakiutl, Boas, *Sec. soc.*, pp. 630, 631; cf. p. 729: “Greatness on his body” (literally, wealth on his body). The Tsimshian consider the coppers to be like the “hair of the spirits,” Boas, *Sec. soc.*, p. 326; like the “excrement of the spirits” (catalogue of themes, Boas, *Tsim. myth.*, p. 837); like the claws of the woman-land-otter (*ibid.*, p. 563). The coppers are used by the spirits in the potlatch that they give amongst themselves, *Tsim. myth.*, p. 285. *Tlingit T. M.*, p. 51. The coppers “please them.” For comparisons, see Boas, *Tsim. myth.*, p. 846, See p. 79.
253. Song of Neqapenkem (Face of Six cubits(?)): “The chiefs of all the tribes . . . are pieces of copper which I have broken.” Boas, *Sec. soc.*, p. 482. Cf. p. 667, for the text and literal translation.
254. The copper object Dandalayu is “groaning in [its] house” to be given. Boas, *Sec. soc.*, p. 622 (speech). The copper Maxtoslem complained that they did not break it. The blankets with which they pay for it “served to keep [it] warm,” *ibid.*, p. 572. They remember that it bears the title “all other coppers are ashamed to look at it.” Another copper object participates in the potlatch and is “shameful,” *Ethn. Kwa.*, p. 882, l. 32.
- A Haïda copper (Masset), *Haïda texts (Jesup, VI)*, p. 689, property of the chief, “the one whose property makes noise,” sings after having been broken: “I will rot here, I have led lots of people” (into death, because of the potlatch).

255. Both rituals of giver and receiver being buried under the piles of blankets or walking on top of them are equivalent: in one case, one is superior to one’s wealth, in the other, inferior.

But, on the other hand, it is wealth and luck that they pass on at the same time as the goods.<sup>256</sup> It is the initiate's spirit, and his auxiliary spirits, that allows him to take ownership of coppers, of talismans that are themselves the means to acquire other things: more copper pieces, riches, rank, and finally spirits, all things that are, moreover, equivalent. Fundamentally, when we consider together the coppers and those other durable forms of wealth that alternate as the object of hoarding and potlatch—masks, talismans, etc.—all are mingled together in terms of their use and their effect.<sup>257</sup> Through them one obtains rank; and through wealth one obtains a spirit. And this in turn possesses the hero who has overcome obstacles; and then again, this hero has his shamanistic trances, his ritual dances, and the services of his government all paid for. Everything holds together, everything is mingled together; things have personalities and personalities are in some way the permanent goods of the clan. Titles, talismans, coppers and the spirits of the chiefs are homonyms and synonyms<sup>258</sup> of

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256. *General observation.* We know fairly well how and why, and during which ceremonies, expenditures and destructions pass goods around in the American Northwest. What we know less about, however, are the forms assumed by the act itself with the tradition of things, in particular of coppers. This question ought to be the object of an inquiry. What little we know is extremely interesting and certainly marks the link between property and owner. Not only is that which corresponds to the giving up of a copper called "to put the copper in the shadow of the name" of such-and-such a person, but amongst the Kwakiutl its acquisition gives "weight" to the new owner, Boas, *Sec. soc.*, p. 349; amongst the Haïda, not only does one raise a copper to show off that one is buying a land (*Haïda T. M.*, p. 86), but copper objects are also used as drums, as in Roman law; with it they hit the people to whom they give it: a ritual attested to in a story (Skiegate), *ibid.*, p. 432. In this case, the things touched by the copper are annexed to it, are killed by it; this is, moreover, a ritual of "peace" and of "gift" (*don*).

The Kwakiutl, at least in a myth (Boas, *Sec. soc.*, pp. 383 and 395; cf. p. 677, l. 10), have retained the memory of a rite of transfer that can be found amongst the Eskimo: the hero bites everything that he gives. A Haïda myth describes how Lady Mouse "licked" what she gave: *Haïda texts (Jesup, VI)*, p. 191.

257. In a marriage rite (the breaking of the symbolic canoe), they sing:

I will go and tear to pieces Mount Stevens, I will use it for stones for my fire,  
I will go and break Mount Qatsäi. I will use it for stones for my fire,  
Wealth is rolling down to him from the great chiefs.

Wealth is rolling down to him from all sides; all the chiefs go to him for protection.

258. They are normally identical, moreover, at least amongst the Kwakiutl. Certain nobles are identified with their potlatch. The main title of the main chief is even simply Maxwa, which means "great potlatch," *Ethn. Kwa.*, pp. 972, 976, 805. Cf., in the same clan, the names "givers of potlatch," etc. In another tribe of the same nation, amongst the Dzawadeenoxu, one of the main titles is that of "PoLas." See

the same nature and the same function. The circulation of goods follows that of men, women, and children, banquets, rites, ceremonies, dances, and even jokes and insults. Fundamentally it is all the same. If one gives things and reciprocates them, it is because one gives to *oneself* and returns to *oneself* “respects”—we still say “courtesies.” But it is also that in giving one gives *oneself*, and if one gives *oneself*, it is because one “owes” oneself—both personally and materially—to others.

## FIRST CONCLUSION

Thus in four important population groups we have found the following: first, in two or three groups, the potlatch; then the principal sense behind the potlatch itself and the normal form it takes; and then beyond this, and in all these groups, the archaic form of exchange, that of gifts (*dons*) presented and returns made. What is more, we have identified the circulation of things in these societies with the circulation of rights and of persons. We could, if we so wanted, leave it at that. The number, the extent, and the importance of these facts fully allow us to conceive of a regime that must have existed for a large section of humanity during a very long transitional phase, and still subsists in places other than amongst the peoples we have just described. It allows us to think that *this principle of gift-exchange (échange-don) must have existed in societies that have gone beyond the phase of “total prestations” (from clan to clan and from family to family), but that have not yet reached the stage of the purely individual contract, or the market in which money circulates, or sale in the strict sense, or above all the notion of a price estimated in currency that has been weighed and officially stamped with its value.*

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above, p. 129, n. 209. See *Kwa.*, Vol. III, p. 43, for its genealogy. The main chief of the Heiltsuq is in contact with the spirit “Qominoqa,” “the Rich Woman,” and bears the name “maker of riches,” *ibid.*, pp. 427, 424. The Qaqt senoqu have “summer names,” that is to say, clan names that designate exclusively “properties,” names in “yaq”; “property over the body,” “great property,” “having property,” “place of property,” *ibid.*, p. 191; cf. p. 187, l.1 4. Another Kwakiutl tribe, the Naqatoq, gives their chief the title “Maxwa” and “Yaxlem,” “potlatch,” “property”; this name figures in the myth of “Stone Body.” (Cf. Stone Robs, son of Lady Fortune, Haïda.) The spirit says, “Your name will be ‘Property,’ Yaxlem,” *Kwa.*, Vol. III, p. 215, l. 39.

Similarly amongst the Haïda, a chief bears the name: “He who cannot be bought” (the copper that the rival cannot buy): Swanton, *Haïda*, p. 294, XVI, I. The same chief also has the title “everything mingled together,” that is to say, “potlatch gathering,” *ibid.*, no. 4. Cf., above, the titles “properties in the house.”

### CHAPTER THREE

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## Survivals of These Principles in Ancient Law and Ancient Economies

All the preceding facts have been collected in the field that we call ethnography. In addition, they are limited to the populations that inhabit the coasts of the Pacific.<sup>1</sup> We ordinarily use this kind of fact out of curiosity, or at most for comparison to measure the extent to which our own societies diverge from, or converge toward, the kinds of institutions that we call “primitive.”

However, they have a general sociological value, because they permit us to understand a moment of social evolution. But there is more. They also have a bearing on social history. Institutions of this kind have really enabled the transition toward our own forms of law and economy. They can serve to explain our own societies historically. The morality and the practice of exchange seen in those societies that have immediately preceded our own still retain more or less important traces of all the principles that we have just analyzed. We can demonstrate, in fact, that our law (*droits*) and economy emerged from similar institutions to those detailed above.<sup>2</sup>

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1. We know, of course, that they have another extension (see later, p. 192, n. 38), and our research ends here only temporarily.
  2. Meillet and Henri Lévy-Bruhl, as well as our late-lamented colleague Huvelin, have been willing to give us valuable advice for the following paragraph.

We live in societies that strongly distinguish (this contrast is now criticized by jurists themselves) real rights and personal rights, persons and things. This separation is fundamental; it constitutes the condition itself for part of our system of property, alienation and exchange. But it is unknown in the law (*droit*) that we have just studied. Similarly, our own civilizations, dating back to the Semitic, Greek, and Roman civilizations, strongly distinguish between obligation and nonvoluntary prestation, on the one hand, and the gift (*don*), on the other. But are these distinctions not rather recent in the law of the great civilizations? Did they, too, not pass through an earlier phase, during which they were less characterized by such a cold and calculating mentality? Have they not practiced these very same customs of the gift (*don*) exchanged, where persons and things merge? The analysis of some traits of Indo-European legal systems will allow us to show that they have indeed undergone this metamorphosis. In Rome, there are still traces that can be found. In India and ancient Germany, it will be these laws themselves, still at work, that we will see still functioning in a relatively recent era.

#### PERSONAL LAW AND REAL LAW (VERY ANCIENT ROMAN LAW)

Bringing together archaic law (*droit*) and Roman law (*droit*) before the relatively very distant era when it really enters into history,<sup>3</sup> and Germanic law when it does the same,<sup>4</sup> throws light on these two legal regimes. In particular, it allows us to pose anew one of the most controversial questions in the history of law, the theory of the *nexum*.<sup>5</sup>

3. We know that outside of the hypothetical reconstitution of the Twelve Tables and a few legal texts preserved in inscriptions, we have only very poor sources for all that concerns the first four centuries of Roman law. However, we will not adopt the hypercritical attitude of Lambert, *L'Histoire traditionnelle des Douze Tables (Mélanges Appleton)*, 1906. But we must acknowledge that a large part of Romanist theories, and even those of the Roman "antiquarians" themselves, must be treated as hypotheses. We allow ourselves to add another hypothesis to the list.
4. On Germanic law, see later.
5. On the *nexum*, see Huvelin: "Nexum," in *Dictionnaire des Antiquités*, "Magie et droit individuel." (*Année sociologique*, X); and his analyses and discussions in *Année sociologique*, VII, p. 472 *et seq*, IX, p. 412 *et seq*, p. 442 *et seq*, XII, p. 482 *et seq*; Davy, *La foi jurée*, p. 135; for the bibliography and theory of the Romanists, see Girard, *Manuel élémentaire de Droit romain*, 7th edition, p. 354.

In a work that has more than illuminated the matter,<sup>6</sup> Huvelin compared the *nexum* to the Germanic *wadium*, and in general to the “additional pledges” (Togo, Caucasus, etc.) given on the occasion of a contract; he then compared these to the sympathetic magic and power that everything that has had contact with the contractor gives to the other party. But this last explanation is only valid for some of the facts. The magical sanction only exists as a possibility, and is itself only the result of the nature and spiritual character of the thing given. First of all, the additional pledge and particularly the Germanic *wadium*<sup>7</sup> are more than exchanges of pledges, more than pledges for life even, destined to establish a possible magical hold over each other. The thing pledged is normally of no value: for example, the staffs exchanged, the *stips* in the stipulation of Roman law<sup>8</sup> and the *festuca notata* in the Germanic stipulation; even pledges on account,<sup>9</sup> of Semitic origin, are more than just advances. These are things that are themselves animate. Above all, these are still the residues of ancient obligatory gifts (*dons*), owed in reciprocity; the contracting parties are bound by them. For this reason, additional exchanges express, as a fiction, this traffic of souls and things blended together with one another.<sup>10</sup> The *nexum*, the “bond” of law (*droit*), comes from things as much as from men.

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Huvelin and Girard seem to us, from all points of view, very close to the truth. To Huvelin's theory we propose only one complement and one objection. The “clause on offenses” (“Magie et droit individuel,” p. 28. cf. *Injuria* (*Mélanges Appleton*), in our view, is not only magical; it is a very clear case, a vestige, of the ancient laws of the potlatch. The fact that one is a debtor and the other creditor allows the one who is thus superior to insult his adversary, his beholden. From this comes is a considerable series of relationships to which we draw attention in the volume of *Année sociologique* concerning *Joking relationships*, in particular those of the Winnebago (Sioux).

6. Huvelin, “Magie et droit individuel,” *Année sociologique*, X.
7. See later, p. 170. On the *wadiatio*, see Davy, *Année sociologique*, XII, pp. 522 and 523.
8. This interpretation of the word *stips* is based on that of Isidore de Séville, see Vol. V, pp. 24, 30. See Huvelin, *Stips, stipulation . . .* (*Mélanges Fadda*), 1906. Girard, *Manuel*, p. 507, n. 4, after Savigny, opposes the texts of Varron and Festus to this purely figurative interpretation. But Festus, having in fact said: “stipulus” “firmus,” in a sentence that has unfortunately been partly destroyed, must have spoken of a “[. . .] defixus,” perhaps a staff thrust into the ground (cf. the throwing of a staff at the time of a sale of land in contracts during the Hammurabi era in Babylonia, see Cuq, “Études sur les contrats . . .,” *Nouvelle revue historique du droit*, 1910, p. 467).
9. See Huvelin, “Magie et droit individuel,” p. 33.
10. We will not enter into the discussion of the Romanists; but we add a few observations to those of Huvelin and Girard concerning the *nexum*. First of all, the

The formality itself proves the importance of things. In Quiritary Roman

word itself comes from *nectere* and, with respect to this last word, Festus (*ad verb. s.v. obnectere*) has preserved one of the rare documents of the Pontiffs to which we have access: *Napuras stramentis nectito*. The document evidently alludes to the taboo on property, indicated by knots of straw. So the *tradita* thing was itself marked and bound, and came to the *accipiens* bearing this bond. It could therefore bind him. Secondly, the individual who becomes *nexus* is the recipient, the *accipiens*. Now, the solemn formula of the *nexum* supposes that he is *emptus*, purchased, as it is normally translated. But (see later) *emptus* really means *acceptus*. The individual who has received the thing is himself, even more than purchased, accepted by the loan: because he has received the copper ingot that the loan gives him in addition to the thing. It is debatable whether, in this operation, there are *damnatio*, *mancipatio*, etc. (Girard, *Manuel*, p. 503). Without taking sides in this question, we believe that all these terms are relatively synonymous. Cf. the expression “*nexo mancipioque*” and that of “*emit mancipioque accepit*” on inscriptions (sales of slaves). And nothing is simpler than this synonymy, because the very fact of having accepted something from someone makes you his debtor—*damnatus*, *emptus*, *nexus*. Thirdly, it seems that the Romanists, and even Huvelin, have not generally paid enough attention to one detail of the formality of the *nexum*: the fate of the bronze ingot, of the *aes nexum* as discussed by Festus (*ad verb. nexum*). This ingot, during the formation of the *nexum*, was given by the *tradens* to the *accipiens*. But—we believe—when the latter was freed from the bond, not only did he carry out the prestation promised, or deliver the thing or the price, but he also gave back, with the same scales and the same witnesses present, this same *aes* to the lender, to the seller, etc. Then he bought and received it in his turn. This rite of the “*solutio*” of the *nexum* has been described for us perfectly by Gaius, III, p. 174 (the text is rather reconstituted; we adopt the interpretation accepted by Girard, cf. *Manuel*, p. 501, n., cf. *ibid.*, p. 751). In a cash sale, with both actions occurring, so to speak, at the same time, or at very short intervals, the double symbol was less apparent than in a sale on credit or in a loan undertaken with solemnity; and this is why we did not perceive the double move. But it functioned all the same. If our interpretation is accurate, in addition to the *nexum* that comes from solemn forms, and in addition to the *nexum* that comes from the thing, there is certainly another *nexum* that comes from this ingot, which is alternatively given and received, and weighed with the same scales—*hanc tibi libram primam pastremamque*—by the two contractors, thus alternately bound. Fourthly, let us imagine for a moment, moreover, that we could conceive of a Roman contract before the use of bronze money, or even this weighed ingot, or even this piece of molded copper, the *aes flatum* that represented a cow (we know that the first Roman moneys were minted by the *gentes* and, representing livestock, were undoubtedly titles committing the livestock of these *gentes*). Let us imagine a sale where the price was paid in real or figurative livestock. It is enough to realize that the handing over of the livestock-price, or the representation thereof, brought the contractors close together, and in particular the seller and the buyer; as in a sale, or in all giving up of livestock, the buyer or the final owner remains, at least for a time (in case of faults that would annul the transaction, etc.), in contact with the seller or the previous owner. (See later actions in Hindu law and folklore.)

law, the delivery of goods—and essential goods were slaves and livestock, and later landed property—was in no way common, profane, or simple. The delivery was always ceremonial and reciprocal;<sup>11</sup> it was still done as a group: the five witnesses, friends at least, plus the “weigher.” It was mixed together with all sorts of considerations that are alien to our purely legal, purely economic, modern conceptions. The *nexum* that it established was thereby still full of these religious representations, as Huvelin recognized, although he too firmly considered them to be exclusively magical.

Certainly, the most ancient contract in Roman law, the *nexum*, was already detached from the system of ancient gifts that create commitment. The prehistory of the Roman system of obligation can perhaps never be written about with certainty. Nevertheless, we believe we can point out where we should search.

There is certainly a bond inherent in things *beyond* magical and religious bonds, that of the words and gestures of juridical formality.

This bond is still marked by several very old legal terms of the Latin and Italic peoples. The etymology of a certain number of these terms seems to point in this direction. The following comments are by way of a hypothesis.

In the beginning, certainly, things themselves had a personality and a virtue of their own.

Things are not the inert beings that Justinian law, and our own, consider them to be. First of all, they are part of the family: the Roman *familia* included the *res* and not only the people. We still have the definition of it in the Digest.<sup>12</sup> It is very striking that the further back one goes into antiquity, the more the meaning of the word *familia* denotes the *res* that are part of it, going so far as to designate the foodstuffs and the family's means of subsistence.<sup>13</sup> Without doubt,

11. Varron, *De re rustica*, II, p. 1, 15.

12. On “familia,” see *Dig.*, I, XVI, *de verb. sign.*, no. 195, (see sign in original) 1. “*Familiae appellatio etc. et in res, et in personam diducitur, etc.*” (Ulpian). Cf. Isidore de Séville, Vol. XV, 9, 5. In Roman law, until quite a late period, the dividing up of inheritance was called “*familiae ersiscundae*,” *Dig.*, XI, II. Also in the Code, III, XXXVIII. Conversely “*res*” equaled “*familia*”; in the *Twelve Tables*, V, 3, “*super pecunia tutelave suae rei*.” Cf. Girard, *Texte de droit romain*, p. 869 n., *Manuel*, p. 322; Cuq, *Institutions*, I, p. 37. Gaius, II, p. 224, reproduces this text, saying “*super familia pecuniaque*.” “*Familia*” equals “*res*” and “*substantia*,” also in the (Justinian) Code, VI, XXX, p. 5. Cf. also “*familia rustica et urbana*,” *Dig.*, I, XVI, *de verb. sign.*, no. 166.

13. Cicero, *De Orat.*, 56, *Pro Caecina*, VII. — Terence: “*Decem dierum vix mihi est familia*.”



the best etymology of the word *familia* is the one that relates to the Sanskrit *dhāman*, house.<sup>14</sup>

In addition, things were of two sorts. There was a distinction between *familia* and *pecunia*, between the things of the house (slaves, horses, mules, donkeys) and the cattle that lived out in the fields far from the stables.<sup>15</sup> And a further distinction was made between *res Mancipi* and *res nec Mancipi*, according to the forms of sale.<sup>16</sup> For the former, which was made up of precious things, including fixed property and even children, there could be no alienation except by following the precepts of *mancipatio*,<sup>17</sup> of seizing (*capere*) by hand (*manu*). There is much debate as to whether the distinction between *familia* and *pecunia* overlapped with the distinction between the *res Mancipi* and the *res nec Mancipi*. For us, that this coincidence was there—in the beginning—leaves no shadow of doubt. The things that fall outside the *mancipatio* are precisely the small livestock in the fields and the *pecunia*, the money, the idea, the name, and the form of which derived from livestock. One could say that the Roman *veteres* made the same distinction as the one we have just established in Tsimshian and Kwakiutl country, between goods that are permanent and essential to the “house” (as people still say in Italy and France) and things that are transitory: provisions, the livestock in distant pastures, metals, and money, in which, ultimately, even the unemancipated sons could trade.

Secondly, the *res* must not originally have been only the thing in a raw and merely tangible sense, the simple and passive object of transaction that it has

14. Walde, *Lateinisches etymologisches Wörterbuch*, p. 70. Walde hesitates over the etymology that he proposes, but there is nothing to hesitate about. In addition, the main “*res*”, the “*mancipium*” par excellence of the “*familia*” was the slave “*mancipium*,” whose other name, “*famulus*,” has the same etymology as *familia*. Walde, *Lateinisches etymologisches Wörterbuch*, p. 70.

15. On the distinction *familia pecuniaque* attested to in the *sacrae leges* (see Festus, *ad verb.*), and in numerous texts, see Girard, *Textes*, p. 841, n. 2, *Manuel*, pp. 274, 263, n. 3. The nomenclature has certainly not always been very reliable, but, contrary to Girard’s opinion, we believe that originally, in very ancient times, there was a very precise distinction. The division is to be found, moreover, in Osque, *famelo in eituo* (*Lex Bantia*, l. 13).

16. The distinction between *res Mancipi* and *res nec Mancipi* did not disappear from Roman law until AD 532, through a deliberate abrogation of the Quiritary law.

17. On the *mancipatio*, see later. The fact that it was required, or at least legal, right up until such a late time proves with what difficulty the *familia* undid itself from the *res Mancipi*.

become. It seems that the best etymology is the one that compares the word to the Sanskrit *rah*, *ratih*,<sup>18</sup> gift (*don*), present (*cadeau*), a pleasant thing. The *res* must have been, before all else, something that gave pleasure to someone else.<sup>19</sup> Moreover, the thing was always marked with a seal, the property mark of the family. We understand that, from this point on, with these *mancipi* things, the solemn<sup>20</sup> tradition, *mancipatio*, created a legal bond. For, in the hands of the “*accipiens*,” it still remains, in part, and for a moment, a thing of the “family” of the first owner; it remains bound to it, and it binds the present owner until he is freed by the fulfillment of the contract, that is, by the compensatory delivery of the thing, of the price or service that will in turn bind the initial contracting party.

### *Scholium: Explanation*

The notion of the power inherent in the thing has, moreover, never been absent from Roman law in two aspects: theft, *furtum*, and contracts, *re*.

Concerning theft,<sup>21</sup> the actions and obligations that it entails are clearly due to the force of the thing. It has an “*aeterna auctoritas*” within itself<sup>22</sup> that makes itself felt when it is stolen, and gone for ever. In this respect, the Roman *res* does not differ from Hindu or Haïda property.<sup>23</sup>

*Re* contracts account for four of the most important contracts in law: advance, deposit, pledge, and loan. A certain number of unnamed contracts—particularly

18. On this etymology, see Walde, *Lateinisches etymologisches Wörterbuch*, p. 650, *ad verb.* Cf. *rayih*, property, precious thing, talisman, cf. avestic *rae*, *rayyi*, same meaning; cf. old Irish *rath*, “gracious present.”

19. The word that designates the “*res*” in Osque is *egmo*, cf. *Lex Bant.*, 1 .6, 11, etc. Walde links *egmo* to *egere*, which is the “thing one is lacking.” It is quite possible that the ancient languages of Italy had two corresponding and antithetical words to designate the thing one gives and that gives pleasure “*res*,” and the thing that one is lacking “*egmo*” and that one waits for.

20. See later.

21. See Huvelin, *Furtum (Mélanges Girard)*, pp. 159–75; *Études sur le furtum*, 1. *Les sources*, p. 272.

22. Expression of a very old law, *lex Atinia*, preserved by Aulu-Gelle, XVII, 7, “*Quod subruptum erit ejus rei aeterna auctoritas esto.*” Cf. extracts from Ulpian, III, pp. 4 and 6; cf. Huvelin, “Magie et droit individuel,” p. 19.

23. See later. Among the Haïda, the victim of theft has only to put a dish at the door of the thief and ordinarily the thing returns.

those we believe to have been, along with sale, at the origin of the contract itself, the gift (*don*) and exchange<sup>24</sup>—are also said to be *res*. But this was inevitable. In fact, even in our current legal systems (*droits*), as in Roman law, it is impossible to escape<sup>25</sup> the most ancient rules of law: there has to be a thing or service before there can be a gift (*don*), and the thing or service has to create obligation. For example, it is evident that the annulment of a donation due to ingratitude, which appears in late Roman law<sup>26</sup> and persists in our own law, is a normal or even, we might say, a natural legal institution.

But these facts are partial and proven only for certain contracts. Our thesis is more general. We believe that, in the very ancient eras of Roman law, there could have been no single instance when the act of the *traditio* of a *res* was not—even in addition to words and writing—one of the essential elements. Roman law, moreover, was always equivocal on this question.<sup>27</sup> If, on the one hand, it proclaims that the solemnity of exchanges, and at least the contract, is necessary, as prescribed by the archaic laws that we have described, if they say “*nunquam nuda traditio transfert dominium*,”<sup>28</sup> they also proclaimed, even as late as the Diocletian era<sup>29</sup> (AD 298), “*Traditionibus et usucapionibus dominia, non pactis transferuntur*.” The *res*, prestation or thing, is an essential element of the contract.

In addition, all these much-debated questions are problems of vocabulary and concepts, and given the poverty of the ancient sources, we are not very well qualified to resolve them.

We are certain enough of our facts up to this point. Nevertheless, it is perhaps permissible to push on even further and indicate to jurists and linguists a potentially broad avenue down which to carry out research, and at the end of which we may perhaps conceive of a whole system of law (*droit*) that had already collapsed by the time of the Twelve Tables, and probably well before. Legal terms other than *familia* and *res* lend themselves to in-depth study. We will sketch out a series of hypotheses, wherein each one alone may perhaps not

24. Girard, *Manuel*, p. 265. Cf. *Dig.*, XIX, IV, *De permut.*, 1, 2: “*permutatio autem ex re tradita initium obligationi praebet*.”

25. *Mod. Regul.* in *Dig.*, XLIV, VII, *de Obl. et act.* 52, “*re obligamur cum res ipsa intercedit*.”

26. Justinian (in AD 532), *Code* VIII, LVI, 10.

27. Girard, *Manuel*, p. 308.

28. Paul, *Dig.*, XLI, I, 31, 1.

29. *Code*, II, III, *De pactis*, 20.

be very important, but the whole of which will not fail to form a fairly weighty corpus.

Almost all the terms of contract and obligation, and a certain number of the forms of these contracts, seem to tie into this system of spiritual bonds created through the raw fact of the *traditio*.

First, the contracting party is *reus*;<sup>30</sup> he is, above all, the man who has received the *res* of another, and becomes accordingly his *reus*, the individual tied to him by the thing itself, that is to say, by its spirit.<sup>31</sup> This etymology has already been proposed. It has often been rejected as having no meaning; on the contrary, it has a very clear meaning. In fact, as Hirn<sup>32</sup> notes, *reus* is originally a genitive in -os of *res* and replaces *rei-jos*. It is the man who is possessed by the thing. It is true that Hirn, and Walde who reproduces it,<sup>33</sup> here translate *res* by "trial" and *rei-jos* by "implicated in the trial."<sup>34</sup> But this translation is arbitrary, and presupposes that *res* is, above all, a procedural term. On the contrary, if we accept our semantic derivation, whereby all *res* and all *traditio* of *res* are the object of a "deal," a public "trial," we understand that the term "implicated in the trial" is, instead, a secondary meaning. It is even more clearly the case that the sense of

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30. On the meaning of the word *reus*, culpable, responsible, see Mommsen, *Römisches Strafrecht*, 3rd edition, p. 189. The classical interpretation comes from a kind of historical *a priori* that makes personal and in particular criminal public law into primitive law, and which sees in rights relating to things, and in contracts, phenomena that are modern and refined. Whereas it would be so simple to deduce the rights of contract from the contract itself!
  31. *Reus* also belongs to the language of religion (see Wissowa, *Religion und Kultus der Römer*, nn. 3 and 4) no less than of law: *voli reus*, *Énéide*, V. 237; *reus qui volo se numinibus obligat* (Servius as. *Æn.*, IV, see 699). The equivalent of *reus* is *voli damnatus* (Virg., *Egl.*, V, v. 80); and this is quite symptomatic since *damnatus* = *nexus*. The individual who has made an oath is in exactly the same position as the one who has promised or received something. He is *damnatus* until he is acquitted.
  32. *Indogermanische Forschungen*, XIV, p. 131.
  33. *Lateinisches Etymologisches Wörterbuch*, p. 651, *ad verb. reus*.
  34. This is the interpretation of the oldest Roman jurists themselves (Cicero, *De Or.* II, 183. *Rei omnes quorum de re disceptatur*); they always had in mind the meaning *re* = deal. But what is interesting about it is that it retains the memory of the time of the Twelve Tables, II, 2, where *reus* designated not only the accused but also the two parties in the whole affair, the *actor* and the *reus* of the recent procedures. Festus (*ad verbum reus*, cf. another fragment "*pro utroque ponitur*"), commenting on the Twelve Tables, cited two very old Roman legal advisors on this subject. Cf. Ulpian in *Dig.*, II, XI, 2, 3, *alteruter ex litigatoribus*. The two parties were equally bound by the trial. There is reason to suppose that they were similarly bound by the object, previously.

culpability for *res* is yet more derivative, and we would trace back the genealogy of meanings in the exact opposite direction to that ordinarily followed. We would say: (1) the individual possessed by the thing; (2) the individual implicated in the deal caused by the *traditio* of the thing; (3) finally, the guilty and the responsible parties.<sup>35</sup> From this point of view, all the theories of “quasi-offense,” the origin of the contract, of the *nexum* and the *actio*, are a little clearer. The mere fact of *having the thing* puts the *accipiens* into an uncertain state of quasi-responsibility (*damnatus, nexus, aere obaeratus*), of spiritual inferiority, of moral inequality (*magister, minister*)<sup>36</sup> vis-à-vis the deliverer of the contract (*tradens*).

We also attach to this system of ideas a certain number of very ancient features of the form still practiced, if not understood, of the *mancipatio*,<sup>37</sup> of the

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35. The notion of “*reus*,” responsible for something, made responsible by the thing, is still familiar to the very old Roman legal advisors cited by Festus (*ad verbum*), “*reus stipulando est idem qui stipulator dicitur, . . . reus promittendo qui suo nomine alteri qui promisit*,” etc. Festus is evidently alluding to the modification of the meaning of these words in the system of cautions referred to as correality; but the old authors were speaking of something else. Moreover, correality (Ulpian in *Dig.*, XIV, VI, 7 and the title *Dig.*, XLV, II, *se suo reis const.*) has retained the meaning of this indissoluble link that ties the individual to the thing, that is, the deal, and with this, “his friends and kin,” correal partners.
36. In the *Lex Bantia*, in Osque, *ministries = minoris partis* (l. 19) is the losing party in the trial. This shows that the meaning of these terms has never been lost in the dialects of Italy!
37. The Romanists seem to date the division between *mancipatio* and *emptio venditio* too far back in time. At the time of the Twelve Tables, and probably well after, it is unlikely that there would have been sale contracts that were purely consensual contracts, as developed later at a date we can more or less place around the time of Q. M. Scævola. The Twelve Tables use the word *venum dūit* just for designating the most solemn possible form of sale, and which could certainly only operate by *mancipatio*: that of a son (XII T., IV, 2). Furthermore, at least for things *mancipi*, at that time the sale operated exclusively, as a contract, through a *mancipatio*; all these terms are therefore synonyms. The Ancients retained the memory of this confusion. See Pomponius, *Dig.*, XL, VII, *de statuliberis*: “*quoniam Lex XII, T. emptiomnis verbo omnem alienationem complexa videatur*.” Conversely, the word *mancipatio* designated for a good long time, up until the time of the Acts of Law, those acts that are pure consensual contracts, such as the *fiducia*, with which it is sometimes confused. See Documents in Girard, *Manuel*, p. 545. Cf. p. 299. Even *mancipatio, mancipium*, and *nexum* were undoubtedly at some point in time very long ago used quite interchangeably.

Yet, while retaining this synonymy, we will consider in what follows exclusively the *mancipatio* of the *res* that make up part of the *familia*, and we go from the principle preserved by Ulpian, XIX, 3 (cf. Girard, *Manuel*, p. 303): “*mancipatio . . . propria alienatio rerum Mancipi*.”

purchase-sale that would become the *emptio venditio*<sup>38</sup> in very ancient Roman law. Firstly, let us note that it always comprises a *traditio*.<sup>39</sup> The first possessor, *tradens*, shows off his property, detaches himself formally from his thing, delivers it, and thus purchases the *accipiens*. Secondly, the *mancipatio* in the strict sense corresponds to this operation. He who receives the thing takes it in his *manus* and not only acknowledges acceptance of it, but also himself as sold, until payment. Following the prudent Romans, we tend to consider only one *mancipatio* and to understand it only as a single act of taking possession, but there are several symmetrical acts of taking possession, of things and people, in the same operation.<sup>40</sup>

On the other hand, the question of knowing whether the *emptio venditio*<sup>41</sup> corresponds to two separate acts or only one has been debated at great length. As is clear, we provide another reason to say that we must count two, although they may follow one after the other almost immediately in a cash sale. Just as in more primitive law there is the gift (*don*), and then the gift (*don*) reciprocated, so in ancient Roman law there is the putting up for sale, and then the payment. In these conditions it is not difficult to understand the whole system, and even, in addition, the act of stipulation.<sup>42</sup>

In fact, it is almost enough to note the official formulas that they use: that of *mancipatio*, concerning the bronze ingot, and that of the acceptance of the gold

38. For Varron, *De re rustica*, II, 1, 15; II, 2, 5; II, V, 11; II, 10, 4, the word *emptio* includes the *mancipatio*.

39. One can even imagine that this *traditio* was accompanied by rites of the kind that have been preserved for us in the formalism of the *manumissio*, of the liberation of the slave who is required to purchase himself. We are poorly informed about the gestures of the two parties in the *mancipatio* and, furthermore, it is quite remarkable that the formula of *manumissio* (Festus, s.v. *puri*) is fundamentally the same as that of the *emptio venditio* of livestock. Perhaps, after having taken in his hand the thing he was giving over, the *tradens* hit it with his palm. We can compare the *vus rave*, the tap on the pig (Banks Islands, Melanesia), and the tap at our own fairs on the rumps of the livestock sold. But these are hypotheses that we would not allow ourselves if the texts, and in particular those of Gaius, were not, at this precise point, full of gaps that the discovery of manuscripts will undoubtedly one day fill.

Let us also remember that we have discovered an identical formalism to that of the “percussion” of the emblazoned copper among the Haïda, see above p. 143, n. 246).

40. See above, observations on the *nexum*.

41. Cuq, *Institutions juridiques des Romains*, Vol. II, p. 454.

42. See above: the *stipulation*, the exchange of the staff of the two parties, corresponds not only to ancient pledges, but also to ancient additional gifts (*dons*).

with which the slave buys himself back<sup>43</sup> (this gold “must be pure, true, profane, belonging to him,” *puri, probi, profani, sui*); they are identical. Furthermore, they are both echoes of the formulas of the older *emptio*, that of livestock and the slave, which has been preserved in the form of *jus civile*.<sup>44</sup> The second holder only accepts the thing if it is free from defects, and especially magical defects; and he only accepts because he can return it or compensate, or pay the price. We note the expressions *reddit, pretium, reddere*, etc., where there still appears the root *dare*.<sup>45</sup>

Moreover, Festus has clearly preserved for us the meaning of the term *emere* (to buy), and even the form of law that it expresses. He also says: “*abemito significant demito vel auferto; emere enim antique dicebant pro accipere*” (s.v. *abemito*); and he returns to this meaning elsewhere: “*Emere quod nunc est mercari antiqui accipiebant pro sumere*” (s.v. *emere*); which is, moreover, the meaning of the Indo-European word to which the Latin word itself relates. *Emere* is to take, to accept something from someone.<sup>46</sup>

The other term of the *emptio venditio* seems, likewise, to strike another juridical note than that of the prudent Romans,<sup>47</sup> for whom there was only barter and gift as signs of sale, before there were prices and money. *Vendere*, originally *venum-dare*, is a word composed from an archaic,<sup>48</sup> prehistoric type. Without any doubt it clearly includes an element of *dare*, which reminds us of the gift (*don*) and the transfer. The other element seems to borrow an Indo-European term that already signified not the sale, but the price of sale (ὠνή, Sanskrit *vasnah*), which Hirn<sup>49</sup> has compared, moreover, to a Bulgarian word meaning dowry, the purchase price of a wife.

43. Festus (*ad manumissio*).

44. See Varron, *De re rustica*: 2, 1, 15; 2, 5; 2, 5, 11: *sanos, noxis, solutos*, etc.

45. Also note the expressions *mutui datio*, etc. In fact the Romans had no other word than *dare*, to give, to designate all these actions that made up the *traditio*.

46. Walde, *Lateinisches Etymologisches Wörterbuch*, p. 253.

47. *Dig.*, XVIII, I, 33, extracts by Paul.

48. On words of this type, see Ernout, *Credo-Craddā (Mélanges Sylvain Lévi, 1911)*. Another case of identity, as for *res* and so many other words, between the Italo-Celtic and Indo-Iranian juridical vocabularies. Note the archaic forms of all these words: *tradere, reddere*.

49. See Walde, *Lateinisches Etymologisches Wörterbuch* s.v. *vendere*. It is even possible that the very old term of “*licitatio*” preserves a trace of the equivalence between war and sale (at auction): “*Licitati in mercado sive pugnando contententes*,” says Festus again,

*Other systems of Indo-European law*

These hypotheses concerning very ancient Roman law are better seen as being of a prehistoric order. The law and ethics and economy of the Latins must have had these forms, but they were forgotten when their institutions entered into the written historical record. For it is precisely the Romans and the Greeks<sup>50</sup> who, perhaps following the northern and western Semites,<sup>51</sup> invented the distinction between personal rights and real rights, separated sale from gift (*don*) and exchange, isolated moral obligation from contract, and above all conceived the difference between rites, laws, and interests. It was they who, by way of a genuine, great, and venerable revolution, left behind this obsolete morality and economy of the gift (*don*), which was too risky, too expensive, too extravagant, encumbered with consideration for people, incompatible with the development of the market, of commerce and production, and, fundamentally, at that time, antieconomic.

Furthermore, our whole reconstitution is only a plausible hypothesis. Yet its degree of probability is strengthened by the fact that other Indo-European

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*ad verb. Licitati*; compare the Tlingit and Kwakiutl expression “war of property”: cf. above, p. 118, n. 147, for auctions and potlatch.

50. We have not sufficiently studied Greek law—or rather that which survives of the system that must have preceded the great codifications of the Ionians and the Dorians—to be able to say whether the different Greek peoples really did or did not know these rules of the gift (*don*). We would have to review an entire literature on these varied questions: gifts (*dons*), marriages, pledges (see Gernet, “*Εγγύαι*,” *Revue des études grecques*, 1917; cf. Vinogradoff, *Outlines of the history of jurisprudence*, Vol. II, p. 235), hospitality, interest, and contracts; and we would still only find fragments. And yet here is one: Aristotle, *Nicomachean ethics*, 1123, 3, on the generous citizen and his public and private expenditures, his duties and his responsibilities, mentions receptions for foreigners, diplomatic missions, *καὶ δωρεὰς καὶ ἀντιδωρεάς*, how they spend *εἰς τὰ χοινά*, and he adds *τὰ δὲ δῶρα τοῖς ἀναθήμασιν ἔχει τι ὅμοιον*. “Gifts (*dons*) are somewhat analogous to consecrations” (cf. above p. 119, n. 152, Tsimsian).

Two other current Indo-European systems of law present institutions of this kind, Albanian and Ossetian. We will confine ourselves to referring to the modern laws and decrees that prohibit or limit excess spending among these peoples in the event of a marriage, death, etc. (ex.: Kovalewski., *Coutume contemporaine et loi ancienne*, p. 187, n.).

51. We know that almost all the formulas of contract are attested to in the Aramaic papyruses of the Jews of Phliae in Egypt, fifth century bc. See Cowley, *Aramaic papyri*, Oxford, 1923. We know also the works of Ungnad on Babylonian contracts (see Huvelin, *Année sociologique*, XII, p. 508 and Cuq, “*Études sur les contrats de l’époque de la 1re Dynastie babylonienne*,” *Nouvelle revue historique du droit*, 1910).



systems of law, which are authentic and written down, surely knew, in historical times relatively close to us, a system of the kind that we have described in those Oceanic and American societies that we commonly call primitive, and which are at most archaic. We can generalize, then, with some confidence.

The two Indo-European systems that have best preserved these traces are Germanic law and Hindu law. These are also cases for which we have numerous texts.

## CLASSIC HINDU LAW<sup>52</sup>

### *Theory of the gift*

NB. There is a rather serious difficulty in using these Hindu legal documents. The codes and epic books that validate their authority were drawn up by the

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52. Ancient Hindu law is known to us through two series of collections drawn up quite late in comparison with the rest of the Scriptures. The oldest series is made up of the *Dharmasūtra*, to which Bühler assigns a date before Buddhism ("Sacred laws," in *Sacred books of the East*, Intr.). But it is not clear whether a certain number of these *sūtra*—if not the tradition on which they are founded—do not date from after Buddhism. In any case, they are part of what the Hindus call *Śruti*, Revelation. The other series is that of the *smṛti* the Tradition, or the *Dharmasāstra*: Books of the Law, of which the main one is the famous code of Manu, which itself comes hardly later than the *sūtra*.

We, however, have preferred to use a long epic document, which has, in the Brahmin tradition, a value as *smṛti* and *śāstra* (tradition and law as taught). The *Anuśāsana-parva* (Book XIII of the *Mahābhārata*) is explicit on the ethics of the gift (*don*) in a completely different way to the books of law. Furthermore, it is just as valuable and has the same inspiration as these. In particular, it seems that it was drawn up on the basis of the same tradition of the Brahmin school of the Manava as the one on which the Code of Manu itself was (see Bühler, "The laws of Manu," in *Sacred books of the East*, p. LXX *et seq.*). Moreover, it seems that this *parvan* and Manu cite each other.

In any case, this last document is impossible to appreciate fully. It is an enormous book about an enormous epic on the gift (*don*), *dāna-dharmakathanam*, as the commentary says, to which over a third of the book, more than forty "readings," is devoted. In addition, this book is extremely popular in India. The poem tells of how it was recited in tragic style to Yudhishthira, the great king, and incarnation of Dharma, the Law, by the great king and seer Bhishma, lying on a bed of arrows, at the moment of his death.

We cite it going forward as *Anuś.*, and indicate in general the two references: line number, and line number by *adhyāya*. The characters of the transcription are replaced by italic characters.

Brahmins, and, one could say, if not for their benefit, then at least to their advantage at the time of their triumph.<sup>53</sup> They only show us a theoretical system of law. It is thus only by an effort at reconstitution, with the help of the numerous avowals of faith that they contain, that we can glimpse what the law and economy of the two other castes, the Kshatriya and Vaishya, used to be. In this case, the theory, “the law of the gift (*don*)” that we will describe, the *dānadharma*, only really applies to the Brahmins, to the way in which they solicit it and receive it—without reciprocating it, except through their religious services—and also in the manner that the gift (*don*) is their due. Naturally it is this duty to give to the Brahmins that is the object of numerous prescriptions. It is likely that altogether different relationships existed between nobles, between princely families, and within the numerous castes and races, and amongst the common people. We can hardly guess at these. But no matter. The Hindu evidence has considerable breadth.

Ancient India, immediately following the Aryan colonization, was in fact doubly a land of potlatch.<sup>54</sup> Firstly, the potlatch is still found in two very large

53. It is clear from more than one feature that, if not the rules, then at least the drawing up of the *śāstra* and the epics came after the struggle against Buddhism of which they write. This is certain, in any case, for the *Anuśāsana-parva*, which is full of allusions to this religion (see in particular the *adhyāya* 120). Given how late the date of the final redactions may be, we could perhaps even find allusions to Christianity, precisely in relation to the theory of gifts (*dons*), in the same *parvan* (*adhyāya* 114, l. 10), where Vyasa adds: “Such is the law taught with subtlety (*nīpunena*, Calcutta) (*naīpunena*, Bombay)”: “let him not do to others what is contrary to his self, this is the summation of the *dharma* (the law)” (l. 5673). But, on the other hand, it is not inconceivable that the Brahmins, these makers of formulas and proverbs, could have arrived at a comparable invention themselves. In fact, the preceding line (l. 9 = 5672) has a profoundly Brahmin ring to it: “Another is guided by desire (and deceives himself). In the refusal and in the gift (*don*), in good fortune and bad, in pleasure and displeasure, it is in bringing (the things) back to oneself (to one’s self) that man measures them, etc.” The commentary by Nilkantha is formal, very original, and non-Christian: “In the same way that someone conducts himself in relation to others, so (do others conduct themselves in relation to him). It is in feeling how one would oneself accept a refusal after having made a request . . . etc. . . . that we see what one must give.”

54. We do not mean that, from a very ancient time, that of the writing of the *Rigveda*, the Aryans arriving in India from the Northeast were ignorant of the market, the merchant, price, money, and sale (see Zimmern, *Altindisches Leben*, p. 257 *et seq*); *Rigveda*, IV, 24, 9. In particular, the *Atharvaveda* is familiar with this economy. Indra himself is a merchant (Hymn III, 15, used in *Kaśika-sūtra*, VII, 1, VII, 10

groups that were once much more numerous, and which formed the substrate of a large part of the Indian population: the tribes of Assam (Tibeto-Burman) and the tribes of *munda* (Austro-Asiatic) rootstock. We are even entitled to suggest that the tradition of these tribes is the one that has subsisted in a Brahmin guise.<sup>55</sup> For example, we might see the traces<sup>56</sup> of an institution comparable to the Batak *indjok*, and other principles of Malay hospitality, in the rules that forbid eating without inviting the unexpected guest: “he eats *halallah*, poison, (the one who eats) without the participation of his friend.” Furthermore, institutions of the same order, if not the same kind, have left some traces in the most ancient Veda. And as we find them throughout almost the entire Indo-European world,<sup>57</sup> we have reason to believe that the Aryans also brought them to India.<sup>58</sup>

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and 12, in a ritual of a man going to a sale; see, however, *dhanada*, *ibid.*, v. 1 *vājīn*, epithet of Indra, *ibid.*).

Nor do we mean that contract in India had only this origin, real party, personal party, and formal party in the transfer of goods, and that India has not known other forms of obligation, for example the quasi-offense. We are looking only to show this: the survival, alongside these laws, of another law, another economy, and another mentality.

55. In particular there must have been—as there still are in aboriginal tribes and nations—total prestations in clans and villages. The prohibition made to Brahmins (Vāsistha, 14, 10 and Gautama, XIII, 17; Manu, IV, 217) to accept anything from the “multitudes,” and above all to participate in a banquet offered by them, surely points to usages of this kind.

56. *Anuś.* I. 5051, and I. 5045 (= *Adh.* 104, I. 98 and 95): “may he not consume the liquid from which the essence is removed . . . nor without making a gift (*don*) of it to the one seated at the table with him” (commentary: and whom he has seated and with whom he must eat).

57. For example the *ādānam*, the gift (*don*) which friends make to the kin of the young monk or the young initiate, to the fiancée and the fiancé, etc., is identical, even as regards the title, to the Germanic “*Gaben*,” of which we will write later (see the *grhya-sūtra* [domestic rituals], Oldenberg, *Sacred books* in the index under these various titles).

Another example, the honor that comes from gifts (*cadeaux*) (of food), *Anuś.*, 122, I. 12, 13, and 14; “honored, they honor; decorated, they decorate”. “This is a donor here, and there, they say; from all sides he is honored” (*Anuś.*, I. 5850).

58. An etymological and semantic study would allow us, moreover, to obtain here analogous results to those we have obtained on the Roman law. The oldest Vedic documents are awash with words, the etymologies of which are even clearer than those of the Latin terms, and that all presuppose, even those words concerning market and sale, another system where exchanges, gifts (*dons*), and stakes existed in place of the contracts that we ordinarily think of when we speak of these things. We have often noted the uncertainty (which extends, furthermore, to all Indo-European

The two trends undoubtedly merged around a time that we can almost place, contemporaneous with the latter parts of the Veda and the colonization of the two great river valleys, the Indus and the Ganges. These two trends undoubtedly reinforced one another. As soon as we leave behind the era of Vedic literature, moreover, we find that this theory is extraordinarily developed, as are its usages. The *Mahābhārata* is the story of a gigantic potlatch; a game of dice between the Kauravas and the Pandavas; tournaments and the selection of marriage mates by Draupadi, the sister and polyandrous wife of the Pandavas.<sup>59</sup> Other versions of the same legendary cycle can be found amongst the finest episodes of the epic: for example, the story of Nala and Damayanti, like the whole *Mahābhārata*, tells of the construction and assembling of a house, and a game of dice, etc.<sup>60</sup> But all is distorted by the literary and theological form of the narrative.

Besides, our present demonstration does not force us to assess these multiple origins and reconstitute the entire system in hypothetical terms.<sup>61</sup> In the same

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languages) of the meanings of the Sanskrit word we translate by “to give,” *da*, and its infinitely numerous derivations. Ex.: *ada*, to receive, take, etc.

For another example, let us choose the two Vedic words that best designate the technical act of sale: these are *parada sūlkaya*, to sell for a price, and all the words derived from the verb *pañ*, ex.: *pañi*, merchant. Beside the fact *parada* includes *da*, to give, *sūlka*, which truly has the technical sense of the Latin *pretium*, means many other things; it signifies not only value and price, but also price of combat, price of the fiancée, payment for sexual services, tax, tribute. And *pañ*—which from the time of the *Rigveda* has given the word *pañi* (merchant, miser, the greedy one, and a name for strangers), and the name for money, *pañā* (later the famous *kārshāpañā*), etc.—means to sell, as well as to play, to bet, to fight for something, to give, to exchange, to risk, to dare, to win, to put into play. In addition, it is doubtless unnecessary to suppose that *pañ*, to honor, to praise, to appreciate, is a different verb from the first. *Pañā*, money, also means: the thing that one sells, the salary, the object of a wager and a game, the gaming house, and even the inn that has replaced hospitality. This whole vocabulary ties together ideas that are only tied together in the potlatch; they all point to the original system that we used for conceptualizing the system that preceded sale in the strict sense. But let us not pursue this attempt at reconstruction by etymology. It is not necessary in the case of India, and it would lead us far away, doubtless beyond the Indo-European world.

59. See summary of the epic in *Mahābhārata, Ādi Parva*, lect. 6.
60. See, for example, the legend of Harishchandra, *Sabha Parva, Mahābhārata*, book II, lect. 12; other example, *Virāta Parva*, lect. 72.
61. We must acknowledge that, of the main subject of our demonstration, that is, the obligation to reciprocate, we have found little evidence in Hindu law, except perhaps Manu, VIII, 213. Even the clearest example consists of the rule that prohibits it. It seems clear that, at its origin, the funerary śraddhā, the meal of the dead that the

way, the number of classes that were concerned, and the time in which it flourished, do not need to be very defined in a comparative study. Later, for reasons that do not concern us here, this code (*droit*) disappeared, except in favor of the Brahmins; but one can say that it was certainly in effect for between six and ten centuries, from the eighth century BC to the second or third AD. And this is enough: the epic and the Brahmin law persist within the old atmosphere: presents are still obligatory, things have special qualities and are part of human persons. Let us limit ourselves to describing these forms of social life and to studying their reasoning. A straightforward description will be demonstrative enough.

The thing given produces its rewards in this life and in the next. Here, it automatically engenders for the giver the same thing as itself:<sup>62</sup> it is not lost, it reproduces itself; beyond, it is the same thing, only augmented, that one finds again. Food that has been given is food that will return to the giver, in this world; it is the same food that he will find in the next world; and still the same food that he will find in the series of his rebirths.<sup>63</sup> The water, wells, and springs that one gives ensure against thirst;<sup>64</sup> the clothes, the gold, the sunshades, the

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Brahmins so developed, was an occasion to invite oneself and to return invitations. But it is formally forbidden to proceed in this way. *Anuś.*, l. 431, 4315 = XIII, lect. 90, v. 43 *et seq.*: "He who invites only friends to the *śraddhā* will not go to heaven. One must not invite either friends or enemies, but neutral persons, etc. . . . The salary of priests, offered to priests who are friends, is called demoniacal" (*pīśāca*), v. 4316. This prohibition undoubtedly constitutes a veritable revolution compared to current usages. Even the jurist poet links it to a specific moment and school (*Vaikhānasa Śruti*, *ibid.*, l. 4323 = lect. 90, l. 51). The shrewd Brahmins effectively entrusted the gods and the shades with the return of the presents that they give to them. And the common mortals doubtless continued to invite their friends to the funerary meals. Moreover, it still continues to this day in India. The Brahmin, himself, did not reciprocate, or invite, or even accept at all. And yet in his codes have been preserved a sufficient number of documents to illustrate our case.

62. *Vas. Dharmasūtra.*, XXIX, 1, 8, 9, 11–19 = Manu, IV, 229 *et seq.* Cf *Anuś.*, all the lectures from 64 to 69 (with the citations of Paraśara). This whole part of the book seems to be based on a kind of litany; it is half astrological and opens with a *dānakalpa*, lect. 64, that sets out the constellations under which this or that thing must be given, by whom, to whom.

63. *Anuś.*, 3212; even what one offers to the dogs and to the śūdra, to "the one who cooks for the dog" [*susqui* cooks the dog] *svapāka* (= lect. 63, l. 13. Cf. *ibid.*, l. 45 = v. 3243, 3248).

64. See the general principles on the way in which one finds the things given in the series of rebirths (XIII, lect. 145, l. 108, l. 23–30). The sanctions concerning the

sandals that allow you to walk on burning hot ground, these come back to you in this life and in the next. The land that one has given, and that produces harvests for another, will make one prosper in this world and in the next and in future rebirths. “As the waxing of the moon increases day by day, so the gift (*don*) of land, once made, grows from year to year (from harvest to harvest).”<sup>65</sup> The land engenders harvests, rents and taxes, mines, and livestock. The gift of it enriches both the giver and the receiver with these same products.<sup>66</sup> This whole juridical-economic theology is developed across an infinite series of magnificent judgments, in innumerable fragments of verse, and neither the codes nor the epics exhaust this subject.<sup>67</sup>

Land, food, everything that one gives is personified, moreover; these are living beings with which one converses, and which take part in the contract. They want to be given. The land once spoke to the sun hero, to Rama, son of Jamadagni; and when he heard his song, he gave all of it to *ṛṣi* Kaśyapa; it said to him<sup>68</sup> in its own, no doubt ancient, language:

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miser are laid out in the same reading, l. 15–23. In particular, he is “reborn in a poor family.”

65. *Anuś.*, 3135. Cf. 3162 (= lect. 62, l. 33, 90).

66. L.3162 (= *ibid.*, l. 90).

67. Fundamentally, the whole of this *parvan*, this song from the *Mahābhārata*, is a response to the following question: How to acquire Fortune, the fickle goddess Śrī? A first answer is that Śrī lives among the cows, in their dung and their urine, where the cows, these goddesses, have allowed her to live. This is why making the gift (*don*) of a cow assures good fortune (lect. 82; see later, p. 166, n. 79). A second, fundamentally Hindu answer, and which is even at the heart of all moral doctrines of India, teaches that the secret to Fortune and to Happiness is (lect. 163) to give, to not keep, to not seek out Fortune, but to distribute it, so that it comes back to you of its own accord, in this world, and in the shape of the good that you have done, and in the next. To renounce oneself, to acquire only in order to give, this is the law of nature, and therein lies the source of true profit (l. 5657—lect. 112, line 27): “each one of us should make his days fertile by distributing food.”

68. L.3136 (= lect. 62, l. 34) calls this stanza a *gāthā*. It is not a śloka; it therefore comes from an ancient tradition. In addition, I believe, the first half-line *mamevadattha, mam dattha, mamdattva mamevapsyaya* (l. 3137 = lect. 62, l. 35) can well be isolated from the second [diacritics for Sanskrit have not been included for this stanza—Ed.]. Moreover, l.3132 isolates it in advance (= lect. 62, l. 30). “As a cow runs toward its calf, its full udder dropping milk, so does the land that is blessed run toward the giver of land.”

Receive me (recipient)

Give me (giver)

In giving me you will obtain me anew.

And it added, this time speaking in a rather flat Brahmin language: “in this world and the next, what is given is acquired anew.” A very old code<sup>69</sup> says that *Anna*, food itself deified, proclaims the following verse:

He who, without giving me to the gods, to the shades, to his servants and his guests, consumes me when prepared, and in his madness (thus) swallows poison, I consume him, I am his death.

But for him who offers up the *agnihotra*, accomplishes the *vaishwadeva*,<sup>70</sup> and then eats—contentedly, in purity and faith—what remains after he has fed those that he should feed, for him I become ambrosia, and he has pleasure in me.

It is the nature of food to be shared; not to share it with others is “to kill its essence,” to destroy it for oneself and for others. This is the interpretation, both materialist and idealist, that Brahminism has given to charity and hospitality.<sup>71</sup> Wealth is made to be given away. If there were no Brahmins to receive it, “vain would be the wealth of the wealthy.”<sup>72</sup> “He who eats it without knowledge kills

69. *Baudhāyana Dharmasūtra*, 11, 18—evidently contemporaneous not only with these rules of hospitality, but also with the Cult of Food, which they say was itself contemporaneous with the later forms of the Vedic religion, and which lasted right up until Vishnuism, into which it was integrated.

70. Brahmin sacrifices of the late Vedic period. Cf. *Baudhāyana Dharmasūtra*, 11, 6, 41, and 42. Cf. *Taittiriya*, VIII, 2.

71. The entire theory is laid out in the famous meeting between the ṛṣi Maitreya and Vyāsa, incarnation of Krishna Dvaipāyana himself (*Anuś.*, XIII, 120 and 121). This whole meeting, in which we have found traces of the struggle between Brahminism and Buddhism, see above all l. 5802 (= XIII, 120, l. 10), must have had an historic importance, and alluded to a period when Krishnaism won out. But the doctrine that is taught is actually the ancient Brahmin theology and perhaps even that of the most ancient national ethics of India, from before the Aryans.

72. *Ibid.*, l. 5831 (= lect. 121. V11).

the food and, once eaten, it kills him.”<sup>73</sup> Avarice interrupts the circle of rights, merit, and nourishments giving rebirth perpetually to each other.<sup>74</sup>

On the other hand, Brahminism has clearly identified property with the person in this game of exchanges, as well as with respect to theft. The property of the Brahmin is the Brahmin himself. “The Brahmin’s cow is a poison, a venomous snake,” the Veda of the magicians has already stated.<sup>75</sup> The old code of Baudhāyana<sup>76</sup> proclaims, “The property of the Brahmin kills (the guilty one) along with the sons and grandsons; the poison is not (poison); the property of the Brahmin is called poison (par excellence).” It contains its sanction within itself, because it is, in itself, that which is fearful in the Brahmin. It is not even necessary for the theft of the Brahmin’s property to be conscious and deliberate. A whole “reading” of our *Parvan*<sup>77</sup> from the section of the *Mahābhārata* that interests us the most, tells of how Nrga, king of the Yadus, was transformed into a lizard for having, by the fault of his people, given a Brahmin a cow that belonged to another Brahmin. The one who received it in good faith does not want to return it, not even for a hundred thousand others; it is part of his household, one of his own:

It is adapted to the place and the times, it is a good milker, peaceable and very devoted. Its milk is sweet, it is a precious and permanent good in my household.  
(l. 3466)

73. Ibid., l. 5832 (= 121, l. 12). One should read it as *annam* based on the Calcutta edition and not *artham* (Bombay). The second half-line is obscure and doubtless poorly transcribed. It signifies something, however. “This food that he eats, that which makes it food, it is the murderer of this that is killed, the ignorant.” The two following lines are also enigmatic, but explain more clearly the idea and allude to a doctrine which must have had a name, that of *ṛṣi*: l. 5834 = ibid., 14), “the sage, the learned man, eating food, makes it reborn, he, the master—and in turn, the food make him reborn” (5863). “This is the development (of things). For whatever is the merit of the giver is the merit of the receiver (and vice versa), for here, there is only one wheel (turning in one direction).” The translation of Pratap (*Mahābhārata*) is very paraphrased, but it is based on excellent commentaries and deserves to be translated (except for an error that spoils it: *ewam janayati*, l. 14; it is food, not children, that is regenerated). Cf. = *Ap. Dharmasūtra*, 11, 7, and 3. “He who eats before his guest destroys the food, the property, the descendants, the livestock, and the merit of his family.”

74. See above, p. 162, n. 64.

75. *Atharvaveda*, V. 18, 3; cf., ibid., v. 19, 10.

76. I, 5, and 16. (Cf. above, the *æterna auctoritas* of the stolen *res*.)

77. Lect. 70. It relates to the gift (*don*) of cows (of which the ritual is given in lect. 69).



It (this cow) nourishes a little child of mine who is weak and has been weaned.  
It cannot be given away by me. (l. 3467)

Nor does he from whom it was taken away accept another. It is irrevocably the property of both Brahmins. Between these two refusals, the unhappy king remains bewitched for thousands of years by the curse that is contained therein.<sup>78</sup>

Nowhere is the relationship between the thing given and the giver, between the property and the owner, more straightforward than in the rules concerning the gift (*don*) of the cow.<sup>79</sup> They are celebrated. In observing them, in feeding oneself with barley and the cow's dung, in sleeping on the ground, the king Dharma<sup>80</sup> (the law), Yudhishtira himself, the main hero of the epic, became a "bull" amongst kings. For three days and three nights the owner of the cow imitates and observes the "wish of the cow."<sup>81</sup> He feeds himself exclusively from the "juices of the cow"—water, dung, urine—every third night. (In urine resides Śrī herself, fortune.) Every third night, he lies down with the cows on the ground, like them, and, adds the commentator, "without scratching himself, without disturbing the vermin," thus identifying himself as "of a single soul, with them."<sup>82</sup> When he enters the stable, calling them by sacred names,<sup>83</sup> he adds: "the cow is my mother, the bull is my father, etc." He will repeat this first formula during the act of donation. And here is the solemn moment of the transfer. Having praised the cows, the recipient says:

78. L. 14 *et seq.*: "The property of the Brahmin kills as the Brahmin's cow kills Nrga," l. 3462 (= *ibid.*, 33). (Cf. 3519 = lect. 71, l. 36.)

79. *Anuś.*, lect. 77, 72; lect. 76. These rules are related with a wealth of detail that is a little unbelievable and surely theoretical. The ritual is attributed to a particular school, that of Braspati (lect. 76). It lasts three days and three nights before the act and three days after; in certain circumstances it even lasts ten days (l. 3532 = lect. 71, 49; l. 3597 = 73, 40; 3517 = 71, 32).

80. He lived in a constant "gift of cows" (*gavam pradāna*), l. 3695 = lect. 76, l. 30.

81. This regards a veritable initiation of the cows to the giver and of the giver to the cows; it is a kind of mystery, "*upanītesu gosu*," l. 3667 (=76, l. 2).

82. It is simultaneously a purifying ritual. He delivers himself thus from all sin (l. 3673 = lect. 76, l. 8).

83. *Samanga* (having all its limbs), *Babula* (wide, fat), l. 3670 (cf. l. 6042, the cows say: "*Babula, Samanga*. You are without fear, you are assuaged, you are a good friend"). The epic does not forget to mention that these names are those of the Veda, of the Śruti. The sacred names can indeed be found in *Atharvaveda*, V.4, 18, l. 3–4.

Those which you are, those I am, become this day of your essence. By giving you away, I gave myself.<sup>84</sup> (l. 3676)

And the recipient, on receipt (performing the *pratigrahana*),<sup>85</sup> says:

Mutated (transmitted) in spirit, received in the spirit, let us both glorify each other, you in the forms of the *Soma* (moonlike) and *Ugra* (sunlike). (l. 3677)<sup>86</sup>

Other principles of Brahmin law remind us strangely of certain Polynesian, Melanesian, and American customs that we have described. The way of receiving the gift (*don*) is curiously analogous. The Brahmin has invincible pride. First of all, he refuses to deal in any way with the market. He must not even accept anything that comes from there.<sup>87</sup> In a national economy where there are towns, markets, and money, the Brahmin remains faithful to the economy and ethics of the ancient Indo-Iranian pastoralists and to that of the aboriginal and nonaboriginal farmers of the great plains as well. He even retains that dignified attitude of the noble,<sup>88</sup> whom one still offends by oversupplying him with goods.<sup>89</sup> Two “readings” of the *Mahābhārata* tell of how the seven *ṛṣi*, the great Seers, and their followers, in time of scarcity, when they were about to eat the body of the son of the king Shibi, refused the immense gifts (*cadeaux*) and even the golden figs offered them by the king Saiva Vrsadarbha, and they answered him:

Oh king, to receive from kings is at first like honey and at the last, poison. (v. 4459 = lect. 93, v. 34)

84. Literally: “giver of you, I am giver of myself.”

85. “The act of seizing,” the word is precisely equivalent to *accipere*, *λαμβάνειν*, take, etc.

86. The ritual anticipates that one can offer “cows in the form of a sesame cake or rancid butter,” or equally cows “in gold, silver.” In this case, they were treated as real cows, cf. 3523, 3839. The rites, especially those relating to transactions, are therefore a little more perfected. Ritual names are given to these cows. One of these means “the future.” The time spent among the cows, “the wish of the cows,” is further increased.

87. *Ap. Dharmasūtra*, I, 17. Manu X, 86-95. The Brahmin can sell whatever has not been bought. Cf. *Ap. Dharmasūtra*, 1, 19, 11.

88. Cf. above p. 51, n. 2; p. 66, n. 2 Melanesia, Polynesia; P.1. (Germany), p. 157, n. 1; *Ap. Dharmasūtra*, 1, 18, 1. *Gautama Dharmasūtra*, XVII, 3.

89. Cf. *Anuś.*, lect. 93 and 94.

Two series of curses follow. This whole theory is even rather comical. This entire caste, which lives on gifts (*dons*), claims to refuse them.<sup>90</sup> Then it compromises and accepts those that have been offered spontaneously.<sup>91</sup> Then it draws up long lists<sup>92</sup> of the people from whom, the circumstances where, and the things<sup>93</sup> which, they can accept, going so as far as to include everything in case of famine,<sup>94</sup> on condition, it is true, of minor expiations.<sup>95</sup>

This is because the bond that the gift (*don*) establishes between the giver and the receiver is too strong for both of them. As in all the systems that we have already studied, perhaps even more so, they are too closely bound to each other. The recipient places himself in a position of dependence on the giver.<sup>96</sup> This is why the Brahmin must not "accept," much less solicit, from the king. As a divinity amongst divinities, he is superior to the king, and would be stooping below his status by doing anything other than take. And, on the other hand, for the king's part, the manner in which he gives matters as much as what he gives.<sup>97</sup>

The gift (*don*) is therefore simultaneously what one must do, what one must receive, and yet what is dangerous to take. This is because the thing given itself forms a bilateral and irrevocable bond, especially when it is a gift (*don*) of food. The recipient depends on the anger of the giver,<sup>98</sup> and each is even dependent on the other. So it is that one must not eat in the home of one's enemy.<sup>99</sup>

90. *Ap. Dharmasūtra*, 1, 19 and 13, 3, where Kanva is cited, another Brahmin school.

91. Manu, IV, p. 233.

92. *Gautama Dharmasūtra*, XVII, 6, 7. Manu, IV, 253. List of people from whom the Brahmin cannot accept things. *Gautama Dharmasūtra*, XVII, 17. Cf. Manu, IV, 215–17.

93. List of things that must be refused. *Ap. Dharmasūtra*, 1, 18, 1; *Gautama Dharmasūtra*, XVII. Cf. Manu, IV, 247–50.

94. See the whole lecture 136 of the *Anuś.* Cf. Manu, IV, p. 250; X, pp. 101, 102. *Ap. Dharmasūtra*, I, 18, 5–8, 14–15; *Gautama Dharmasūtra*, VII, 4, 5.

95. *Baudh. Dharmasūtra*, II, 5, 8; IV, 2, 5: The recitation of the Taratsamādi = *Rigveda*, IX, 58.

96. "The energy and the brightness of the sages are diminished by the fact that they receive" (accept, take). "Of those who do not want to accept, be wary, O king," *Anuś.* (v. 2164 = lect. 35, l. 34).

97. *Gautama Dharmasūtra*, XVII, 19, 12, *et seq.* *Ap. Dharmasūtra*, I, 17, 2. Formula of etiquette of the gift (*don*), Manu, VII, p. 86.

98. *Khrodo hanti yad danam*. "Anger kills the gift (*don*)."*Anuś.*, 3638 = lect. 75, l. 16.

99. *Ap. Dharmasūtra*, II, 6, 19; cf. Manu, III, 5, 8, with an absurd theological explanation: in this case, "one eats the error of one's guest." This interpretation refers to the

All kinds of archaic precautions are taken. The codes and the epic elaborate on this theme, as Hindu writers know all too well how to do, that gifts (*dons*), givers, and things given are all terms to be considered in relation to each other,<sup>100</sup> with precision and care, in such a way that there would be no mistake in the manner of giving and receiving. Everything is subject to etiquette; it is not like in the market where one takes a thing objectively, for a price. Nothing is indifferent.<sup>101</sup> Contracts, alliances, the transfer of goods, bonds created by the goods transferred between those giving and receiving: this economic morality takes account of the whole ensemble. The nature and the intention of the contracting parties, and the nature of the thing given, are indivisible.<sup>102</sup> The jurist poet knew perfectly well how to express what we want to describe:

Here there is only one wheel (turning in one direction.).<sup>103</sup>

### GERMANIC LAW (THE PLEDGE AND THE GIFT)

Though Germanic societies have not preserved for us such ancient and complete<sup>104</sup> traces of their own theory of the gift (*don*), they did have a system of

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general prohibition that the laws have imposed on the Brahmins to engage in one of their essential occupations, which they still practice and which they are required not to practice: to be the eater of sins. In any case, this means that nothing good comes from the donation, not for any of the parties to the contract.

100. One is reborn in the next world with the nature of those from whom one accepts food, or those whose food one has in one's belly, or the food itself.
101. The whole theory is summarized in a reading that seems recent. *Anuś.*, 131, under the deliberate title of *dānadharma* (l. 3 = 6278): "which gifts (*dons*), to whom, when, by whom." It is here that the five motivations of the gift (*don*) are pleasingly set out: duty, when one gives to the Brahmin spontaneously; interest ("he gives me, he gave to me, he will give to me"); fear ("I am not his, he is not mine, he could do me harm"); love ("he is dear to me, I am dear to him"), "and he gives without delay"; pity ("he is poor and makes himself content with little"). See also lect. 37.
102. It would also be worth studying the ritual by which they purify the thing given, but which is evidently also a means of detaching it from the giver. They sprinkle it with water using a blade of *kuśa* grass (for food, see *Gautama Dharmasūtra.*, V. 21, 18 and 19, *Ap. dh. su.*, II, 9, 8. Cf. the water that purifies the debt. *Anuś.*, lect. 69, l. 21 and commentaries by Pratap (*ad locum*, p. 313).
103. L. 5834, see above p. 165, n. 73.
104. The facts are known from monuments that are quite late. The writing of the songs of the Edda occurred long after the conversion of the Scandinavians to Christianity.

exchanges in the form of gifts (*dons*), voluntarily and forcibly given, received and reciprocated, so clear and so developed that there are few others so exemplary.

Germanic civilization also existed for a long time without markets.<sup>105</sup> It remained an essentially feudal and peasant society, wherein the notion of and even the words for price of purchase and sale seem of recent origin.<sup>106</sup> In days of old it had developed, to an extreme degree, the whole system of the potlatch, but in particular the entire system of gifts (*dons*). To the—fairly significant—extent that the clans within the tribes, the great undivided families within the clans,<sup>107</sup> and the tribes amongst themselves, the chiefs amongst themselves, and even the kings amongst themselves, lived morally and economically outside of the close confines of the family group, it was under the form of the gift (*don*) and of alliance, through pledges and hostages, feasts, and presents that were as large as possible, that they communicated, helped each other, and allied with each other. We saw earlier the whole litany of the gifts (*cadeaux*) taken from the *Havamal*. In addition to this beautiful landscape of the Edda, we will point out three facts.

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But first of all, the age of the tradition may be very different from that of the writing of it; and then even the age of the longest known form of the tradition may be different from that of the institution. There are two principles of criticism here, which the critic must never lose sight of.

As it happens, there is no danger in using these facts. First, one part of the gifts (*dons*) that take up so much space in the law that we are describing are among the first institutions of which we have evidence among the Germans. It is Tacitus himself who describes for us two sorts: gifts (*dons*) in the event of marriage, and the way in which they come back into the family of the givers (*Germania*, XVIII, in the short chapter to which we plan to return); and the noble gifts (*dons*), in particular those of the chief, or made to chiefs (*Germania*, XV). And the fact that these customs have been preserved over a long enough period of time that we were able to find such traces is because they were of solid foundation, and had pushed strong roots deep into the collective Germanic soul.

105. See Schrader and the references that he indicates, *Reallexikon der indogermanischen Altertumskunde*, s.v. *Markt, Kauf*.

106. We know that the word *Kauf* and all its derivations come from the Latin word *caupo*, merchant. The uncertain meaning of the words *leihen*, *leihen*, *lohn*, *bürgen*, etc., is well known and proves that their technical use is recent.

107. We do not raise the question here of the *geschlossene Hauswirtschaft*, the closed economy, of Bücher, *Entstehung der Volkswirtschaft*. This is a question that has been poorly posed, in our view. As soon as there were two clans within a society, they necessarily contracted between themselves, and exchanged, along with their women (exogamy) and their rites, their goods, at least at certain times of the year and on certain occasions in life. The rest of the time, the family, often quite small, lived introspectively. But there has never been a time when it always lived like this.

An in-depth study of the very rich Germanic vocabulary of words derived from *geben* and *gaben* has not yet been made.<sup>108</sup> They are extraordinarily numerous: *Ausgabe*, *Abgabe*, *Angabe*, *Hingabe*, *Liebesgabe*, *Morgengabe*, the so very curious *Tröstgabe* (what we call a consolation prize), *vorgeben*, *vergeben* (to waste and to forgive), *widergeben* and *wiedergeben*; a study of *Gift*, *Mitgift*, etc., and a study of the institutions designated by these words has also yet to be made.<sup>109</sup> In contrast, the whole system of presents, gifts (*cadeaux*), its importance in tradition and folklore, including the obligation to give back, are admirably described by Richard Meyer in one of the most delightful works of folklore that we know of.<sup>110</sup> We merely make reference to it, and only point out for the moment the fine remarks concerning the force of the bond that obligates, the *Angebinde* that constitutes the exchange, the offer, the acceptance of this offer, and the obligation to give back.

There is, moreover, an institution that persisted until quite recently, that still doubtless persists in the ethics and economic customs of Germanic villages, and that has an extraordinary importance from an economic point of view: this is the *Gaben*,<sup>111</sup> the exact equivalent of the Hindu *ādānaṃ*. During baptisms, communions, engagements, and marriages, the guests—often the whole village—after the wedding supper, for example, or the day before, or the following day (*Guldentag*), present wedding gifts (*cadeaux*) whose value usually surpasses by far the cost of the wedding itself. In certain Germanic areas, it is the *Gaben* itself that constitutes the bride's dowry, which they give to her on the morning of the nuptials, and this is what is referred to as *Morgengabe*. In some places, the generosity of these gifts (*dons*) is a token of the fertility of the young couple.<sup>112</sup>

108. See these words in Kluge, and in the other etymological dictionaries of the different Germanic languages. See Von Amira on *Abgabe*, *Ausgabe*, *Morgengabe* (*Handbuch* of Hermann Paul) (page cited in the index).

109. The best works remain J. Grimm, *Schenken und Geben*, *Kleine Schriften*, Vol. II, p. 174; and Brunner, *Deutsche Rechtsbegriffe besch. Eigentum*. See also Grimm, *Rechtssalterthümer*, Vol. I, p. 246, and cf. p. 297, on *Bete* = *Gabe*. The hypothesis that they would have passed from the gift (*don*) without condition to an obligatory gift (*don*) is useless. There have always been two sorts of gift (*don*), and the two characters have always been mixed together in Germanic law especially.

110. "Zur Geschichte des Schenkens," *Steinhausen Zeitschrift für Kulturgeschichte*, V, p. 18 *et seq.*

111. See Em. Meyer, *Deutsche Volkskunde*, pp. 115, 168, 181, 183, etc. All the manuals of Germanic folklore (Wuttke, etc.) can be consulted on the question.

112. Here we find another response to the question posed (see above, p. 81, n. 70), by Van Ossenbruggen, on the magical and juridical nature of the "bride-price." See on this

The entry into relationships during the engagement, the various gifts (*dons*) that godfathers and godmothers make at various moments of life, in order to give recognition and help (*Helfete*) to their godchildren, are all just as important. We can recognize this theme that is still familiar in all our own customs, all our folktales, all our legends of invitation, and in the curse of those people not invited, and in the blessings and generosity of the guests, especially if they are fairies.

A second institution has the same origin. It is the necessity of the pledge in all kinds of Germanic contracts.<sup>113</sup> Even the French word *gage* comes from this, from the Germanic *wadium* (cf. English *wage*, salary). Huvelin<sup>114</sup> has already shown that the Germanic *wadium*<sup>115</sup> provided a way of understanding the bond of contracts and compared it to the Roman *nexum*. Indeed, the way Huvelin interpreted it, the pledge once accepted allowed the contracting parties in Germanic law to act upon one another, since one possessed something of the other, and the other, having been owner of the thing, might have bewitched it; and the pledge was often cut into two with one half being kept by each of the two parties. But it is possible to add to this explanation a more accurate one. The magical sanction can intervene; it is not the only bond. The thing itself, given and committed in the pledge, is by its own virtue a bond. First of all, the pledge is obligatory. In Germanic law, every contract, every sale or purchase, loan or deposit, includes the making of a pledge; an object is given to the other contracting party, generally of little value: a glove, a coin (*Treugeld*), a blade—or,

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subject the remarkable theory of the relationships between the various prestations made to the spouses and by the spouses in Morocco in Westermarck, *Marriage ceremonies in Morocco*, p. 361 *et seq.* and the parts of the book cited therein.

113. In what follows we do not confuse the pledge with the deposit, although the latter, of Semitic origin—as the name indicates in Greek and Latin—was known in recent Germanic law, as in our own. In certain usages they have even been confused with the ancient gifts (*dons*), and by way of an example, *Handgeld* is called “*Harren*” in certain dialects in the Tyrol.

We also neglect to show the importance of the notion of the pledge with respect to marriage. We merely draw attention to the fact that in the Germanic dialects, the “price of purchase” bears the various names of *Pfund*, *Wetten*, *Trugge*, and *Ebenthaler*.

114. *Année sociologique*, IX, p. 23 *et seq.* Cf. Kovalewski, *Coutume contemporaine et loi ancienne*, p. 111 *et seq.*
115. On the Germanic *wadium*, we can further consult: Thevenin, “Contribution à l’étude du droit germanique,” *Nouvelle revue historique du droit*, IV, p. 72; Grimm, *Deutsche Rechtsalt*, Vol. I, p. 209–13; Von Amira, *Obligationen Recht*, in *Handbuch* of Hermann Paul, pp. 254 and 248.

On the *wadiatio*, see Davy, *Année sociologique*, XII, p. 522 *et seq.*

as is still the case in France, pins—that they will give back upon payment for the thing being handed over. Huvelin already noted that the thing is of little value and, ordinarily, of a personal nature; he rightly compares this fact with the theme of the “life-token.”<sup>116</sup> The thing thus transferred is indeed fully imbued with the individuality of the giver. The fact that it is in the hands of the recipient pushes the contracting party to fulfill the contract, to buy himself back by buying back the thing. Thus the *nexum* is in this thing, and not only in the magical acts, nor only in the ceremonial forms of the contract, the words, the oaths and rites exchanged, the handshaking; it is in it, as it is in the writings, the “actions” with magical value, the meals taken communally wherein each partakes of the substance of the other.

Two traits of the *wadiatio* prove, moreover, this power in the thing. First, the pledge not only obligates and binds, but it also commits the honor,<sup>117</sup> authority, and the “*mana*” of the one who hands it over.<sup>118</sup> The latter remains in an inferior position until he has freed himself from his engagement-wager. For the word *wette*, *wetten*,<sup>119</sup> which translates the “*wadium*” from the laws, has the meaning of “wager” as much as that of “pledge.” It stands for the prize won in a competition and the sanction of a challenge, much more than a means of constraining the debtor. As long as the contract is not fulfilled, he is like the loser in a bet, the runner-up in a race, and thus he loses more than he commits, more than there will be to pay out; not to mention the fact that he runs the risk of losing what he has received and that the owner will lay claim to it as long as the pledge has not been withdrawn. The other trait demonstrates the danger in receiving the pledge. For it is not only the one who gives who commits himself; the one who receives is also bound. Much like the recipient in the Trobriands, he mistrusts the thing given. And so it is thrown down<sup>120</sup> at his feet when it is a *festuca*

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116. Huvelin, p. 31.

117. Brissaud, *Manuel d'histoire du droit français*, 1904, p. 1381.

118. Huvelin, p. 31, n. 4 interprets this fact exclusively as being due to a degeneration of the primitive magical rite that may have become a simple theme of morality. But this interpretation is partial, not useful (see above, p. 118, n. 146), and does not exclude the one we are proposing.

119. To the kinship of the words *wette* and *wedding*, we will return later. The ambiguity between the pledge and the contract is noticeable even in our own languages, for example: *se défier* (to be distrustful, on one's guard) and *défier* (to challenge, defy).

120. Huvelin, p. 36, n. 4.



*notata*,<sup>121</sup> covered with runic characters and notches—when it is a tally stick of which one may or may not keep one part—he receives it on the ground or to his chest (*in laisum*), and not in his hand. The whole ritual has an aspect of challenge and defiance, and expresses both one and the other. Moreover, in English, even today, *throw the gage* is equivalent to *throw down the gauntlet*. This is because the pledge, like the thing given, holds danger for the two “co-respondents.”

And here is the third fact. The danger that the thing given or transferred represents is, without doubt, nowhere better sensed than in the very ancient Germanic law (*droit*) and languages. This explains the double meaning of the word *gift* in all these languages: gift (*don*) on the one hand, poison on the other. We have looked at the semantic history of this word elsewhere.<sup>122</sup> This theme of the deadly gift (*don*), of the gift (*cadeau*) or the goods that turn into poison, is fundamental in Germanic folklore. The gold of the Rhine is fatal to its conqueror, Hagen’s cup is deadly to the hero who drinks from it; many thousands of tales and romances of this kind, Germanic and Celtic, still haunt our sensibilities. We only need to cite the verse where the hero of the Edda,<sup>123</sup> Hreidmar, responds to the curse of Loki:

121. On the *festuca notata*, see Heusler, *Institutionen*, Vol. I, p. 76 *et seq*; Huvelin, p. 33, seems to us to have neglected the use of tally sticks.

122. *Gift, gift* (*Mélanges Ch. Andler*), Strasbourg, 1924. We have been asked why we have not examined the etymology of *gift*, translation of the Latin *dosis*, itself a translation of the Greek *δόσις*; dose, dose of poison. This etymology assumes that the high and low German dialects would have reserved a philosophical name for something in common use; which is not the usual law of semantics. And in addition, one would also have to explain the choice of the word *gift* for this translation, as well as the inverse linguistic taboo that has weighed on the meaning of “*don*” for this word, in certain Germanic languages. Finally, the Latin and particularly the Greek use of the word *dosis*, in the sense of poison, proves that, among the Ancients as well, there was an association of ideas and moral rules of the kind that we are describing.

We have compared the uncertainty of the meaning of *gift* to that of the Latin *venenum*, to that of *φίλτρον* and *φάρμακον*; to which we must add the link (Bréal, *Mélanges de la société linguistique*, Vol. III, p. 410) between *venia*, *venus*, *venenum*, from *vanati* (Sanskrit, to make pleasure), and *gewinnen*, *win* (*gagner*).

We must also correct a citation error. Aulu-Gelle did indeed expound on these words, but it is not he who quotes Homer (*Odyssey*, IV, p. 226); it is Gaius, the jurist himself, in his book on the Twelve Tables (*Dig.*, L, XVI, *De verb. signif.*, 236).

123. Reginsmal, 7. The Gods killed Otr, son of Hreidmar, and were forced to make amends by covering the skin of Otr with heaps of gold. But the god Loki cursed this gold, and Hreidmar responds with the stanza quoted. We owe this indication to Maurice Cahen, who remarks on l. 3: “from a kind heart” is the classical translation; *af heilom hug*, in reality signifying “of a spiritual disposition that brings good luck.”

You have given me gifts (*cadeaux*)  
 But you have not given gifts (*cadeaux*) of love,  
 You have not given from a kind heart.  
 You would already have been stripped of your life  
 If I had known the danger sooner.

## CELTIC LAW

Another family of Indo-European societies has certainly known these institutions: the Celtic peoples; Hubert and I have begun to provide proof of this assertion.<sup>124</sup>

## CHINESE LAW

Finally, a great civilization, the Chinese, has retained from these ancient times the very principle of law (*droit*) that interests us; it recognizes the indissoluble bond of each thing with its original owner. Even today, an individual who has sold one of his goods,<sup>125</sup> even movable goods, retains throughout his life, with respect to the buyer, a sort of right to “weep for his property.” Father Hoang has recorded some examples for us of these “notes of lament” that the seller gives

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124. We will find this work (“Le Suicide du chef Gaulois”), with Hubert’s notes, in a forthcoming issue of the *Revue Celtique*.

125. The Chinese law of fixed property, as with Germanic law and our own ancient law, recognizes both sale with the possibility of repurchase and the rights of kin—very broadly defined—to buy back the property that has been sold but which should not have been removed from their heritage, what is called redeemed lineage property. See P. Hoang, “Notions techniques sur la propriété en Chine,” *Variétés sinologiques*, XI, 1897, pp. 8–9. But we do not place too much reliance on this fact: the definitive sale of land in human history, and in China in particular, is something very recent; right up to Roman law, and then again in our own ancient Germanic and French law, it was cluttered by so many restrictions, arising from domestic communism and the profound attachment of the family to the land and the land to the family, that the proof would have been too easy; since the family is both the home and the land, it is normal that land would be exempt from the law and economy of capital. In fact, the old and new laws of the “homestead,” and the more recent French laws on “nondistrainable family goods,” represent the survival of the ancient state and indeed a return to it. For this reason we mention movable property in particular.

to the buyer.<sup>126</sup> It is a kind of ongoing right over the thing, combined with an ongoing right over the person, and which clings to the seller even long after the thing has definitively become part of the heritage of other people, and after all the terms of the “irrevocable” contract have been fulfilled. Through the thing transferred, even if it is an interchangeable item, the alliance that has been contracted is not momentary, and the contractors are deemed to be in perpetual dependence on one another.

In Annamite morality, to accept a present is dangerous.

Westermarck,<sup>127</sup> who points out this last fact, has glimpsed some of its importance.

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126. See Hoang, *ibid.*, pp. 10, 109, 133. I owe the indication of these facts to the kindness of Mestre and Granet, who, moreover, observed them themselves in China.

127. *Origin . . . of the moral ideas*, Vol. I, p. 594. Westermarck felt that there was a problem of the kind we are dealing with, but he only treated it from the perspective of the law of hospitality. We must, however, read his very important observations on the Moroccan custom of *ar* (sacrifice constraining the supplicant, *ibid.*, p. 386), and on the principle “God and food will pay him” (remarkably similar expressions to those of Hindu law). See Westermarck, *Marriage ceremonies in Morocco*, p. 365; cf. *Anthropological essays presented to Edward Burnett Tylor*, p. 373 *et seq.*

## CHAPTER FOUR

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# Conclusion

## MORAL CONCLUSIONS

It is possible to extend these observations to our own societies.

A considerable part of our ethics and of our lives themselves still exists within this same atmosphere of the gift (*don*), of obligation and of liberty mixed together. Happily, everything is not yet classified exclusively in terms of purchase and sale. Things still have a sentimental value beyond their venal value, assuming that there are in fact values uniquely of this kind. We do not only have a market ethic. There remain amongst us people and classes who still have the moral customs of a bygone age, and almost all of us observe them, at least at certain times of the year or on certain occasions.

The unreciprocated gift (*don*) still renders the person who has accepted it inferior, especially when it is received without any spirit of return. We remain in the Germanic moral domain when we recall the intriguing essay by Emerson, "Gifts."<sup>1</sup> Charity is still wounding for the person who accepts it,<sup>2</sup> and all our moral effort goes toward ridding ourselves of the unconscious and injurious patronage of the rich "almoner."

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1. *Essays*, 2nd series, V.

2. Cf. Qur'an, Sura II, 265, cf. Kohler in *Jewish Encyclopaedia*, Vol. I, p. 465.

The invitation must be returned, just like "courtesies." In fact, one can see here traces of the old traditional foundation, that of the old aristocratic potlatch; and one can also see those fundamental patterns of human activity cropping up: emulation between individuals of the same sex,<sup>3</sup> that "imperialism of property" amongst men. What manifests has a social basis, on the one hand, and an animal and psychological one, on the other. In that separate life we call our social life, we too cannot "fall behind," as we still say. We must give back more than we received. The next "round" is always more expensive and more grand. So it was that a particular family from our childhood, in Lorraine, that aimed to be as frugal as possible in everyday life would suddenly, during saints' days, weddings, first communions, or funerals, spend every penny it had on its guests. One has to act the "grandee" on such occasions. We can even say that some amongst us conduct themselves in this way constantly, spending money without restraint when it comes to guests, festivals, and New Year's gifts.

The invitation must be made and it must be accepted. We still have this custom, even in our liberal organizations. Not even fifty years ago, perhaps even more recently, in certain parts of Germany and France the whole village took part in the wedding feast; a person's abstention was a bad sign, an omen and proof of envy, of a "spell." In France, in many places, everyone still takes part in the ceremony. In Provence, at the birth of a child, each person still brings an egg and other symbolic gifts (*cadeaux*).

Things sold still have a soul, they are still followed by their former owner, and they follow him. In a valley of the Vosges, in Cornimont, the following custom was still common not so long ago, and perhaps persists in certain families. In order that purchased animals forget their former master and not be tempted to return "home," a cross would be made on the lintel of the stable door, the halter of the seller would be kept, and salt would be hand-fed to them. In Raon-aux-Bois, they would be fed buttered bread that had been carried three times around the pot-hook, and it would be given to them with the right hand. It is true that this was only for the large animals, which were part of the family, the stable being part of the house. But numerous other French customs show that one must detach the thing sold from the seller, for example by striking the thing sold, by whipping a sheep that one is selling, etc.<sup>4</sup>

3. William James, *Principles of psychology*, Vol. II, p. 409.

4. Kruyt, "Kooopen in Midden Celebes," cites facts of this kind in the Celebes, p. 12, for the extract. Cf. De Toradja's . . . " *Tijd. v. Kon. Batav. Gen.* 43, 2: 299. Rite of the

One may even say that an entire section of the law (*droit*), that relating to industrialists and merchants, is presently in conflict with morality. The economic presumptions of the people, the producers, come from their firm desire to follow the thing they have produced, and from the acute sense that their work is being sold without their sharing in the profit.

Nowadays, the old principles react against the rigors, the abstractions, and the inhumanities of our codes. From this point of view, one can say, a whole part of our law (*droit*) that is currently being developed, along with certain of our most recent practices, consists in taking a step back in time. And this reaction against the Roman and Saxon insensitivity of our regime is perfectly sound and strong. A few new principles of law (*droit*) and practice can be interpreted in this way.

It took a long time to recognize artistic, literary, and scientific property, following the straightforward act of sale of the manuscript, of the first machine or the original work of art. In fact societies do not have a very great interest in recognizing the heirs of an author or an inventor, this human benefactor, beyond certain rights over the things that were created by the entitled party; we willingly proclaim that they are the product of the collective spirit as well as the individual spirit; everyone wants them to fall into the public domain, or the general circulation of wealth, as quickly as possible. Yet the scandal of the rising value of paintings, sculptures, and objects of art over the course of the lives of artists and of their immediate heirs is what inspired the French law of September 1923, which gives the artist and his inheritors an ongoing right over any increased value in the successive sales of his works.<sup>5</sup>

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introduction of the buffalo into the stable; p. 296, ritual of the purchase of the dog that one buys limb by limb, one part of the body after the other, and in whose food one spits; p. 281, the cat is not sold under any circumstance, but is loaned, etc.

5. This law is not inspired by the principle of the illegitimacy of the profits made by successive owners. It is little applied.

The Soviet legislation on literary property and its variations are very interesting to study from the same point of view: first of all, they nationalized everything; then they noticed that in so doing they were wronging only the living artist, and thus not creating sufficient resources for a national monopoly of publication. So they reinstated the rights of authors, even for the oldest of classics, those in the public domain, those from before the mediocre laws that protected writers in Russia. Apparently the Soviets have now adopted a more modern type of law. In reality, they, as we do in these matters, hesitate, and hardly know which right to opt for, rights of persons or rights over things.

All our social insurance legislation, this state socialism already in place, is inspired by the following principle: the worker has given his life and labor to the collectivity, on the one hand, and to his employers, on the other hand, and if he has to contribute to insurance as well, those who have benefitted from his services have not completely discharged their debt to him by the payment of a salary; and the state itself, representing the community, together with the worker's employers and his own contribution as well, owes him a certain level of security in life, against unemployment, against illness, against old age, and death.

Even some recent and ingenious practices, such as the family assistance funds that our French manufacturers have freely and vigorously developed for the benefit of workers with family obligations, are a spontaneous response to this need to link individuals to each other, to take account of their burdens and the degrees of material and moral interest that these burdens represent.<sup>6</sup> Similar associations operate in Germany and in Belgium with just as much success. In Great Britain, in this period of terrible, drawn-out unemployment affecting millions of workers, there is a whole movement developing in favor of unemployment insurance that would be obligatory and organized through corporate bodies. The cities and the state are tired of bearing these enormous expenses, these payments to those without work, the cause of which comes from the industries alone, as well as general market conditions. For this reason, distinguished economists, captains of industry (Mr. P. J. Pybus, Sir Lynden Macassey), are urging companies to organize these unemployment funds themselves, through associations, thereby making their own sacrifices. They want, in short, the cost of worker security and their protection against insufficient work to be part of the general expenditure of each individual industry.

All this moral thinking and legislation corresponds, in our own view, not to a troubled situation, but to a return to rights (*droits*).<sup>7</sup> On the one hand, we can

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6. Pirou has already made comments of this kind.

7. It goes without saying that we do not advocate any destruction here. The principles of law that preside over the market, and purchase and sale, which are the indispensable condition for the formation of capital, must and can subsist alongside both new and more ancient principles.

Yet neither the moralist nor the legislator must allow himself to be halted by so-called principles of natural law (*droit*). One must not, for example, consider the distinction between the law of things and the law of persons as an abstraction, a theoretical extract of certain of our rights (*droits*). It must be allowed to subsist, but to be kept in its place as well.

see professional ethics and corporate law (*droit*) emerging and coming into practice. These compensation funds and mutual societies that industrial groups are forming to fund this or that corporate work are not marked by any defect from a purely moral perspective, except on this one point: they are managed purely by the employers. Furthermore, it is groups that are acting: the state, the communes, public assistance institutions, pension funds, savings banks, mutual societies, employers, salary-earners—they are all associated together, as in the social legislation of Germany and of Alsace-Lorraine; and equally so soon in the French system of social insurance. We are reverting, therefore, to a group morality.

On the other hand, it is the individual that the state and its subgroups want to care for. Society wants to rediscover the social cell. It seeks out and surrounds the individual, in a curious state of mind, wherein are mixed together a feeling for the rights he has with other purer sentiments: those of charity, of “social service,” of solidarity. The themes of the gift (*don*), of the freedom and the obligation inherent in the gift (*don*), of generosity and of the interest one has in giving, are coming back to us, as if to restore a dominant motif too long forgotten.

But it is not enough to establish this fact; we must deduce a practice from it, an ethical precept. It is not enough to say that the law (*droit*) is in the process of ridding itself of several abstractions: the distinction of the law of things (*droit réel*) from the law of persons (*droit personnel*); in the process of adding other rights to the bare law of sale and payment for services. It must be said that this revolution is good.

First, we return, and must return, to the customs of “noble expenditure.” As in Anglo-Saxon countries and so many other contemporary societies, both savage and highly civilized, the rich must return—freely and also necessarily—to considering themselves as kinds of treasurers for their fellow citizens. In the ancient civilizations, from which our own derive, some had the jubilee, others the liturgies, choirs, and trierarchies, *syussitia* (meals in common), and obligatory expenditures by the councilors and the consular individuals. We should go back to laws (*droits*) of this kind. Next, there must be more concern for the individual, for his life, for his health, for his education—that is profitable, moreover—for his family and for their future. There must be more good faith, sensitivity, and generosity in contracts for the provision of services, the renting of buildings, and the sale of necessary provisions. And we must find the means to limit the fruits of speculation and usury.

Yet the individual must work. He must be forced to depend on himself rather than on others. On the other hand, he must defend his interests, both personally



and collectively. An excess of generosity and communism would be as detrimental to him and as detrimental to society as the egoism of our contemporaries and the individualism of our laws. In the *Mahābhārata*, a malevolent genie of the forest explains to a Brahmin who gave too much and inappropriately: "This is why you are thin and pale." The life of a monk and that of Shylock should equally be avoided. This new ethics will surely consist of a good and moderate mix of reality and idealism.

Thus, we can and should come back to the archaic, to its elements: we will rediscover the motives of life and action that are still known to numerous societies and classes: the joy of giving in public; the pleasure of generous artistic spending; that of hospitality and festivals, both private and public. Social insurance, the solicitude of reciprocity, of cooperation, of the professional group, of all these legal entities that English law (*droit*) dignifies with the name of "Friendly Societies," are all worth more than the simple personal security that the noble guaranteed to his tenant, more than the meager life afforded by the daily wage assigned by employers, and even more than capitalist savings—which are only based on fluctuating credit.

It is even possible to conceive of what a society would be like in which such principles reigned. In the liberal professions of our great nations, a morality and economy of this kind already functions to some extent. Honor, disinterest, corporate solidarity, these are not vain words for them, nor are they contrary to the necessities of work. Let us humanize the other professional groups in the same way, and let us still work to improve them. This will represent great progress, one that Durkheim often advocated.

In doing this, we will return, in our view, to the solid foundation of the law (*droit*), to the very principle of normal social life. We cannot expect the citizen to be too good and too subjective, or too unfeeling and too realist. He must have an acute sense of himself, and also of others, of social reality. (Is there even, within these matters of morality, another reality?) He must act while maintaining an awareness of himself, of subgroups, and of society. This ethic is eternal; it is common to the most developed societies, to those of the near future, as well as to the least advanced societies we could imagine. We are touching upon the fundamentals. We are no longer even speaking in terms of law (*droit*); we are speaking of men and groups of men, for it is they, it is society, and the sentiments of men, in spirit, flesh, and bone, that have acted always and everywhere.

Let us demonstrate this. The system that we propose to call the system of total prestations, of clan to clan—that in which individuals and groups exchange

everything amongst themselves—constitutes the most ancient system of economy and law (*droit*) that we can establish and conceptualize. It provides the foundation from which the ethic of gift-exchange (*don-échange*) was unleashed. And it is exactly the same kind of system, while keeping everything in proportion, toward which we would like to see our societies orient themselves. In order to make these distant phases of law (*droit*) comprehensible, here are two examples borrowed from extremely different societies.

During a *corroboree* (a dramatic public dance) at Pine Mountain<sup>8</sup> (east-central Queensland), every individual enters the consecrated place in turn, holding in one hand his spear-thrower, with the other hand kept behind his back; he throws his weapon into a circle at the other end of the dance ground, at the same time calling out the place from which he comes, for example: “Kunyan is my country”;<sup>9</sup> he stops for a moment, and during this time his friends “put a present,” a spear, a boomerang, in his other hand. “A good fighting man may thus receive more than his hand will hold—particularly if he has young daughters.”<sup>10</sup>

In the Winnebago tribe (a Sioux tribe), the clan chiefs address their fellows,<sup>11</sup> chiefs of the other clans, in very characteristic speeches that are models of this etiquette<sup>12</sup> found across all the civilizations of the Indians of North America. Each clan cooks food and prepares tobacco for the representatives of the other clans during the clan’s festival. And here, for example, are fragments of the speech of the chief of the Snake clan:<sup>13</sup>

I greet you all. It is good. How could I say aught but that it is good? I am a poor worthless fellow yet you have remembered me. It is good. . . . You thought of

8. Roth, “Games, sports, and amusements,” *North Queensland Ethnography Bulletin*, 4, 1902, p. 23.
9. This announcement of the name of the clan arriving unexpectedly is a very general custom in all of Eastern Australia, and is related to the system of honor and to the virtue of the name.
10. A notable fact that leaves us to think that matrimonial engagements are contracted through exchanges of presents.
11. Radin, *Winnebago tribe*, XXXVIIth Annual Report of the Bureau of American Ethnology, p. 320 *et seq.*
12. See the article: “Etiquette,” in Hodge, *Handbook of American Indians*.
13. Radin, *Winnebago tribe*, p. 326. Exceptionally, two of the invited chiefs are members of the Snake clan. We can compare the identical speeches of a funeral feast (tobacco). Tlingit, Swanton, “Tlingit myths and texts,” *Bulletin of American Ethnology*, 39, p. 372.

the spirits and therefore you came to sit with me. . . . Your plates will be filled soon, so let me greet you again, you (humans) who are taking the place of spirits.

And when all the chiefs have eaten and made offerings of tobacco into the fire, the final formula shows the moral effect of the festival and all its prestations:

It is good that you have come and occupied seats at my request and I am grateful to you for it. . . . You truly encouraged me. . . . Surely your grandfathers' blessings were equal to those of the spirits. It is good that you have indeed partaken of my feast. This must be what the older people said: "Your life is (naturally) weak and you can only be strengthened by the counsel and advice of brave men." Truly you have counceled with me. . . . It is life to me.

Thus, from one end of human evolution to the other, there are not two different kinds of wisdom. So let us adopt as a principle of our lives that which has always been—and will always be—a principle of action: emerging from ourselves, and giving freely and obligatorily; we will not be disappointed. A fine Maori proverb goes:

*Ko Maru kai atu*

*Ko maru kai mai*

*Ka ngohe ngohe*

"Give as well as take and all will be well."<sup>14</sup>

## CONCLUSIONS OF ECONOMIC SOCIOLOGY AND POLITICAL ECONOMY

These facts not only throw light on our ethics and help to direct our ideals; from their perspective, we can better analyze the most general of economic realities, and this analysis even helps us to visualize better management procedures, applicable to our own societies.

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14. Rev. Taylor, *Tē Ika a Maui: or New Zealand and its inhabitants*, p. 130, proverb 42, translated very briefly "give as well as take and all will be well," but the literal translation is probably as follows: "As much as Maru gives, so much Maru takes, and this is good, good." (Maru is the god of war and justice.)

Several times we have seen how far this economy of gift-exchange was from entering into the framework of the so-called natural economy, of utilitarianism. All these phenomena that are so important to the economic life of all these peoples—let us say, to focus our minds, that they are a fitting representation of the great Neolithic civilization—and all the significant traces of these traditions in societies close to us or the practices of our own people, fall outside the categories ordinarily proposed by the rare economists who have wanted to compare the various economies known to us.<sup>15</sup> We add, therefore, our repeated observations to those of Malinowski, who devoted an entire study to “exploding” the current doctrine of “primitive” economy.<sup>16</sup>

Here is a chain of very solid facts:

The notion of value functions in these societies: very large surpluses, speaking in absolute terms, are amassed. They are often expended at a pure loss, with relatively enormous luxury,<sup>17</sup> which is in no sense commercial; there are signs of wealth and kinds of money<sup>18</sup> being exchanged. But all this very rich economy remains full of religious elements: money still has its magical elements and is still tied to the clan or to the individual;<sup>19</sup> the various economic activities, for example the market, are suffused with rituals and myths; they retain a ceremonial, obligatory, and effective character;<sup>20</sup> they are full of rituals and rights (*droits*). From this perspective, we are already answering the question posed by Durkheim as to the religious origin of the notion of economic value.<sup>21</sup> These facts also answer a mass of questions concerning the forms and the reasons behind what we so poorly refer to as exchange, “barter,” the *permutatio*<sup>22</sup> of useful things,

15. Bücher, *Entstehung der Volkswirtschaft* (3rd edition), p. 73, saw these economic phenomena but underestimated their importance by reducing them to hospitality.

16. *Argonauts*, p. 167 *et seq.*, “Primitive economics,” *Economic Journal*, March 1921. See preface by J. G. Frazer to Malinowski, *Argonauts*.

17. One of the major sources that we can cite is that of the sacrifice of dogs among the Chukchee (see p. 78, n. 52). It can happen that the owners of the most beautiful kennels massacre all their sled teams and are forced to buy new ones.

18. See p. 138 *et seq.*

19. Cf. p. 78, n. 52; p. 137, n. 233.

20. Malinowski, *Argonauts*, p. 95. Cf. J. G. Frazer, preface to Malinowski, *Argonauts*.

21. *Formes élémentaires de la vie religieuse*, p. 598, n. 2 [*The elementary forms of the religious life*, p. 419, n. 1].

22. *Dig.*, XVIII, 1. *De Contr. Emt.* 1. Paulus explains for us the great debate between prudent Romans to know whether the *permutatio* was “a sale.” The whole passage is

which, following the prudent Latins, who themselves followed Aristotle,<sup>23</sup> an *a priori* economic history places at the origin of the division of labor. It is certainly something other than utility that circulates in all these kinds of societies, most of them already quite enlightened. The clans, people of all ages, the sexes in general—given the multiple relationships to which these contracts give rise—are in a state of perpetual economic effervescence, and this excitement is very far from being materialistic; it is much less prosaic than our buying and selling, than our rental of services, than our gambling away in the Stock Exchange.

Nevertheless, we can still go further than we have so far. We can dissolve, stir up, color, and define differently the main notions that we have employed. The terms that we have used—present, gift (*cadeau*), *don*—are not altogether exact themselves. We simply cannot find others, that is all. These concepts of law (*droit*) and economy that it pleases us to contrast—liberty and obligation; liberality, generosity, luxury and savings, interest, and utility—it would be good to put them all back into the melting pot. We can give only pointers on this subject; let us choose, for example,<sup>24</sup> the Trobriands. There is still a complex notion here, which inspires all economic acts that we have described; and this notion is neither that of the purely gratuitous prestation, freely made, nor is it that of production and exchange that is purely interested in what is useful. There is a sort of hybrid that has blossomed.

Malinowski has made a serious effort<sup>25</sup> to classify, from the point of view of the motives, of interest and disinterestedness, all the transactions he finds in the Trobriands; he arranges them from pure gift to pure barter after negotiation.<sup>26</sup> This classification is fundamentally inapplicable. Thus, according to Malinowski, the archetype of the pure gift (*don*) would be the gift (*don*) between spouses.<sup>27</sup> Now, in our view, one of the most important facts pointed out by Malinowski, and

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interesting, even the error that the jurist sage makes in his interpretation of Homer; II, VII, 472–75; *ὀνίοντο* does mean to buy, but that the Greek moneys were bronze, iron, skins, even cattle and slaves, all of which had designated values.

23. *Pol.*, Book I, 1257 a. 10 ff.; note the word *μεταδοίς*, *ibid.*, 25.

24. We could just as well choose the Arabic *sadaqa*: alms, bridewealth, justice, tax. Cf., p. 80.

25. *Argonauts*, p. 177.

26. It is very remarkable that in this case there is no sale, since there is no exchange of *vaygu'a*, of money. The highest economy to which the Trobrianders rose did not therefore go as far as the use of money in exchange itself.

27. "Pure gift."

which throws a bright light on all sexual relationships in all humanity, consists in likening the *mapula*,<sup>28</sup> the “constant” payment of a man to his wife, to a kind of wage for sexual services rendered.<sup>29</sup> Similarly, gifts (*cadeaux*) made to chiefs are tributes; the distributions of food (*sagali*) are indemnities for work, or for rituals performed, in the case of a funeral wake, for example.<sup>30</sup> Basically, in the same way that these gifts (*dons*) are not free, they are not really disinterested. These are already, for the most part, counterprestations, made with a view not only to paying for services and for things, but also to maintaining profitable alliances;<sup>31</sup> and they cannot be repudiated, like, for example, the alliance between tribes of fishermen<sup>32</sup> and tribes of farmers and potters. Now, this finding is widespread and has been observed amongst the Maori and the Tsimshian,<sup>33</sup> etc. We can therefore see where this force resides, at once both mystical and material, which joins the clans and divides them at the same time; which divides their labor and constrains them to exchange at the same time. Even in these societies, the individual and the group, or rather the subgroup, have always had a sense of their sovereign right to refuse the contract; this is what gives an aspect of generosity to this circulation of goods; but, on the other hand, they normally had neither a right to refuse, nor an interest in doing so; and this is what still relates these distant societies to ours.

The use of money provokes other reflections. The *vaygu'a* of the Trobriands, armshells and necklaces, in the same way as the coppers of the American Northwest, or the *wampum* of the Iroquois, are simultaneously riches, signs<sup>34</sup> of

28. *Argonauts*, p. 179.

29. The word applies to a sort of licit prostitution of unmarried girls; cf. *Argonauts*, p. 183.

30. Cf. p. 103, n. 89. The word *sagali* (cf. *hakari*) means distribution.

31. Cf. p. 104, n. 95, etc.; in particular the gift (*don*) of *urigubu* to the brother-in-law: fruit of the harvest in exchange for work.

32. See p. 101, n. 86 (*wasi*).

33. Maori, p. 69, n. 24. The division of labor (and the way in which it functions in light of the festival amongst Tsimshian clans) is admirably described in a myth of the potlatch, Boas, *Tsimshian mythology*, *31st Annual Report of the Bureau of American Ethnology*, pp. 274, 275; cf. p. 378. Examples of this kind could be multiplied indefinitely. These economic institutions indeed exist, even in societies that are infinitely less evolved. See, for example, in Australia the remarkable position of a local group possessing a bed of red ochre (Aiston and Horne, *Savage life in Central Australia*, London, 1924, pp. 81, 130).

34. See p. 163, n. 68. The equivalence in Germanic languages of the words *token* and *Zeichen*, to designate money in general, retains the traces of these institutions: the

wealth, means of exchange or payment, and also things one must give, or even destroy. And yet, these are still pledges bound to the people who use them, and these pledges bind them to each other. But, on the other hand, since they already serve as monetary tokens, it is in one's interest to give them in order to be able to possess others anew, by transforming them into merchandise or services that will, in turn, transform themselves back into money. It really seems that, to a remote degree, the Trobriand or Tsimshian chief proceeds in the style of the capitalist who knows how to rid himself of his money at a profitable time in order, eventually, to reconstitute his mobile capital. Interest and disinterestedness likewise explain this form of the circulation of wealth, and the archaic circulation of the tokens of wealth that follow them around.

Even the pure destruction of wealth does not correspond to this complete detachment that we expected to find there. Even these acts of grandeur are not exempt from egoism. The purely extravagant form of consumption, almost always exaggerated, often purely destructive, whereby valuable goods that have been amassed over a long time are given away all at once or even destroyed, especially in the case of potlatch,<sup>35</sup> gives these institutions an air of purely lavish expenditure, of infantile prodigality. In effect, and in fact, not only are useful things made to disappear and rich foods consumed to excess, but one even destroys for the pleasure of destroying: for example, the coppers and money that the Tsimshian, Tlingit, and Haïda chiefs throw into the water, that the Kwakiutl chiefs and their allied tribes break. But the reason for these gifts (*dons*) and this frantic consumption, for these losses and this mad destruction of wealth, is in no way disinterested, especially not in these potlatch societies. Through these gifts (*dons*), hierarchy is established between chiefs and vassals, between vassals and supporters. To give is to show one's superiority, to be more, higher, *magister*; to accept without giving back or without giving more is to subordinate oneself, to become a client and a servant, to become small, to fall lower (*minister*).

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sign that is money, the sign it carries, and the pledge that it is, are one and the same thing—as the signature of a man is still what commits his responsibility.

35. See Davy, *Foi Jurée*, p. 344 *et seq*; Davy ("Des clans aux empires," *Éléments de sociologie*, I) has only exaggerated the importance of these traits. The potlatch is useful in establishing the hierarchy, and establishes it often, but it is not absolutely necessary. Hence African societies, Nigrito or Bantu, which do not have the potlatch, or in any case do not have a very developed form of it, or perhaps have lost it—and they have all the possible forms of political organization.

The magical ritual of the *kula* called *mwasila*<sup>36</sup> is full of formulas and symbols that show that the future contractor is seeking this advantage above all else: social, or even brute superiority. Thus, having enchanted the betel nut that they will use with their partners; and having enchanted the chief, his comrades, their pigs, their necklaces, then the head and its “openings”; and then everything that has been brought, the wagers, the opening gifts (*dons*), etc.; having charmed all of it, the magician sings, not without exaggeration:

I shall kick the mountain, the mountain moves, the mountain tumbles down.  
 . . . My spell shall go to the top of Dobu mountain. . . . The body of my canoe  
 will sink. . . . My fame is like thunder, my treading is like the roar of the flying  
 witches.<sup>37</sup>

To be the first, the most handsome, the most fortunate, the strongest and the richest, this is what one seeks and how one obtains it. Later, the chief confirms his *mana* by redistributing what he has received back to his vassals and kinsmen; he maintains his rank amongst the chiefs by giving armshells in exchange for necklaces, hospitality for visits, and so on. In this case, wealth is, from every point of view, as much a means to prestige as it is something useful. But can we be certain that it is any different amongst us, and that even in our own context wealth is not above all a means of command over men?

Let us now put to the test the other notion that we have just opposed to that of the gift (*don*) and disinterestedness: the notion of interest and the individual search for what is useful. This too fails to present itself as it actually functions in our own minds. If any equivalent motive moves the Trobriand or American chiefs, or the Andaman clans, etc., or in the past the generous Hindus, and Germanic and Celtic nobles, in their gifts (*dons*) and expenditures, it is not the cold reasoning of the merchant, the banker, or the capitalist. In these civilizations, they have interests, although in a different fashion than in our own time. They save, but in order to spend, to “obligate,” to have “liege-men.” On the other hand, they do exchange, but these are above all luxuries, ornaments, garments, or

36. *Argonauts*, pp. 199–201, cf. p. 203.

37. *Ibid.*, p. 199. The word “mountain,” in this poem, describes the Entrecasteaux Islands. The boat will sink under the weight of the merchandise brought back from the *kula*. Cf. another formula, p. 200, text with commentary, p. 441; cf. p. 442, where there is a remarkable play on words around the verb “to foam.” Cf. formula, p. 205. Cf. above p. 143, n. 257.



else they are the things that are immediately consumed, banquets. They reciprocate with interest, but this is to humble the original giver or exchange partner, and not only to compensate him for the loss that a “deferred consumption” causes him. There is interest, but it is only analogous to that which supposedly guides us.

There is a relatively amorphous and disinterested economy that, within the subgroups, regulates life in the Australian or North American (East and Prairie) clans. And, on the other hand, there is the same individualistic and purely interested economy that our own economies have known, at least in part, after this was discovered by the Semitic and Greek peoples. Between these two types, as I say, there lies a whole vast series of institutions and economic events that are not governed by the economic rationalism we so freely propound.

Even the word “interest” is recent. Its origin is to be found in an accounting technique: *interest*, in Latin, was written on the account books, opposite the sums to be collected. In the most epicurean of the ancient moral codes, it is the good and pleasure that one seeks, and not material utility. It required the victory of rationalism and mercantilism to enforce the notions of profit and the individual, and to elevate them to the rank of principles. We can almost date—after Mandeville (*The fable of the bees*)—the triumph of the notion of individual interest. It is only with difficulty and by paraphrasing that one can translate these words into Latin or Greek, or into Arabic. Even the men who wrote classical Sanskrit, who used the word *artha*, which is quite close to our idea of interest, had a different idea of interest from our own, as with other categories of action. The sacred books of classical India already divide up human activities according to law (*dharmā*), interest (*artha*), and desire (*kāma*). But above all it is political interest with which it is concerned; that of the king and the Brahmins, the ministers, and that of the kingdom and each caste. The considerable literature of the *Nītiśāstra* is not economic.

It is our Western societies that have, very recently, made man into an “economic animal.” But we are not yet, all of us, beings of this kind. Within our masses and within our elites, pure and irrational expenditure is common practice; it is still characteristic of some fossils of our nobility. *Homo oeconomicus* is not behind us; he is in front of us; like the moral man and the man of duty, like the man of science and the man of reason. Man has, for a long time, been something else. He has not long been a machine, made complicated by a calculating machine.

Fortunately, however, we are still far from this fixed and icy utilitarian calculation. We should analyze in depth, statistically, as Halbwachs has done for

the working classes, the nature of our consumption, our own expenses, we of the Western middle class. How many needs do we satisfy? And how many longings do we not satisfy that do not have utility as their final purpose? The rich man, how much does he allot, can he allot, of his income to his personal utility? His expenditure on luxury, on art, on distractions, on servants: do they not liken him to the nobles of the past and to the barbarian chiefs whose customs we have described?

Is it good that it should be so? That is another question. It is good, perhaps, that there should be other means of spending and exchanging than pure expenditure. But, in our view, it is not in calculating personal needs that we will find the workings of the best economy. I believe that, even as regards our desire to develop our own wealth, we must remain something other than pure financiers, even as we become better accountants and better managers. The brutal pursuit of individual goals is harmful to the purposes and the peace of the whole, to the rhythm of its work and its joys, and—by feedback effect—to the individual himself.

Already, as we have just seen, important sections of society, associations of our capitalist firms themselves, are collectively seeking to group their employees together. Furthermore, all the syndicalist groups, both of the employers as well as of the wage-workers, claim to defend and represent the general interest with as much fervor as the specific interests of their supporters or even their guilds. These fine speeches, it is true, are adorned with many metaphors. Nevertheless, we must state that, not only morality and philosophy, but even the economic art and expert opinion as well, are beginning to rise to this “social” level. There is a sense that we cannot make men work well unless they are sure of being fairly paid throughout their life for work they have fairly carried out, both for others and for themselves. The producer-exchanger feels again—he has always felt, but this time he feels acutely—that he exchanges more than just a product or work-time; that he gives something of himself; his time, his life. He therefore wants to be rewarded, even at a moderate level, for his gift (*don*). And to refuse him this reward is to make him idle and less productive.

Might we perhaps indicate a conclusion that is both sociological and practical. The famous Surat LXIV, “mutual deception” (The Last Judgment) given at Mecca to Muhammad, says of Allah:

15. Your riches and your children may be but a trial: but in the presence of Allah is the highest reward.

16. So fear Allah as much as you can; listen and obey; and spend in charity for the benefit of your own souls. And those saved from the covetousness of their own souls—they are the ones that achieve prosperity.

17. If you loan to Allah a beautiful loan, He will double it to your credit, and He will grant you forgiveness: for Allah is most ready to appreciate service, most forbearing

18. Knower of what is hidden and what is open, exalted in might, full of wisdom.

Replace the name of Allah with that of society and that of the guild, or combine these three names, if you are religious; replace the concept of alms with that of cooperation, of a task performed, of a prestation made for another; you will have a fairly good idea of the kind of economy that is undergoing a laborious birth. We already see it operating in certain economic groupings, and in the hearts of the masses, who very often have a better sense than their leaders of their own interests, and of the common interest.

Perhaps, in studying these obscure aspects of social life, we will be able to bring some light to the path that our nations must take, both in their ethics and in their economy.

## CONCLUSIONS ON GENERAL SOCIOLOGY AND ETHICS

Permit us a further comment on the method we have followed.

Not that we want to propose this study as a model. It is made up of pointers. It is insufficiently complete and the analysis could be pushed further.<sup>38</sup> Essentially, these are rather questions that we pose to historians and ethnographers, objects of research that we propose, rather than our resolving a problem and

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38. The area where our research would have yielded the most, in addition to those that we have studied, is Micronesia. There exists there a very important system of money and contracts, especially in Yap and Palau. In Indo-China, particularly among the Mon-Khmer, in Assam and among the Tibeto-Burmans, there are also institutions of this kind. Finally, the Berbers have developed remarkable customs of the *thaoussa* (see Westermarck, *Marriage ceremonies in Morocco*; see index under the heading "Present"). Doute and Maunier, being more competent than us, have reserved for themselves the study of this fact. The old Semitic law, like Bedouin custom, will also offer up precious documents.

delivering a definitive answer. It is enough, for the moment, to be convinced that, by moving in this direction, we will discover numerous facts.

But if this is the case, it is because in this way of treating a problem we find a heuristic principle that we want to tease out. The facts that we have studied are all, if we may be permitted the expression, *total* social facts, or, if we wish—although we do not prefer this word—general ones; that is, they set in motion in certain cases the whole of the society and its institutions (potlatch, clans confronting each other, tribes visiting each other, etc.), and in certain others, only a great number of institutions, particularly when these exchanges and these contracts concern more the individual.

All these phenomena are at the same time juridical, economic, religious, and even aesthetic, morphological etc. They are juridical, about private and public law, of both organized and diffused morality, strictly obligatory or simply praised and blamed, and political and domestic at the same time, drawing in social classes as well as clans and families. They are religious: religious in the strict sense, magical, animistic and infused with a religious mindset. They are economic: for the idea of value, of utility, of interest, of luxury, of wealth, of acquisition, of accumulation; and on the other side, that of consumption, even that of pure expenditure, purely sumptuary; are everywhere present, even though we understand them otherwise today. Furthermore, these institutions have an important aesthetic aspect, which we have deliberately omitted from this study. But the dances that they take turns in presenting, the songs and parades of all kinds, the dramatic performances given for each other, going from camp to camp and from partner to partner; the objects of every kind that are made, used, decorated, gathered up and transferred with love; everything that is received with joy and presented with success, the banquets themselves in which all participate; everything, food, objects, services, even “respect,” as the Tlingit say, everything is a cause of aesthetic emotion and not only emotions of a moral order or based on interest.<sup>39</sup> This is true not only of Melanesia, but more particularly so of the system of potlatch in the American Northwest, and even more true

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39. See the “ritual of Beauty” in the *kula* of the Trobriands, Malinowski, *Argonauts*, p. 334 *et seq.*, p. 336: “Our partner looks at us, sees our faces are beautiful; he throws the *vaygu’a* at us.” Cf. Thurnwald on the use of money as an ornament, *Forschungen*, Vol. III, p. 39; cf. p. 35, the expression *Prachtbaum*, Vol. III, p. 144, l. 6, 13; p. 156, l. 12 to designate a man or woman decorated with money. Elsewhere the chief is designated as the “tree” (Vol. I, p. 298, l. 3). Elsewhere the decorated man releases a scent (Vol. I, p. 192, l. 7; l. 13, 14).

of the market-festival of the Indo-European world.<sup>40</sup> Finally, these are clearly morphological phenomena. Everything happens in the course of assemblies, fairs, and markets, or, at least, of the festivals that take place there. All of these presuppose congregations whose duration can exceed a season of social concentration, such as the winter potlatch of the Kwakiutl, or weeks, like the seafaring expeditions of the Melanesians. In addition, there have to be roads, or at least paths, seas, or lakes, where one can move around in peace. There have to be tribal and intertribal or international alliances, *commercium* and *connubium*.<sup>41</sup>

So these are more than themes, elements of institutions, complex institutions, even more than systems of institutions divided into religion, law (*droit*), economy, etc. They are “wholes,” complete social systems, whose functioning we have tried to describe. We have seen societies in a dynamic or physiological state. We have not studied them as though they were frozen, in a static or cadaverous state, and even less have we deconstructed and dissected them into rules of law (*droit*), myths, values, and prices. It is in considering the whole together that we have been able to perceive what is essential to them, the movement of the whole, the living aspect, the fleeting moment when society, or men, take full sensory consciousness of themselves and their situations vis-à-vis others. In this concrete observation about social life there is the means of finding new facts, which we are only just beginning to glimpse now. In our view, nothing is more urgent and fruitful than this study of total social facts.

It has a double advantage. First of all, an advantage of generality, for these facts about general functioning are likely to be more universal than the various institutions, or the various themes relating to these institutions, always more or less accidentally tinted by local color. But above all, it has an advantage of reality. Thus we can gain a view of social things themselves, in concrete terms, as they are. In societies we grasp more than ideas or rules; we grasp men, groups, and their behavior. We see them move as we see masses and systems in mechanics, or as we see octopuses and anemones in the sea. We see numerous men, and forces in motion, adrift in their environment and in their feelings.

The historians sense, and justly object to the fact, that sociologists make too many abstractions and separate too much the various elements of society one from the other. We should do as they do: observe what is given. So, the given is Rome, it is Athens, it is the French Middle Ages, it is the Melanesian of this

40. Marriage market; the concept of a festival, *feria*, *foire*.

41. Cf. Thurnwald, *Forschungen*, Vol. III, p. 36.

or that island, and not prayer or law (*droit*) in itself. After having, necessarily, rather too much divided and abstracted, sociologists must strive to reconstitute the whole. In so doing, they will find fertile facts. They will also find a means of satisfying the psychologists. The latter feel their privileged position acutely, and the psychopathologists especially, who work in the certainty of studying the concrete. All of them study, or ought to study, the behavior of total beings, not divided into different faculties. We must emulate them. The study of the concrete, which is the study of the complete, is even more possible and captivating and explanatory in sociology. We ourselves observe the full and complex reactions of numerically defined quantities of men, of whole and complex beings. We too describe what they are within their organisms and their psyche, at the same time as describing the behavior of this mass and its corresponding psychoses: sentiments, ideas, the volitions of the crowd, or of organized societies and their subgroups. We too see bodies and the reactions of these bodies, whose ideas and sentiments are normally interpretations, and, more rarely, motives. The principle and the goal of sociology is to perceive the whole group and its behavior in its entirety.

We have not had the time—this would have meant unduly extending a limited topic—to try to perceive from the present moment the basic morphology of all the facts that we have laid out. It is perhaps useful, however, at least by way of example, to indicate the method that we would like to follow, and along what lines we would pursue this research.

All the societies that we have described above, except our own European ones, are segmented. Even the Indo-European societies, Roman society from before the Twelve Tables, the Germanic societies up until the writing down of the Edda, or Irish society before the drawing up of its main literature, were based on clans, or at least great families that were internally more or less undivided and externally more or less isolated from one another. All these societies are or were far from being unified, and far from the unity that an insufficient history affords them. Moreover, within these groups, the individuals, even those strongly distinguished from each other, were less sad, less serious, less greedy and less egoistic than we are; turning outwards at least, they were, or are, more generous and more giving than us. The groups pay visits to each other, during tribal festivals, and ceremonies of opposing clans and families forging alliances or performing mutual initiations; even when, in more advanced societies—when the “law of hospitality” had been developed—the law of friendship and of contracts, with the gods, came to ensure the “peace” of the “marketplace”

and the towns; over a considerable period of time and in a considerable number of societies, men confronted each other in a curious frame of mind of exaggerated fear and hostility, and of equally exaggerated generosity, but which appears foolish only in our own eyes. In all the societies that have immediately preceded our own, and which still surround us today, and even in many customs of our popular ethics, there is no middle ground: to trust completely or mistrust completely; to lay down one's arms and renounce magic, or to give everything: from fleeting hospitality to daughters and goods. It is in such states of mind that men have abandoned their reserve, and been able to commit themselves to giving and reciprocating.

They did not have a choice. Two groups of men who meet can only either keep their distance—and, if they show mistrust or throw down a challenge, fight each other—or negotiate. Until the development of legal and economic systems not far removed from our own, it has always been strangers with whom we “deal,” even if we are allies. The people of Kiriwina, in the Trobriands, would say to Malinowski: “The Dobu man is not good as we are. He is fierce, he is a man-eater! When we come to Dobu we fear him, he might kill us. But see! I spit the charmed ginger root, their mind turns. They lay down their spears, they receive us well.”<sup>42</sup> Nothing better translates this oscillation between feast and war.

One of the best ethnographers, Thurnwald, describes for us in a statistical genealogy<sup>43</sup> with regard to another Melanesian tribe a particular event that shows equally clearly how these men, as a group, suddenly move from festivity to battle. Buleau, a chief, had invited Bobal, another chief, and his people to a feast, probably the first of a long series. They started to rehearse their dances over the course of the whole night. In the morning they were all riled up from their sleepless night. After a simple remark by Buleau, one of Bobal's men killed him. And the company massacred, pillaged, and carried off the women of the village. “Buleau and Bobal were on good terms and only rivals,” they said to Thurnwald. We have all seen such happenings, even now, around us.

It is in opposing reason and sentiment, in placing the wish for peace in the face of sudden follies of this sort, that peoples succeed in substituting alliance, gifts (*don*), and trade with war, isolation, and stagnation.

This, therefore, is what we may have found at the end of our research. Societies have progressed insofar as they themselves, their subgroups, and finally

42. *Argonauts*, p. 346.

43. *Salomo Inseln*, Vol. III, table 35, n. 2.

their individuals have been able to stabilize their relationships, to give, to receive, and finally to reciprocate. To trade, they first had to be able to lay down their spears. It was then that they succeeded in exchanging goods and persons, no longer only from clan to clan, but from tribe to tribe, nation to nation, and—above all—individual to individual. Only after this were people able to create and to satisfy mutual interests, and finally to defend their interests without having to resort to weapons. Thus the clan, the tribe, and the peoples have learned—as tomorrow, in our so-called civilized world, classes and nations and individuals too will have to learn—how to confront one another without massacring each other, and to give to each other without sacrificing themselves to the other. Herein lies one of the lasting secrets of their wisdom and their solidarity.

There is no other morality, no other economy, nor any other social practices except these. The Britons and *The chronicles of Arthur* recount<sup>44</sup> how Arthur, with the help of a carpenter from Cornwall, invented that wonder of his court: the miraculous Round Table around which the knights no longer fought each other. Before this, out of “sordid envy” in blundering skirmishes, duels and murders would stain the finest banquets with blood. The carpenter said to Arthur, “I will make you a very beautiful table, where sixteen hundred and more will be able to sit, and move around, and no-one will be excluded . . . no knight will be able to provoke combat, for there the highest placed will be on the same footing as the lowest placed.” There was no longer a “high end” and no more quarrels. Wherever Arthur transported his Table, his noble company remained joyful and invincible. So today do nations make themselves strong and rich, happy and good. Peoples, classes, families, and individuals will be able to grow rich, they will be happy only when they have learned to sit together, like the knights, around the common wealth. It is useless to go looking for goodness and happiness far away. It is there, in the imposed peace, in well-balanced work, alternately together and alone, in the wealth that has been amassed and then redistributed, in the mutual respect and reciprocal generosity that education teaches us.

We see how one can study, in certain cases, the whole of human behavior, the entirety of social life. We can also see how this concrete study can lead not only to a science of customs, to a partial social science, but even to ethical conclusions, or rather—to take up again the old word—“civility,” “civic sense,”

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44. Layamon's *Brut*, l. 22736 *et seq.*; *Brut*, l. 9994 *et seq.*



as we say now. Indeed, studies of this kind allow us to glimpse, to measure, to balance the various aesthetic, moral, religious, and economic motives, and the diverse material and demographic factors, which together create a foundation for society and constitute a life in common, and whose conscious direction is the supreme art, *Politics*, in the Socratic sense of the word.

MARCEL MAUSS

PART THREE

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**Selected Reviews**



## A Selection of Reviews by Marcel Mauss

NB: All of works published in English, of relevance to themes and evidence in *The gift*, with the exception of reviews of three German works by Frobenius and two French translations of works by Frazer. Mauss also reviewed publications in Italian.—Trans.

### FULL TRANSLATIONS

Brown (A. R.)—**The methods of ethnology and social anthropology.**—*South African Journal of Science*, 1923, xx, pp. 125–47.

Excellent exposition of the position of the relationships between the historical method and the “inductive method” in the treatment of social phenomena, and especially in “primitive civilizations.” Through “social anthropology” Mr. Brown naturally understands sociology, and if he does not use the word, this is because in English-speaking countries it designates rather a vague social philosophy. Naturally, Mr. B., who is simultaneously one of our best sociologists and one of our best ethnographers, is more attached to societies depicted as “primitive.” Pertinently, he shows the host of “assumptions” presupposed by the use of the “historico-cultural” method, even amongst those who, like Messrs Sapir and Lowie, deploy it with the greatest prudence; and how much it presumes a sociology, whereas sociology does not presume it. The point on which Mr. B. differs from the theories that were upheld by Durkheim is that he does not accept the

thesis that totemism would be the most elementary known form of religion and of politico-domestic organization.

In our own turn, we will make an objection to Mr. B. The division of facts between "social anthropology" and the other sciences of social facts, less primitive, is itself dangerous. There is only one science of social facts, of which the method, empirical and inductive at the same time, is applicable in all its parts, to all the facts that arise from them. Statistical observations are as useful on societies with tribal form as on others, and many of the facts said to be primitive are only comprehensible if we compare them with facts that are less "implicit," more developed and visible, of the societies said to be superior.

At base, our sciences suffer from a serious disequilibrium: here, too preoccupied with "origins" that, in fact, cannot be found; there, too preoccupied with phenomena that are only the outcomes, not always normal, of long chains of evolutions and dissolutions. Thus are the research works in religious sociology much too "anthropological," and the research works of economic sociology much too "current." The correction of these errors will be the work of the years to come. On this point we are sure that Mr. B. is in agreement with us.

Malinowski (Br.)—**The psychology of sex and the foundation of kinship in primitive societies.**—*Psyche*, IV, 2, 1923, pp. 98–128.

Before we can expose Mr. M's theory, we will have to wait for his book *Sexual life of savages*, which includes, beyond a description of sexual life and marriage in the Eastern New Guinea civilization (Massim, Trobriand Islands, etc.), a "theoretical analysis of primitive Eroticism." Although we hope to see the facts published very quickly, and we hardly approve of this mix of theory and observation, we have such estimation for Mr. M's whole work that we respect his design.

In addition, he calms our impatience by imparting to us once more (cf. his previous article: "Baloma," *JRAI*, 1916, p. 409) the most important of his discoveries in the Trobriands, the one that they have called "miraculous kinship." Compared to the facts indicated by Mr. Rattray in *Ashanti*, this kinship may perhaps lose its miraculous character; we shall see.

The Trobrianders do not know the seminal quality of the male liquid, and even its testicular origin; they believe it comes from the kidneys, provoked by the eyes. Female ejaculations are also not irrelevant in giving birth. What the woman gives to the fetus is its blood and flesh, then her milk (p. 99). The real cause of the birth is the arrival, the deposit by a spirit in the head of the woman

(or the vagina), of a spirit of the dead reborn (*rajeuni*), regenerated, that comes to be reincarnated. Mr. M. has found numerous versions of this myth. This spirit, this child, penetrates into the belly, stops menstruation, and feeds itself. This theory is followed in practice, in morality, and in myths. Remarkably, by an evident error, it is extended to the animals: to the sows (p. 117), in relation to which they do not know whether they are impregnated by wild boars or domestic pigs, which, they remark, are all castrated. In any case, the notion of "father" is "purely social." It is what marriage makes as such. A child born outside of marriage has a father neither morally nor physically (p. 119). He is also looked down upon. Meanwhile, the father does not have a physical relationship with his son or daughter; he "forms" them after conception, where he counts for nothing. They resemble him. And while it is an insult to say that someone resembles his mother or his brother (through the mother), it is flattery and a duty to remark how he resembles his father.

It is too early to make a theory of these extremely important facts. A similar mythical expression of the purely social nature, not at all physical, of marriage would surely have struck Durkheim. But, without doubt, in spite of the extreme resemblance of these modes of representing double kinship with the Arunta modes (Central Australia), he would have refused—as for the former—to consider them primitive. It is an abuse of words to call the Trobrianders by this term. In the same way, among the Australian peoples, the Aruntas are surely among the most evolved from their original stock if this were so. We recognize the value of Mr. M.'s discovery. It probably has a general value; it will inspire, like that of Mr. Rattray, new and urgent observations that will disclose these facts in many other societies where we have not suspected them. We will often see double descent: by blood in the female line and by spirit in the male line. In this regard, the evidence from Mr. M. is very directly related to that of Mr. Rattray.

This comparison leads us, moreover, to a hypothesis. Without doubt, these two groups of evidence can be interpreted, like the facts of the Arunta (Durkheim saw this in the latter case), through the predominance of the local clan. This is well marked in the Trobriands, as it seems to be in Ashanti, as it is among the Arunta, by the existence of designated places from which souls emanate and reincarnate themselves.

We do not have the space here for more commentaries, for which, moreover, it would be better to await the complete work. Permit us, meanwhile, to note two things. The part that is attributed to the *husband*, *after* conception, proves,

in our opinion, that there is no notion of miraculous kinship and of a purely legal marriage, but—except in the case of miracle in the strict sense—a notion of real male descent, physical, imagined otherwise, that is all. Moreover, all these notions of the origin of the soul, of the individual, to express it better, have always been obscure, and still are so in our own religions. The Catholic Church is as puzzled as the wise men of the Trobriands with respect to explaining why a soul is not created from each union of a couple. And we have often indicated here this reincarnation of the souls in the clan, in particular following the series of names and the generations of the ancestors (three or five in particular). The system is more widespread than it appears to be.

In light of this observation, we can, perhaps, explain two rules that preoccupy Mr. M.: if one cannot say to someone that he resembles his mother or brother (of the same mother), it is to insinuate that he hardly has a soul, that he only has blood; it is to say that he resembles his father, it is to assert vigorously that this soul is reincarnated, and the legitimacy of this reincarnation, and the esteemed part that the “father” has taken, if not in this reincarnation, made by the spirits, at least in the gestation and the upbringing of the child.

Frazer (Sir J. G.)—**La Rameau d'or [The golden bough]**. *Abridged edition*. New translation by Lady Frazer.—Paris, Geuthner, 1923, 742 pp. in-8°.

Frazer (Sir J. G.)—**Le Folklore dans l'Ancien Testament [Folklore in the Old Testament]**. *Abridged edition with notes*. Translation by E. Audra. Introduction by R. Dussaud.—Paris, Geuthner, 1924, pp. xi-448, in-8°.

Sir James and Lady Frazer, with the help of Mr. Audra for one of these volumes, have done a considerable favor to the French public or to those who read works written in French. They, themselves, have allotted a considerable part of their efforts to abridging and translating two of the principal works through which the name of Frazer will be perpetuated long after those of his ingenious critics. Since these books have been, we could say, rewritten in full collaboration and corrected, the literary talent thus expended makes them works that are worth almost as much as the originals, these masterpieces of the English language. And, as all this is as clear as Voltaire, as decisive as Hume, as straightforwardly thought as Adam Smith (these Scotsmen and this friend of Scotland), comparable books should have the same success in France as French works. The whole educated public, the whole public, should own these books, which are

conscientiously destined to enlighten them, undertaken for them. It is no secret that this mature work was done at the request of our friend Marcel Sembat. He knew how to convince Sir J. G. Frazer of the need for this instructive work.

We confine ourselves, then, to making it known. The study of these two works ought to have been done in relation to other landmarks, and perhaps this will appear in one complete *Année*, when it sees the light of day.

We know that these are abridged versions. The twelve volumes and the index of *The golden bough* are reduced into this convenient form of a thick portable volume, with an excellent index but no notes. The text, still very dense, is nevertheless a résumé, an extract, a popular choice yet from which the picturesque descriptions and styles of research have not disappeared. The *Folklore in the Old Testament* is much less abbreviated (two volumes altogether) and a large part of the notes have been retained.

Basically, the French reader finds himself faced with a kind of religious encyclopedia, since the various chapters of the *Folklore in the Old Testament* are not covered in both volumes. But this encyclopedia is not systematic. It is Sir James' imagination that guides him; attracted by a single central problem, "to find the savage under the civilized," he only addresses it where he can do so; and the form of comparative abstractions, with respect to well-known passages of the Old Testament, perhaps corresponds more to Sir James' thought than the grouping—reconstituted more harmoniously—of the abridged *The golden bough*.

But if we have been amongst those who first criticized this way of choosing subjects and also this mode of comparison, we maintain that, contrary to the critiques that freely proclaim these researches out of date, they still retain their freshness and truth.

You may permit us a personal observation. We proposed, before Mr. F. (Mr. Frazer), in a former *Année Sociologique*, and twice, an interpretation similar to his own for the Deuteronomy rule "thou shalt not cook the kid in its mother's milk."

Parsons (E. C.)—**American Indian life** (by several of its students).—New York, Huebsch, 1923, 420 pp. in-4°.

This book, edited by Mrs. Elsie Clews Parsons, who became a (female) member of the Pueblo tribe of the Hopi, and who is an excellent ethnographer, is infinitely interesting. This is a series of essays, a kind of literary tableau of little novelistic anecdotes, of news, such as are published in journals, on the Indians



of North America, on their real, material, and moral life. For certain, this form is not without value. It obliges the ethnographer, and the sociologist who follows him, to portray indigenous lives. Bandelier, Grinnell, or the old White (*Tē Rou*, about the Maoris) gave models of the genre. After a preface by Mr. Kroeber, the most distinguished of American ethnographers have been very willing to collaborate with Mrs. Parsons. And we must consider, to a certain degree, their inventions as true documentation. But, naturally also, the “autobiographies” written by professional ethnographers are not as worthwhile as the accounts from the Indians. Workers not trained in this difference will do well not to seek to make too much use of this book, destined as it is for the wide American public, and to assure its sympathies for the Indians and for ethnology.

The shaman stories were naturally the easiest and the most intriguing to recount and we can consider certain of them to be genuine documents: Smoking Star (Blackfoot) by Clark Wissler; Thunder Cloud (Winnebago) by Radin; similarly for the stories of initiation (Menomini) by Alan Skinner, and of revelation (Lenape) by Harrington (this one a little imaginative and entirely reconstructed, but still interesting); and the delightful account of the initiation of Cushing into the Society of the Bow in Zuni that Mr. Culin recounts is, itself, a document that will serve in the history of ethnology.

Mr. Lowie explains to us in depth how one becomes a warrior and the rites and practices of war among the Crow; and Mr. T. Michelson how they bring up children amongst the Muskewiki. We must count, as a true contribution to the obscure problems of the life of women, the description of the life of Wayantitsa, a Zuni woman, by Mrs. Parsons herself. Other “news articles” focus on the same subject (p. 337, p. 147, p. 41)

There will be much more to say on the new archeology. These efforts to reconstitute the early life of these people, of which we know only the ruins or some old archives: mound people, Muskogee, and above all Mexicans and Maya, which lead us straight into pure fantasy: for example, the little novel by Mr. Swanton, *Tokulki of Tulsa*, which is set during Drake’s arrival, is very interesting from the point of view of religion, but there would be danger in making use of it.

Mr. Kroeber, in the introduction, notes the lacunae (p. 15) concerning the government and the economy of the Indian tribes. In fact, the story by Mr. Sapir, of the life of Tom, a “Nootka trader,” is one of the best accounts we have known of the role played by the potlatch and its hierarchy.

Radin (P.)—**The Winnebago tribe.** *XXXVIIIth Annual Report of the Bureau of American Ethnology.*—Washington, Smithsonian Institution.

Mr. R[adin]. is one of the best ethnographers of his generation, and his *Autobiography of a Winnebago* is, in our opinion, one of the best documents, acquired through the newest method, that has been published during the decade during which *L'Année sociologique* was interrupted. This way of finding a native who narrates *himself* gives an unparalleled account, of the way in which an individual situates himself in a clan and in a tribe. The present book, a complete picture of the tribe itself, should be read together with the first. We analyze later the documents and theories concerning legal sociology. Here we speak only of the religious sociology, and of several other groups of facts.

The Winnebago are Sioux. As for all the Sioux, and for all the tribes of the prairies, their morphology, their social system, and in particular their religion have been profoundly altered by the arrival of the Europeans and the horse. Mr. R. fortunately gives the history—told quite exactly by the Winnebago themselves—of these characteristic changes (p. 59 *et seq.*). They will help us to understand, more generally, this shift that has metamorphosed a large part of humanity, after the domestication of the horse in the ancient world. The scope of this transformation is very well demonstrated—and even measured—through the fine archeological discovery in which Mr. R. participated whereby the “Mounds” (tumuli) of Wisconsin were attributed to the Winnebago (who no longer make them) (ch. 2). This whole civilization of the prairies has been affected, as the American ethnologists have seen, by what they call the “horse-complex” (Wissler), by the nomadism that resulted from the arrival of the horse. Mr. R. believes that he has observed just in time this very important tribe, whose remains are numerous and rich. In spite of the great value of the documents and collections that he has still been able to collect, we are less convinced of this fact than he is. One part of the critique that he addresses to the old works by Riggs and by Dorsey on the Sioux, and even to the more recent works by Alice Fletcher and by Le Flesche, is, in our opinion, unjustified. The Winnebago have made progress in sixty years, and forgotten many things, even if they have remarkably preserved others.

This is well perceptible in the area of religion. For example, the funeral rites present a strange mixture of Algonquian and European reforms and ritual conservatism and clan specialization (ch. 5, cf. pp. 187 and 211, etc.). Similarly, the two great cults of the Winnebago are of recent and complex formation. These

are the “medicine dance” and the “peyote” cult (chs. 14 and 16). Although very important and very interesting, and playing a capital role in the life of the past Winnebago, they surely belong to another sphere of action, to another epoch than the rituals of the clan (cf. p. 388). Even the “peyote” cult, of the fermented drink from which it is extracted, was in open decline (p. 420) thirty years ago and numerous Christian elements were introduced into it, the last very recently (pp. 398 *et seq.*, 422 *et seq.*). The Indians have their syncretism. We must also pause with respect to cults of the “brotherhoods for benediction”; they appear to be something that is mixed (ch. 13), although above all Indian. In any case, these facts, very well studied, are also important on the subject of the mixing of religions and of their strange products. It is also notable that this mix operates above all through special cults—as was the case in the ancient or oriental world.

Even the ritual ensemble so typical of the Feast of “War Bundles” between clans, otherwise known as the “Winter Feast,” has been contaminated both by Christianity (cf. p. 455 in spite of n. 26) and by other special cults, in particular that of the “thunderbird.” This series of cults, that mobilizes the clans, and the “bands” of soldiers, has the well-characterized musty scent of the “potlatch” (ex. p. 30, no. 7; p. 485, rituals by phratry), or of the simpler total prestations, although perfectly conscious and expressed in admirable discourses (Sioux text with translation, p. 487 *et seq.*).

In these conditions, it is undoubtedly not possible to establish for sure what Mr. R. makes of the information he has collected on the notion of God among the Winnebago. According to him (p. 282 and n. 2), these contradict the previous interpretations of the word *Wakan*, which we have approached by *mana* and after Hewitt, by *orenda*. According to Mr. R., this word would mean sacred, and *wakandja* would exclusively designate a visible sacred individual being. Finally, the notion of God would be powerfully clear, in particular that of the “creator of the Earth.” It is possible that all this is accurate for the Winnebago of today. But it is not evident that the old documents of Riggs and Dorsey, and those less old of Mr. Le Flesche, on the Omaha and Dakota will be invalidated. To the contrary, there is no difficulty in registering very precise remarks concerning individual variations in religious sentiment (p. 291 *et seq.*) and the numerous documents on revelations, spirit guardians (p. 290), the young, and “blessings”.

The study of rituals and myths specific to the clans gives altogether remarkable results. One is amazed that so many of the attributes of totemism were conserved. The religious collaboration among clans and the two phratries is still so clear—and Mr. R. has so well observed it—that this sort of division of religious

labor is illuminated (chs. 8 and 9). We recall that we adhered to the Sioux method of classification (Durkheim and Mauss). We must acknowledge that, on this precise point, few of Mr. R's facts support us—except concerning certain names, the property of each clan, undoubtedly subtotems (ex. p. 242, clan names of the water spirits: red earth—two, four, five, horns, etc., beaver, etc.). The relationship between members of the clan and their totem and guardian spirit is well studied (pp. 194 *et seq.*, 288). One part of the auxiliary spirits evidently derives from the totemic clan, another local clan, or something of this genre, but this forms only a small portion of individual relations, even after decent, place, or status are searched for. Mr. R. is far from explaining the Sioux clan by individual choice of animal protectors.

The study of shamanism and “medicine” has not offered results of equal value (p. 25). But perhaps Mr. R. arrived too late to observe them closely.

Boas (F).—**Ethnology of the Kwakiutl** (*Based on the data collected by G. Hunt*). *XXXVth Annual Report of the Bureau of American Ethnology*.—Washington, Smithsonian Institution, Vol. I, pp. xliii–793, Vol. II, pp. viii–1482 in-8°.

NB. The dated papers of the Bureau of Ethnology correspond so little to the real date of publication, and the administrative delays are such, that we will consider the dates of their arrival in Paris as those of the edition.

The important work of Mr. Boas and of his indigenous informant, G. Hunt, on the Kwakiutl is not yet terminated with these two thick volumes of translated texts, tables, indexes, and glossaries (Kwakiutl–English and English–Kwakiutl). A subsequent work will come out in the collection of Columbia University. And this will not exhaust the subject matter, even after the volumes of the Jesup Expedition, and plenty of others. So much space is required simply for description of law, of religion, of economy, and of the techniques and aesthetics of a society certainly rich and complex, but by no means extraordinary among societies depicted as primitive (*inférieures*). No illusion is more mistaken than that which depicts these as simple and easy to describe.

This “Ethnology of the Kwakiutl” claims to be only a miscellany of documents and more particularly a collection of transcribed and translated texts, some of them in line-by-line translation, all in flowing language, but all carefully rendered. In this style, it is a philological document of the first order, more even than a linguistic one. We will only mention this, and say that the method

of publication followed, however precise it may be, is not sheltered from all critique; it perhaps makes strong abstractions from dialects and individual variations; it will present difficulties for linguists preoccupied with knowing more than the phonetics and transcription adopted by Hunt and by Mr. Boas.

Nevertheless, this book contains more than that. First of all, one part of these texts (Vol. I, pp. 53, 603) constitutes an invaluable Kwakiutl "technology." Put next to Vol. X of the Jesup Expedition, of which we have already given an account, this one is even a little more complete. Described here are not only the instruments, but also the fabrication and the use of the products. One innovation—a complete collection of cooking recipes and rules of etiquette, of rights, of taste, and of the order of the meal—is full of interesting facts. The attribution of certain foods to certain people, and the way in which they are taken, are in effect typical (see also p. 750, the rules for the festival banquets with special foods).

We give account later of juridical data. The major part of the rest of the book is devoted to religion (see customs and beliefs; chants of shamans, p. 1294 *et seq.*, etc.) or to legends that are part religious, part juridical. These latter are "histories of families." Up to now, Mr. Boas (*Jesup Expedition*, Vols. III–V) had published mainly the legends of clans. The legends of heroes of the noble families of clans do not differ perceptibly from those that relate the history of their founders. It is the same system, grouping the same themes: the hero who had the revelation of his tutelary spirit, who built his magical house with his help and that of the gods, or received it ready-made with its emblems, privileges, names, and pot-latches. These legends are interesting above all from the juridical point of view. What are newer are indications concerning: prayers (pp. 617, 1366 *et seq.*); fire cults (from "The-One-Sitting-on-the-Fire," p. 749, 1331 *et seq.*); a fine collection of taboos and divination rites; and finally a detailed description of funerary rites that Mr. B[oas] had not recorded in the previous works. The addenda concerning shamanism are less prominent (p. 1294 *et seq.*). In contrast, an important lacuna is filled by a good long description of domestic ritual (sexual taboos, conception, molding of the head, initiation of the daughters of chiefs, etc., p. 660 *et seq.*). The rites concerning twins are remarkable (p. 673 *et seq.*).

Rattray (R. S.)—**Ashanti**.—Oxford, Clarendon Press, 1923, 348 pp. in-8°.

Mr. R[atray] is a professional ethnographer, hired by one of the most intelligently run colonies, the English Gold Coast, for the greater good of native

policy and our sciences. During the war, Mr. R. had already published an excellent work on the Ashanti, *Ashanti proverbs*, and here he begins a series of greater scope. At base, this first volume is more of a set of separate essays concerning a number of diverse points in the sociology of the Ashanti. It includes, relative to totemism, the clan, and the family, two sensational discoveries that we point out later, under the juridical rubric, along with other facts.

The greater part of the volume is devoted, meanwhile, to religion. Moreover, however intriguing and notable these facts are, they do not present as much interest. Outside of the royal cult and that of the thrones, which we will also study later on—if the description is complete—the grand public cults that are observed there are of the kind that is quite common in Black areas: carnivals, exorcisms, collective celebrations, etc.; also the cults of various shrines and diverse great gods. The most novel trait and the most marked is the important part played by the queens, the priestesses, the women. As in Dahomey, they play an active role. Their moral character, and the presence of the great gods, are very clear, and we can hope that this book, after so many others and after twenty-five years of critical sociology, will destroy the scientific myth of Black fetishism. On the subject of Nyame (cf. Nzambi, Bantu), the supreme being, and his sons, see chapters 13 and 14, which are still sketches, but where we will find the still unknown ritual use of pots (cf. p. 313 *et seq*) and the altars.

Mr. R. has made a long and important study of drum language, the “talking drums” (ch. 22). The transmission of words over long distances is well attested, facilitated—which is important from the linguistic point of view—by the tones in African languages, since, even for the holophrases that are the toolkit of the drummers, the intervals of the words, the counting of the syllables, and the tones of these syllables have to remind people of the words. It even seems that, by drumming, one can recite (for the initiates?) the entire myths and histories of the clan (p. 267), and in fact it is in the study of these long segments of “drumming” that Mr. R. found the first trace of facts concerning the clan, to which we will return. The cult of the drums is remarkable (p. 259 *et seq*); their name, “*ntumpane*,” is surely European in origin.

Mr. R. promises us other works on the notions of the soul and the spirit, on magical force, on magic, etc. We must wait before making a critique, even a provisional one, of those that we have just summarized.

Talbot (P. A.)—**Life in Southern Nigeria:** *The magic, beliefs and customs of the Ibibio tribe.*—London, Macmillan, 1923, pp. xvi–356 in-8°.

The book by Mr. Talbot does not contain discoveries as exciting as those of Mr. Rattray. Or rather, what has been most notable in the research undertaken by Mr. and Mrs. Talbot, and her sister, among the Ibibio people (Eastern Nigeria, Cross River) has already been published in a book by Mrs. D. Talbot, *Woman's mysteries*, which is the best study that we are familiar with on the social, and more especially the religious, position of women in negro countries (*pays nègre*); it particularly contains invaluable accounts of the women's secret societies from a sociological point of view. Meanwhile, the latter work is much more complete, from the religious point of view, than Rattray's book.

The Ibibio, numbering about one million, divided into nine tribes, of which one, the Orom, includes more than 140,000 inhabitants (p. 5, n. 1), are one of the richest, most independent peoples, the least touched by European, Arab, or Sudanese civilization, of the whole Bight of Benin. Mr. T[albot] was one of their best administrators. He committed, with respect to them—in my own view—only one fault, that of considering them far too much as primitives. When—in educated style—he often compares them with the Greeks and Romans (see p. 267, a curious similarity between a fragment of Tibulle and an Ibibio ritual form), to the Sumerians and the Babylonians, he is much closer to the truth.

Naturally, Mr. T. also strikes a blow to the old theory of negro fetishism. The more the observations proliferate and deepen, the more does the greatness and the quality of the negro religions become apparent: the notion of a great God and the great gods, both male and female, and of the law (p. 12 *et seq*; pp. 262, 267 on Abassi Isua, god of the New Year): extremely accentuated symbolism of the objects of cult and myth, and already a philosophy. Here Mr. T. corroborates completely the information of Dennett and Major Leonard (pp. 9, 178).

However, we do not have, even after this excellent book, a complete idea of this religion. Not only have the efforts focused too exclusively on religious phenomena, and not enough on the juridical side of Ibibio life, but they are themselves concentrated on certain points. It lacks, for example, a mythology; chapter 18 is very short: the "Jujus" (which corresponds to the fetishism of the observers from before 1900). On magic, the notions of the soul, of death and funerary ritual, and secret societies, on the contrary, Mr. T. provides documents and evidence in great number and of very great interest.

We will retain, above all, the parts concerned with the small (in the literal sense) gods, almost all of them local, both peaceful gods and terrifying gods, whose often inaccessible shrines Mr. T. describes and localizes with care, and the rites, and occasionally the myths. The description of the Ibokk, deified masked

figures, animated for ritual service (p. 64), lifts the corner of the veil that hides the transition between the ritual object and the image of the god. That of the Ndemm (Idemm), the small gods of the waters, the soil and the vegetation, and of their relations with the dead, is no less useful.

The numerous facts concerning the triple soul of man present no extraordinary trait. Mr. T. has good reason to establish totemism amongst these highly civilized populations and to note that it is only—for them—a case of “affinities” between man and beast (crocodile and leopard-werewolf, in the land of animals, p. 89 *et seq.*). Funerary rituals and sacrifices, above all in honor of the chiefs (particularly their burial in underground chambers), are strongly typical of the mix of ancient Egypto-African and Bantu-Nigrito civilizations.

Magic is a quite normal form, and the only thing we see as important to note is the epidemics, the panics about sorcery (p. 218). The descriptions of secret societies and their relationships with magic are more noteworthy. Their character as public brotherhoods is finally well marked, as well as their judicial and military role (pp. 182 or 112 *et seq.*). But above all their dramatic performances are what are important. What Mr. T. calls “magic plays” markedly resemble our own “mummeries,” collective rites of incantation, and funerary rites. They even culminate in marionette performances, given in markets, and at grand purification ceremonies (pp. 147, 157, 188, etc.). The myth and history of the revelations of these games is often given.

Let us praise Mr. T. for having always carefully localized his observations, for having enriched them with many accounts of palavers and law “cases.” He had the good fortune to have one of the great chiefs, Orom, as informant. But he knew how to draw from his position to secure an advantageous participation.

Rivers (W. H.)—**Medicine, magic and religion** (*International Library of Psychology, Philosophy, etc.*).—London, Kegan Paul, 1924, pp. viii–145 in-8°.

The diverse elements of this book have not gone unpublished. The first four chapters are lectures given in 1916 at the Royal College of Medicine in London, and have been published in the same form in the *Lancet*. The last chapter is a lecture given in Manchester and published in the *Bulletin of the John Rylands Library*. Mr. Elliot Smith has meanwhile done well to place them at our disposition again in the form of a book. The preface that he adds is more biographical and we only retain here an indication of it: Rivers projected that



he would rewrite this book, to give it the dimensions of a treatise. And, in effect, without doubt he would have accentuated his “historical” point of view as opposed to the “evolutionary” (p. 109) point of view, as he has expressed it with spirit and disdain. Without doubt he would have thus reinforced his psychological explanations and attached a good number of facts to the classical type and to the psychotherapeutic procedures that he studied with such zeal. This last effort corresponds to the chapters on “Mind and medicine” and “The spirit and medicine.” Between the two works, one can see that the sociological theoretical initiative that Rivers outlines many times (pp. 31, 39, 90 *et seq*) has lost some of its prominence.

We will not make a summary account of the expositions, which are already old. We will recommend their use, in this form, as a book. In the first part, we find first of all, latent, the whole theory of “the collective notion of illness” (pp. 5, 62–73 *et seq*) and its “causes” (see in particular Rivers’ personal observations on medical magic among the Eddystone tribes [Solomons], pp. 32–42, etc.), and a whole theory of the spiritual state of the “medicine man,” which Rivers was particularly competent to study since he was a sociologist, psychologist, and medical doctor. He had also, beyond us library sociologists, the superiority of the ethnographer. Naturally we have reservations about certain too-precise descriptions and too-daring hypotheses of the “migration of culture” (ex. p. 105); in other areas, for example massage in Oceania, we would accept these descriptions, if they were more complete.

The chapter on “The spirit and medicine” is important: it dates from the era when Rivers, in his wartime activities, was struck by the success of his therapeutic procedures. Seen from the outside, this has little to do with the rest of the book. But one can see where Rivers is going: a theory of suggestion, of its importance and its social “value.”

## EXCERPTS

Frobenius, (L.).—**Dämonen des Sudan.** *Allerhand religiöse Verdichtungen.* (*Atlantis*, Volksmärchen und Volksdictungen Afrikas, VII). Veröff. D. Forsch. Institut für Kulturmorphologie.—Munich and Iena, Diederichs, 1924, 374 pp. in-8°.—**Volksdichtungen aus Ober-Guinea.** I. *Fabuleien dreier Völker.* (*Atlantis*, XI). As above, 355 pp., petit in-8°—**Der Kopf als Schicksal.**—Munich, Kurt Wölf, 1924, 188 pp. in-8°.

About fifteen years ago, Mr. F[robenius] discovered African humanity. It is to him that "Africa speaks". This expression is the title of one of his most important books. He reveals to us the true mystery of Atlantis. The mix of Ethiopian, Hamitic, Atlantic, etc., that produced African civilizations holds no secrets for him. With age, authority, literary, and artistic success, he has attained a certain popularity in Germany. Mr. F., who has never been an observer, nor a solid theoretician, and who has assigned himself the task of German race thinker (*une tache de raciste germanique*), ethnologist, philosopher, and sociologist, seems to have got carried away with himself. He writes in a style even more unintelligible than in the past, with even more daring hypotheses.

The last of these volumes, under a bizarre title, *The head as fate* (allusion to a pretty song "one head—one fate" . . .) is nothing but, at base, a collection of several tales and anecdotes of Bantu, Sudanese, Guinean, and Kabyle origin, with ravishing illustrations, chosen to illuminate the depths of the African soul. . . .

These volumes are bizarrely titled and divided up, and even more bizarrely vaunted. . . .

But his collections (of myths and tales) are superficial and partial. The griots and dancers of West Africa, the orators and heralds of the Coast, have said little to Mr. F. He passed amongst them as a collector of tales, like a bagger of objects. . . . [Examples of collections by others given here] are ethnographic documents. Those of Mr. F. are documents of a traveler and interpreter. Further, they are refashioned with a method that arouses suspicion. . . .

Mr. F. often complains of not being taken seriously by the ethnologists of his country. He will not complain of this discussion. But if we have dwelled long on it, it is because we know of nothing more dangerous for observation itself than this vast, furious, and superficial curiosity, dominated by a systemic spirit. Further, we can build nothing solid on such documents without critiquing them one by one. Let us warn young workers against this genre of wide-ranging and hasty descriptive sociology. We must prefer honest, simple, and philological documents with ethnographic depth.

Horne, (G.) and Aiston (G.)—**Savage life in Central Australia.**—London, Macmillan, 1924, pp. xii–177 in-8°.

Mr. A[iston] is an officer in the mounted police of southern Australia. He has lived for twenty years among the tribes of the area around Lake Eyre. Mr. Horne is a doctor and an anthropologist. This book is the result of one of his

visits as collector and photographer, and a very long correspondence with Mr. Aiston. This is not a deep study, except on the subject of technology. This subject is surely the best treated of all, and certain information on the kinds of boomerang (pp. 70–78) and above all on stone tools (ch. 5) is of capital importance. On the fabrication of the knife, and the variation in procedures and instruments, in particular amongst neighboring tribes, fabricated by others, in the workshops of the makers of hatchet blades, Mr. Horne's book fills a lacuna. By a familiar absurdity in the history of the sciences, it is at the moment when these tribes are disappearing, along with their skills, that we start observing them. Meanwhile they are the only ones who are really in the stone age and—interestingly—and working with stone that is shaped and polished (see fig. 75). Technologists will be well served by this book.

The sociologists of religion and law will find less here than they could have hoped. It concerns, however, a group of very important and interesting tribes. The Wonkangura, or Wokonguru, are in effect kin and neighbours of the Wonaubunna (Urabunna of Spencer and Gillen) and the Dieri (of Gason, Howitt, and Siebert). The Yanrorka of Cooper's Creek and the lower Diamantine are related to the tribes of central Queensland (of Roth) situated on the upper reaches of these rivers. Unfortunately, the in-depth study of the social organization is lacking. The research is insufficient and poorly undertaken, with bad witnesses, poorly known. For example, Mr. H[orne] writes Vogelsand for Vogelsang, the name of a missionary. The only subject of interest are the sexual totems (p. 124) and in particular the totems in the female line: that of the Mindari (a fair, important day for judgments and duels, of peace-making and tribal cults, pp. 147–60). The right to refuge (pp. 147–63).

The greatest effort of Mr. H. and his informant was directed at religious phenomena. Their observations, there also, are relatively fragmentary and superficial. Nevertheless, they are important and fortunately add, in places, to those of Howitt and Siebert. They furnish us with legends of initiation, totems (*murdu*), the totemic ancestors (*moora* = *mura-mura* in Gason, p. 124), etc. In all these tribes, each individual or animal or thing has its ancestral double; a small number of individuals embody the doubles (see p. 131, the important myth of the inventor of the boomerang). Messrs A. and H. have not identified the *intichiuma* ceremonies, but do mention them (pp. 133, 134, 116, 115, *et seq*). Their descriptions of magic and corroborees show nothing exceptional, and those of funeral rites and initiation are altogether summary. The illustrations are valuable, numerous, and excellent.

Bennett (C. A.)—**A philosophical study of mysticism:** *An essay.*—New Haven, Yale University Press, 1923, pp. viii–194 in-8°.

... The third part, which concerns the sociologist, is also a document on certain forms of American thought. This is a study of the connections amongst religion, ethics, and mysticism. But this study is not only descriptive. The mystic is defined by independence, the struggle against institutions and against simple aestheticism, the “search for the real,” and, to speak the terribly localized language of the author—a mixture of philosophy, theology, and psychology—the “redemption of the unconscious.” This is fundamentally an excuse. It is above all a presumption. In fact, to propose that mysticism is the “completion” (p. 176) of philosophy and is also the “presupposition” of it (p. 110) is to rest the case: because that is exactly where the problem of the philosophy of mysticism lies. The mystics have not yet proven, except to themselves, that they have worked on something other than what men have in common. It is all too convenient to accept their words, which are only psychologically founded, leaving philosophizing for later.

We must see whether these words are not, above all, sociologically founded. First of all, there exists a mystical tradition as there exists a religious one, inappropriately contrasted with the mystical. Certain Catholic theologians, according to our own thinking on this point, are a lot closer to the historical, psychological, and sociological truth, all together, than the Protestant theorists. Then, this contrast between the poverty of moral and religious institutions and the richness of the state of the mystical soul—a favorite theme of American authors—is as little addressed as possible. Inapplicable as it is to a great number of religions, it does not apply at all except to several aberrant forms of Christianity. Why would one wish that a pious and sensitive and exalted person would not commune deeply with his God following the ritual procedures already known? Effective prayers, communion, and material attitudes are mystical as surely as trance itself, and, in fact, they evoke trance and enthusiasm. Not only the individual, but his social milieu, are mystical sources. And it is to simplify things excessively, to see them under an aspect too specifically American, that one passes by all these facts. Once more the philosopher—Mr. B[ennett] as one of this kind—has speculated about himself and his time, believing that he was speculating on things (in general). This religious psychology is not even a complete psychology. The truth on these questions is more complex than this document.

The knowledge that Mr. B. has of Buddhist and Taoist mysticism is poor (pp. 49, 52). His style demands a deep knowledge of Americanisms. Without

this, expressions such as “episodic life” (p. 190), and citations such as that of Richard Jeffries to be “greater than oneself” (p. 187), may just seem amusing.

Shotwell (J. T.)—**The religious revolution of today**.—Boston and New York, Houghton Mifflin Co., 1924, 187 pp. in-16°.

. . . . Perhaps all this would demand to be better proven. The orthodoxies have not given up so much. The mysticisms have not broken off so much from orthodoxies; only, I believe, certain pragmatist philosophers would respond to the invocation of their name, if one made a review of the neomystics that Mr. S[hotwell] describes. The analysis of the religious sentiment of our crowds remains to be done, and I fear that once again the historian of ideas has allowed himself to take account only of those that have been expressed through an elite of free spirits and of ultra-liberal Protestants. The long cleavage, which leaves no sanctuary for religion except the faith and conscience of the individual, has not ended. The important renewal of mysticism, for example among the Society of Jesus, and the favor it finds in the Christian areas of Russia, attach themselves, clearly to the contrary, to the ancient orthodoxies. These forms even appear much richer than this vague sentimentalism and this rather empty skepticism in the face of reality, even spiritual reality, that are at the basis of pragmatism.

Mr. S.’s first analysis resists the test of time, and doubtless he describes correctly the relations that reign between religion and this scientific and positivistic spirit of which our societies are made. But his mode of analysis—I fear—confuses a local and passing form of mysticism with permanent forms of the spirit. Such a confusion shows the need for a correct statistical and historical description of the state of religious sentiment in our diverse nations.

Emmott (F. B.)—**A short history of Quakerism: *Earlier periods*** (with Introduction by R. M. Jones).—London, The Swarthmore Press, 1923, 332 pp. in-8°.

. . . The second book describes their “struggle for existence” against the reaction of the “Restoration”; their magnificent battle for the liberty of their cult, always public, which they could pursue without any material of any sort; their passive resistance and invincible reward by a corresponding victory; then—the glory of the Quakers—by the genius of Penn, the foundation of Pennsylvania, a state, in a mixture of enthusiasm, socialist and messianic utopia, a sound spirit of justice,

of gentleness, of democracy, of individualism, and of commercial and material practice that has always characterized this sect, from the beginning. . . .

But everything that emerges from this book shows the degree to which the constitution of a strong collectivity, the common exercise of the passions and the religious mentality of the members, the moral education of the will and the intellect that they can draw from it, are, still within our societies, something strong, normal, sound, social, and religious all at the same time.

MARCEL MAUSS



## Index of Names

### A

Adam, Leonhard, 62, 119  
Aiston, George, 187, 215, 216  
Ali, Yusuf, 6  
Alter, Robert, 13  
Amira, K. Von, 171, 172  
Aristotle, 37, 157, 186  
Audra, E., 204  
Aulu-Gelle (Aulus Gellius), 151, 174

### B

Bandelier, Adolph, 206  
Barbeau, Marius, 62, 110, 130  
Bennett, C. A., 93, 217  
Benveniste, Émile, 15, 18  
Bergson, Henri, 32  
Best, Elsdon, 67, 69, 70, 71, 73, 75  
Beuchat, Henri, 42, 43, 49  
Bianconi, Antoine, 5, 42, 44–46, 50  
Boas, Franz, 6, 10, 14, 62, 63, 66, 79,  
    109, 110, 112, 113, 115–126, 128–143,  
    187, 209, 210  
Bogoras, Waldemar, 76, 78, 79  
Borel, M., 44

Bouglé, Célestin, 2, 9  
Bréal, Michel, 174  
Brewster, A. B., 105  
Brissaud, Jean, 173  
Brudo, Sam, 92  
Brunner, Heinrich, 171  
Bühler, Georg, 158  
Burckhard, Hugo, 59

### C

Cahen, Maurice, 55, 57, 174  
Caillé, Alain, 5  
Carey, Matthew, 6  
Cassell, Gustav, 55  
Chaillié, René, 42, 48, 49  
Chevally, Abel, 3  
Chevally, Marguerite, 3  
Cicero, 149, 153  
Codrington, Robert Henry, 106, 111  
Colenso, William, 69, 72  
Collier, Jane, xv  
Comenius, John Amos, 40  
Comte, Auguste, 37  
Condorcet, Marquis de, 37, 40  
Cowley, Arthur Ernest, 157



Crawley, Alfred Ernest, 81

Culin, Stewart, 206

Cunnison, Ian, xiii, 1, 16, 23

Cuq, Édouard, 114, 147, 149, 155, 157

Cushing, Frank Hamilton, 206

## D

da Col, Giovanni, xv, 6

David, Maxime, 42, 43–44, 45, 47, 50

Davis, C. O., 69

Davy, Georges, 60, 62, 63, 65, 69, 79,  
109, 111, 112, 114, 116, 119–121, 123,  
146, 147, 172, 188

Dawson, George M., 110, 112

de Croisilles, H. T., 74

Démeunier, Jean-Nicolas, 127

Dennett, R. E., 45, 212

Derrida, Jacques, 12, 16, 18

Descartes, Rene, 22

Dewey, John, 32

Diagne, Souleymane Bachir, 6

Dorsey, George Amos, 207, 208

Douglas, Mary, 1, 2

Dowdy, Sean, xv, 6

Duncan, MacDonald, 118, 123

Durkheim, André, 2, 6, 7, 10, 21, 25,  
29–43, 47, 49–51, 67, 182, 185, 201,  
203, 209

Durkheim, Émile, 2, 6, 7, 10, 21, 25,  
29–43, 47, 49–51, 67, 182, 185, 201,  
203, 209

Dyer, Justin, 3, 6

## E

Ella, Rev. Samuel, 68, 87

Emerson, Ralph Waldo, 177

Emmons, George Thornton, 110

Emmott, F. B., 218

Eno Belinga, Samuel M., xi, xii

Ernout, A., 156

Evans-Pritchard, E. E., 1–2

## F

Fauconnet, Paul, 2, 34, 40

Festus, 147, 148, 150, 153–156

Fields, Karen, 6

Fletcher, Alice, 62, 207

Fournier, Marcel, 3–5, 12

Frazer, Sir James George, 78, 185, 201,  
204–205

Frobenius, L., 201, 214–215

Fröbel, Friedrich, 41

## G

Gaius, 148, 149, 155, 174

Gelly, Georges, 42, 48, 50

Gernet, Louis, 43, 157

Gibson-Graham, J.K., xv

Gillen, Francis James, 75, 216

Gill, Wyatt William, 80, 88

Girard, Paul-Frédéric, 146–152, 154

Graeber, David, x

Graebner, Fritz, 10

Grafton, Antonio, xi

Gramsci, Antonio, xv

Grandidier, Alfred, 82, 84

Granet, Marce, 176

Grey, Sir George Edward, 69, 80, 83

Grierson, P. J. Hamilton, 60

Grimm, J., 171, 172

Grinnell, George Bird, 206

## H

Halbwachs, Maurice, 190

Hall, Charles Francis, 77

Halls, W. D., 1, 16

Hamelin, Octave, 37

Hardeland, Dayak Wörterbuch, 74

Harrington, Mark Raymond, 206

Harrison, Jane, 44

Hart, Keith, xii, xiii, xv, 4–6, 22

Haudricourt, André-Georges, 4

Hawkes, Ernest William, 76–78  
 Hegel, G. W. F., 20  
 Herbart, Johann Friedrich, 40  
 Hertz, Robert, 5, 42, 45–47, 50, 69–71, 73  
 Heusler, Andreas, 174  
 High, Holly, 6  
 Hill Tout, Charles, 110  
 Hoang, Fr. P., 175, 176  
 Hobbes, Thomas, 37  
 Hodge, Frederick Webb, 183  
 Horne, George, 187, 215, 216  
 Horsfall, Dominic, 6  
 Hubert, Henri, 2, 9, 12, 16, 81, 137, 175  
 Hume, David, 204  
 Hunt, George, 10, 14, 63, 75, 77, 109,  
     115, 122–124, 126, 131, 135, 209, 210  
 Huvelin, Paul, 5, 42, 48, 49, 118,  
     145–149, 151, 157, 172–174  
 Hyland, Richard, 17, 18

**J**

Jacobsen, J. A., 110  
 James, Wendy, 4, 6  
 James, William, 32, 178  
 Jeffries, Richard, 218  
 Jennes, Diamond, 77  
 Jochelson, Waldemar, 78, 79  
 Jones, R. M., 218

**K**

Kohler, J., 177  
 Koppers, W., 60  
 Kowalewski, Maxime, 157, 172  
 Krämer, Augustin Friedrich, 66, 68, 83  
 Krause, Aurel, 62, 110, 112, 120, 123,  
     136, 138  
 Krickenberg, Walter, 138  
 Kroeber, Alfred, 10, 206  
 Kruyt, Albertus Christiaan, 74, 80,  
     108, 178

**L**

Lafitte, Jean-Paul, 42, 48  
 La Flesche, Francis, 62  
 Lambert, Father Paul Woodbury, 88,  
     89, 123, 146  
 Leenhardt, Maurice, 87  
 Lenoir, Raymond, 60, 63, 66  
 Leonard, Andrew, ix  
 Leung, Irene, ix  
 Levi, Sylvain, 147, 156  
 Lévy-Bruhl, Lucien, 3, 98  
 Lewis, C. S., 22  
 Liard, Louis, 41  
 Lowie, Robert H., 201, 206

**M**

Macassey, Sir Lynden, 180  
 MacGaffey, Wyatt, xii  
 Maitland, Frederic William, 59  
 Malinowski, Bronislaw, xiii, 10, 14,  
     66, 80, 89–100, 101–105, 185–186,  
     193, 196, 202  
 Mandeville, Bernard, 190  
 Marx, Karl, 18, 20  
 Maunier, René, 127, 192  
 Mayne, Richard Charles, 110, 112, 118,  
     123  
 Meillet, Paul Jules Antoine, 48, 50,  
     111, 145  
 Mestre, Edmond, 176  
 Michelson, T., 206  
 Mommsen, Theodor, 153  
 Montaigne, Michel de, 40

**N**

Nelson, D. E. W., 77  
 Neubecker, F. K., 59  
 Newcombe, Charles F., 132

## O

Oldenberg, Hermann, 160  
Osque, 150, 151, 154

## P

Parsons, Elsie Clews, 205, 206  
Paul, Hermann, 152, 156, 157, 171, 172  
Pestalozzi, Johann Heinrich, 40  
Piketty, Thomas, x  
Pindar, 61  
Pinker, Steven, x  
Pirou, G., 180  
Pollock, Frederick, 59  
Pope, Alexander, 3  
Porter, R. P., 62, 67, 77, 123  
Powers, Stephen, 109  
Pybus, P. J., 180

## R

Rabelais, François, 40  
Radcliffe-Brown, A. R., 23, 85–87,  
201  
Radin, Paul, 183, 206, 207  
Ranaipiri, Tamati, 70  
Ratray, Robert Sutherland, 202, 203,  
210, 212  
Ray, M. J., 9  
Reynier, Jean, 42, 45, 47, 50  
Riggs, Stephen Return, 207, 208  
Rivers, W. H. R., 66, 89, 92, 111, 213,  
214  
Rivet, Paul, 111, 138, 140  
Rodier, Georges, 37  
Roth, Walter Edmund, 183, 216  
Rousseau, Jean-Jacques, 31, 37, 40  
Rudreauf-Bianconi, Mme., 46

## S

Saint-Simon, Henri de, 37, 38

Sapir, Edward, 110, 111, 201, 206  
Sauvageot, Aurélien, 76  
Savigny, Friedrich Karl von, 147  
Schiller, Friedrich, 20  
Schmidt, Father P. G., 85  
Schrader, Otto, 170  
Seligman, C. G., 83, 91, 94, 101, 102,  
103, 106  
Sembat, Marcel, 205  
Shotwell, J. T., 218  
Simiand, François, 2, 9, 91, 114  
Skinner, Alan, 206  
Smith, Adam, 204  
Smith, Elliot, 10, 66, 213  
Smith, Percy, 83  
Smith, Robertson, 82  
Smith, S. P., 66  
Somlo, M. F., 60  
Spencer, Herbert, 37  
Spencer, Sir Baldwin, 61, 75, 216  
Stair, John Bettridge, 66  
Stefansson, Vilhjalmur, 42  
Steinmetz, Sebald Rudolf, 75  
Stigler, Stephen, xi  
St. John, Spenser, 17, 74  
Swanton, John Reed, 62, 114–117, 119,  
121, 122, 124, 125, 127–129, 131–138,  
140, 141, 144, 183, 206

## T

Talbot, P. A., 211, 212  
Tate, Henry W, 120, 125, 129–131, 140  
Taylor, Richard F. G. S., 74, 83, 184  
Thalbitzer, William, 76  
Thurnwald, Richard, 64, 92, 93, 98,  
99, 107, 193, 194, 196  
Tregear, Edward, 68, 69, 71, 72, 74, 83,  
118  
Tremearne, Arthur John Newman,  
81, 82  
Tuijnder, Elisa, 2  
Turner, George, 66–68

Tylor, E. B., 116, 176

**U**

Ulpian (Domitius Ulpianus), 149, 151,  
153, 154

**V**

Vacher, Antoine, 42, 48  
van Moszkowski, Max, 60  
van Ossenbruggen, F. D. E., 81, 171  
Vansina, Jan, xii  
Varron, 147, 149, 155, 156  
Vinogradoff, Sir Paul, 157  
Voltaire, 204  
von Brun, Waclaw, 60

**W**

Walde, Alois, 150, 151, 153, 156  
Westermarck, E., 81, 82, 192, 172, 176  
Williams, Thomas, 71, 75  
Wissler, Clark, 206, 207  
Wissowa, Georg, 153  
Wuttke, Adlof, 171

**Y**

Yanagisako, Sylvia, xv  
Yeats, Edmund, 83

**Z**

Zimmern, Heinrich, 159





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