

From
The World of the Gift

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PART ONE: The Sites of the Gift

Chapter 4:
The Gift Between Strangers
[excerpt]

A MODERN GIFT

Sahlins (1976) has established a typology for the gift based on the hypothesis that the more the gift circulates in a primary network (between intimates), the less rigorous is the equivalence between gift and reciprocation and the longer the reciprocation stretches out in time. In an extreme case of this “generalized reciprocity” what is given in return “is not tied to any temporal, quantitative or qualitative conditions” (147). In other words, the further we move from being strangers, the more equivalence is open-ended or generalized, so that the gift that is most remote from the marketplace also represents the most general type of exchange, an exchange whose temporal dimension has no limit. This suggests that there are two types of “generalized exchange” (Lévi-Strauss 1967):

- One which embodies a *spatial* extension or generalization: this is typical of the market and theoretically can spread over the entire globe. It is limited to certain types of goods, those open to quantitative monetary equivalence, and it does not much lend itself to extension in time. The return tends to be immediate.

- One that constitutes an intensive or *temporal* generalization: it can accommodate anything, and there are no temporal limits. Spatial limits do exist, as the only circulation is through interpersonal connections. The better the “quality” of these connections, the easier it is to depart from the quantitative equivalence with immediate reciprocity that one associates with mercantile exchange. The more intimate the connection, the more unilateral the exchange, at least in appearance.

But how can we understand unilateral gifts to strangers? According to this typology, the gift to strangers is characterized by what Sahlins calls “negative reciprocity” and is aimed at a return exceeding what has been given. We have seen that this rule of profitable return does not apply to the contemporary sphere of unilateral gifts to strangers, such as blood and organ donations. Nor does it apply to donations in time of disaster or volunteer work. And there are mutual support groups, which sometimes create a bond that crosses frontiers, so that a member of Alcoholics Anonymous, wherever he is, can phone someone who will help him with his problems. In all these cases, contrary to what Sahlins says, there is no correlation between the proximity of the protagonists and the elasticity of equivalence.

We have said that this sphere of the gift to strangers is quintessentially modern. Why? First, most gifts in most societies, according to Sahlins, are mediated by networks of personal affinity, primary ties such as family or friendship. But these gifts are not, or such mediation is not essential to them. Often we have no idea of the specific recipient, despite, as noted elsewhere, the consistent tendency to personalize the relationship and to reduce the number of intermediaries other than the donors themselves, those inscribed in the system of the gift and imbued with its spirit.

But, one could reply, religions, Christianity especially, have always encouraged this sort of gift. The “love of the stranger” is an essential tenet of Christianity, and the charitable gift is never restricted only to those near and dear. On the contrary, one’s neighbour is held to be all of humanity. Religious communities are exemplary in this regard, though their future is insecure.

Their members are in some sense “professionals in the gift,” an unthinkable category for modern theory, whether Marxist or liberal or feminist, whose basic concepts are those of exploitation, domination, and utilitarianism. (Although it is difficult to see how anyone can feel they have correctly understood such communities when they portray the vow of poverty as just another form of exploitation or hypocrisy.)

But religion is not specifically modern, so how can we claim that the gift to strangers is exclusive to the modern gift? It is very likely that this sort of gift has its roots in the great religions, especially Christianity³ but the current link between religion and the gift to strangers is much more tenuous, and often non-existent. Religions, while playing an important role, are no longer indispensable to this phenomenon and their influence is often reflected privately, in a personal spirituality that keeps its own council. What is clear is that all the people we met insisted on repudiating the traditional religious model for the charitable gift: the gift as a form of sacrifice made in order to go to heaven. Instead, they stressed the importance of what they received in return, in its different guises. Our current findings indicate that the gift to strangers exists independent of religion, even if religion is often present in non-traditional forms.

One last objection can be made to our claim that the gift to strangers is a modern phenomenon. During the Roman Empire this custom existed separate from religion and had even assumed considerable importance, as is shown by Paul Veyne’s (1976) book on Roman patronage. But the contemporary practice of gift-giving among strangers differs in one crucial way from the practice of rich Romans giving to the people: it is not a class phenomenon. Even if there is a certain amount of redistribution among nations and social groups, the modern gift is not founded on the upper class’s moral obligation vis-à-vis the people. People from every social milieu participate in the modern gift, not only by donating money but also by giving of their time: listening to people, making visits, accompanying the aged, and so on. What is more, such gifts are often anonymous, even hidden, in

³ On the origins of charity, see Weber in Cheal 1988, 157; Mauss, 1950, 169; Veyne, 1976, pp. 44-65.

any case not mentioned to colleagues at work or even to intimates. There is nothing ostentatious here, as in the gifts made to the collectivity by the affluent class.

An unknown gift made to the unknown, where religious motivation is not essential and which encompasses all social strata: this is the world of the modern gift between strangers, whose importance continues to grow.

Before concluding this survey of the gift as it now exists in modern society, we must ask ourselves what its fate has been in that arena which, historically, has embodied its negation: the mercantile sphere.

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Chapter 5: *The Gift and Merchandise*

THE GIFT IN THE SERVICE OF BUSINESS

The Paradox of Dale Carnegie

In the mercantile sphere the gift is usually a means to the circulation of objects, to the distribution of products, to sales. This instrumental use of the gift on the part of merchants is not hard to detect: Dale Carnegie made a lot of money with his 1936 book, *How to Win Friends and Influence People*. The book was a manual on how to harness the gift to the market and it has been in print since its initial publication. Chapter after chapter, the author repeats the same litany: If you want to succeed in business and in life, show an interest in others. And he includes a plethora of examples, each more inspiring than the last, of people who became rich by following this advice. But the apparent simplicity of the formula quickly becomes paradoxical, since it appears that the formula only works if the interest is sincere. In fact, implicit in his book is all the ambiguity surrounding the gift in a utilitarian context. “To make a lot of money,” thinks the merchant bearing gifts, “you have to start by offering presents,

then charge a lot for them later on.” But the problem with this simplistic version of mercantile logic is, as Carnegie tries to show, that it overlooks an essential factor: the merchant must be sincere in offering his present if he wants it to pay off later! This earliest and most celebrated work on human relations as a technique, a series of gambits, or merchandise teems with gift-giving anecdotes that contradict as much as embrace the means-end relationship dear to the merchant’s heart. In the beginning the author claims that he has written the book because the public has been waiting for it for a long time and he’s astonished that such a work does not already exist. He quotes Rockefeller: “The ability to deal with people is as purchasable a commodity as sugar or coffee. And I will pay more for that ability than for any other under the sun” (19). But there seems to be a contradiction in what Rockefeller says: if the ability to deal with people is a piece of merchandise like any other for which there is an enormous demand, which he himself shares, how do we explain that no one before Carnegie had come up with the idea of producing it? The answer is in the book, where we learn that we cannot, after all, treat successful human relationships as means alone, as nothing but commodities.

Carnegie’s work draws on traditional values (loyalty, enthusiasm, team spirit). Of course, there is much emphasis placed on money, but at the same time the author seems to say that money will come as a supplement, that it must not be one’s immediate goal. All the ambiguity of his message, presented at the outset as a miraculous formula, is implicit in this dual doctrine: “Make the other person feel important—and do it sincerely” (145). The author whose aim was to let readers in on the secret for making relationships answerable to business, for learning to “succeed in life,” must in the long run, as he himself admits (132), return to the precepts set forth by all of humanity’s sages, from Confucius to Jesus Christ: be concerned about others, but sincerely, not for utilitarian motives, not as a means to an end but as an end in itself. And when you do this you will also reach the goal of material success, as a bonus. That is what we call the Dale Carnegie paradox and it shows clearly that, even in the mercantile sphere, the instrumental use of social ties is not as simple as it appears in utilitarian discourse.

THE GIFT IN BUSINESS

So it is with the rediscovery of the importance of informal relationships within business. The study of such relationships has been central to sociology in the workplace for decades. This sociology first took off in the 1930s, with the famous study by the Mayo team which, seeking factors likely to increase worker productivity, undertook a number of scientific experiments, using both an experimental and a control group. They altered the lighting, the colours, the temperature of the workshop, salaries, rest time, freedom of movement, and so on. No matter what they did, productivity in the experimental group went up inexplicably, until someone suggested that the workers were simply responding to the fact that people were taking an interest! What Mayo discovered was the importance to productivity of informal organization within a business and the morale of the primary groups. These phenomena can of course be interpreted in terms of the gift, as has been done by economists such as George Akerlof (1984). The subject is at the forefront of current debates, given the crisis of “Fordism” (a production model grounded in assembly line work and the deskilling of the worker) and attempts to find new formulas that help workers relate to their workplace, formulas that take into account the importance of networks of affinity and belonging.

Any network of affinities owes something to the gift. To see this we need only look at the current literature dealing with this issue and the resulting experiments with a number of fashionable formulas, such as quality circles. Or we can look at the explanations for the superiority of Japanese industry. As early as 1946 Ruth Benedict, in her work on Japan, insisted on the importance of the gift in that society, even in the economic sphere. More recently Ronald Dore (1987) has attributed Japanese economic effectiveness to altruistic social values that supersede the desire to maximize profit. The fact that large companies such as Saint-Gobain in France are now taking an interest in the local networks of small entrepreneurs (Raveyre 1988) is part of the same trend and marks a comeback for social factors as an acceptable explanation for economic phenomena.

THE ART MARKET

We must, however, make a distinction between ties and the gift. The gift serves the bond, it is not the bond. No human organization functions like a machine. All are something more than their organization charts, and if this something more, this supplement—which is the quality of the relationships between the members—is missing, nothing works. That is what the school of human relations has shown since Mayo, as has the more recent strategic analysis of power relationships within organizations (Crozier 1987, 1989). This has all led to the calling into question of Taylorism (mass-production founded on extreme divisions of labour) and to Japanese-like methods. It has also pointed up the importance of social ties, even in organizations governed strictly by rational bureaucratic principles, whose members are grouped together according to material interests alone and the stipulations of a very specific contract. Even there, mutual confidence between partners is essential for any common action to succeed.

But in such organizations, where ties are certainly important, to what degree does the gift contribute to these ties? To what extent do objects and services circulate through non-contractual as well as contractual exchanges? What is their significance and how do they enhance contractual exchange? If the importance of human relationships has been well established by all informal studies, the importance of gifts has been explored very little, other than to denounce paternalistic ownership. Few sectorial studies have analysed the specific role of the gift in the complex and multileveled exchange between different economic partners. What we can say is that there is reason to believe that the gift plays an important role but that it cannot be used in a purely instrumental fashion without losing much of its effectiveness; the Dale Carnegie paradox.

This is why individuals in modern society resist the total commercial integration of all sectors of society, even if that would increase the GNP, for it would also have a negative effect on the quantity and quality of services.¹ This resistance is particularly evident in the art world.

¹ Richard Titmuss (1971) raises this problem in connection with blood donation, and sick people used by the medical profession or underpaid medical students: Paradoxically—or so it may seem to some—the more

A work of visual art is not just a commodity, but there is no doubt that it is that as well in today's society. It has even acceded to the "highest level" of commodity, since it is now an object of speculation—it has lost all use value and is purchased sight unseen, on the basis of its future mercantile value alone. Baudelaire once said that art was "pure commodity." The current evolution of the art market seems bent on proving him right. "We talk of the contemporary art market today as though it were an art 'biz,' comparable to show-biz, and biz means business" (Robillard 1990, 142). A journalist from *Time* went so far as to claim that "Contemporary art has become quite simply a currency," adding that "the market burns off all nuances of meaning" (*Time*, 27 November 1989, 43),

But is it only a market system, as this last quotation would lead us to believe? Nothing is less certain, when we take a closer look. Besides, the same journalist affirms elsewhere, in talking of the works of art bought by the Japanese and leaving the United States: "Every time [this happens], you feel it has vanished into an abyss." Might the current artistic system also be a system of the gift? What does someone working in the visual arts "produce" (or create)? What does this "product" contain, that a canvas such as *The Irises* may be given by the painter to his brother, then sold for 54 million dollars a century later, without its "usefulness" or its rarity being in any way changed? What world can such a "product" belong to?

commercialized a blood system becomes ... the more will the gross national product be inflated. In part, and quite simply, this is the consequence of statistically "transferring" an unpaid service ... with much lower external costs to a monetary and measurable paid activity involving costlier externalities. Similar effects on the gross national product would ensue if housewives were paid for housework or childless married couples were financially rewarded for adopting children or hospital patients cooperating for teaching purposes charged medical students. The gross national product is also inflated when commercial markets accelerate "blood obsolescence"—or waste; the waste is counted because someone has paid for it. (205-6. See also 2144.)

Strange Commodities

It is well known that the modern idea of art endows the artist with a unique role in society. What is more, this is a recent development, as Yves Robillard has shown. If, for the moment, we restrict ourselves only to the system of production, the artist participates in a system where all roles are crucial, from the collector to the dealer to the artist himself. In this sense, “it is not the artist who makes art, but art that makes the artist, because art is above all the product ... of an elite of privileged players that I have paired off in the following way: artist and critic, dealer and collector, museum curator and art historian” (Robillard 1987, 14-15)

This approach inserts the artist into a system, but is the system mercantile, gift-giving, or mixed? And what is the specific role of each of the players, especially the “artist”? Why has modern society accorded this player in particular such a special status, if only in the collective imagination? One may well claim that the artist is a fiction, as Robillard does, but we must acknowledge the necessity of this fiction. In that curious evolution from zero to 54 million dollars, the artist counts for something; the fact that he is Van Gogh is not irrelevant. As we take a closer look, we find that this merchandise boasts many other unusual features, all linked to what we call the artist. We intend to demonstrate that these features can only be explained with reference to the system of the gift.

We could define the “ideal type”² of the artist (in Max Weber’s sense) in terms of a number of attributes that set artists apart from other producers in contemporary society. First, in contrast to the other producers of goods and services, *they devote themselves entirely to the product, without regard to the clientele*. Other producers in this society are usually answerable to intermediaries located between them and the eventual consumer of the product. The artist would like to realize the dream of all producers: to create a product without having to bear the

² It would also be appropriate to refer to the following discussion as dealing with until recently, the ideology or value system of the artist.

client in mind. This is not only an identifying feature, but, it would seem, the very basis for existence. A “true” artist is never beholden to a client’s demands, and it is hard to imagine an artist hiring a marketing firm to determine what should be produced. And the client cannot modify the product³ but must “respect” it. Of course, the risk is that no one will buy because the artist has not won the recognition of the public. The artist who succeeds is the one who is bought, but without selling himself; in other words, without behaving like most modern producers. To answer to a demand, for an artist, is to prostitute himself. Nothing is more looked down upon by the players in the artistic system than the thought of buying a work of art because it goes with a decor, the colour of a wall, rather than for the work in and of itself. The only thing worse would be to order a work conceived in terms of the decor! The artist who would accept such a commission risks seeing his value on the art “market” plummet.

At the other extreme is the unhappy artist who does not prostitute herself, who refuses to respond to the demands of her client, but whose art does not sell. In this sense the work of art is not “pure commodity,” but rather pure Product, and the antithesis of a commodity. It is the result of the radical refusal of certain producers to answer to the merchants when they create. The idea of the avant-garde is the most extreme and perverse example of this. To be successful, for the avant-garde, is proof of failure. For the avant-garde, all that counts is the appreciation of other artists, in other words the community of producers. The temptation is always great, among modern artists who want to reconstitute a lost community, to cut the producer off from the user⁴ and to fall back on a community Chapter 6 takes up this theme.

This brings us to a second aspect of the artist-myth: the great importance accorded the *production process itself* and above all the link between the product and the producer. This is

³ Strictly speaking, that only applies to the visual arts, and even there, a gallery may ask for canvases of a particular format. But it would never require “a blue that’s just a bit darker” . . .

⁴ Chapter 6 takes up this theme.

in marked contrast with the modern way of talking about the production process, where we insist on the fact that the system creates “all by itself,” independent of the producer, thanks to the autonomy of the machine and even of the overall system of integrated machines. Where the artist is concerned, on the other hand, even if he cannot “sell” his product he is encouraged to talk about how he made it. The artist produces in a state of grace and exaltation that fascinates the amateur, his client, and that is the antithesis of modern production, its norms and its reality. The artist may have trouble talking about the beauty of his canvas, but he will describe with ease what he felt when he painted it, the idea behind it, the problems it presented, and the way he solved them, etc. The importance of this aspect is recognized by other players in the system, and even by the client, who accords considerable significance to the way in which the product has been created and to the state of mind of the person who created it. In artistic circles one often comes across comments such as the following: “This watercolour is interesting less in its own right than as part of a retrospective, for it helps you understand how the artist moved from one phase to another.” “The way a work is arrived at is often more interesting than the work itself.” “Contemporary art tends to include traces of its evolution in the finished work.” “The artist’s studio is a sacred site; not just anyone is allowed in.”

And this brings us to a third feature. In the artistic system, the producer and client are not such discrete entities. The client shares the values of the producer. She likes to think that in acquiring a “work” (we are not even talking about a product), she is in some way participating in the artistic community. And so she must respect the work and its creator, she must not treat the work as a mere product. And that is true not only of the client but also of all the intermediaries, who, even if they earn money, must share this system of values, must “believe” in the artists they exhibit, must defend them, take them under their wing. It is perhaps for this reason that the client who buys an artistic product is called an “art lover,” someone who loves.

We are getting close here to the system of the gift. There is a sort of producer-client community, a community that modernity sets out to deny. The artistic system rejects the producer-

user split, so crucial to the foundations of modernity. And this gives us an insight into the ambiguous status of the artist in modern society: she doesn’t belong to it. And we’re back to square one. She is a creature of the gift system, not the utilitarian system. In a utilitarian society, she can only be a myth. All these attributes of the artist take on a meaning that becomes clear both at the moment of production and in the artist’s ties with a client. The artist produces in a kind of exalted state that nothing must disturb. The product is born of this state of mind, and ideally it must be influenced by nothing else. According to this analysis, the artistic act is the act of receiving and transmitting a gift. The product, the work of art, is the result of inspiration. The work of art, in fact, is not actually a product—it does not fit into the system of modern production. The artist receives something that he passes on, which is a gift. Aesthetic feeling, beauty, whatever name one gives to this supplement, it is essential: without it the work would be only a product and the artist would have long since joined the ranks of industrial producers.

This feeling, this supplement that circulates between artist and client, explains all the identifying features described above and makes the artistic world a gift system, a community made up of amateurs who share the same belief, the respect for a certain product. This supplement has no monetary equivalent. And that holds true for all the arts. In the transmission of art, money is always an inadequate vehicle. Every artist hopes to receive, in addition, recognition and gratitude, as is the case with a gift. That is the reason for applause after a concert, a sign that the community linking the artist to the music-lover exists and that the emotion has indeed passed from one to the other, that there is something more at stake here than a mercantile relationship, that the producer-client gap has in part been closed, something that no monetary reward, however large, can achieve. The artist has “thrown herself” into the work, and expects that the recipient will do the same. She is no longer a producer, she is an author. Not even the highest price for her services will make her happy, if obtained “at any price,” and that extends to the production process itself. A pianist’s repetition of a musical passage brings satisfaction; the repetitive work of an assembly-line worker

brings a salary. The worker is excluded from the product; the artist enters into the work. One excludes, the other includes.

If we look at the artistic system from this point of view, everything becomes clear. The roles of the partners in this great artistic game are plain to see, especially that of clients, who must be “amateurs”; they must participate, they cannot just consume, as in the mercantile production system. In a way, they must participate in the same system as the producer, the artist, who plays a preponderant role because he is the one who introduces the gift into the system, who is in touch with the other frame of reference. All the players must participate in the myth of art. But it is the artist who embodies it, who communicates with that other non-mercantile world and so wins respect for the producer who is also a creator.

The Artist and the Production System

What appears strange is the fact that not everyone is an artist in this society. That is the theme of Lewis Hyde’s (1983) book. Why does the artist have such a great need, more than the other players we’ve looked at so far, to protect himself when dealing with clients through the medium of the market? In one sense, might we not say that the defining characteristics of artists and their valuing of the product are in every way representative of modern society’s ideal? Modern society is one whose goal is production, whose god is the product. Growth of the GNP, growth in the rate of production, growth in productivity, such are the benchmarks by which one evaluates progress and advancement in this society. A society must produce first and foremost, and must produce ever more. This is self-evident in modern society but it would seem bizarre in many others. Think, for example, of the hunter-gatherers, who, in the strictest sense, produce nothing and are content to harvest what nature has produced for them. Such a modern attitude would be incomprehensible to them.

All the resources of modern society are an accessory to production. Modern society may be defined as a production system and we might expect, in this context, that the status of a producer would be exalted. But what we find is the opposite. Since the

advent of industrialization, and even since the appearance on the scene of the merchant, everything has been done to devalue the primary producer. The introduction of intermediaries has had the effect of placing all decision-making responsibility in the hands of someone who has nothing to do with direct production. This trend reached its peak with Taylorism. In explicit and deliberate fashion, and in the name of client demand, the authority of producers was undermined and transferred to an intermediary who controlled the product. It is, to quote Friedmann’s apt formula, the fragmentation of work.

Modern society, dedicated to the god of production, reduces the producer to insignificance while at the same time idealizing production. That is its paradox. And that is why it invents the myth of the artist. The unbounded respect for and glorification of the artist’s product and act of production are a kind of mythic negation of the fact that the real production system destroys the producer. The artist cannot become part of that system. He cannot give in to the client, to his smallest demand, without betraying the myth to which he is bound and on which his very production depends.

This is why it is important for most artists to live in penury, or not to derive their living from their art. The artist who lives in misery is a martyr to the system of production. Artists who support themselves by their art must do so in spectacular fashion. What is important is that, unlike what transpires for the rest of production, there be no link between the mercantile value of the work and the amount of work put into it by the artist. Speculation in the art world plays on this compulsory imbalance. All the players must help protect this chicken who lays (for the merchant) golden eggs, and it must not, above all, be killed and cut into pieces as has been done (profitably) with the rest of production and with the actions of other producers in this society.

Like the blood donor, the artist functions in a mixed system. But the artist succeeds in infusing all the rest of the system with the spirit of the gift. Like the blood donor, she is at the beginning of the chain and is part of a mixed system. But unlike the blood donor, she always retains a certain control over the “product” and has succeeded, at least until now, in exerting some small influence on the overall system. To be an artist is a state of

being; blood donation is an act that can be absorbed much more easily into a mercantile or state system, with the perverse results we have seen. The death of art, forecast for a long time, represents an end to this influence or, at the very least, to the illusion that it exists. Society therefore often strongly resists the transformation of certain gifts into commodities, even when these gifts are in part taken over by foreign systems such as the market. We can see this as well in the case of organ donation.

ORGAN DONATION

There was, of course, no organ donation in traditional societies. It is a creature of modern technology and is bound to increase in frequency in the future. Organ donation, from the dead or the living, is in some ways similar to blood donation. But there are many differences.

The importance of intermediaries between donor and recipient and of a particularly sophisticated techno-professional apparatus are the first features that strike the observer. Here, once again, we have a mixed system, not the “pure” system of the gift, for these intermediaries—technicians and professionals—are governed not by the gift but by a salaried relationship. But this apparatus ensures the transmission of the gift. Society does not accept the sale of organs. Unlike what happens with blood, the commerce in organs is generally prohibited, even if in fact there is a black market. In India there is an open market for kidneys, and even one for eyes from living donors. Rich buyers come from all over the world to take advantage of this (Kass 1992, 67). The contaminated blood scandal is probably only the forerunner of a number of scandals still to come involving organ transplants. While no one can give accurate figures to measure the magnitude of the phenomenon, we know that there exist, particularly in Latin America, organized rings that carry out kidnappings and murders to feed North America and Western Europe’s rich transplant markets,⁵ and indications are that the

⁵ On this subject see Maïté Pinero, 1992, “Enlèvements d’enfants et trafic d’organes,” *Le Monde diplomatique*, August, 16-17.

demand for replacement organs will continue to grow. Who would not want to live ten or fifteen years more? Or, even more pertinently, who would not want to do everything possible to prolong the life of one near and dear, a parent or a child? But there is a lack of available organs. For example, in France at the end of 1990 the shortage of transplantable organs was 4,731 kidneys, 719 hearts, 380 livers, and 163 heart and lungs.⁶ All of this raises questions about how to obtain and distribute organs whose transplantation is so expensive: approximately \$50,000 for a kidney, \$85,000 for a heart, \$50,000 to \$300,000 for a liver, and \$200,000 for a bone-marrow or heart-lung transplant.

Anglo-Saxon countries are tempted by the prospect of legalizing organ sales and such legalization appears highly desirable to a number of representatives of Third World countries, who do not see why poor people should be prohibited from bettering their lot and assuring the future of their children by selling a kidney or an eye. Why not allow this, say some authors, if the contracts are legal and if sellers and buyers are fully aware of the transaction’s implications?

France, by contrast, prides itself on its opposition to any suggestion of marketing parts of the human body—at least in principle. Thus the French bill on bioethics takes as its governing principle the inalienability of the human body, its non-monetary status, and its non-marketability.⁷ Transplantable organs can only come from gifts, and essentially from post-mortem gifts, following clinical death.⁸ The cornerstone of the French bioethical system consists of the Caillavet law (1976) and its ensuing regulations (1978) that allow the medical profession to presume that any deceased person is a consenting donor, unless the defunct’s family can plausibly assert the contrary. If the byword for Anglo-Saxon jurists is the contract, that of the

⁶ France-Transplants, Paris, Ministry of Health, cited in Témoignage Chrétien, issue entitled “*Bioéthique, la vie au risque de la science*,” 4th quarter 1991.

⁷ See *Le Monde*, 7 March 1992.

⁸ Clinical death is defined as a flat electroencephalogram with the heart still beating.

jurists and authorities responsible for French bioethics is the gift. But can the putative gift decreed by the Caillavet law be considered a true gift? While in some cases this may be true, overall it seems doubtful. Christian Cabrol, director of France-Transplants, is disturbed by the diminishing numbers of declared donors and argues that any person who does not wish to donate should be able to register his or her refusal through a centralized data-base accessible by computer (*Le Monde*, 22 January 1992, 157). This proposal would actually enable doctors to deal more effectively with families reluctant to endorse donations. After all, who would want to be officially designated as a non-donor, a state-certified egoist? But if everyone is automatically a donor, where is the gift? Is it not, in fact, because donation is less and less seen as a gift that the number of declared donors is diminishing? And because families are insisting that they are the true owners of the dead bodies? For what is at stake, finally, is who disposes of the *jus utendi et abutendi*. Anglo-Saxon law views individuals as the sole owners and longstanding tradition consecrates the priority of lineage. What role does the French principle of the gift, so moral and seductive in appearance, play here? Very often it serves as a smoke-screen for speculative practices which are as unregulated and uncontrolled as they are disclaimed. But, more basically, the principle of the presumed consent allows the nation-state to assert its pre-eminence over individual rights, encouraging a subtle slippery slope from presumed consent to a kind of tax collection.

Kidney Donation

Things are different when the organ donation takes place between individuals who belong to the same primary network, as in the case of a kidney donation involving two living people. (Our discussion is based on American studies.) Here we are dealing with a unilateral gift similar to a legacy—which is what it becomes in the case of a gift after death. But even where the living are concerned, it is clear that the donor receives nothing that can compare with what he gives, economically speaking. What is the relationship between the donor and the recipient, before and after the gift? In the first instance, the relationship is

most often a personal bond, generally involving a member of the immediate family, because that is where biological compatibility is greatest and rejection is less a risk than with a collateral relative. (Outside the family, there is a high probability of the gift not being “received,” of its being rejected.) The communal tie is so important that without a familial bond intermediaries often question whether it is legitimate to ask someone for such a gift and incompatibility is often given as a reason to refuse a donor (Fox and Swazey 1978, 23). It is hard for the authorities to believe that a gift from a stranger is possible, and they are very reluctant to authorize it. Overall, according to Fellner and Schwartz, “the medical profession looks upon the motivation of the living organ donor with distrust and suspicion” (quoted *ibid.*, 7).

However, for the donors, it is frequently the most important act they will ever perform. For all those who have donated a kidney, “the act has turned out to be the most meaningful experience of their lives” (26). This finds expression in such statements as: “I feel I am a better person. I’ve done something with my life. Now I can accomplish anything” (*ibid.*). This gift will never be reciprocated in any economic or accounting sense; there is no equivalence, no balancing of that which is in circulation. Nothing tangible is returned. But however unilateral this may appear, testimony indicates that the return is enormous, even if what is returned is implicit in the act itself and is not embodied in any specific object or service, something which would be impossible since, in the material sense, neither one exists. Donors are transformed by their donation to the point where their testimony comes to resemble accounts of initiation rites, of “being reborn,” an unexpected parallel between organ donation and archaic exchange. The unusual return doubtless explains why, despite its apparently unbalanced, unreciprocal, “impulsive” nature, this gift rarely causes problems between donors and recipients. On the contrary, it often draws them closer together (69).

It is, of course, a very serious, dangerous, significant act, both objectively and subjectively. Not surprisingly, those who

have studied the phenomenon try to understand how donors⁹ arrived at their decision, what led them to undertake an act that is in no way obligatory in a free modern society. It would seem that, quite simply, there was no decision to make. “The term *decision* appears to be a misnomer,” conclude the researchers (quoted in Hyde 1983, 65), who speak of “instantaneous decisions.” “We respond reflexively,” says a donor (66). Amitai Etzioni, looking at similar results (1990a, 97), suggests that we should make a distinction between choice and decision, and reserve the latter term for choices people make when they adopt a rational deliberative stance, weighing drawbacks and advantages (ibid., 95, 150).

This is an extremely important piece of empirical data: for an act as serious and significant as the donation of a kidney, people do not behave in accordance with utilitarian postulates. They do not calculate but act completely outside this explicative model for human behavior. There are, of course, exceptions to the general rule. For example, there is the case where the donor, a woman, asked her mother for a fur coat in exchange. This behaviour is consistent with mercantile logic. The mother’s explanation, however, is interesting. She attributed this request to her daughter’s lack of maturity, implying that the spontaneous, “irrational” gift, impulsive and unpremeditated, is a sign of maturity in decisions as serious as this. This position is clearly at variance with the widely held Western idea of maturity, which is that of a logical individual who weighs the pros and cons in preparation for the most rational decision possible. Pierre Bourdieu would say that the daughter, unlike others, was lucid enough not to buy into the collective lie, courageous enough not to give in to the hypocrisy of the gift and deceive herself that she was making a disinterested gift. But this behaviour, anticipated by the dominant view, is in fact considered abnormal by most individuals.

Finally, it is interesting to note that kidney donation resurrects the long-standing opposition between marital union and filiation. The spouse would be “the most suitable organ donor

from a socio-cultural point of view.” But spouses are usually excluded, due to tissue incompatibility. This reflects the paradox of the stranger-relative relationship, where the stranger, even though part of the family, is prevented from making such a gift. The spouse suddenly becomes a stranger once more. His or her “true face,” which the rites of marriage have exorcised, is thrust into centre stage by such an “operation.” The spouse may even see interfamilial donation as a kind of symbolic incest, when the brother or sister is the donor.

This discussion of organ donation concludes our survey of the gift in liberal societies. It is a modern gift if there ever was one, but it calls into question the deliberative utilitarian model, where the means are chosen rationally with an end in view. Organ donation shows that the gift is a moral act and as such is “intrinsically motivated and not subject to means-end analysis” (Etzioni 1990a, 43). Before comparing it to the archaic gift, it is helpful to review the most important features of the modern gift as embodied in its numerous and varied manifestations in liberal society.

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⁹ Studies are astonishingly silent on the recipients and the problems allied to receiving such an enormous gift.

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