

# ***CRITIQUE OF THE GIFT***

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## **CHAPTER 1 *WHAT IS A GIFT?***

### *On the difference between “give” and “gift”*

In English, does “give” mean the same thing as “make a gift”? In French, *donner* and *faire un don* do not mean the same. Let’s consider the following example drawn from a common experience of daily life in France.

I went to the butcher but did not know what to buy, and I ended up saying to him: “Give me a steak!” And he answered: “I’m going to give you some sirloin, it’s fine today!” When I went to pay, I had no change and I told him: “Can I give you a 50 euro bill?” And then we went on to talk of taxes, a subject dear to all small businessmen who always consider them excessive, and my butcher summed things up by saying: “When you consider all we give away to them!”

This small example shows that four times the verb “give” was used when it was not at all in the context of a gift. Of course I did not infer that my butcher was making me a gift of a steak, nor did he think he was giving away his sirloin, any more than I was giving a gift when I held out my banknote to pay, any more than it was a matter of gifts when we talked about taxes.

“Giving” therefore is not making a gift; “to give” is not to make a donation. This is our first observation, and it is indubitable. However, there is also no doubt that if we confuse these two meanings, we create serious misunderstandings. We will be coming back to this observation.

First of all, such a great difference between the two terms might seem strange, since in Romance languages they might come from the same root, that of *don-*. But that

linguistic inference is false, for our verb “*donner*” actually derives from a confusion between two distinct Latin verbs. The first is *donare*, which signifies to make a gift, make a *donation*. The second is *dare*, which has a much more general meaning: it signifies to put into someone’s hands, to bestow, grant, concede. *Dare* actually applies to any movement of goods, any change of hands, any translation or transfer (the latter is the general term we are going to employ) and is just as suitable to use for a gift as for any other transfer.

The verb “to give” therefore can be applied to any kind of transfer (exchange, taxation, transmission through inheritance, etc.), not just to a gift. The noun “gift” (*don*), on the contrary, designates a particular mode of transfer, a mode of transfer that possesses a particular quality that we are trying to characterize. A first approximation might be apprehended through the fact that a gift is a matter of a *free* or *gratuitous* act. It is obvious that to receive something as a gift (when it is a gratuitous act on the part of the person who is furnishing this thing) is the opposite of having to pay for receiving it (when it is an act that must be paid for from the perspective of the person who furnishes it); we may now summarize these first reflections in a little diagram:

“to give” (*dare*)

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to give” (*donare*)

furnish freely

make a gift, a donation

≠

furnish in return for payment

(the opposite of making a gift)

Or more briefly, still putting between apostrophes the terms in current usage (in its widest and ambiguous sense):

“to give”

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gift

≠

(the opposite of gift)

It remains to discover which term should figure in the position we have left empty (that is, how we should label “the opposite of gift”), but for the time being, let’s explore some simple ideas we have mastered.

*Mistakes by Martian Anthropologists*

Let us now imagine that anthropologists from another planet - let us say Mars – were present at the butcher’s and witnessed our conversation. Imagine, too, that these anthropologists, very like human anthropologists from earth, have little taste for law and economics or for studying their arid treatises, and prefer the direct and living observation of what they call “slices of life.” Imagine that they carefully note down everything said around them. The words I exchanged with my butcher were quite banal, and so they could easily have heard similar exchanges with many other customers. And so they would have noted the recurrent use of the word “give”. Ignorant of its Latin etymology and therefore assimilating “give” and “make a gift”, the Martian anthropologists would certainly conclude that “the gift” is very important in modern French society. “You see,” they would say, “the principle of commerce is unknown in this society, but it practices gift-giving very extensively: the butcher gives his pieces of meat and the customers make counter-gifts. Even the principle of taxation is unknown, since taxpayers are content with giving to the revenue service, etc.”

Everybody can clearly see the mistakes the Martians and the misunderstandings they might entertain about the nature of our society. Ah well, I believe that social anthropology, from Marcel Mauss in the 1920s to our day, has made the same mistakes relating to preliterate societies and has misunderstood the nature of these societies just as much.

More exactly, I maintain that this anthropology:

1. has always confused gift and giving
- 2.... because it has never had a clear definition of what a gift was,
3. and consequently has had the tendency to overestimate the importance of the gift in preliterate societies.

As an example of the first error, we might cite the recurrent usage in French and English anthropology of the terms “givers” and “takers” of women in generalized

exchange,<sup>1</sup> and the concomitant idea (often implicit, occasionally explicit) that this is a matter of a “gift” of women. The affair is curious because most examples of generalized exchange from Burma to eastern Indonesia –for instance, the Kachin – are associated with particularly large marriage payments. One must furnish important goods in order to marry, such as several buffaloes; a man may even engage himself as a “buffalo” if he does not have one (meaning he becomes a beast of labor), one can be prosecuted for debts contracted by the grandfather on the occasion of his marriage, or else be reduced to slavery for not being able to pay.<sup>2</sup> We would grant that these practices seem scarcely compatible with the ambiance that surrounds gifts and presents.

### *The Opposite of the Gift*

In order to fill in the empty box in our last diagram, let’s take a simple example of a society. Children after school still play marbles. We adults, even if we remain sensible to the charm of the iridescent sparkle of glass balls, attach no exaggerated importance to marbles. But once upon a time, we collected them with fondness, tried to win them at play, or even to acquire them by other means. And as the children that we all were, we already made a clear difference between a gift and an exchange. “I’m giving you that one!” meant – with no ambiguity possible - that the kid engaged in this generous gesture was giving up his marble without wanting to recuperate another one in exchange. We knew very well that giving (making a gift) was the opposite of exchange.

To be precise: “I am giving it to you” means that the person who gives (i.e. the donor) gives, without there being need for me to give him back anything at all. In contrast, the expression “I am swapping it for that one” (identical in form to “I am giving it to you for that one”) means that the one who gives (and is definitely not a donor) only gives his marble *if* I give him mine. The reader will verify that the word “give” indeed has in these two different situations the different meanings of *donare* and *dare*. But we already know that; our reflection is aiming at something else: in the exchange, the marble that was mine and that I should “give” in order to obtain the one offered to me plays exactly the same role as the money I “give” to the butcher to obtain the sirloin he offered me. Handing over my bill is the payment necessary to obtain the

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<sup>1</sup> The expression used by Lévi-Strauss and structuralist anthropology that is inspired by a particular form of matrimonial system.

<sup>2</sup> Bibliographic references in Testart *et al.* 2002b: 34.

coveted marble. The exchange is in all respects an act that is paid for. The word “pay” by no means supposes the existence of money: one may pay in kind, as once was done for taxes. And in the exchange of marbles among children, the marble that is ceded constitutes the payment for the marble obtained. The same is true in any barter economy: the ceding of one good to obtain another represents the payment for this other good.

We may now complete our diagram by writing:

“give”

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gift

≠

exchange

Which demonstrates that the exchange is the opposite of the gift, just as paying for something is the opposite of getting something for nothing.

The result of all this is that if Martin anthropology confuses the two meanings of “give,” it likewise confuses gift and exchange. And so does social anthropology.

This is what Mauss did in his overly famous “Essay on the Gift” (which should actually have been called “Essay on Giving”, which would have obviated the ambiguity). Several times over, he maintains that certain “primitive” transactions relate to both gift and exchange, and he forms the expression “gift-exchange.”<sup>3</sup> But two things are being combined into one: either the confusion is in the heads of the so-called primitive peoples or else it is in the heads of the anthropologists. Mauss’s thesis — and it is explicit — is that the confusion is in the heads of the primitive peoples, and that they are, in this respect, more primitive than the children who easily make a distinction between exchange and gift. We may trace this thesis in a direct line back to the old assimilation (common to anthropology and psychoanalysis): primitive = childish =

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<sup>3</sup> Marcel Mauss, *The Gift: The Form and reason for Exchange in Archaic Societies* (1925), trans. W.D. Halls (...). Elsewhere in the *Essay* Mauss speaks of “salary-gift” and of “gifts to the chief” that are “tributes.”

pathological. It is also in perfect accord with Lucien Lévy-Bruhl's idea<sup>4</sup> that "a primitive mentality" is characterized by a confusion of ideas. Such notions were widely shared at the time and are sharply rejected today as ethnocentric, if not racist. But when Lévy-Bruhl indignantly described "the primitive" and Mauss got incensed about it, we forget the intellectual atmosphere in which they worked. This atmosphere was governed by two great ideas that oriented all that era's anthropology (as it does some of current anthropology): primitive societies are supposedly simple, much more so than ours, and as a consequence their intellectual categories (legal, economic, social, etc.) supposedly confuse things where we make distinctions.

My own position, by contrast, is that preliterate societies are extremely complex (and on many points more so than ours) and that their conceptual and linguistic structures are highly subtle (often more so than ours). There would be no argument about this if we examined the great complexity of vocabulary of these societies relating to the gift and to exchange.<sup>5</sup> In other words, I think that the confusion lies not in primitive structures (intellectual or social), but in the heads of anthropologists.

But we should now progress to the definition of gift, the concept that we were beginning to discern without having yet defined it. Our example of marble games leads us to think that the question of *counterpart* (what one should furnish or not to obtain something) may be central.

### *First Considerations on the Counterpart*

By counterpart, we usually refer to what comes back in return for the first transfer. We will call "counter-transfer" the movement (in the sense we spoke of the "movements of goods") that delivers this counterpart.

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<sup>4</sup> What was implicit in Lévy-Bruhl (in *Primitive Mentality*, English translation of 1923, *The "Soul" of the Primitive*, English translation 1928) is explicit in Mauss's essay, where he speaks of "the slightly puerile legal language of Trobriand Islanders" and of their vocabulary complicated "by a strange inaptitude to divide and define."

<sup>5</sup> For the Trobriand Islanders, see Malinowski (1963: 238-252); for the Puyallup (Salish south coasts of Puget Sound), see Smith (1940:146-150); see also the chapter on the *kula*. Note that it is rare for observers to take the trouble to study in detail the vocabulary of these societies; partial and incomplete notes always give the impression of simplicity, when the fault really lies in deficient ethnographic observation.

There is no exchange without counterpart: each of the goods exchanged is found to be the counterpart of the other. But there may also exist a counterpart within a making a gift. The child who received a marble from a little playmate may, some time later, make him a present of one of his own marbles: this is a way of thanking and of maintaining a friendship relation. Then this is a matter of a counter-gift. There may be a counterpart (counter-transfer) in a gift as in an exchange, and *therefore it is not the existence or absence of a counterpart that differentiates the two*.

Nor is it the fact that gift and counter-gift may be deferred in time. In our example they are, but the recipient might have wished to make a counter-gift on the spot, which does not modify the fact that he has indeed received a gift and rendered a counter-gift. Similarly, an exchange may be immediate or deferred.

We might pursue the parallel by saying that the regularity that seems to characterize exchanges (interrupted in capitalism only by crises and serial bankruptcies) may also be the result of a gift. Very well brought-up people may well unfailingly follow up a received gift with a gift offered, or an invitation received with another invitation offered. But I think we see well enough that it is not the *kinetic aspect* – an expression referring to everything concerning the movement of goods, the possible existence of a counterpart, its regularity, etc. – which enables us to make a distinction between the different modes of transfer. It must be something else. What?

To answer this question, we have to explore “exchange”.

### *The Three Meanings of the Term “Exchange”*

Dictionaries (*Le Petit Robert* and the OED) tells us that the noun “exchange” possesses various meanings, of which the first two correspond to two meanings of the verb “to exchange.” The first meaning is economic: exchange is an exchange of goods, and to exchange is “to cede in return for a counterpart.” The second meaning (said to be by analogy, and attested in French and English in the 17<sup>th</sup> century) concerns any reciprocal communication: to exchange is to address and receive reciprocally. Thus we speak of exchanges of smiles, courtesies, blows - the verb applies to all these situations. The third meaning concerns only the noun and in French was originally (1865) biological: “the passage (in both directions) and circulation of substances between the cell and the external milieu.” This meaning easily extends to physics when we speak of heat or fluid exchange. But we see it could be applied to all other domains, for example if

speaking of the exchange of cars between the city and the country. Of course, I am not saying these meanings are different because they arise in different domains (economy, linguistics, biology) but that they differ in a much deeper way because *they have different formal properties*. Let's start with the least rich, the third.

It is purely mechanical (or kinetic) without a link between cause and effect. It refers only to a movement in both directions through a permeable partition that nevertheless permits distinguishing between an interior and an exterior. This is why the term can be applied just as much to the cell as to an inanimate body, to an organic body as much as to a social ensemble like a city. It refers to a simple action in two directions, a reciprocal action or interchange (in the very general sense one speaks of a reciprocal action or force, without intentionality.)

On the contrary, the second meaning is inseparable from the notion of intentionality. The dictionary speaks of "address." In an exchange of smiles, each person addresses a smile to the other. Without this address, there would be only two smiling humans, but not necessarily one to the other; there would not be an exchange of smiles. Addressing signifies something, aiming at a certain goal, or hoping to do so. If I address a smile to someone, it is because I hope for a response that may take the form of a smile or something else. The address presupposes the hope of a response. Of course, in an exchange of blows, I do not give one in the hope of receiving one in return, but the other person gives me one in response to the one I gave him. The smallest common denominator of all these exchanges (smiles, blows, courtesies) indeed lies in the idea of response. An act (a smile, a blow, a courtesy) *responds* to a precedent. There is no exchange except to the extent that there is a response that is equilibrated, suitable, and in proportion to the demand implicit in the first address. There has to be a certain balance between the two. And there is an order between the two acts, one following the other and possibly occasioning a third: the exchange is a series of acts that respond to each other; the preceding one is always the cause of the following one.

Thus there is much more in exchange in the second sense than in the third, with its mechanical or biological sense. Everything that was in the third is also in the second: the same reciprocal displacement, we might say, means that from each a little bit goes to the other. But the second sense of the word "exchange" has more intentionality, signification, address, plus the ideas of response and causality.

Let's now look at the first meaning in the dictionary's enumeration, the economic sense of exchange of goods. This is also the *proper* meaning, since all the others derive

from it by impoverishment of this rich and strong sense, and it is also the *strict* sense, since it is more restricted than either of the two others. Everything in the third is found there: reciprocal displacement of goods between two actors. And everything in the second is also there: intention, obviously, since I cede my good only to signify to the other that I expect to acquire his; just as evidently, there is address and response; and finally, causality, since each of these transfers is the cause of the other. But there is much more. As the dictionary says, to exchange is to “cede in return for a counterpart.” In the exchange of goods, one does not cede one’s good *unless* the other cedes his. One does not cede it except *on condition* that the other does likewise. One does not cede it except *by reason of the engagement* of the partner to cede his. And this is what differs completely from the second meaning, since in an “exchange” of words, I do not address words to someone only on condition that he speaks to me, any more than I address a smile to someone solely on condition that he smiles back to me.

To summarize: the third meaning is almost useless since it designates simple reciprocity and says nothing more: a thing leaves A and goes to B, while from B something also goes in the opposite direction to A. This is a simple displacement in a double sense, a simple reciprocity of actions taking place in space. The meaning is purely kinetic. The second meaning is reciprocity *plus* the idea of response, which corresponds to *reciprocate*: this reciprocity is intentional, desired, signifying. But the idea of reciprocity in itself does not take us much farther. The first meaning is quite other: it designates an institution that is human, complex, and perfectly specific.

It is human because as Adam Smith once said, we have never seen animals proposing an exchange of goods with each other. They do exchange in the second sense, not the first. It is complex because there is a prior engagement or understanding, an “agreement of wills,” as jurists say about contracts, which must precede the acts of transfer. And it is perfectly specific, finally, because the characteristics that we have just picked out relative to exchange in the first sense oppose it to other transfers: during a gift, one does not give something on condition that the other promises to give you back an adequate counter-gift.

We are making progress in comprehending exchange, and hence the gift (for it is always useful - even necessary - to understand non-A in order to understand A), but let us pause to return to our Martians.

*Again, the Mistakes of the Martians*

The Martian anthropologists who (as we know) hear all our conversations and carefully take them down in their ethnographic notes, have not failed to observe the extensive usage made in Western languages of the terms “exchange” and “to exchange”. They probably conclude that our societies are founded on exchange, as are probably most other human societies. Not perceiving that exchange in the third sense was significantly present simultaneously in biology, ecology, and physics, they will believe they have pronounced a great truth of social sciences by saying that human societies are founded on exchange. But they would only have said something flat and banal, which is found in any sort of world, whether it is the world of physics, of biology, or the social world, and cannot characterize any one of them (reciprocal action is one of the fundamental principles of mechanics). They might still claim that the differences among political economy, linguistics, and social anthropology come solely from the fact that the first deals with the exchange of goods, the second with the exchange of words, and the last with the exchange of women among men.

Since they do not make a distinction between the different meanings of the word “exchange,” they do not see the essential difference that separates the exchange of words from the exchange of goods. And having noted the current expression “exchange of gifts,” they would probably also say that there is no great difference between exchange and gift – for the simple reason that they would not have seen that the term “exchange” in this expression implies the second sense (we exchange presents like we exchange courtesies) whereas in the expression “exchange of goods” the first is implied. Finally, this proposition about the lack of differentiation between exchange and gift permits speaking of the preponderance of the gift in Western society (which was, we remember, their first proposition) as synonymous with the preponderance of the exchange. And thus there will reign the most complete confusion in Martian anthropology.

This is the confusion that has reigned over structuralist anthropology for the last fifty years. And it will reign over any anthropology and any discipline that is content to take words in current language, with all the polysemy and ambiguity that characterize them, without worrying about defining scientific concepts, which must be rigorously defined to be scientific.

The result of all that is that if we are interested in the transfer of goods, we will use the term “exchange” only in the first sense, restricted and economic, and the only one that is specific to institutions and to the social sciences. The exchange implied in this sense is characterized by the necessity for a counterpart, which must be understood as simultaneously the condition, cause, and purpose of the exchange. This counterpart is also obligatory. What does that mean?

### *Obligation and Requirement to Pay*

If there is one thing for which Mauss’s formula of “three obligations”<sup>6</sup> can be reproached, it is that it appears empty of content inasmuch as the very idea of obligation is coextensive with social life as a whole. In fact there is no social relation without obligation. Whether a kinship relation, an amorous commitment, or the relation of the citizen to the state, obligations are found everywhere. But they are not all of the same nature. To speak of obligation only makes sense if the type of obligation is specified – without which, it is almost tautological. Jurists have written entire treatises on obligations, but anthropologists never. They think the notion of obligation is self-evident. It is not.

I cannot claim to fill this void here, or even to tackle the subject in a significant way, but we must at least make the distinction between *moral* obligation and *legal* obligation. A moral obligation merely pricks your conscience. But a legally recognized obligation gives rights to the one who has this obligation over you; and it gives him the means of action. We might say that the exchange includes a legal obligation to furnish the counterpart, whereas the gift does not carry such an obligation, or at least any moral obligation. We might even correlate that with the notion of sanction, within which we similarly may distinguish between moral sanction and legal sanction. This is already going much farther than Mauss (and all of anthropology after him) did, but it carries difficulties linked to the controversial question of the definition of legality in preliterate societies – a subject to which we return in chapter 2. But the very idea of legality shows us another path.

What is specific to legal obligation is that payment is required. Payment may be obtained by all the legitimate means that exist in a society, including by violence, from

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<sup>6</sup> See the systematic critique in chapter 4.

the moment that it is exercised in forms recognized as legitimate. In a state society, the obligation may be required by resorting to legal avenues (that is to say, having it executed by agents of the state); in a stateless society, it is executed by the violence of right-holders who may resort to vendetta, which represents the normal means of making one's own justice. If the notion of requirement to pay appears clear and of general application, let us now see how it illuminates our issue of gift and exchange.

### *First Element in the Definition of the Gift*

Suppose that you have seen my fountain pen and you find it very fine.

"Monsieur, you have a beautiful fountain pen!" you say.

And I say to you: "I am giving it to you!" You protest, it is too much, there is no reason to, but finally you accept. You gush your thanks and you take away the fountain pen.

Fine.

A few days later, I meet you and I claim from you the 100 euros that represent the value of the pen. You are astonished at my demand, but I insist, maintaining that, since you accepted my pen, *you owe me* this sum and that *you have to pay* me. What would you say? Simply: "But then it wasn't a gift!"

We understand where the problem lies: the fact that I require a counterpart that demolishes the idea that I made you a gift.

If several days later, you made me a present by way of thanks – valued at 100 euros, or less or more, it doesn't matter – nobody would deny because of this act that I had given you a present. The existence of the counter-gift does not cancel the nature of gift in my original gesture.

If in reality I had given you my pen in the hope that you would render me some service, that would not make the gesture not a gift, either. It would have been an interested gesture, certainly, a selfish one, but a gift nevertheless. The fact of expecting a counter-gift does not cancel the nature of my gesture as a gift.

If I later came to ask you to lend me 100 euros, on the pretext that I was short of money and reminded you of the gift I gave you a few days before, you would perhaps find it hard to refuse to help me, but you would not be able to say that my original gesture was not a gift. It certainly was self-interested and my behavior was deplorable,

but still nobody would deny that this gesture was a gift. The fact of soliciting a counter-gift does not annul the nature of my act as a gift.

What does annul it is that I *require* something in return, that I claim *the right* to do so. Either it is legitimate for me to claim something and so it is not a gift, or else I have no legitimacy to demand anything at all and it is indeed a gift.

We may conclude that the *gift is the transfer of a good that implies the renunciation of any right over this good, as well as of any right that might emanate from this transfer, in particular the requiring of anything as a counterpart.*

Within the idea of gift lies the idea of abandoning. The donor abandons a good, any right over this good, as well as any right that might emanate from its transfer.

In the exchange, on the contrary, each of those exchanging something has a right to require a counterpart – and it is this very right that defines the exchange.

We may now say very precisely that Mauss' expression "exchange of gifts" is (strictly speaking) contradictory: because the *exchange* is founded on the right to demand a counterpart, whereas the *gift* is a gift only due to the renunciation of the right to require it.

We see that the key point of this first approach – which is not yet a definition – is a matter of right: the question of the legitimacy of claiming, requiring. This key point resides neither in the movement of goods (as for example the fact of the counterpart – what we have called the kinetic aspect of transfers), nor in the psychology of the actors (whether it is generous or selfish), nor in their behavior (the solicitation of the donor).

### *Definition Completed*

But this first definition is still insufficient. It does allow us to distinguish between gift and exchange, but it does not enable a distinction between gift and a third type of transfer.

Let's consider the matter of fines, or everything we ought to pay as damages and interest, all reparations following upon a misdeed or a responsibility incumbent upon us. What is the nature of such transfers? They are obviously not gifts. And they are hardly like exchanges, since although one sees a certain reciprocity at work in the idea of reparation as in the classic exchange, a difference of scale enters between the two.<sup>7</sup>

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<sup>7</sup> This point will be developed in the following chapter (*Three situations compared*).

What marks the exchange is the requirement to repay each of the transfers: yet if the reparation is payable, the fault that it is supposed to repair is not. Nor is there in the reparation the kind of reciprocal causality that comprises the exchange, with the acceptance of ceding a good by each of the exchanging partners being the cause of the other's accepting to cede his own. In reparation, the fault is the cause of the reparation but the reparation is not reciprocally the cause of the fault. And we are always wrong to confuse exchange and reciprocity, for if exchange is indeed a form of reciprocity, not every reciprocity is an exchange. Finally, the reciprocity put into play in reparation is not the same as in exchange. Reparation, being neither gift nor exchange, is a transfer of another kind, what we will call T3T, a transfer of the third type.<sup>8</sup> I will not draw up here a list of all its characteristics, but let us just say that it is a transfer that results from an obligation that is totally required to be paid (the wronged party having the right to demand reparation from the person who caused him the wrong) and without counterpart. Another example is taxes.

But here is our problem: the element of definition by which we come to characterize the gift applies equally to the T3T and so does not allow making a distinction between gift and T3T, which is absurd. Consequently we have to refine our definition of gift such that cannot be applied to what is obviously not a gift.

Could we say that the gift is voluntary and that no T3T (reparation or tax) is? Could we say that the gift is free, while taxation is forced and the reparation is constrained? This would mean embarking on endless and difficult discussions, similar to the ones we wanted to avoid regarding obligation. For everybody has known situations in which we feel "obliged" to give a gift. For example, we do not feel "totally free" to *not* make a gift when it is a matter of a tip or a charity collection. Where does the line of demarcation lie? Could we say that what characterizes the gift is that, even if you are not totally free *not* to give, you still give "as much as you want," in the hallowed phrase? But note that the tipping rate is known and customary; and when there is a collection you know that you cannot really give what you want, for there a tacit minimum below which you cannot descend. In truth, the notion of freedom covers an

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<sup>8</sup> The presentation of this type transfer in my 1997 article "Les trois modes..." was incomplete because reparation was not envisaged there, and so it was partially erroneous due to the overly exclusive link I made with a dependent relationship (which does not exist in the case of reparation), a topic taken up in the following chapter.

infinitely varied range - a range similar to what obligation covers. There are moral pressures that limit freedom, which are quite different from legal constraints, which rely on force.

A short parenthesis is advisable to set aside a false solution that consists of saying: by paying the tax, I do not renounce any right emanating from my gesture, since by this gesture I have secured the right to no longer find myself subject to the demand to pay the tax. A payment acquits a debt; it engenders a right or else annuls one (the obligation) that others had over us. We say the same of someone who caused a wrong to another - when he pays for it. On this case, we might claim that our first characterization of the gift suffices to differentiate it from T3T. But in truth these considerations are not general and are valid only for the taxpayer and the author of a reparable wrong. They are not valid for the serf - "*taillable et corvéable à merci*," a French medieval expression meaning "subject to unlimited exploitation". But the tax (payment in money), just like the *corvée* (payment in services) is a transfer of the third kind. The serf, by furnishing them, acquires no right by doing so. Our preceding definition of the gift would apply, which is contrary to reason.

A simple solution consists in returning to our term of required payment. The tax must be paid, which is written on any tax demand. The payment of reparation, the serf's tax or *corvée* (labor), are similarly required. A gift is not. Nobody can require a gift of you. A gift can be expected, solicited, etc., but not required without losing its character as a gift. Here we find ourselves in the same discussion as about the counterpart.

To conclude, we will say that a gift is *a transfer of a good*:

1. *that implies the renunciation of any right over this good as well as of any right that might emanate from this transfer, in particular that of requiring anything by way of counterpart; and*

2. *that is not itself required.*

[In the rest of this book, these definitions will enable me to demonstrate that of the two great institutions of the preliterate world that have been conceived as founded on the gift - the potlatch and the kula - only the former actually is based on gift-giving, whereas the latter is not (chapters 3 and 7). These definitions will also permit us to perceive that a form of commercial exchange that has been mistakenly conceived in terms of gift and counter-gift is in fact an exchange - but not a mercantile one (chap. 5).

In a general way, these precise definitions will serve as the basis for a critique of the classic theses of social anthropology about the role and importance of the gift in preliterate societies.]

Translated by Susan Emanuel