

I/You: Reciprocity, Gift-giving, and the Third Party

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Abstract

This essay first examines the issue of intersubjectivity in terms of the paradigmatic relationship between *I* and *You*. From a grammatical standpoint this relationship seems asymmetrical as well as necessarily performative: *I* implies the speech act of the speaker. *You* exists only as *I*'s interlocutor. This helps us understand the very different status of what is called the 3rd person--and which would more accurately be called a nonperson, as Benveniste explains. This nonperson marks the position of a *Third Party*. I propose to show that the same Third Party--whether a living being or a thing--is also involved in the traditional ceremonial gift-exchange relationship discussed by Marcel Mauss. The relationship between the partners in gift-exchange is mediated by the being or the thing given, which is for the recipient a *token* and *substitute* of the giver. What this involves is the *reciprocal public recognition* of the partners. In modern societies this function is performed by the law and by the institutions of the arbiter-State as they emerged in the formation of the Greek city.

Keywords: I/you relationships, performatives, reciprocity, gift-giving, recognition, alliance, third party, otherness, law, mutuality

“Who are you?” This question pertains to an entirely different model of discourse than the question, “Who is the other?” Why is there such a great difference between them? After all, from a grammatical point of view, it only involves a shift from the second to the third person. However, this apparently trivial shift involves crucial ontological implications. The question, “Who is the other?” originates from the position of any curious person, or of such eminently – and professionally – curious people as judges, researchers, historians, police officers, or other professional investigators. Questioners stay in the background, foregrounding what is being questioned; they keep some distance with their objects; they aim to produce a truth that will be recognized and

acceptable by peers capable of verifying the rigueur of the research procedures that have been followed and of accessing documents accessible to any other investigator. This objective and verifiable model belongs to what grammarians call “third person,” or rather “non-person.” The question, “Who are you?” on the contrary, can only be asked by “me.” Of course anyone can take on the position of the questioning “I.” The issue lies elsewhere. Along with the question, “Who are you?” something opens up within language, and this opening up establishes *the very existence* of the addressor and addressee of the question. This shift is a strong marker that is found in every language. What does it mean? Probably that the “I/You” relationship is a relationship of *reciprocity*, that such a relationship only exists as an *act*, and that it commits the interlocutors through a pact, be it an implicit one. What is this pact about? I will try to show that it is about the very fact of the existence of an unbreakable bond, yet one that binds beings that are separable from each other. I am, therefore you are. Yet I am not you. Conversely, you are, therefore I am. Yet you are not me. We are only together through a decision to form an *alliance*. From the start, this encounter implies the fact that the other also exists. Who is the other as a third party? He is everything that is neither you nor me and among which we exist. We only exist for each other because we exist through the other outside of ourselves, or rather the other that stands *between us*. We have no direct access to each other but we can testify to our reciprocal commitment through a *third person*, this other that is not ourselves. This testifying involves not only words but also the act through which “I” presents “you” with something – or someone – from the world as coming from himself, offers it to him as a guarantee and substitute of himself: from me to you through the mediation of the thing that is given, and back, a thing being given in return, reversing the positions of giver and receiver. Human beings only exist through this reciprocal bond through the mediation of what is exchanged between them. The power of this schema is expressed by language through the distinction between grammatical persons and its operation is performed through gift-giving relationships that follow rituals of exchange. This is what I intend to investigate.

Linguistic Approach: the “I/You” Binomial versus Non-Person

What can language itself teach us about this? Since childhood, which is to say since we have learned to conjugate verbs, it seems to go without saying that in every language three types of persons exist, the first being ‘I’, the second, ‘You,’ and the third, ‘He/She/It.’ We also believe that their distribution is relatively universal in spite of the diversity in the occasions in which they are used and the large number of languages in the world (although classical Indian grammarians called the 3rd person the third, and conversely). This is why we find it surprising to learn from linguists that this partition into three elements is based on an illusion, that only the first two persons (‘I’ and ‘You’ in our classification) deserve this name, and that what is commonly designated – in our languages – as third person is not really a person. It seems that Arab grammarians were the ones who had the most accurate intuition of what this question involves when they chose to designate the first person – ‘I’ – as “the one that speaks,” the second as “the one that is addressed, and the third as “the one that is absent”; in short, the position of the latter is not situated at the same level as that of the two others, as Emile Benvéniste noted in several groundbreaking articles (Benvéniste 1971, 195-204)¹ to which I will refer in order to set a first starting point on the question of reciprocity.

In order to better situate what is at stake in this distribution, I will propose that the ontological status of grammatical subjects be distinguished from their relational or social status.

Ontological status. Benvéniste noted that a confusion developed within the Western tradition between grammatical subject and person (we might add that this was probably due to reasons related to a metaphysical conception already well-established in classical Greece). This is why a “third person” was promoted by grammar as an extension of the first two. This extension is inappropriate.

Let us first consider the *I-You* binomial. ‘I’ can only be uttered by a *current speaker*: *I* refers to the person who is speaking at the time when he or she is speaking (be it in everyday life, reported speech, or fictional writing). *I* thus refers to oneself. It is from the start an affirmation and attestation of existence. It is also an attestation of subjectivity that designates this person’s position and act as unique. It is me and no one else that is speaking and acting. “The form of *I* has no linguistic existence except in the act of speaking in which it is uttered,” (Benvéniste 1971, 218) Benvéniste wrote, and he added, “*I* signifies ‘the person who is uttering the present instance of the discourse containing *I*.’” (Benvéniste 1971, 218) In other words, speech-act and existence coincide in this *I*. This entails the same statement regarding *You*, which is symmetrically defined as, “the ‘individual spoken to in the present instance of discourse containing the linguistic instance *you*.’” (Benvéniste 1971, 218) It is you – and nor other – that I am addressing. Moreover, the ‘I-You’ relationship is such that the ‘You’ that I am addressing is also an ‘I’ for which I am a ‘You,’ since even though the ‘I-You’ relationship is from the start a relationship of perspective from ‘I’ to ‘You’ it implies the reversibility of ‘You’ into ‘I’ for the person which I am addressing and which, by definition, can reply to me. In other words, a *grammatical person* is and can only be someone capable of making this statement and this reply. ‘I’ and ‘You’ can only exist through the *speech-act*. From this various deictic words derive, such as ‘here’ and ‘now’; ‘yesterday’ and ‘tomorrow.’ They all refer to speech-acts, whereas their ‘third person’ counterparts are ‘in the same place’ and ‘at the same time; ‘the day before’ and ‘the day after.’ *I* and *You* exclusively belong to the *present* of the speech-act, which is, according to linguists, what confers upon them the status of *persons*. This is how linguistic analysis opens onto pragmatics, i.e. an analysis of speech-acts [*pragmata*].

This is not the case of ‘He/She/It,’ which is a grammatical subject but not a “third person”; the third party position of this grammatical subject designates not just any person absent from the ‘*I-You*’ relationship but also non-persons such as animals and things. As Benvéniste showed, this is very clearly

marked in many languages by the absence of an ending or, on the contraire as in English by the addition of an ending [I do; you do VS he/she does]. This does not involve a depersonalization but merely a positive marker indicating the absence of a person. It makes it possible to recognize whether or not an agent is present. Thus, the Latin phrase, *volat avis*, should not be translated as, *the bird is flying*, but, literally, as, *it is flying, the bird*. Benvéniste notes that this third form can contaminate everything outside of *I* and even affects *You*, sometimes assigning it a value that lies outside of the *I-You* binomial, as in cases when *You* stands for *One* in generalizing statements such as, *If you wish for peace, prepare for war*. This impersonal use of *You* is observed in many languages. In the same way, the so-called “third person” can take on analogical values beyond its normal range, which can be completely diametrical opposites: it can indicate that the speaker situates the addressee above interpersonal relationships in order to mark respect for his or her status, as in the Italian expression of courtesy *Lei (She)* or the French use of *He* or *She* to designate oneself (as when a monarch proclaims, *The King wishes that...; he... etc*); but the same form can on the contrary express extreme contempt when, instead of using the second person, one states in front of an addressee, “*Qu’est-ce qu’il me veut, celui-là?* (“*What’s the matter with him?*”).

Relational Status. These markers make it possible to better identify the specific type of *I-You* relationship involved and to foreground the referential character or perspective of *I*. *I* always identifies the speaker and *You* the addressee. *You* only exists for an *I* that signals and asserts its position of subjectivity par excellence, as Benvéniste summarized, “One could thus define “you” as the *non-subjective person*, in contrast to the subjective person that “I” represents; and these two “persons” are together opposed to the “non-person” form (= he).” (Benvéniste 1971, 201) From this point of view plural forms are interesting: *We* does not consist of the addition of several *Is*, Benvéniste said, but of an “amplified *I*,” i.e. a speaker that takes on the position of subjectivity on behalf of a group of persons, whether it is the inclusive *I + You* or the exclusive *I + Them* category. This echo of this “amplified *I*” is clearly in

evidence in the royal We used by princes and the rhetorical We used by author as well as in the less common We that refers to a community of persons that constitute a single entity, as in the famous “We the people” in the United States Declaration of Independence. Following the same logic, in French *Tu* turned into *Vous* as a polite form and in English *You* came to replace *Thou*, which then disappeared from colloquial speech. Finally, the boundary between *I-You* and *We-You* on one side and *He-She-It* on the other remains clear: grammatically, the latter category is that of the non-person; thus *They* is equivalent to *One* as in the Latin *dicunt* and the English *They say*.

The nature of the *I-You* pair must nevertheless be considered in more depth and its unique relational status more precisely identified. Stating that *I* is a speech-act that necessarily implies *You* as addressee means that *I-You* constitutes an indivisible entity. These two persons are tied along a model of integral reciprocity, since *You* is implicitly reversed into *I* in his or her reply, conversely turning the original *I* into *You*. Saying *I* therefore amounts to accepting from the start this inversion of subjectivities. “Consciousness of self is only possible if it is experienced by contrast. I use *I* only when I am speaking to someone who will be a *you* in my address. It is this condition of dialogue that is constitutive of *person*, for it implies that reciprocally *I* becomes *you* in the address of the one who in his turn designates himself as *I*.” (Benvéniste 1971, 224-5) Let us add that (as we shall later see) any strong reciprocity presupposes a *response* relationship, an alternation of the positions in speech an action, therefore an unpredictable successiveness and hence an open temporality, which constitutes the very evidence of the speakers’ freedom. This makes it possible to better understand another remarkable statement of Benvéniste according to which in the speech-act the whole of language as system is taken on by the speaker and thus *subjectivized as speech* addressed to another person².

At this point it is especially interesting to note the exemplary status of a particular form of speech-act that was first described by J. Austin (Austin 1975) and later examined again by J. Searle (Searle 1969) and others who called it

“performative.” Performatives are first-person statements that only involve certain verbs and in which the very fact of stating performs the action the statement designates. The best examples of this are statements such as “I swear,” “I promise,” or “I commit myself to.” They provide the fullest expression of the function of *I*, which is to testify to the being of the speaker. Testifying means bearing witness as the very person that is committed in and by what he or she is stating. Toward who is the speaker committed? This has to be toward the *You* that is involved in the speech exchange, whether an individual or a group. In performative statements, the grammatical relationship is transcended into a social or rather a political bond: the *I-You* binomial becomes a *pact* in which the collective structure of language comes to the fore along with the implicit convention that characterizes society as an accepted alliance between subjects capable of making a choice. “We the people” once again provides a perfect example of this. We can thus understand that performative statements take us toward a field of experience in which speech-act and social act overlap. This privileged locus requires a more precise examination. It is the locus of practices of reciprocal commitment and relationships of public and solemn exchanges. Anthropology provides us with a particularly important and well-researched example of this: namely, the exchanges of ceremonial gifts. This deserves further discussion for two reasons: first, they express the relationship of reciprocity in an exceptionally strong way, in which the relationship between Self and others takes on a founding character; second, this type of exchange forces us to rethink in depth the role of the third party, namely what is called the third person in the *I-You* relationship: to speak of a “non-person,” as Benvéniste did, obviously does not mean that humans are not persons outside of the I-You relationship. It may even be the case that this relationship can only occur through this third party, which is absent from the dialog and yet without which the speech exchange that seems to ignore him could not take place.

Anthropological Approach: Ceremonial Gift, Alliance, and Reciprocity

What does it mean to talk of a third party? The third party can be discussed in several different ways, as *being* can be according to Aristotle. I will not deal with the questions of the third man Plato discussed in *Parmenides*, of the excluded middle in logical reasoning, or of Quine's impossible third text, regarding translation. I will restrict my discussion to the question of the *third as mediator* between two terms in a relationship. Yet even in this case the third party can be considered in different ways depending on whether it designates a thing (as guarantee), a person (as witness or judge), or in a more abstract way a code or text recognized as having normative or even constraining power (such as a law or set of laws). Do these different aspects constitute separate categories or are they articulated together as part of the figure of the mediating third party? I will try to show that such an articulation does exist and can be best deciphered in the case of gift-giving. However, this deciphering can only occur if we understand that gift-giving itself cannot be reduced to a single phenomenon but includes at least three, which constitute something akin to the different realms discussed by Pascal. Presenting in a very general way an articulation between gift-giving, third party, and law thus runs the risk of giving free rein to empty speculations. We must first attempt to precisely define the kind of gift-giving that is involved in order to try to ensure that the two other concepts will be applied to specific fields of reference.

The Three Categories of Gift-Giving

When we reflect upon what it means to give we believe that we can agree on a broad definition that applies to every case and could be stated as follows: giving is providing a good or service in a non self-interested manner, which means that no reciprocation is guaranteed or expected. This definition seems perfectly reasonable, yet applying it to every form of gift-giving can lead to the most serious confusions since ritual gift-giving

precisely includes the strict obligation to reciprocate the gift. We must therefore acknowledge that the character of oblation that is at the core of this definition is not relevant in this case. The solution that has generally been chosen to confront this problem has been to dismiss ritual gift-giving from the scope of this definition by calling it “archaic” and suspecting that the requirement of reciprocity involves the expectation of an advantage (or interest) that would be the damning evidence for this archaic character. This approach already performs a discrimination between “true” gift-giving (which is supposed to have a character of oblation and be unconditional) and its impure instantiations that can be identified by their difference with the definition³. In contrast to this approach, one could resort to casuistic considerations on the amphibology of the word “interest” in order to associate it in a paradoxical way with the word “gift,” so as to preserve this “old-fashioned” notion of gift-giving. In my opinion, recognizing that several models of gift-giving exist and that they are significantly different from each other provides a more promising approach than claiming to force a single mould onto overly diverse practices.

An effort of clarification is required. Let us start with a few convincing examples. It is hard to see how the following could be placed under the same label: a. the festivals and gifts that chiefs offer each other in turn in traditional societies; b. the celebrations and presents that parents give to their children on the occasion of their birthdays or that anyone offers to loved ones in order to give them happiness; c. the donations given to populations on the occasion of catastrophes. These examples are significant: it can be considered that they exemplify three main types of gift-giving: a. the first is generally called “archaic,” a concept heavily loaded with presuppositions; I prefer to keep to descriptive criteria and call it *ceremonial* gift-giving; it is always described as *public* and *reciprocal*; b. *gracious* or *oblatory* gift-giving, which may or may not be private but it is primarily *unilateral*. c. *mutual aid* giving, pertaining to either social *solidarity* or so-called philanthropic activity; it is viewed by some as constituting the modern form of traditional gift-giving.

When a concept – such as that of gift-giving – applies to such different practices and is open to such divergent argumentations, there is reason to believe that its definition is imprecise or even confused and that the practices involved have not been sufficiently described and categorized. Thus it is likely that the three examples given above do not constitute a homogeneous class of objects. The first type is characterized by the obligation to reciprocate the gift that has been received, as shown by ethnographic investigations; it therefore raises the issue of reciprocity (which is certainly much more than a mere exchange of good manners). Its lexical field is that of *dosis/anti-dosis* in Greek in which *anti* always indicates the *action in return* that is called for by the initial action.

The second type reveals a spontaneous generosity towards those close to the giver, which is viewed above all as a psychological or moral quality. Its lexical field is that of *kharis* in Greek (one of the primary meanings of which is “joy”), that of unilateral giving (there is no such thing as anti-*kharis*); this recalls the whole of the theoretical field of Biblical Grace (*hen*, favor translated as *kharis* in the Septante, a term also used by Paul), of the Latin concept of *gratia* from Seneca to Augustine, and of Medieval through Reformation theologies.

The third type – as opposed to the second – expresses a much more social dimension of generosity toward either close associates (friends or neighbors, between which reciprocity is desirable but not mandatory) or strangers (case in which returning a gift would not make sense): this would be the field of the *philia* or *philanthropia* discussed by Aristotle in *Nichomachean Ethics*. It also encompasses various practices of solidarity between close associates or members of a chosen community (such as a religious congregation or a group of friends) and everything Weber described as pertaining to a “religious ethic of brotherhood” [*die religiöse Ethik der Brüderlichkeit*]” (Weber 1993)⁴.

At this point a crucial question must be dealt with: whereas forms of gift-giving pertaining cases 2. and 3. are still common practice to this day, it is clear that ceremonial gift-giving as a public form of exchange of presents between groups no longer constitutes a predominant fact in modern societies. From this

point of view gift-giving is a phenomenon of the past that barely survives in the form of official gifts. This seems to legitimize the use of the term *archaic* and to explain the temptation to identify traces of this in the two other forms of gift-giving that are still occurring. I had the opportunity to show in another work (see Hénaff 2002 / 2009 / 2010) that an entirely different approach of ceremonial exchanges is possible – and perhaps required; it amounts to understanding them above all as exchanges not of goods but of symbols, more precisely as a *public procedure of reciprocal recognition between human groups*. This reading (the central elements of which I will now sum up) provides a starting point making it possible to show that in any society that endows itself with a central organizing authority – such as a city-state and a kingdom, in short every entity that we now call a state – this *public recognition* is ensured by *law* and the whole of civic institutions. This transformation makes it possible to articulate traditional gift-giving, the law (as *nomos*), and the third party which remains to be defined as part of this trinomial.

Ceremonial Gift-Giving as a Pact of Recognition

We must reexamine the question of ceremonial gift-giving. M. Mauss' *The Gift* (Mauss 2000) provides us with an appropriate starting point. Mauss was not the first to show interest in this type of social phenomenon, which he too called “archaic,” but he was the first who epistemologically *articulated* this *question*. Without dwelling on this book which is probably familiar to most of us, I would like to very briefly mention his main conclusions along with a few questions. 1. Mauss defined procedures of gift exchanges as “a total social phenomena,” which meant that they encompass every dimension of collective life such as religion, politics, economy, ethics, and aesthetics, and above all that they constitute the central fact around which everything else is organized; hence this question: what has become of such central facts in modern societies? Either they have disappeared or their purpose has survived in different forms; if so, what are these forms? 2. Mauss showed that gift-giving procedures consist of three inseparable and mandatory

steps: giving, accepting, and returning the gift. To him this mandatory character appeared as the most enigmatic. He documented it but did not explain it; is it possible to present a convincing interpretation of this obligation? 3. Mauss was clearly aware that this exchange in no way amounts to trade: he even noted that the well-known *kula* circuit of exchange of the Trobriand Islands, in which precious goods are offered by both partners, coexists with a profitable exchange called *gimwali*, which is regarded as the opposite of *kula* and conducted *with entirely different partners*. Gift exchanges and commercial exchanges coexist and belong to two very different realms; how can we understand that the mandatory response to the gift that was received is not motivated by self-interest? 4. The last important character Mauss emphasized was that what is given through this exchange of precious goods is always *oneself*; what is literally handed over to the other through the good that is offered is the self of the giver; hence the magic that protects it. What does the presence of the giver in the thing that is given imply? Is this a superstition that should be ignored or the revelation of a relationship that is specific to the third party constituted by the thing that is offered and absent from the thing that is sold?

It is clear that ceremonial gift-giving raises a set of questions that are specific to it and radically distinguish it from the two other forms of gift-giving. Since it is impossible to discuss within the limited framework of this presentation the now considerable empirical collection of materials that has been gathered for almost a century, I will just present a critical assessment indicating seven variables that can be drawn from field investigations and that make it possible to better identify the specificity of ceremonial gift-giving: 1. *goods exchanged*: precious objects (or beings); festive foods; 2. *procedures*: well-established rituals accepted by the partners; 3. *level of communication*: public; 4. *effects caused or expected*: a. strong bonds between givers and receivers; b. prestige and rank gained; 5. *type of choice*: mandatory; 6. *mode of relationship*: reciprocal; 7. *attitude of exchange*: generous rivalry.

Let us note that the two other types of gift-giving (type II, which I call *gracious* and type III, which I call *solidarity-based*),

only share one or two of these variables with ceremonial gift-giving. It is therefore clear that discussing “gift-giving” in general entails a serious epistemological risk. Gift-giving cannot be discussed without qualifying it with the adjective that specifies the realm in which it is practiced. This clearly forces us to divide what has been called “the gift paradigm” into three parts or, better, to acknowledge that there are at least three paradigms rather than a single one. They can be described as different *realms* in Pascal’s sense: each of them has its own system of justification. Thus reciprocity, which is essential to ceremonial gift-giving, is not relevant to gracious gift-giving but may or may not be valued within solidarity-based gift-giving. Similarly, discretion – self-effacement of the giver – which is often expected (and sometimes indispensable) in gracious gift-giving would make no sense in ceremonial gift-giving, which is public by definition. We will focus on ceremonial gift-giving in order to understand the relationship between gift-giving, *third party*, and the *law*. We can therefore expect that this third party involves the public realm and that the law must be understood in its institutional sense.

We must then present an entirely different interpretation of ceremonial gift-giving, one that breaks even with Mauss’. I already mentioned above the central argument of my hypothesis: ceremonial gift-giving is primarily a procedure of public and reciprocal recognition between groups within traditional societies. It still remains to determine what this *recognition* means and why it occurs through such a procedure. I will only indicate this fairly briefly in order to avoid repeating a demonstration that I have already presented (Hénaff 2002). A central lesson is provided by investigations concerning *first encounters*. Numerous testimonies have taught us that these encounters primarily take the form of reciprocal exchanges of presents: the *opening gifts*. This may seem sensible and courteous to us. Our surprise arises once these exchanges are presented as *mandatory* – the alternative being conflict⁵ – whereas we realize that polite phrases and friendly attitudes nowadays seem sufficient for us. The whole question lies in these two observations. Nothing can better help us understand what is at stake than a short narrative that was reported by a

British anthropologist (Strathern 1971, XII) who had heard it from his New Guinean informer; during the 1920s, the latter had witnessed the arrival of the first white man to his village. It so happens that, according to local legends, the dead could return as light-skinned cannibalistic ghosts. It was decided that a test would be performed to determine whether or not this potentially dangerous stranger was a human being. They offered him some pigs and the white man, who was a well-informed Australian administrator, offered them precious shells in return. Then, the informer concluded, “We decided that he was a human like us.”⁶

It seems to me that this story can be viewed as an exemplary parable that can help us understand the most general meaning of reciprocal, public, and ceremonial gift-giving, as well as its essential relationship with the phenomenon of *recognition*. The opening gifts ritual is a *procedure of reciprocal recognition* in the triple sense of *identifying*, *accepting*, and finally *honoring* others. A first question must be raised at this point: why does this recognition have to occur through exchanged *goods*? Other questions arise: what is it that is recognized in the other? What is made possible by this recognition?

In order to answer these questions – and to increase our surprise – it seems to me that we have to move to an entirely different field and wonder whether or not other animal societies, starting with those closest to us (apes), exhibit behaviors comparable to these. What the most advanced research on this shows us, especially regarding chimpanzees (Goodall 1986; de Waal 1989; McGrew 1992), is that, 1. mutual recognition as *identification* occurs through vocal messages, smells, and above all coordinated sets of gestures and attitudes; 2. recognition as *acceptance* takes place through postures and procedures of reciprocity (such as attitudes of appeasement, mutual grooming, and sharing of space), but never through *objects given as tokens and kept in exchange for others that are given either immediately or later* (which has nothing to do with the sharing of food among various mammals (Stanford 2001) or with the mating rituals of certain birds, reptiles, and insects). A. Smith sensed this quite well: “Nobody ever saw a dog make

a fair and deliberate exchange of one bone for another with another dog” (Smith 1993, 21). It seems that humans alone resort to the procedure consisting of committing oneself by giving something of oneself as a *token* and *substitute of oneself*. The fact that an agent *vouches for himself* in front of other agents *for the duration of a time period* can be provisionally considered as defining him as a Self. It is remarkable that this occurs through the mediation of a *thing*, a third element that constitutes a *token* of oneself. This recalls the classical Greek and Roman procedure of the *pact* performed through a *symbolon* (derived from *ballein*: to put; and *syn*: together), a piece of pottery broken in two, of which each partner would keep one half that could fit the other as witness *for the future* that an agreement had been made. According to this model⁷, reciprocal gift-giving is nothing else than the originating gesture of *reciprocal recognition* between humans, a gesture that is found in no other living beings in that it is mediated by a *thing*, but a thing that comes from oneself, stands for oneself, and bears witness to the commitment that was made. Forming an alliance – a pact – means bringing together one’s own self and the strangeness of the other through a thing that comes from oneself and is desirable by the other. This third party brings the two sides together: there is no alliance without an Ark of the Covenant. The thing given binds the two parties primarily by bearing witness that the bond has been accepted. This reciprocal recognition through the exchange of something that specifically belongs to the group (or its representative) and is offered to the other, is at the core of the exogamic relationship (according to Lévi-Strauss 1969, 552), the wife who goes to the other group is “the gift par excellence”) and illuminates the prohibition of incest, which is above all a positive imperative of reciprocity: one is a human being to the extent that one moves outside of the “natural” group based on consanguinity by recognizing and forming an alliance with the *other*. In order to be oneself, one must recognize what one is not.

This is in short the new anthropological interpretation of ceremonial gift-giving that I am presenting; it obviously does not apply to the two other models of gift-giving, namely unilateral gracious gift-giving and gift-giving out of solidarity⁸.

Before we can go forward we must understand how the concepts of symbol, convention, and alliance are interconnected. We will then consider the connection between the concepts of reciprocity and obligation.

To say that there is an *alliance* – and in particular an exogamic alliance – means that there is a *pact* and therefore an *intentional* recognition between “Us” and “You” beyond a mere social self-regulation among groups. To say that this alliance brings together what is not together – performs a *sym-ballein* – and belongs to the realm of intentionality means that the encounter between two autonomous beings involves a decision to give oneself rules: establishing a convention amounts to committing to these rules (which is one of the primary purposes of rituals) and involving oneself: giving oneself through the thing that guarantees the pact. This is made clear by the definition presented by Ortigues, “In general, symbols are the materials with which language conventions, social pacts, and guarantees of mutual recognition between liberties are constituted. Symbols are formative elements of a language, considered relative to each other as constituting a system of communication or alliance and a law of reciprocity between subjects.” (Ortigues 1962, 61) What has been concluded through the *opening gifts* is extended through time by relationships that rituals aim at stabilizing; but this is above all accomplished through the exogamic alliance, which indexes the agreement between groups on the reproduction of life itself and connects it to the succession of generations (which is particularly obvious in the so-called generalized exchange, in which the response occurs over the long term and through extended networks). From the moment the exchange of gifts as a gesture of alliance occurs, it generates human groups that are regulated by a *convention*.

In order to better understand this, it may be useful to refer to the triadic relation theory that was proposed by Peirce, for whom any relationship that implies two agents and an object of exchange presupposes a *norm of exchange*; it is therefore not the mere addition of two separable gestures such as, A gives object O to B and B receives O from A; from the start and by definition the partners and the thing exchanged are, in Peirce’s

words, in relationship *under a law* (Peirce 1931-1958, T. I. paragr. 471; Vol. VIII, ch. 8). Descombes (Descombes 1996, chap. 18) was right to note that, contrary to Russell's claim – which reduced all exchanges to two dyadic gestures, A gives O and B receives O – the gift-giving relationship is not the transfer of a good from one partner to another but, as Peirce explained, a relationship *between the partners* through the mediation of this good. To give is always to give something to someone; this relation is inherent in all so-called trivalent verbs (such as to give, grant, provide, bring, deliver, etc.). However, we must go further: ceremonial gift-giving cannot be reduced to giving something to someone as Descombes seems to believe; to give a good to someone in accordance with some rules instead defines the contractual relationship (let us recall that to sell is also a trivalent verb). The gesture of giving – especially ceremonial gift-giving – does generate a relationship ruled by a law; but from the start it is much more and performs much more: it is an *commitment* under a law. It consists of giving *oneself* to someone through the mediation of something. In this case the third party represents the Self of the giver (Mauss was right to emphasize this point) as a *token* and *substitute* of himself. In the case of ceremonial gift-giving we must therefore consider a second level of triadic relationship. There is a shift from the neutral fact of convention – the triadic structure – to the *personal gesture* of commitment. However, this is not enough: a third level of this relationship must now be considered, since the commitment that ceremonial gift-giving calls for requires a response from the other, i.e. the obligation of the gesture in return: therefore, what is involved is necessarily a *gesture of reciprocity under a law*. This law is the obligation to return the gift. This is what Mauss found surprising; he reported and documented it but admitted he had no way of explaining it. Introducing the notion of interest in order to account for this reciprocity amounts to a serious misunderstanding. What is the meaning of the *obligation* to respond in ceremonial gift-giving? It is neither a physical necessity to react (as in the case of living organisms responding to external stimuli) nor a truly legal obligation (which would provide for sanctions as is the case when contracts are not

abided by) or a moral requirement (in the sense that it would be immoral not to respond). What we are dealing with is the *structure of a game* and an *alternation principle* analogous to that found in any game between partners and even more precisely in a duel. Entering the game entails having to reply (as is the case in any exchange of salutations) (Goffman 1961). Not responding amounts to taking oneself out of the game. The obligation to respond lies in this. One does not throw the ball back in order to be generous or courteous or out of a contractual obligation but because the response is part of the game, or rather of the system of accepted rules. The inseparable character of the three terms of the triad concerns not only the relationship between the partners but also their reciprocal action. The interplay of gift and counter-gift is a gesture of reply that precisely matches the alternation of blows (in fact, the same partners involved in the exchange of gifts are also responsible for vindictory justice in case an offense was committed). This involves neither moral choice nor altruism or charity, but only the requirement to *reply* that is specific to action among the living. The relationship is agonistic from the start. But there is more to this: the “game” is at the same time the pact that is offered and accepted through the goods exchanged⁹.

I propose to call this fundamental relationship of recognition *political* because it is radically different from the *social bond* that exists in every animal society. The alliance as an explicit gesture of acceptance through the choice of a token-symbol is only in evidence in human reciprocal ceremonial gift-giving; from the start it amounts to a public recognition of the other group and a commitment to coexist and collaborate, in short to a *convention*; this is precisely what Aristotle called a *politeia*. The alliance takes up and encompasses the social bond but also transcends it by turning it into a political bond, which is to say an intentional relationship of association. This is the relationship that is unique to the human animal; he is the *zoon politikon* in that through the procedure of *recognition* he institutes a life under rules. The uniquely human bond is political in that it is the unique bond between autonomous beings capable of assigning themselves a law (though not

necessarily in an explicit manner). It is therefore clear that an essential articulation exists between human order as reciprocal *public recognition* and specifically political instituted order; as an institutional procedure between groups, ceremonial gift-giving between participants in an alliance constitutes the very emergence of a *public order* – though not necessarily its permanent historical form. This is what remains to be explained.

Polis, Meson, and Nomos

A first question immediately arises: how is this *public* reciprocal recognition, which is performed in traditional societies through ritual exchanges of gifts, expressed in societies with a central state system? The only possible answer seems to me to be that *this recognition is affirmed and guaranteed by law and by the whole of the political and legal institutions*. The true heritage of ceremonial gift-giving will thus not be found in the realm of the distribution or exchange of goods but in that of rights and of the struggles involving these rights. It is for historical anthropology to show how this transformation occurred. This cannot be demonstrated in detail in this presentation. However, we must recall that the ceremonial exchanges discussed above concern societies in which the forms of authority are generally identified with the statuses defined by *kinship systems*. For this very reason, public relationships between groups primarily occur through matrimonial alliances. But from the moment an evolution develops that leads to the emergence of a power entity that transcends kinship groups, something radically changes (this shift and the crisis that comes with it are expressed in Greek tragedy, in particular Aeschylus' *Oresteia*). Individuals now appear as members of a larger group – such as the city-state or what we now call the state – while still remaining members of lineages or clans for a long time to come. But the new identity takes precedence over the old (generating a crisis that is in evidence in Sophocles' *Antigone*). What is new is the equal status – *isonomia* – shared by everyone under the law – *nomos*. It pertains to the middle space – *meson* – where allegiances

between chiefs are cancelled in favor of a public recognition that is identically granted to all. Thus in the *Iliad*, when Achilles, furious at having been despoiled of his share of booty, has succeeded in having Agamemnon return it to him, he refuses to have it directly handed to him by the Achaean king; he demands that the goods be placed in the middle – *en to meson* – so that they will come from the whole community of the Greeks, the *polis*. However, the term *nomos* was very rarely found in Homer; it became frequent in Aeschylus, Pindar, and Heraclites, and central in Plato¹⁰ and Aristotle.

But what is the meaning of the affirmation of the *nomos*, the law? This concept can also be understood in many different ways. Nowadays it can just as well designate regularities in the physical as in the social world, standards of morality, legal codes, or divine commandments. We cannot engage in this debate now. I will exclusively refer to the law as it is understood in its most common institutional sense: as a disposition decreed by a sovereign authority that defines norms of action that are public and constraining for all members of a political community.

In this sense the Greek word for law is *nomos*. This term calls for questioning. Philological investigation (Benvéniste 1973; Chantraine 1974; Vernant 1983; Scheid-Tissinier 1994; de Romilly 1971) shows that in archaic Greece *nomos* first designated the space where herds grazed and then the plot of land assigned to each person for cultivation. This ancient meaning is the one that Carl Schmitt affirmed in his *The Nomos of the Earth* (Schmitt 2003); he intended to reinstate it in order to challenge later interpretations – above all 19th century ones – that turned the law into a strictly formal concept. He claimed that this was even the case of the concept of *Gesetz*, which was such a rich one but had been reduced to a kind of strictly legal abstraction. Schmitt cleverly warded off the risk of any primitivistic regression or naive nostalgia. His interest in the earliest meaning of *nomos* was above all an effort to rethink modern law (particularly territorial relationships between nations) by basing it on a renewed anthropological foundation. But from the start this project was hampered by two limitations. The first was epistemological and

had to do with the hypothesis according to which the evolution of the concept of *nomos* toward an abstraction resulted from a kind of negligence and a failure to preserve its original meaning. This amounted to deploring the fact that archaic Greece became classical Greece; or, in more descriptive terms, that modes of living and of social organization that were originally associated with pastoral life and farming evolved toward a society dominated by the formation of cities. In fact, this had already started to happen in pre-classical Greece; Schmitt did acknowledge that the ancient meaning of *nomos* was already disappearing by the time of Solon (end of the 6th century). But above all Schmitt considered that the oldest meaning of *nomos* was that of distribution and measurement of cultivated space. This was inaccurate. *Nomos* originally designated the grazing space that moved along with the herd; hence the term “nomad.” At the same time, the term *nomos* involved the *conventions and uses* that were associated with these movements. Its legal aspect is therefore as old as its territorial aspect. Identifying *nomos* with the idea of norm from Solon to Plato is therefore consistent. We now come to a second limitation of Schmitt’s analysis; he did not question why this evolution occurred. He regretted and even challenged it. An additional enquiry was required. How is it that *nomos* came to be understood as rule of law? To be able to answer this question we must understand – following the hypothesis stated above – how *the public reciprocal recognition that was generated by ceremonial exchanges of gifts in traditional societies is ensured by law in societies that are organized based on the state model*. From this point of view the case of Greece is exemplary, since this shift is inseparable from the very emergence of the *polis*.

We therefore need to reexamine the question of the *meson*, this middle space that is precisely affirmed as a new figure of the third party, doing away with the direct interaction between private groups – lineages, *gené* – and imposing *the law as arbiter* between individuals who are now equal members of the city. Historical research (Detienne 1996; Levêque & Vidal-Naquet 1996; Vernant 1981; Finley 1981; Finley 2002) has shown that what would later constitute the invention of the space of the *polis* proper emerged among warriors as early as

the 7th century BCE. The “hoplitic reform,” which gave equal rights to all warriors by eliminating clan and social differences between them and retaining their identity of destiny in facing death as the only criterion, gave rise to the decision-making assembly held around the *meson*, the empty center where the booty was placed in order to be shared in an equitable manner and where everyone had to stand in order to only present what he considered to be the collective interest to the others who sat in a circle. It is this model of a public space that would set the development of the city with its agora, Common Hearth, temples, stadiums, theaters, and above all the locus of political deliberation where the laws that ruled over the life of the community and under which every citizen would be recognized in front of all others would be formulated and proclaimed: all are equal under the laws. Along with the emergence of the city and from this empty center, the law as arbiter was proclaimed and the heroic reciprocity of lineages confronting each other in the *agôn* came to lose its legitimacy. Justice by arbitration was substituted for the vindictory justice that characterized ceremonial gift-giving relationships. Debates were ruled by the *histor* – judge, investigator, and mediator: a new figure of the third party. A different history was beginning. From then on every democratic transformation would take place under the sign of the law and the third party as arbiter and against all forms of reciprocal allegiance (such as feudal relationships).

The realm of reciprocity can still rule collective games, conflictual relationships between dueling groups (such as White Rose versus Red Rose; Guelfs versus Ghibellines; Bolsheviks against Mensheviks), and wars between nations. It is the locus of passions. It also remains the locus of interpersonal relationships; *I-You*; the sparring of love; the game of life.

**As a conclusion: Reciprocity, Mutuality,
and Third Party as Arbiter**

In the same way as the *I-You* relationship in speech (Jacques 1985), the ceremonial gift-giving relationship takes place before the background of a potentially confrontational

relationship. In the same way as the exchange of words in a debate already amounts to the acceptance of a procedure of mediation, the exchange of gifts amounts to the avoidance of an exchange of blows. Ceremonial gift-giving is not a state of peace; it is a controlled conflict. Words bring about *the thing* that is talked about, namely *It/That* or the world that intervenes as a third party in the encounter between *I* and *You*. Even if *I* and *You* are talking about each other, what they are saying moves through the phenomenon of their reciprocal presence and toward the thing that is the *object* of their discourse. In order for them to speak to each other, a world must exist, i.e. this to which they are not speaking but about which they are speaking. What is involved outside of the *I-You* relationship is what supports the relationship of dialog within speech. The world always preexists speakers and addressees; it is what is given prior to any reciprocity (once again, this is the level at which the original donation without a donor – that of being – would be situated).

There is therefore no need to choose between *agôn* and *iréné*. *Agôn* occurs right along *I* and *You* when two entities alien to each other come in contact and can only exist through affirming their unique being. The space of the speech exchange is necessarily agonistic. From the outset it involves the requirement for one to be recognized by the other. From the outset this is a reciprocal requirement, which presupposes that what is requested must also be offered. This is the Golden Rule. This requirement is present in language. Words bring the world into the relationship and institute it between *I* and *You*. By the same logic, the ceremonial exchange entrusts the other with something from the world as a *token* of oneself. In both cases a pact is established or renewed that wards off the conflict between two entities alien to each other. *Agôn* does not primarily mean violence but a requirement to affirm the autonomy of the Self in front of that of the other. The self of each person exposes itself to the other but does so in and through a third party that binds them together and brings each one to the other.

If the world intervenes as a third party between the speakers and if the Third Party is a Judge, then the homology

between the objectivity of the world and the impartiality of the law becomes apparent, as does that between the peace given by things and the peace among humans that is gained by giving oneself to the other through things. The dialog between persons necessarily takes place through the exchange of what is the non-person. Persons come to an agreement and recognize each other through what stands outside of them in an autonomous manner. The thing given is the common *witness* to the encounter between the protagonists. But from the moment the relationship ceases to connect two persons alone, from the moment something collective is involved and *all the members of the community*, surrounding the empty center – the *meson* –, become equal to each other, then agonistic reciprocity is replaced by contractual mutuality; each comes to an agreement with the other under the law that is placed in the middle and operates as an arbiter. This is the *res publica* par excellence. This is the very function that Rousseau assigned to it: “To obey the law rather than men,” he said. Such was also the *polis* according to Plutarch: *logou kai nomou metabole*; a transmutation operated by speech and the law. This is also how all public dialogs and all intellectual communities – such as ours – exist around a Third Party that is no one.

NOTES

¹ This discussion continues in “The Nature of Pronouns” [1956] (Benvéniste 1971, ch. 20), and in “Subjectivity in Language” [1963] (Benvéniste 1971, ch. 21).

² “Language is so organized that it permits each speaker to *appropriate to himself* an entire language by designating himself as *I*.” (Benvéniste 1971, 226)

³ This was the approach chosen by J. Derrida in *Given Time* (Derrida 1992), at least regarding his reading of Mauss; I will not discuss the other central aspects of his analysis in this paper.

⁴ Orig. “Zwischenbetrachtung. Stufen und Richtungen der religiösen Weltablehnung”, 1915.

⁵ Mauss clearly stated this: “Over a considerable period of time and in a considerable number of societies, men approached one another in a curious frame of mind, one of fear and exaggerated hostility, and of generosity that was likewise exaggerated, but such traits only appear insane to our eyes (...) there is no middle way: one trusts completely, or one mistrusts completely; one lays down one’s arms and gives up magic, or one gives everything.” (Mauss 2000, 81)

⁶ “He gave us shell valuables in return for pigs, and we decided he was a human like us.” (Strathern 1971)

⁷ It is no more than a model since the *symbolon* rite is not in and of itself an exchange of gifts.

⁸ It also completely leaves aside another form of gift-giving *that is not a social practice* (and therefore lies outside of my typology) but involves a philosophical decision: a view of being as a gift (which I call the gift from nobody); for instance, J. L Marion's analyses in *Being Given* (Marion 2002) belong to this category.

⁹ It can therefore be said that reciprocal ceremonial gift-giving confronts and resolves the prisoner's dilemma (decision-making based on limited information or involving uncertainty regarding others) in a particularly elegant way. One bets on trust and obtains it through a reply guaranteed by the things given.

¹⁰ According to Plato, "The state in which the law is above the rulers, and the rulers are the inferiors of the law, has salvation, and every blessing which the gods can confer." [*Laws*, IV, 715d].

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