

Archaic Money: Commodity Language in Mauss's *The Gift*

By

David Gleicher
gleicher@adelphi.edu

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David Gleicher
Economics
Adelphi University
Garden City, NY 11530
gleicher@adelphi.edu
516 877-4971

Abstract

The commodity and archaic money in Marcel Mauss's seminal work *The Gift* (1924) is discussed. The social semiotic basis of the discussion is Walter Benjamin's early pieces on language, and more broadly, the dialogism advanced both by Benjamin and independently M.M. Bakhtin, lead figure of the Bakhtin circle (1918-29). A key semiotic thesis of dialogism is stated by Benjamin this way: "Language as such is the mental being of man, alone among all mental entities, communicable without residue" (Benjamin). Mauss, in his seminal work, identifies three distinct social activities in archaic societies, which together reflect a "complex notion [inspiring] economic acts." Two of these are, respectively, *kula*, literally "circle", and *gimwali*, "trade"—*i.e.*, gift-giving and barter-exchange--while the third is described by Mauss as "a sort of hybrid" of the other two, and we term *corrupted gift-giving*. The chief hypothesis is that these three social activities embody distinct reciprocities between parties, but have in common an object—the *commodity*—that implicitly communicates itself in archaic money.

Benjamin, gift-giving, money, *kula*, mancipium

Bio

David Gleicher has been a professor at Adelphi University since 1981, receiving a PhD from Columbia University in economics in 1984. Prior to his research into social semiotics, he has published monographs concerning, respectively, market-based economic systems, occupational wage rates and the rescue of Third Class passengers on the *Titanic*. He has also written extensively on classical value theory, in particular the ontology of value as abstract labor.

1. Commodity Language

We address in this piece Marcel Mauss's seminal work, *The Gift: The Form and Reason for Exchange in Archaic Societies* (1924), along with Malinowski's *Argonauts of the Western Pacific* (1922), and a selection from the larger literature connected to these studies of archaic economies, notably Firth (1936), Douglas (1967) and Sahlins (1958; 1972). Based in large part on extensive observations of Polynesian tribal communities, particularly the Trobriand Islands, Mauss

identifies three distinct practices which together point to a “complex notion inspiring economic acts” (Mauss, 1924: 72-3; also see Malinowski, 1922: 176-94; Sahlins, 1972: 191-6). Two of these are, respectively, *kula*, literally “circle” and *gimwali*, “trade” (1924: 20-22). We will refer to them by the common terms, *gift-giving*, and *barter exchange*. The third is described by Mauss in his conclusion as “a sort of hybrid” of the other two (1924: 73). At one juncture he terms it “force” (1924: 43-4). For reasons that will be indicated in due course, we name this third practice *corrupted gift-giving*.

The discussion here rests on a thesis of Walter Benjamin (1916), as well as the body of thought, Dialogism, associated with members of the ‘Bakhtin Circle’, notably Mikhail Bakhtin (1920/24; 1922/24) and Valentin Volosinov (1929), to wit: “Language as such is the mental being of man, alone among all mental entities, communicable without residue” (Benjamin, 1916: 318; also see Fenves, 2011: 125-51). This is to say, the social other—*community*-- communicates itself to the subject not *through* language, but rather *in* language. The basic thesis advanced here is that each of the three practices observed by Mauss is a distinct reciprocity between subjects, but having in common a *social object*, the commodity, which, as such, communicates itself in money. This in turn, helps provide a semiotic grounding of political economy.¹

The defining characteristic of *archaic money* is that, by and large, there is no word for it in the language spoken within the community. Rather, it is implicit in the observed practices as communicated to observers outside them. We propose, then, that what appears to Mauss as a complex notion is more precisely understood as different things being communicated in money, i.e., commodity language.

2. Barter-exchange and Gift-giving

Barter is a special case of the more general reciprocity, *exchange*; the general practice of trade between commodity and money. Money is experienced by the subject as equivalent to the commodity. Barter is a distinct kind of exchange not as customarily thought because the exchange is un-mediated by money, but to the contrary because it consists of a pair of simultaneous movements of commodity and money. In particular, barter is the purchase of a quantity of a commodity, C_2 , by Party 1, who pays for it with a quantity of money in the form of a commodity, C_1 ; simultaneously it is a purchase of C_1 by Party 2, who pays for it with C_2 . The archaic money the first party pays for C_2 is in natural units of C_1 . C_2 thereby communicates itself in money: $M(C_1)$.² And similarly, C_1 communicates itself in $M(C_2)$, which Party 2 pays for C_1 .

Two-Party (Simultaneous) Barter-Exchange

$$M(C_1) \rightarrow C_2 \text{ [Party 1]} // M(C_2) \rightarrow C_1 \text{ [Party 2]}$$

$$M(C_1) / M(C_2) = P_2 / P_1.$$

Two aspects of barter differentiating it from other forms of exchange are of note. First, globally, money takes as many forms as there are commodities bartered. As we shall see this is true of gift-giving as well. Mauss refers to the archaic accounting method of the Trobriand Islanders with respect to the circulation of commodities as a “somewhat childish legal language [that] has given rise to a proliferation of distinctive names for all kinds of counter-services, according to the name of the service that is being compensated, the thing given, the occasion, etc.” (1924: 30). Such a method is not childish, but to the contrary is in line with the particular attribution of credit in the multi-dimensional form of money associated both with barter and, gift-giving.

Second, in a pure act of barter the moneys disappear, each commodity having been transformed back into natural objects consumed by the respective parties. For this reason, it is an attenuated practice both in generalized-exchange systems as well as in archaic production and distribution, largely due to the fact that money does not circulate, but rather ceases to exist in the act. Barter is thereby largely accidental. Malinowski writes, regarding a category of his taxonomy of reciprocities, “ceremonial barter”: “In this class we have to describe payments which are ceremonially offered and must be received and re-paid later on. The exchange is based on a permanent partnership, and the articles have to be roughly equivalent in value” (1922: 187). To the contrary, barter in archaic communities is for the most part distinguished from gift-giving insofar as it does *not* imply a partnership. Hence, the prices of the commodities are in practice unique to the particular act in space/time. As Firth (1967: 18) rhetorically asks, “In the absence of...pervasive exchange, how can any system of evaluation of goods and services manifest itself?” Going further, Douglas (1967) directly addresses the textbook narrative, whereby money is said to originate in the practice of barter. This narrative unites the general theoretical models comprising classical and neoclassical economic theory. It is predicated upon a functionalist historical argument. A generalized commodity system requires that, in the context of expanding barter, a single commodity eventually circulate as money.³ Douglas not only disputes the premise that a generally-accepted commodity that mediates exchange is functionally necessary for exchange to become generalized, but also observes the existence in some archaic communities of credit (“coupon”) money”. She suggests that the experience of money as a language within exchange in archaic society occurs *not* in the generalization of barter exchange, but in the context of archaic rationing systems (a safety net). Credit--coupons in the form of shells—is a claim to specified commodities. Hence, she argues, the creation of credit

money in archaic communities underlies the quantitative communication of equivalence between commodities that ultimately characterizes generalized exchange. Money is thus understood to not be a functional response to the generalization of barter.

Money may sometimes have emerged from the barter situation which is described in the first page of textbooks on money. On this familiar argument the inconvenience of barter and the difficulty of arranging credit, lead to the adoption of a medium of exchange. The only objection to this supposed historical sequence is that credit is never difficult in a primitive economy; *credit exists before the market*, and Adam Smith's tailor who wants to buy bread for his children should have no difficulty in arranging long-term credits with the baker for whom he has made a suit." [Emphasis: DG] (1967: 121).

Gift-giving--a practice that is pervasive in archaic societies--is a reciprocal relationship distinct from exchange in general, and from barter in particular. Nonetheless, like exchange, it is a reciprocity in which the commodity communicates itself in money. Mauss quotes a much-cited passage from the works of the Maori sage, Tamati Ranaport, referring to the *hua* attached to the gift, and explains, as follows, its relationship to the commodity, which is called *taonaga* (reproduced in translation in Mauss, 1924: 11, as well as in Sahlins, 1972: 150-1):

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

We take from this that the act of gift-giving is, by definition, unilateral (Malinowski, 1922: 95-6). It is not founded upon a mutual agreement between parties that in turn would communicate the

commodity in money: “We strike no bargain about [the gift].” In this sense, the reciprocity is not exchange (barter or otherwise), but mutual giving (cf., Levi-Strauss, 1950: 45-8).

This kind of commodity circulation is more understandable when one takes into account that gift-giving in archaic communities often involves the periodic hosting of grand prestations, within and across both kinship and tribal lines. In this context, the commodity is transparently not communicating itself in a language of exchange, but in a language of giving. Money, M(G), is the gift, carrying with it, to the recipient, the hua; the debt. The giver purchases debt-relief. In the pure case of a prestation the gift (money) is consumed in the very act of transferring the hua from giver to recipient of the gift. This can be rendered as periodically alternating transfers of the hua, each party in turn attaining debt-relief by gift-giving. Hence the term, kula, meaning circle.⁴

Pure Gift-giving

$M(G) \rightarrow R_1$ [Party 1]

$M(G) \rightarrow R_2$ [Party 2]

On the other hand, if the gift is a durable good, both the hua and the gift circulate. In this latter case the gift—for example, highly-crafted items of jewelry (Mauss, 1924: 23)—is virtually experienced as money. Unfortunately, this phenomenon can be confused with barter. To avoid this, one must appreciate the fact that the language of money is expressing different things within the context of the gift-giving act as opposed to the act of exchange.

Mauss, at the outset of *The Gift*, states a central problem he intends to address: “What rule of legality and self-interest, in societies of [an]...archaic type, compels the gift that has been received to be obligatorily reciprocated? What power resides in the object given that causes its

recipient to pay it back?" (1924: 3). This problem, as so posed, is not so much left unsolved by the remainder of the book as it is revealed to be misplaced. It presumes the gift is "obligatorily reciprocated," and so seeks to find what impels otherwise free subjects to act in this way. Rather, we suggest, the gift as the *transgredient* of the commodity⁵ is experienced by its giver as liberation of the self from the community) Hence, gift-giving is not an obligatory reciprocation in the sense of being experienced as an imposition. It is experienced as liberation from debt.

Firth articulates a broad position taken both by Mauss and Malinowski (*e.g.*, 1924: 19-20) that up to a point runs along the line of thought introduced here:

Mauss notes in essence...that giving is an extension of the self, and hence the obligation to give is bound up with the notion of the self, its social bounds and social roles ... (Firth, 1967: 10-11).

Gift-giving, in other words, is communicated to the subject in commodity language. There is a meaning in the act, no less than there is in the act of making a purchase in a context of exchange. Malinowski and, to a lesser degree Mauss, unfortunately tend to place gift-giving, the act, into the context of exchange, leading at certain junctures to a telling non-sense of the gift; *e.g.*, "[T]he important point is that [in archaic communities] to *possess is to give*—and here the natives (*sic*) differ from us notably" (1922: 97). On the face of it, of course, possession (ownership) is expressly not at issue when it comes to *giving*. Instead, the gift relieves the debt each self owes to the other, and ultimately to the natural world writ large. It is a self-credit, so to speak, in the form of relief, not self-sacrifice in the form of a payment.

Consider the following passage in which Mauss (citing Malinowski) describes a large-scale inter-tribal practice of gift-giving. There are two durable gifts of highly-crafted jewelry that

circulate, shadowing the hua: bracelets in shells (*mwali*) and secondly mother-of-pearl necklaces made of red spondylus (*soulava*).

[The gifts] follow a kind of circular movement: the *mwali*, the bracelets, are passed on regularly from west to east, whereas the *soulava* always travel from east to west. These two movements in opposite directions occur in all the islands—Trobriand, Entrecasteaux, Amphett, the remote islands—Woodlark, Marshall Mennett, Tubetube—and finally the extreme southeast coast of New Guinea from which come the un-worked bracelets...

In principle the circulation of these *signs of wealth* [itals: DG] is continuous and unerring. They must not be kept too long a time, nor must one be slow or difficult in passing them on. One should not present them to anyone other than certain partners, nor save in a certain direction—the 'bracelet' of 'necklace' direction. One can and should keep them from one *kula* to the next, and the whole community is proud of the [gift] that one of its chiefs has obtained. ... Thus it is indeed ownership that one obtains with the gift that one receives. But it is ownership of a certain kind. ...It is ownership and possession, a pledge and something hired out, a thing sold and bought, and at the same time deposited, mandated, and bequeathed in order to be passed on to another (1924: 23-4).

Here, Mauss perceives gift-giving to be an inscrutably foreign set of activities in the context of exchange (also see Mauss, 1924: 72), because he is hearing what is expressed in money by the commodity in the act of exchange, instead of hearing what is expressed in money by the act of gift-giving. Hence one is left with non-sense: “[The gift] is ownership and possession, a pledge and something hired out, a thing sold and bought and at the same time deposited, mandated and bequeathed in order to be passed on to another.”

On the other side of the same coin, Mauss (1924: 29-30) picks out, as an object by which to explore the reciprocity intrinsic to the circulation of the gift, a not unusual practice observed in the Trobriand Islands of an inter-tribal reciprocity between agricultural and fishing communities:

The agricultural partner comes to lay his products in front of the house of his fisherman associate. On another occasion, the latter, after a big fishing expedition, will go to the agricultural visage to repay these *with interest* [itals:

DG] from the fruits of his catch. It is the same system of division of labor as we have noted in New Zealand (1924: 29).

Mauss sees this as an “entirely analogous relationship to that of the *kula* ... [establishing] regular acts of exchange, which are obligatory...” But there is no such analogy here. The respective tribes are easily seen to be practicing barter-exchange, not gift-giving.⁶ Circulation of both commodity and money is due, presumably by accident, to complementary flows of production, as well as the provision of credit, with interest paid in the units of a natural object specific. Indeed, this practice supports the point made by Douglas (1967) that in archaic communities credit is not necessarily difficult to attain so long as barter-exchange is otherwise mutually desirable. In this case, the experience in question is comprehensible within the context of barter, but becomes garbled when heard within the language of giving.

Mauss’s answer to the putative problem of obligatory reciprocity is that “the refusal to give is a refusal to link one’s personality in alliance with the would-be recipient” (Firth, 1936: 10-11, citing Mauss, 1924: 38, also see Mauss, 1924: 12-13). In other words, the gift enforces the unity of self and other. This would seem to be a re-statement rather than a solution to the problem posed. Why is there a dis-unity if the initial act is indeed truly a gift? Moreover, in the description previously cited of the *hua* by the Maori sage, Tamati Ranaport, there is a sense of healing and protection of the *self* in the reciprocation of the gift, not only relief from the punishment for not doing so. The *hua* does not appear to be communal in to that degree. And one cannot infer from Ranaport’s account that the subject as gift-giver experiences the reciprocation as something imposed by the community, as a taboo or a tax for instance, and therefore—as implied by Malinowski and Mauss—that it either constitutes an inexplicable moral feat of self-sacrifice or is simply unfathomable.

There is a more direct explanation to Mauss's problem which is apparent in hearing the commodity language in the correct context, that of gift-giving. In archaic communities gift-giving is an act of freeing the self from the community, the latter being the tribe, clan, household etc. In the context of a discussion of the plasticity of kinship language in archaic communities, Leach observes that the *subject* can act not only to tighten but to loosen the inherent ties binding the self to the community.⁷

[C]onventional anthropology is at fault in thinking that the central problem of kinship studies is 'how individuals are linked together by relationship', for such a formulation implies that it is conceivable that individuals should *not* be linked together by relationships. Our concern perhaps should not be with how relationships are formed but with how they become weakened. ... A Tikopia is born into an existing mesh of kin relationships... Ego is never out on his own, an isolated individual; he is always part of a reciprocal group (*tautau lani*) a member of a set of reciprocal pairs (*tau mana* 'father and child': *tau tuatina*, 'mother's brother and sister's son'; *tau kave*, 'brother and sister': and so on) (1967: 128-9).

Analogously, in the context of the commodity, debt-relief as social meaning is sifted from the hua.⁸ It is the giver's very experience of freedom from the communal, not the paying of homage to it, that motivates the reciprocation of the gift.

3. Corrupted Gift-giving

A sub-text of Mauss's attempt to grasp gift-giving as an obligatory reciprocity is his interest in, and even occasional alarm at, practices which appear to embody a third reciprocity; neither gift-giving nor exchange.⁹ In his Introduction to *The Gift* (1924: 5-7), Mauss expresses a great interest in tribes that practice a "highly developed" form of gift-giving, which he terms *potlatch*. The latter is a feature of archaic societies in which gift-giving reciprocities are

generalized, mediating production and distribution of food and land, and where, in the extreme, crises are brought on by an unstable bidding up of the (implicit) price of debt-relief.

Everything—clans, marriages, initiations, Shamanist séances and meetings for the worship of the great gods, the totems or the collective or individual ancestors of the clan—is woven into an inextricable network of rites, of total legal and economic services, of assignment to political ranks in the society of men, in the tribe, and in the confederations of tribes, and even internationally. Yet what is noteworthy of these tribes is the principle of rivalry and hostility that prevails in all their practices. They go as far as to fight and kill chiefs and nobles. Moreover they even go as far as to the purely sumptuary destruction of wealth that has been accumulated in order to outdo the rival chief... (Mauss,1924: 6).

Of note, in archaic societies where there is generalized gift-giving, as described above by Mauss, there is an extreme meshing of self and the communal. “Everything is woven into an inextricable network.” This agrees with the notion that the giving of the gift is experienced as the purchase of debt-relief. It provides space for the self, absent the community. Hence one would expect in the midst of the potlatch an upward pressure at times on the size of the gift needed to acquire a certain degree of relief.

Mauss observes in the passage above an intrinsic asymmetry between the reciprocating parties that is not characteristic either of barter or gift-giving.¹⁰ He refers to “fighting and killing” and “sumptuary destruction”, suggesting that power (force) separates the parties to the act.

One can... demonstrate that in the things exchanged during the potlatch, a power is present that *forces* gifts to be passed around, to be given, and returned' (1924: 43) [itals. DG].

As described by Mauss, the reciprocal relations in the particular case of the potlatch are primarily intra-tribal, between individual subjects, chiefs and clan leaders, for whom one might say the self effectively subsumes the social. It is especially found in the context of the

Polynesian “ramified societies” (Firth, 1936: 187-313; Sahlins, 1958: 139-180), a single system of overlapping stewardship (Sahlins, 1958: 6-7) with unilineal kin groups functioning as political units. These are distinguished from “descent-line systems”, comprised of “discrete localized common descent groups” that function as an alliance of territorial political entities (Sahlins, 1958: xi-xii).

In the ramified societies, a chief oversees production and distribution across the entire tribe, and each leader oversees them within his clan. Chiefs and clan leaders, within their respective scope, have such (overlapping) powers, as: prohibiting land use, regulating planting arrangements, employing labor in and controlling communal craft production (Sahlins, 1958: 7). The last of these is of particular interest to us insofar as items such as highly-crafted jewelry, as we have seen, serve as highly-monetized gifts that circulate inter-tribally. It implies then that the chief, in particular, has some control over a money supply. To the degree that clans retain group rights to the food produced (based on status within the ramage) then gift-giving is not generalized. With generalization, the chief receives as a gift from the clans, labor that produces his household's food, as well as requisite public goods, notably accumulation of stocks (Sahlins: 1958: 139-51). The chief's receipt of labor, of course, is passed from the clan leader down to the household level, and pressure is exerted on the clan leader in the opposite direction by heads of households within the clan. Displacing group rights to some extent, then, the chief distributes food instead in the form of reciprocating gifts to the clans.

[An] important kind of exchange takes on the form of exhibitions. Such are the *sagali*, distributions of food on a grand scale that are made on several occasions: at harvest time, at the building of the chief's hut or new boats, or at funeral festivals. These distributions are to groups that have performed some service for the chief or his clan, cultivation of land, the transporting the large tree trunks from which boats or beams are carved, and for services rendered at funerals by the members of the dead person's clan, etc. Generally distributions seem to be due to group action, in so far as the personality of the

chief does not make itself felt. *Yet in addition to these group rights and this collective economy, already less resembling the kula, all individual relationships of exchange seem to us to be of this type.* (Mauss, 1924: 29-30) [itals. DG].

With the potlatch in mind, corrupted gift-giving can be rendered as follows, where debt relief (R) is purchased with the clan leader's gift of labor M(L), on the one hand, and the chief's gift of food M(F) on the other.

Corrupted Gift-giving (three cycles)

$M(L_1) \rightarrow R$ [clan leader]

$M(F_1) \rightarrow R$ [chief]

$M(L_1) \rightarrow R$ [clan leader]

$M(F_2) \rightarrow R$ [chief]

$M(L_2) \rightarrow R$ [clan leader]

$M(F_3) \rightarrow R$ [chief]

$M(F_2) > M(F_1)$

$M(F_3) > M(F_2)$

To use a game theory term, where there is corrupted gift-giving, as described by Mauss, the chief has gained a *second-mover advantage*. The first move is the gift of labor from clans to the chief. The second is the chief's distribution of food to the clans, which—impinging upon group rights—has the social meaning of reciprocating the gift of labor. The chief can exact seigniorage. Accumulations of food and crafts that require relatively little additional labor to produce can be added to the chief's reciprocating gifts to the clans. This pushes up the labor needed by the clans for debt relief in the next cycle. If a clan does not reciprocate, then a debt is owed and interest charged. The seigniorage enables further accumulation of the chief's stocks, insofar as the marginal labor to add to his gift is less than the additional product of the labor received as gift in the next cycle.

Gift-giving here is *corrupted* by the power relations of the chief and clan leaders, and the corruption extends dialogically to intra-clan and ultimately intra-household life. The corruption is semiotic in that in isolation gift-giving is pure of the distinct forces each party exerts on the reciprocation. In its corrupted state the commodity language is not replaced so much as hollowed. Much like the *state of exception* (e.g., Agamben, 2003: 32-40), in which the Law exists but is not in force, in the potlatch the language of giving is spoken, but it is emptied of meaning. This helps account for the intensity of the potlatch that so intrigues Mauss: the actual killing of chiefs, as well as clan leaders presumably, amidst a frenzy of gift-giving that can lead to the actual destruction of objects of wealth, as means of claiming debt-relief.

The obligation to reciprocate constitutes the essence of the potlatch, in so far as it does not consist of pure destruction. These acts of destruction are very often sacrificial, and beneficial to the spirits. It would seem they need *not all* be reciprocated unconditionally... However, normally *the potlatch must be reciprocated with interest, as must indeed every gift* ...Even if a subject receives a blanket from his chief for some service he has rendered, he will give two in return on the occasion of a marriage in the chief's family, of the enthronement of the chief's son, etc. It is true that the latter in his turn will give away all the goods that he obtains at future potlatches, when the opposing clans will heap benefits upon him (Mauss, 1924: 41-2; [emphasis: DG]).

4. The *Nexum* and *Mancipium*

Mauss's third and last section of *The Gift* (not counting a concluding summary) is an attempt to give a brief kind of philological overview of the archaic commodity language in the context of gift-giving (1924: 47-64). In particular he suggests that the generalization of gift-giving—the potlatch--“provided the transition toward contemporary forms of law and economy” (1924: 47). He identifies as a crucial element of that putative connection, the *nexum*, an area of common law covering purchases of liquidity (sale of credits) that came under Roman law during the archaic period” (8th to 3rd century BC).

The *nexum* generally is thought to be genealogically connected to the financial systems at the heart of capitalist economies; the latter first emerging some two millennia later. Mauss (1924: 47-8) hypothesizes that the apparent “distinction” in the archaic period of Roman law between “obligations and services that are not given free, on the one hand, and gifts, on the other,” belie the existence of a reciprocity in a “previous phase” that contained both. Referring to social agents in this imagined phase, he asks rhetorically: “Have they not in fact practiced these customs of *the gift that is exchanged*, in which persons and things merge.” The conclusion here then is to offer an alternative hypothesis, predicated upon our previous discussion, that money as commodity language expresses different things with respect to reciprocities covered by the *nexum* and those associated with gift-giving. Thus a synthesis of the reciprocities seems improbable.

The term *nexum* refers generically to a loan agreement as *legal* entity: oath, contract, bill, promissory note, bond, security, *et al.* “[T]he primary idea of *nexum* is obligation, affixed by law to the receipt of a nominal consideration” (Clark: 1872: 111; (cf., Jolowicz, 1932: 166-70)).¹¹ A subject borrows money, accounted for in tokens (*e.g.*, copper). If the money is not repaid, as per the agreement, the subject is obligated by common law to provide the creditor labor, or more precisely the creditor has the legal right (among others) to force the debtor into servitude. The subject’s *relative freedom* (Bakhtin 1970/71: 138)¹² is then collateral on the debt. In his *Early Roman Law: the Regal Period* (1872), E.C. Clark, citing Mucius and Varro, states that *nexa* refers specifically to the act of borrowing *money*. Clark attributes to Mucius the observation that the law imposes servitude on the seller (supplier) of the *nexum*; *i.e.*, the borrower, in lieu of repayment. He quotes Varro in this regard:

That this is the truer view the word in question itself shows; for the very thing which by balances becomes subject to obligation *and not its own*, is thence called *nexum*. The free man who owed his labour for servitude in consideration of certain money, until he should pay that money is called *nexus, etc.* (1872: 111).

Thus, the *nexum*, as reciprocity, is such that the acquirer of money (the borrower) incurs debt. The social meaning of the *nexum* is the *legal* responsibility to *repay* the debt in money. The lender, on the other hand, transfers money for the length of the *nexus*, as agreed to by the parties. Until a debt is repaid there is a *nexus* of the agreement. The servitude of the debtor, so long as the debt is not repaid by a third party, can extend the *nexus* indefinitely.¹³ As opposed to this, gift-giving, including corrupted gift-giving, is initiated by the giver of money, in the form of the gift. The giver acts to acquire debt-relief, as opposed to the creditor who acquires interest on a bond. Money as gift is not a transfer of credit, but rather of debt. The gift is a natural object of intrinsic worth. In the area of the *nexum*, by stark contrast, money speaks explicitly through tokens. The latter takes the concrete form of a natural object expressly absent of intrinsic value save that of being a signifier of credit. In this light there may be no genealogical link of the sort Mauss imagines. Indeed, as already discussed, some degree of credit relations existed, at least in the form of coupons that was separate from gift-giving, even in the archaic societies studied by Mauss

It bears mentioning that through much of Europe following the dissolution of the large-scale Roman slave trade, but prior to the revival of global trade around the twelfth century-- money *was* to a large degree a language of giving, corrupted or otherwise; and as such was conceived of generally as *treasure*; an object of intrinsic worth.¹⁴ Referring to this period, Foucault writes in *The Order of Things*:

[T]he signs that indicated wealth and measured it, were bound to carry the real mark in themselves. In order to represent prices they themselves had to be

precious. They had to be rare, useful, desirable. Moreover, all these qualities had to be stable if the mark they imprinted upon things was to be an authentic and universally legible signature... The two function of money, as a common measure between commodities and as a substitute in the mechanism of exchange, are based upon its material reality (1966: 169).

Semiotically, gold as treasure is somewhat akin to the highly-crafted jewelry that Mauss observes to circulate between islands. Foucault (1966: 166-214) indicates, however, that by the fifteenth and sixteenth centuries in Western Europe, the gift, turned into treasure, is morphing into money expressing the act of exchange, with roots in the nexum.

Along these lines, Firth (1964), in a very broad reference to archaic (pre-feudal) peasant communities, observes across disparate regions of the world, two separate “credit systems” at work, one of which he terms “social loans” and the other “economic loans.” The former are effectively cycles of gift-giving: “the accent is on the pattern of service as much as on the specific articles handed over.” The act of giving obligates the recipient to give gifts in turn. The economic loans, on the other hand, point to the nexum. The initiator is the borrower who acquires liquidity by selling the bond, and is *obligated* in turn to *repay* the debt: “the accent is on the need for the actual good or overt service borrowed” (1964: 30-1). This suggests that, as Douglas observes with respect to certain archaic tribal societies, there is a split between the reciprocities of gift-giving and the nexum that may well have existed in Europe long before the archaic period.

The nexum, in its own right, is generally understood by historians to be one element of a set of reciprocities found in the common law--the *mancipium*--and which was being absorbed into Roman law toward the end of the archaic period. The members of the set comprise the *mancipatio*. In its broadest sense *mancipium* refers to “[t]hings or property and the mode of conveyance by which they were transferred” (Maine, 1861: 132). Clark (1872: 109) dismisses as

“remounting this hoar antiquity,” the belief that the initial *mancipatio* arose where land was not exchanged and literally applied to the legal right simply to take something; to grasp it by the hand (cf., Maine, 1861: 116-18).¹⁵ And Buckland and McNair (1936: 60-2) emphasize that the legal importance of the mancipium resides in the *figurative* sense of conveyance, not the distinction between immoveables (e.g., land) on the one hand, and moveables (e.g., cattle and slaves) on the other. Rather, it signifies the broader power of the subject to possess something or someone in the same sense that one possesses one’s own self.

The mancipatio cover large swatches of civil law: manumission, inheritance, marriage, adoption,, and so forth (Buckland and McNair, 1936: 271-6). It includes, as well property and exchange. Clark singles out the latter as conceptually a key subset of the mancipatio—one which includes the nexum. He consciously uses the term, *mancipation*, for this sub-set, which he contends post-dates the archaic period (cf., Maine, 1861: 132; Ortolan, 1870: 463), strongly implying a genealogical connection looking forward in time.

The phrase *manu capere*, carried with it that peculiar idea of power and possession... This power and possession was asserted by the symbolical ‘hand-seizure,’ which, when accompanied by the formal words, the payment of the piece of copper to the seller, or its acceptance by him, all before the proper witnesses, operates as the original Roman conveyance (1872: 109)

Clark observes with respect to mancipation that the “taker” of the commodity acts to pay the seller and thereby seals the conveyance. On this basis, he repeats (1872: 109) an assertion by the Roman historian Theodor Mommsen that rather than “conveyance,” the correct term for the act of mancipation is “to purchase” (Mommsen, 1861: Ch. XI, 208); that is, the commodity language expresses exchange. By Clark’s own lights, however, *repayment* would seem more apt.

Clark also points to a genealogical branch, separate from that indicated by Douglas,¹⁶ which, independent of accidental barter, appears to lead to the generalized exchange systems--*market economies*--based on money-as-credit. The mancipation is “emblematic of capture” he writes (1872: 109-110), citing the historian Joseph Ortolan (1870: 463-66; also see Maine, 1861: 117-19), the conveyance being: *ownership* (possession) of a good that simultaneously is taken away from another. Thus, while Clark emphasizes that the sense of *taking* in the context of mancipation becomes *purchase*, denoting payment of money, he nonetheless understands that the proto-act of mancipation is force of will, and ultimately enslavement. Thus Ortolan defines mancipation as “the power over the free man of whom Roman ownership had been acquired by the solemn alienation of civil sale.”¹⁷ The basic legal issue addressed by mancipation, then, concerns what the obligation is of the taker in “balancing” the conveyance.

Clark likens the reciprocation addressed by mancipation to what in English law has been called *bargain and sale*, which he identifies as that “by which a use is raised on the payment of any, even the smallest sum of money.” He adds, parenthetically, “A use too, we may remember [which] originated in the *obligation* on the conscience of the *terre tenant*” (Clark, 1872: 111 [emphasis: Clark]). Thus, he implicitly offers the example of mancipation with respect to peasant freeholders, who make and determine the use of land not statutorily owned by them. Direct exchange of money for commodity is thereby reduced to a limiting case of repayment of money for a taken commodity (1982: 112-113). Concerning the connection between mancipation and *nexum*, then, Clark is led to conclude:

The old transaction... out of which both mancipation and *nexum* grew, being a bargain and sale for value, where the article purchased is present property, absolutely transferred, the business would seem to be over, and the *nexum*, or bond between the parties, at an end; where anything is left to be done, i.e. where the article purchased includes, or is some future service, the *nexum* continues. Herein lies the important truth ably put by Mr. Maine, that in the

original popular as well as in the professional view, a contract was regarded as an incomplete conveyance (1872: 112; also see Maine, 1861: 117).

Mommsen writes of the initial migrations that constitute Roman pre-history: “The stern law of debt, by which one debtor was directly responsible with his person for the repayment of what he had received, is common to the Italians” (1861: Ch. II, 50). This suggests a conceptual basis of the *nexum* extant in the early archaic period that leads back to the previous phase pointed to by Mauss. Buckland and McNair (1936: Ch. VIII, 271-9), referring to early Roman common law, are more specific, and lead us to a final comment on Mauss’s hypothesis. They aver that the “most general” early Roman contract is the *stipulatio*—*i.e.*, oral promise, oath--which is applied to two distinct reciprocities, corresponding, respectively, to the “social” and “economic loans” observed by Firth in archaic peasant communities: “It may be a promise by way of gift. But more usually it will be a promise to pay for some service already rendered..., or given in return for a counter-promise” (Buckland and McNair, 1936: 271).

Of particular interest to us here, Buckland and McNair remark that the contract *literis*—*i.e.*, a written contract or promissory note--comprises the same two reciprocities as the *stipulatio*. In that context, they describe a common law that is other than the *mancipium*.¹⁸ They characterize it as “ancient formal acts of Roman private [*i.e.*, civil] law” (1936: 1972). In words that recall Malinowski’s and Mauss’s difficulties in conceptualizing the *hua* in a language of exchange, Buckland and McNair voice incomprehension of this ancient law. But in so doing they help locate--within Roman history—the ending of the language of giving in the early years of the archaic period.

The contract *literis, expensilatio*... is so unlike anything in our law that we need not say much of it... [It] is at least usually a novation of some pre-existing dealing... [T]his contract [is] a statement of indebtedness entered by the

creditor in his account-book with the debtor's consent in the fictitious form of a loan to him...

The description of the contract *literis* suggests a rather puzzling phenomenon. In the ancient formal acts of Roman private law, *inter vivos*, it is the person who is to benefit who goes through the formal act. In this contract the entry of indebtedness is made by the creditor in his own book. In *mancipatio* it is the person who is acquiring who makes the formal declaration. [I]t is the person who is to acquire who utters the formal words (Buckland and McNair, 1936: 272-3).

What “puzzles” Buckland and McNair here is that unlike mancipation--wherein the debtor's act of borrowing money incurs the “formal act” of obligating a repayment--in the ancient law, instead, the “creditor” appears to be completing a “novation of some pre-existing dealing,” insofar as “it is the person who is to benefit [from repayment of the debt] who goes through the formal act.” If, however, the reciprocity is understood in the language of giving, then interestingly enough the non-mancipation comes into focus. The giver of the gift is not a creditor and so the reciprocity referred to by the ancient law is not a purchase of liquidity. The giver is not completing a novation, but rather is obligated to relieve debt by re-circulating the gift. On the other side of the coin, the giver acquires debt-relief just as the borrower acquires liquidity.

Confirming the alternative hypothesis to that of Mauss, Buckland and McNair remark that the ancient law “was ...obsolete so early and so little is known of it that we cannot be certain of anything about it” (1936: 1972). This suggests that in Roman history at least that there may never have been a previous phase, as proposed by Mauss. As has been seen, gift-giving and mancipation are distinct experiences of the commodity such that their imagined unification is aporetic. The former is founded upon a circular flow of debt (the *kula*), while the latter originates, conceptually, in an act of capture at a point in space/time. The act of repayment that completes the nexus is antithetical to the movement of the *hua* back to the giver. Hence it is not

surprising that both in archaic tribal and peasant communities the two reciprocities are observed to have existed separately, applying to distinct sets of commodities or social relations, but there is no amalgam of the two that has been identified. What seems more likely, then, is that these are two largely unconnected genealogical branches of the commodity, what it communicates itself to be. From Buckland and McNair's assertion, it seems that gift-giving was already becoming no longer identifiable prior to the archaic period. Mancipation may be on the branch leading to the communication of the commodity in the context of exchange, the context of generalized exchange. If there is a division of this branch it is more likely to have been the one discerned by Clark, in writing: "The two original ideas of acquisition and obligation are so combined in the earliest form of mancipium...that confusion between them was inevitable" (Clark, 1872: 111). Wrapped in the nexum is the *free* act of making a purchase to acquire a commodity—*exchange*-- but it also contains the obligation to pay back what you have taken, with loss of freedom (enslavement) being the consequence of not doing so.

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Endnotes

¹ Research somewhat along these lines is found in the linguistic anthropology literature-- e.g., Kockelman, 2006; Mertz, 2007--but the approach is generally predicated on the semiotics of Charles Peirce, not Bakhtin. The relation between the two is treated in Petrilli and Ponzo (2005: 140-151).

² The notation $M(C_i)$ denotes that this is money expressed in units of a natural object that in the act of barter, also is the *i*th commodity.

³ The notion of elementary commodity exchange (Marx, 1872: Ch. 1) conceived of as exchange of equal values independent of money, rests upon the weak foundation of *commodity primacy* (Gleicher, 2010).

⁴ This is the reverse of the exchange of commodities via a single form of money, what Marx termed "simple exchange" (1872: Ch. 3). In the latter, money circulates and the commodities are consumed. In the pure case, the gift, money, is consumed, and the commodity, debt-relief, circulates.

⁵ Language is not a mediator, but a transgredient—an external equivalent to an ingredient (Bakhtin, 1920/24: 97-208; Volosinov, 1929: 29; Todorov, 1984: 95)--of the subject's experience.

⁶ Mauss indirectly acknowledges this in the conclusion to the essay:

[T]hese gifts ... already represent for the most part total counter-services, not only made with a view to paying for services or things, but also to maintaining a profitable 'alliance'...Such, for example is the alliance between tribes of fishermen and tribes of farmers or pottery makers (73-4).

⁷ This parallels a point made by Marx in his *Introduction to a Contribution to the Critique of Political Economy* concerning the Hobbesian natural state, to the effect that it is the early archaic

communities where the subject is virtually submerged in the communal unit other, as compared to capitalist, generalized commodity systems (Marx, 1857/58: 9-10).

“We have no alibi in existence,” (Bakhtin, 1922/24: 40) [as translated by Holquist, 1990: 29]; also see Petrilli and Ponzio, 2005: 145).

⁹ This is not a third reciprocity as a linear combination of elements of the other two: Malinowski's attempt to place on a scale the degree of exchange relative to a given observed act of “trade” (1922: 167-94; also see Sahlins, 1972: 185-275) is testimony to the futility of such an approach.

¹⁰ One might say that, as opposed to barter exchange, there is an asymmetry in the act of gift-giving between the subject as giver and the other as recipient, but globally each subject acts as both, in an alternating cycle, so that symmetry is preserved.

¹¹ Our basic understanding of the nexum is one held since the second half of the 19th Century by scholars of early Roman history in general and law in particular, notably: Mommsen (1861); Ortolan (1870); Clark (1872); Girard (1905); Buckland and McNair (1936)).

¹² Bakhtin (1970/71, 135-8) delineates “two freedoms” of the subject. Taken together, these comprise “answerability” (Bakhtin 1922/24, 2-4, 139-46). The subject's “relative freedom” is the exclusive power to authorize acts of the individual. The freedom is relative in that it is constrained by the social whole (the world). The subject's “absolute freedom” is what Bakhtin terms, the freedom to “witness and judge” (1970/71, 137-8). The subject is absolutely free to mark the self's orientation; its self/other dialogue. This freedom is absolute insofar as its exercise does not directly impinge upon the social whole and in turn is not constrained by it. It is in the realm of the imagination, and includes, notably, the aesthetic (Gleicher, 2011:384-5).

¹³ Of note, in Table 3 of the Law of the Twelve Tablets—*circa* 450 BC, intended to communicate the laws to the common people—a creditor was given the broader rights to execute or sell into slavery the debtor who failed to repay the loan (Ortolan, 1870: 73-4; Girard, 1905: 56-59; Mousourakis, 2003: 21-22).

¹⁴ This despite the fact that money existed in the common language at that historical point, and in fact local transactions were commonly mediated by tokens, or convertible notes.

¹⁵ Clark attributes this idea—perhaps unfairly—to Mommsen (see Mommsen, 1861: Ch. XI, 208).

¹⁶ It may well be that while Douglas, as we have noted, points out the textbook fallacy of locating the origin of money in accidental barter, she does not (nor does she claim to) provide a genealogy of money-as-credit.

¹⁷ Clark is critical of Ortolan for his view that the emblematic identity of the *mancipatio* is the act of enslavement, not that of purchase.

¹⁸ Maine (1861: Ch. 8, 132-3), along the same lines as Buckland and McNair, indicates that the two sets of commodities known to be distinguished in “old Roman law”; the *res mancipi* and *res nec mancipi*, on the one hand were the objects of the mancipium, “land on Italian soil [and] slaves and beasts of burden” and on the other hand “things which did not require a mancipation.” The latter he suggests involved transfers of small household durable goods. The *res nec mancipi*, as an identification of commodities, disappears in the Justinian Law of later Rome (Buckland and McNair, 1936: 60).