Economic, social and political development, if it is to be authentically human, needs to make room for the principle of gratuitousness as an expression of fraternity.

—Benedict XVI, Caritas in veritate, no. 34

INRODUCTION: REDISCOVERING THE IDEA OF GIFT

In his speech inaugurating the 2013–14 academic year at the University of Navarra, Angel Luis González emphasized that:

In recent years (the last 25–30 years), the question of gift has achieved enormous attention in the fields of sociology, philosophy, psychology, economics, theology, general ethics, ethics of responsibility, ethics of dialogic responsibility, the ethics of care and of course many other so-called applied ethics. "Become a donor!" is a constant invitation.¹

¹. Ángel Luis González, Persona, libertad, don [Person, Freedom, Gift], Inaugural lecture of the 2013–14 academic year, Universidad de Navarra, Pamplona (September 6, 2013), 6, my translation. In the same work, against the large variety of prevailing approaches, the philosopher explains: "My contribution to this jumbled matter is based on a metaphysical explanation of the person and freedom because the gift, strictly speaking, is interpersonal and its condition of possibility is freedom" (7). For a complementary vision, see Ignacio Falgueras, "El dar, actividad plena de la libertad transcendental" [Giving, Full Activity of Transcendental Freedom], Studia Poliana 15 (2013): 69–108, and Rafael Alvira, “Tener y existir, reflexión y donación” [Having and Existing, Reflection and Donation], Anuario Filosófico 36, no. 3 (2003): 575–85.
Benedict XVI himself placed the logic of gift in the center of his social encyclical *Caritas in veritate*, saying that “charity in truth places man before the astonishing experience of gift” and that “it is the primordial truth of God’s love, grace bestowed upon us, that opens our lives to gift and makes it possible to hope for a ‘development of the whole man and of all men.’”\(^2\)

Indeed, the presence of gift is fundamental in moving beyond the crossroads to which modern thought has brought us. Although mainstream economic theory has followed a different course, there are some isolated efforts to include this reality, which, although it is inherent in economic rationality, has been regarded as “extra-economic” by those who have mapped out a positivist intellectual itinerary.\(^3\)

In one form or another, the notion of gift has been present in all human communities, especially in ancient societies. The work of Marcel Mauss, Émile Durkheim’s nephew, is found halfway between sociology and cultural anthropology and was fundamental in reviving the topic in the mid-twentieth century. In his seminal work, titled in English *The Gift: Forms and Functions in Archaic Societies*, Mauss claims that gift, freedom, liberality, and interest in giving have re-emerged as a seminal notion after being long forgotten.\(^4\)

In *The Enigma of the Gift*, Maurice Godelier critically dialogues with Mauss to conclude that “the giving of gift has become above all a subjective, personal and individual matter. It is the expression and the

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\(^3\). In this regard, the development of the so-called civil economy is noteworthy and has mainly been developed by Italian thinkers Stefano Zamagni and Luigino Bruni. See, for example, Zamagni and Bruni, *Handbook on the Economics of Reciprocity and Social Enterprise* (Cheltenham, UK: Edward Elgar, 2013); Bruni and Zamagni, *Civil Economy: Efficiency, Equity and Public Happiness* (Frankfurt: Peter Lang, 2007); Zamagni, “Reciprocity, Civil Economy, Common Good,” in *Pursuing the Common Good*, ed. Margaret S. Archer and Pierpaolo Donati (Vatican City: Pontifical Academy of Social Sciences, 2008), 467–502; Bruni, *Il prezzo della gratuità* [The Price of Gratuitousness] (Rome: Città Nuova, 2006); Bruni, *Reciprocity, Altruism and Civil Society* (London: Routledge, 2008).

instrument of personal relationships located beyond the spheres of the market and the state,” which eventually became known as the third paradigm: “Today, given the scale of social problems, and the apparent inability of the market and the State to solve them, gift is becoming again a socially necessary objective condition for the reproduction of society.”

With the initiative of Alain Caillé—one of the main authors in gift studies today—the group Mouvement anti-utilitariste dans les sciences sociales (MAUSS) was founded in Paris, and its acronym makes an honorific reference to Mauss. This group has contributed to the fact that the French have taken the lead on the interpretation of gift.

Caillé is a great admirer of Mauss, who “showed that ritually codified, generous reciprocity constituted the dominant fact in relationships between groups in traditional societies and formed the very cement of the social bond.” The highlights of Caillé’s work include the Anthropologie du don: Le tiers paradigme and his collaboration in Jacques Godbout’s work L’esprit du don, a book that has become necessary to understand this movement, in the French tradition and in general. For them, gift is “any provision of goods and services without obligation, guarantee or certainty of return, undertaken with the intent to create, maintain or regenerate a social relationship.”

Caillé is especially responsible for the study of social relations from the viewpoint of the logic of the gift as a “third paradigm,” a multidimensional theory of action beyond the individualism proper to the market and holism of the state. “The paradigm of the gift makes

6. Ibid., 295.
8. Ibid.
12. Ibid., 14–21. Holism points to the fact that the totality of the social sphere, which preexists individuals and their actions, explains by default everything that makes up the individual parts of
donation the first constitutive moment of human reality, the moment at which personal identity and social bonds are founded because of that donation.”¹³ In short, with different perspectives and diverse methods, it can certainly be said that many current interests in the humanities and social sciences are showing that the concept of gift, an ancient notion, whether rehabilitated or proposed anew, is an especially privileged key to understanding the person and human nature, as well as contemporary social and economic problems.¹⁴

Before proceeding, it is worth pausing to further consider the anthropology of gift developed by these authors and their relation with the genesis of economic thought.

THE ANTHROPOLOGY OF THE GIFT

The Ceremonial Gift

In his lectures on the philosophy of economics, Martínez Echevarría emphasizes that to understand the meaning of the economy, it is best to start from the differences that can be observed between animal and human life.¹⁵

While all animal species conform to certain rules for breeding and feeding, leaving no room for reflection or knowledge, in the case of human beings, this process is not necessarily fixed, but rather depends on culture and history. Moreover, these rules are not intended for the mere survival of the species, but rather aim to achieve the best way of life.

Human beings, therefore, do not live in the wild in the same way society. From the scientific point of view, it has taken the form of functionalism, culturalism, structuralism, etc.; see Ángel Luis González, “Thomistic Metaphysics: Contemporary Interpretations,” Anuario Filosófico 39, no. 2 (2006): 16.


that other living beings do; rather, humans inhabit their own world, in which the symbolic dimension of speech and discourse prevails within a community. In fact, man can only live in community, the most basic of which is the family, which is where the idea of economics acquires its meaning (etymologically oikos-nomos means household management)\(^\text{16}\) as the acquisition and administration of the means for a good life.\(^\text{17}\) Ethnographic studies and cultural anthropology pioneered by Mauss at the beginning of the last century revealed the evolution of the human bond between families and the resulting social structure.\(^\text{18}\)

In general terms, in the ancient world there are three big stages in human groups that express progressively greater ownership of the natural habitat: the first was dedicated to hunting and gathering, the next was structured by grazing or an incipient kind of agriculture, and finally came the emergence of crafts and trade. In the first two stages, human bonds were founded on the practice of the ceremonial gift, regulated by vindictive justice. In the third phase, in which cities were consolidated, human bonds were based on political authority, regulated by arbitral justice.

In the practice of the ceremonial gift, the bond of blood and honor or status of each person within the clan or tribe prevailed. Exchanges were conducted in order to establish and maintain partnerships between parental groups through their representatives; the delivery and reception of the gift—whether things or people—expressed mutual recognition. The ultimate expression of an alliance between different groups was marriage—that is, the delivery and reception of wives, which shows that the gift did not correspond to the delivery and reception of something neutral, but rather was a “pledge,” something

\(^{16}\) This point goes beyond the scope of this essay. For an idea of economics in the ancient world, see Scalzo, “Génesis del pensamiento económico: Dos visiones en pugna” [Genesis of Economic Thought: Two Conflicting Visions], Cau riensia 9 (2014): 341–74.


\(^{18}\) Gift appears as something universal; Mauss analyzed its presence in Northwest America, Melanesia, Polynesia, the Samoan Islands, Trobriand, etc., as well as in Scandinavian, Celtic, Roman, Germanic and Indian societies; see Mauss. *Gift.*
that was of upmost importance to the parties involved.\(^\text{19}\) A pledge is an object that is delivered as sign of fulfillment of an obligation toward someone, while it expresses what is most valuable and intrinsic to the subject that gives; it is the gift of self in the one who gives. The goods exchanged according to this logic are priceless assets; they focus on the relationship and constitute “the development of a powerful network of interpersonal bonds.”\(^\text{20}\)

Hénaff studied the evolution of the gift in *The Price of Truth: Gift, Money and Philosophy*, based on Mauss’s studies of ceremonial gift in ancient societies, and he showed how, over time, it acquired some verticality with the practice of offering to the gods, which he called *ritual gift*.\(^\text{21}\) He first used the case of the Maori tribe to show that giving creates the obligation to respond: “After giving something of himself, he must receive something of the other,”\(^\text{22}\) but especially, that one gives oneself in that which he or she gives: “The implication of the giver in the thing given is not a metaphor: it involves a transfer of soul and substantial presence.”\(^\text{23}\)

The practice of the ceremonial gift was a way of ensuring the recognition of stable and public alliances between groups of families, and its name derives from the fact that this gift was carried out according to very detailed ceremonial rules. It is “total social fact” because it “creates a bond that holds people together.”\(^\text{24}\) The justice that corresponds

\(^{19}\) The exchange of useful goods developed in parallel, but it was not of great importance, since these groups’ subsistence economies were, in principle, self-sufficient.


\(^{21}\) The idea of sacrifice, although it is important in the history of the gift, exceeds the scope of this essay. See, for example, Hénaff, ibid., 156–202, as well as Alejandro Llano, *Deseo, violencia, sacrificio: El secreto del mito según René Girard* [Desire, Violence, Sacrifice: The Secret of the Myth according to René Girard] (Pamplona: Eunsa, 2004), and René Girard, *Violence and the Sacred* (Baltimore: John Hopkins University Press, 1977).

\(^{22}\) Hénaff, *Price*, 125.

\(^{23}\) Ibid., 127.

\(^{24}\) Hénaff gives the example of a kind of exchange called *kula*, which involves a three-month journey by ship between islands where one tribe goes to visit another, resulting in a competitive exhibition, and then an exchange of precious goods called *wayguà* takes place: precious necklaces (*soula*va) that are viewed as masculine, but worn by women, are traded for armshells (*mwali*) that are viewed as feminine, but worn by men. The necklaces move east to west between the different
to these societies is vindictive justice, intended to restore, in the case of an offense, the order established by the ceremonial practice of gift-exchange.

The Moral Gift
In his gift genealogy, Hénaff makes it clear that the ceremonial gift is social, not moral.\textsuperscript{25} The emergence of cities represented an important step in the evolution of human relationships and the structure of social organization. A central authority’s law replaced mutual recognition, which had previously been established horizontally through partnerships between families. This signified a shift from vindictive justice to arbitrational justice. As part of vindictive justice, the fundamental mode of justice was revenge: “eye for an eye, tooth for a tooth.” In contrast, in an arbitrational system, authority acts as a mediator that “administers the debt” of the community, which it evaluates and sanctions. However, “the difference between vindictive justice and arbitrational justice is not reduced to an opposition between violence and lawlessness on one side and rule of law and reasonable mediation on the other.”\textsuperscript{26} The key is not the relationship to justice, but rather the relationship to debt: in the case of the gift, there is a debt to pay back; in the latter, an exchange price is determined, resulting in parity between symbolic and financial debt.\textsuperscript{27}

Aristotle was the first to perceive the passage from personal reciprocity proper to vindictive justice to the proportional reciprocity of arbitrational or political justice. While for the ceremonial gift, the gift’s

\textsuperscript{25} Hénaff, \textit{Price}, 109–25.
\textsuperscript{26} Ibid., 297.
\textsuperscript{27} Ibid., 283–98.
symbolic value or pledge received from a group matters more than its utility, the new configuration of gift focuses on utility, and as a consequence exchange moves to center stage.

Aristotle devoted book V of the *Nicomachean Ethics* to justice. He distinguished universal justice from particular justice, and within the latter he parsed the difference between distributive justice—equality according to a geometric proportion—and corrective justice—equality according to an arithmetic proportion.\(^28\) Immediately afterward, in chapter 5, and in the context of corrective justice, he addressed the issue of justice in exchanges—voluntary transactions—as a form of reciprocity: “In associations for exchange this sort of justice does hold men together—reciprocity in accordance with a proportion and not on the basis of equality.”\(^29\) The aim of this kind of justice is to correct the gains and losses that occur in exchanges to maintain proportional reciprocity, which is proper to the city.

In *Politics* I, Aristotle discussed the genesis of exchange and distinguished different forms: bartering, or exchange without the intermediation of currency; the use of money as a means to acquire something that is needed; buying and selling to make money; and lending money at interest, which is known as usury.

Aristotle examined the evolution of relationships of exchange over time while exploring the nature of exchange value and its effects on human behavior. In relation to the respective ends (telos) of these forms of exchange, he concludes that there are two types: one that is natural to the good life in community and another that is contrary to it.\(^30\) The key to understanding the difference is made clear in his *Ethics* and is related to currency and the distinction between the use of goods to satisfy a need and their use for exchange.\(^31\)

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31. Aristotle’s sharp distinction between exchange value and use value may lead to a certain
Oikonomiké deals with the acquisition of property necessary for the good life—that is, its purpose is provision, pointing to consumption or use.\textsuperscript{32} Indeed, from this Aristotle distinguished chrematistic, which is guided by exchange value—that is, by the desire for money.\textsuperscript{33} Exchange value quantifies things, gives them a logical category that differs from their inherent nature—that is, their use value.

When use value takes precedence, accumulation of goods is limited because “the amount of property which is needed for a good life is not unlimited.”\textsuperscript{34} When exchange value takes precedence, the search for profit is endless, as is shown in the following maxim Aristotle took from Solon: “No bound to riches has been fixed for man.”\textsuperscript{35} As Meikle points out, “The underlying thought at this point is that, since it is a quantity, exchange value (and its bodily form of money) has no inherent limit.”\textsuperscript{36}

Exchange arose “at first from what is natural, from the circumstance that some have too little, others too much.”\textsuperscript{37} The exchange of goods without the intermediation of money—bartering—“is not part of the wealth-getting art and is not contrary to nature, but is needed for the satisfaction of men's natural wants, and it was natural to complete self-sufficiency.”\textsuperscript{38} However, the other form of exchange grew out of this one, “when the inhabitants of one country became more dependent on those of another, and they imported what they needed, and exported what they had too much of, money necessarily came into use.”\textsuperscript{39}

\textsuperscript{ambivalence on this point, since the exchange value of a good does not correspond to its proper and peculiar use. However, Aristotle fails to say that the use of an object in exchange is “unnatural” (\textit{para phusin}), precisely because using an object in a way other than its proper and peculiar use does not mean that this use is bad. See Scott Meikle, “Aristotle and the Political Economy of the Polis,” \textit{Journal of Hellenic Studies} 99 (1979): 57–73.}

\textsuperscript{32} See Crespo, “‘Economic,’” 281–94.
\textsuperscript{33} Aristotle, \textit{Politics} I.1258b.
\textsuperscript{34} Ibid., I.1256b.
\textsuperscript{35} Ibid.
\textsuperscript{37} Aristotle, \textit{Politics} I.1257b.
\textsuperscript{38} Ibid., I.1257a.
\textsuperscript{39} Ibid.
Aristotle is lenient with this form of exchange because its purpose is consumption; however, he disapproves of money being an end in itself because in that case, someone’s profit means someone else’s loss, which is an affront to justice. These forms are different, and “the source of the confusion is the near connection between the two kinds of wealth-getting; in both, the instrument is the same, although the use is different, and so they pass into one another; for each is a use of the same property, but with a difference: accumulation is the end in the one case, but there is a further end in the other ... to increase their money without limit, or at any rate not to lose it.”

It is of key importance to distinguish between the two ends, because, “though they appear to be different ways of doing the same thing, they are really similar ways of doing different things.”

The fourth form of exchange is between money without the mediation of any good, known as usury. “The most hated sort, and with the greatest reason, is usury, which makes a gain out of money itself, and not from the natural object of it. For money was intended to be used in exchange, but not to increase at interest ... of all modes of getting wealth this is the most unnatural.” For Athenians, moneylending was a sign of friendship whose end was to help cement bonds of *philía* for the stability of the polis.

Indeed, justice in exchange is fundamental in Aristotle’s analysis because, as Ritchie points out, it provides a form of *philía* in an activity (commerce) that could threaten the unity of the polis. Aristotle was aware of how important exchange is for the unity and development of a community. Therefore, before analyzing proportionality, he mentions the *spirit of gratitude* (*kharís*):

40. Ibid., I.1257a, 1257b.
42. Aristotle, *Politics* I.1258b.
This is why they give a prominent place to the temple of Graces—to promote the requital of services; for this is characteristic of grace—we should serve in return one who has shown grace to us, and should another time take the initiative in showing it.45

Aristotle insisted that politics was based on the realm of the gift, which is why the Temple of Graces acted as a reminder of the obligation to give and receive in terms of mutual service, without which the city would be inconceivable:

Several conditions are requisite if there is to be a genuine koinonia: (1) the members must be free men; (2) they must have a common purpose, major or minor, temporary or of long duration; (3) they must have something in common, share something, such as place, goods, cult, meals, desire for a good life, burdens, suffering; (4) there must be philia (conventionally but inadequately translated “friendship”), mutuality in other words, and to dikaion, which for simplicity we may reduce to “fairness” in their mutual relations.46

Gift thus takes on a new perspective: “It had become a virtue and it was no longer a gesture of reciprocal recognition but had become a gesture of mutual assistance.”47 In his genealogy of the gift, Hénaff equates the moral gift to the Greek idea of kharis—that is, “an entire model of gift-giving as favor developed around the Greek notion of kharis.”48 This is especially important because this paradigm contains the essence of subsequent economic thought.49

The Personal Gift

With the notion of person introduced by Christianity,50 the idea of the gift takes on a different hue, which does not depart from earlier
traditions, but renews them, giving them a more solid foundation.\textsuperscript{51} The revelation of the mysteries of creation and the incarnation introduce radical innovations in the way of understanding the relationship not only between God and human beings, but among human beings themselves. St. Thomas and his teacher St. Albert the Great are the most recognized representatives of medieval thought, and they were the first to consider that the gift had ontological significance—that is, that gift meant ontological Being.\textsuperscript{52}

In Aristotle's work, Aquinas found an excellent basis for better understanding the Christian message. In fact, his treatment of economics is merely a commentary on Aristotle's vision with an added supernatural perspective. Aquinas added to Aristotle's political scheme the call to human perfection that all men and women have through civic friendship, as well as the call to full perfection—holiness—with the help of grace.

The person is not fully realized with the actualization of a form proper to his own nature, but rather has a supernatural end that transcends his own nature.\textsuperscript{53} Furthermore, self-determination toward that end is free—one can draw closer to or further away from it, or what is the same, dignify or degrade oneself. The person can freely destine herself to realize her unique way of being, which has been received as a gift, and which she will only come to know if she lives according to it. The person starts with a received life that grows into a realized life through personal acceptance of the gift and contribution to it.\textsuperscript{54}

\textsuperscript{51} Without the notion of creation, the idea of the person is unattainable because radical contingency and the distinction between being and nothingness go along with it, and essence and existence therefore cannot be distinguished. For a metaphysics of the person, see Leonardo Polo, \textit{Antropología Trascendental}, vol. 1, \textit{La persona humana} [Transcendental Anthropology, vol. 1, The Human Person] (Pamplona: Eunsa, 1999), and Fernando Haya, \textit{El ser personal: De Tomás de Aquino a la metafísica del don} (Pamplona: Eunsa, 1997). For its anthropological and ethical implications, see Polo, \textit{Presente y futuro del hombre} [Present and Future of Man] (Madrid: Rialp, 1993), and Polo, \textit{Ética: Hacia una versión moderna de los temas clásicos} [Ethics: A Modern Version of Its Classic Themes] (Madrid: Aedos, 1997).


\textsuperscript{53} For other created beings, fulfilling that which they tend toward is necessary and completely determined by their nature. Their end is, therefore, a finite external consummation from an instinctive and unthinking tendency.

\textsuperscript{54} Polo, “Tener y dar” [Having and Giving], in \textit{Sobre la existencia Cristiana} (Pamplona: Eunsa, 1996), 103–36.
People are created unique and unrepeatable, analog participations in God’s uncreated love, beings who can freely live in community with other persons. In his moral theology, Aquinas considers nature and grace in such a way that man can reach his ultimate end: perfect happiness in the beatific vision. With a free response to grace—a divine gift—man can turn his service to the city into love for God and men since, as St. Augustine had already shown, men belong to two cities, one earthly and the other divine, which do not oppose each other, but are present simultaneously. Here we can anticipate a conclusion: the radical novelty of Christianity with respect to gift is found in considering that man, created in the image and likeness of God, can only be deeply understood as a gift.55

Understanding man and woman as persons implies recognizing that each one is essentially a someone open to relationships. A human person can achieve his or her end only in communion with others, in all dimensions of life. Knowledge and human love should be shared, reciprocated, and objectified in their manifestations. Communication is intrinsic to the human person, who, through language and work, carries out an expansion of his or her corporeality, thus realizing him- or herself incrementally. There are natural relationships between people—kinship, fraternity, parentage—that are manifested in giving and receiving. This existential community of exchange expands into society, which arise naturally because, through mutual help, people achieve their own perfection; through the care of others, people find a remedy for mutual needs, compassion and sympathy, gifts and exchanges, and other manifestations of the human need to love and be loved.56 The social end par excellence is the common good, defines the necessary conditions for individuals and families to reach their high-

56. As we saw, for Mauss, the gift system is the fundamental form in which human groups express relationships. It does not deal with giving, but rather with giving of oneself in whatever is given, which is the manifestation of personal being.
est development, conditions that we can summarize into three areas: peace, material well-being, and values.

Following the classical tradition of viewing society as a natural unity of order, Aquinas does not exclude gift from the field of justice, although he relates it to liberality (justice gives the other what is his, while the posture of the gift gives what is one's own) and integrates it, therefore, in a paradigm of love and gratitude: “The word 'gift' imports an aptitude for being given. And what is given has an aptitude or relation both to the giver and to that to which it is given. For it would not be given by anyone, unless it was his to give; and it is given to someone to be his.” Thus, besides commutative and distributive justice, a way toward transcendental justice is opened up. In establishing justice within the order God imposed on the world, gift acquires a transcendent and personal basis through eternal or divine law, in which rational creatures participate through reason. It is the knowledge of the truth that gives full meaning to our freedom and is written on our hearts.

Under the basic premise that “love is superior to the good,” Aquinas highlights two points that were present in classical reflections on gift: gratuity and love. As Aquinas notes,

In proof of this we must know that a gift is properly an unreturnable giving, as Aristotle says (Topic. iv, 4)—i.e. a thing which is not given with the intention of a return—and it thus contains the idea of a gratuitous donation. Now, the reason of donation being gratuitous is love; since therefore do we give something to anyone gratuitously forasmuch as we wish him well. So what we first give him is the love whereby we wish him well. Hence it is man-

57. "Charity goes beyond justice, because to love is to give, to offer what is 'mine' to the other; but it never lacks justice, which prompts us to give the other what is 'his,' what is due to him by reason of his being or his acting. I cannot 'give' what is mine to the other, without first giving him what pertains to him in justice. If we love others with charity, then first of all we are just towards them. Not only is justice not extraneous to charity, not only is it not an alternative or parallel path to charity: justice is inseparable from charity, and intrinsic to it"; Benedict XVI, Encyclical Letter Caritas in veritate, June 29, 2009, no. 6.

58. Thomas Aquinas, Summa theologiae (Cambridge: Cambridge University Press, 2006) I, q. 38, a. 1; hereafter ST.

59. Sellés, Antropologia, 596.
ifest that love has the nature of a first gift, through which all free gifts are given.60

Leonardo Polo claims that the human person is not only defined as being able to have, but especially as a being capable of giving, and this giving comes from his or her intimacy, which characterizes what it means to be a person. That the gift is free means that it is not mechanically caused; rather, it is a novelty:

The phenomenology of the gift describes the manifestation of a reality that is not contained in antecedent conditions. The gift is not a gift if the gift giver is just waiting for it to be deployed or made explicit. The gift in action is gratuity in the sense that the gift giver has no need beforehand and the gift giver is only called as such in the very act of giving.61

This is the radical difference between the human person and other living beings—namely, the person has intimacy, and it is not closed but open. In Polo’s words, “Intimacy is not an enclosed area, but rather is inwardly open in as much as the person is a gift. On the other hand, both operational immanence and virtue can be called modes of having. Human having is affirmed in giving.”62

FROM GIFT TO CONTRACT

The Genesis of the Contractual Society

Just as the idea of classical society—that which pertains to Aristotelian-Thomistic philosophy—is based on gift, modern society is based on the idea of the contract.63 This is evident in the so-called contractualist political philosophers—especially Hobbes—but it was already nascent in a change of course that thirteenth-century philosophy introduced with the last great figure of medieval scholasticism, John Duns Sco-
His thesis, while remaining within orthodoxy, contains a critical spirit that serves as the basis for later, more significant deviations, especially in the case of William of Ockham's nominalism.

Nominalism changed the scholastic conception of man as a person by radically separating philosophy and theology, with the many social implications derived therefrom. It initiated a new path based on the will, submission to faith, the acceptance of revealed truths irrespective of reason, and naturalist tendencies. The cosmos, formerly the natural way toward the discovery of the truth and the good, eventually became “nature that does not tend toward anything,” something like a mechanism or a set of physical forces without an end. The person’s ultimate end became dehumanized and no longer passed through tending forces and rational deliberations, but rather purely and solely through every person’s individual will.

The entire created universe, including the moral law, became contingent not only in its existence, but also in its essence. Anti-metaphysical empiricism was joined by another ethical principle: divine omnipotence. In this view, faith reveals an omnipotent God, whose will is beyond order, truth, or the good. The moral law does not come from a divine wisdom that moves his creatures from within, but rather from a heteronomous law-giving God who moves them from the outside. Therefore, an intrinsic morality of human acts does not exist; rather, the criterion is extrinsic: the divine will, expressed in mandates and sanctioned by a system of punishments and rewards. It then falls into a moral conventionalism of a theological kind: the person must submit him- or herself to the will of God by faith alone, and conscience becomes the first moral


65. Behind this posture there is a rejection of Aristotelian thought, which underwent a process of rejection after it was condemned first in 1270 by the bishop of Paris, Étienne Tempier, and later in 1277 by the archbishop of Canterbury, Robert Kilwardby.
standard that should always be followed. Ockham’s voluntarism is an expression of an impulsive ethics of love: doing the good is an act of pure love for God, a completely autonomous self-determination without tendencies or a desire for happiness.

If God is the great lawgiver, who arbitrarily and from the outside imposes a law that is unrelated to nature or reason and who discloses himself to the human race through revelation, then absolute power, rather than divine wisdom, governs human beings through their actions. The idea of divine filiation is therefore replaced by that of slavery; God gives orders, rather than advice. The way in which the lawgiver’s will is made known and its enactment become an essential element of paramount importance for this kind of moral system.

For nominalism, the city, like everything universal, is notional and exists as a predicate; reality consists in the individual members that make up the city and in their conflicting wills. Society is not a good toward which the person tends naturally, but rather an unavoidable evil imposed from above by a unique and incommunicable divine will that attempts to remedy nature corrupted by sin. In the state of nature, men were in a state of equality; sin introduced inequality or singularity. The idea of the common good was replaced by a new concept of general interest, which aimed to prevent the conflict of individual interests that are prior to the very constitution of the city. The law does not follow the common good, but rather imposes the general interest, a rational a priori design deduced from universal principles of theoretical reason.

Exchange began to rely solely on the subjective will of the individuals involved, endowed with rights they possessed at their origin. Exchange was thus transformed into a kind of balance between wills.

66. See de Muralt, La estructura de la filosofía política moderna.

67. Radical individualism necessarily leads to a natural state of war, which, according to Hobbes, must be corrected by an absolute sovereign that governs the agreements that men reach. Hobbes’s Leviathan attempted to lay the foundations for a just and lasting political order in the framework of modern science. The Leviathan, a theoretical construct that acts as a representative of God in the world, is the guarantor of peace. We find here a precedent to the modern state.
that depended on nothing more than the wills involved and thus lost its reference to the common good. Justice in trade—in this view—depends solely on a contract that resulted from a voluntary agreement. Price thus emerged from a hypothetical agreement of wills, and the notion of a just price—so central to medieval thought—was lost.

The dominance of subjective will led to a perception of the market as a struggle of wills. In addition, the path was opened for late conceptions of the market as an aggregate of impersonal transactions, as a mechanism with a legality of its own that is designed to restore balance in the distribution of property. This same mechanism, as a result of opposing forces, determines the balance of prices, reducing an ethical problem to a logical problem and detaching man from any liability.

Contract as a Substitute for Gift

This paradigm shift in worldview resulted in modern political philosophy’s conception of society not as an ordered natural reality, but as a mechanical construction. It gradually led to what Weber called a “disenchanted world.” This disenchantment is the result of the modern project to build a horizontal and secular society that ignores gift.

A first look at European society since the early modern period suggests an overwhelming dominance of contractual relationships, which are organized according to commutative justice and the logic of do ut des, both of which are hegemonic in market relations, as well as present in many of the relationships derived from the State. It could be said that modernity is an attempt to build a society based on the contract.68

What are the main differences between gift and contract in terms of exchange? The first difference is gratuity. While a gift is free and forms part of the things that the subject values, exchange goods have a price that respond to a kind of equilibrium-equality logic. The sec-

ond difference is that, by putting something of oneself into the gift, the giver offers him- or herself for the recognition of the other; in the case of exchange, the goods are evaluated regardless of who buys or sells them. Giving a gift is a challenge because accepting it (the object and therefore the person) requires reciprocation (just as refusing a gift implies denying the giver). Exchange, in contrast, is the result of a negotiation in which the parties consider their own interests. The aim of an exchange based on gift is to found and sustain a bond or relationship that creates a new identity for both givers. Contractual exchange, on the other hand, is impersonal, and the involved parties appear as subjects of law; they aim at a situation of equilibrium (zero-sum). Proportional reciprocity emphasizes that there is no equality. Finally, the gift can withstand insurmountable debt because its object is a personal relationship, while the logic of the contract demands all debt be repaid.

In Charisma: The Gift of Grace and How It Has Been Taken Away from Us, a revealing work, Philip Rieff shows the effects of a world in which grace no longer acts. It goes beyond the scope of this essay, but it is worth mentioning that the notion of grace that is derived from the Protestant tradition, which has its origin in divine predestination, has been essential for the gift’s exile from the public sphere with the social consequences therefrom derived. While Kant to an extent already recognized this situation in his work, it was Max Weber who best captured the tragic spirit of this radical split between the public and the private sphere at the beginning of the last century.

Weber, in his attempt to develop a comprehensive sociology, warns of a structural change in the understanding of the world that is closely related to modern man’s “disenchantment.” It corresponds to a historical-religious process that, after having been freed of the influence of “Christian pathos,” culminated in forms of modern capitalism characterized by the rational organization of work. This process, which is proper to the West, was the topic of Weber’s oeuvre The Protestant

Ethic and the Spirit of Capitalism, probably one of the most controversial and discussed theses of the twentieth century. I do not intend to enter into this controversy, but rather show how Ockham’s initial problem, which Luther continued and Kant affirmed, is quite clearly found here.

Commenting on Weber, Hénaff emphasized that the social relationship itself was at stake in Protestant ethics:

Luther wants to eliminate the practice of charity as “good deeds” guaranteeing salvation. It is easy to understand how challenging that practice would conform to a theological notion of faith as an act of unconditional trust in the divine word … the break created by the Reformation … concerns the devalorization of the generous act supposedly essential to salvation and finally its presentation as an economically irrational act. What is involved here is the form of social relations itself. If the latter are supposed to be generated by the complementarity of tasks instead of the reciprocity of gifts, then the transformation mentioned by Weber is even more radical.

Weber notes that in the process of Western rationalization practical, theoretical, and formal rationality dominated substantive rationality, which generally meant replacing the broader sapiential Judeo-Christian worldview with a scientific one with its accompanying effort to reductively subject reality to empirical observation, mathematical measurement, and calculation. The antagonism between formal and substantive rationality should be construed as a tension between conflicting values: between calculation, efficiency, and impersonality on one side and fraternity, equality, and caritas on the other.

70. Weber is interested in the origin of the rationalization of practical behavior, which he characterized with the vague concept of the “spirit of capitalism.” His main argument is that in certain manifestations of ascetic, puritanical Protestantism, methodical and disciplined work, along with accumulation and reinvestment of capital through the command of a substantive ethical rationality, generated a systematic component in economic activity that lasted even after its axiological-rational impulse ceased. This impulse corresponded to a certain substantive rationality and in particular to the doctrine of predestination in which the accumulation of wealth was seen as a sign of divine election.

71. Hénaff, Price, 300.


73. Rogers Brubaker, The Limits of Rationality: An Essay on the Social and Moral Thought of
Indeed, by denying the possibility of a unifying metaphysical foundation of reality, modern rationalization has rejected the logic of gift. The capitalist economy and the state are fragmented into autonomous cultural spheres,\textsuperscript{74} including political, legal, aesthetic, economic, cultural, and scientific spheres, all of which tend to claim universal validity.\textsuperscript{75} Yet, they are incapable of giving a unifying theoretical and practical meaning to action and are continually in an irresolvable conflict with each other because of their individual claims to being a comprehensive interpretation of reality and criteria for action. Each sphere’s awareness and assertion of its own rules and laws induces it to advance without much interaction with other spheres, producing a fragmented and sometimes antagonistic structure of the world, eventually giving rise to the temptation of one sector imposing its own logic on the others. In modern capitalism, we are witnessing such a process, in which the logic of economic efficiency gradually overrides and transforms all other subsystems of society.\textsuperscript{76}

In the Weberian analysis values are subjective, plural, and equally valid, which keeps them in constant conflict. As a result of this struggle, a break between the public and the private occurs, leaving the substantive sphere of conviction of what constitutes a good life to individual conscience. In addition to its reductive character, modern rationality is thus characterized by a split between reason and conscience as a result of the failure to reach an agreement on issues related to substantive rationality dealing with normative, axiological, and evalu-

\textsuperscript{74} Spheres of value, although they change with emerging new forms of social life, have an objective existence and are not metaphysical or empirical, but theoretical: they are ideal types of orders of potentially conflicting life. Each sphere of value has its own norms, and there is no sphere that can arbitrate conflicts between them; rather, the individual himself must choose.

\textsuperscript{75} Brubaker, \textit{Limits}, 71–73, 82.

Therefore, aware of a profound polytheism of values, through choosing his postulates of value, man *chooses* the meaning of his action and being rather than receiving it as a gift. Human action is the expression of individuals’ intentional subjectivity—that is, the meaning of action is subjective and is given by the ends chosen by each individual as means of self-expression and self-assertion according to postulated value (the gift is restricted to the field of private relationships).

Ultimately, approaching human rationality from the solipsistic individual is a kind of reductionism that should be overcome because “man does not exist just like that, but rather he coexists with others and with nature and this coexistence is his very existence. To be a human being means to coexist.”

Understanding the notion of person is to accept that the human person is equally individual and relationship. He is “essentially individual and essentially relationship. As an individual, man is an absolute, master of himself and therefore free; as a relationship, man is a social being and can only live in community with others and again only then is he free.”

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79. Ricardo Yepes Stork, *Fundamentos de antropología: Un ideal de la excelencia humana* [Foundations of Anthropology: An Ideal of Human Excellence] (Pamplona: Eunsa, 1977), 241. For Polo, anthropology is not reduced to metaphysics. Transcendental anthropology is the doctrine of man’s being as coexistence. Man is not limited to being (as metaphysics proposed), but rather he is coexistence (co-being or being-with). The Greeks did not see man in his strictest peculiarity. Christianity discovered the idea of the person: man is a personal being. While it is a theological issue, the human being as a person can be seen as a philosophical issue as well. See Polo, *Antropología Trascendental*, and Polo, *Quién es el hombre: Un espíritu en el tiempo* [Who Is Man: A Spirit in Time] (Madrid: Rialp, 2003).

CONCLUDING REMARKS: RETURNING TO THE GIFT

Talking of a return to gift is a contradiction because, beyond the fact that modern science and philosophy have veered off course, gift has always been present in human life and society, and it cannot be otherwise.

The spirit of gift has been hidden, but by no means absent from the economy since, were that so, society would have collapsed by now. It is hidden within the law, in the way in which family and friends distribute goods, as well as in business and labor relations. It is logical that it is not directly visible in the market since, by its very nature, the market is more geared toward contract and exchange, which is based on equivalence. But we must not forget that the law itself is a mutual gift, which is why gratuity cannot arise from law and cannot be imposed through law. The gift, recognition, respect, and admiration for the other constitute the foundation that underpins contract and exchange.81

However, academic interest in the logic of gift markedly increased after the publication in 2009 of *Caritas in veritate*, an encyclical whose wealth overflows any attempt to summarize it and that is presented as a continuation of Paul VI’s *Populorum progressio* and John Paul II’s *Sollicitudo rei socialis*.82 Against the progressive reductionism that modern rationality has undergone, Benedict XVI argues that “the ‘broadening [of] our concept of reason and its application’ is indispensable if we are to succeed in adequately weighing all the elements involved in the question of development and in the solution of socio-economic problems.”83 While he certainly clarifies that he does not intend to provide clear technical solutions or to get tied up in politics, he offers

some guidelines for social life that come from “fidelity to the truth, which alone is the guarantee of freedom (see Jn 8:32) and of the possibility of integral human development” under the premise that “both the market and politics need individuals who are open to reciprocal gift.”

Indeed, gift is the encyclical’s main theme:

**Charity in truth** places man before the astonishing experience of gift. Gratuitousness is present in our lives in many different forms, which often go unrecognized because of a purely consumerist and utilitarian view of life. The human being is made for gift, which expresses and makes present his transcendent dimension.

From this perspective, “man’s essence is found in having been invited to participate in the fullness of charity in truth.”

As we see in Weber and in modern thought in general, while the logic of gift and the contract are presented as two opposing fields, in **Caritas in veritate** the logic of gift is pervasive. From there it follows that contract logic is subordinate to gift logic:

Ultimately, the gift must be understood as the principal reality that encompasses all others, however relevant they might be. The best explanation of the relationship between the individual and society is the doctrine of gift because it encompasses all other elements in the relational system that are embedded in and are explained through the bundle of relationships that arise with gifts.

Contrary to typically modern political thought, “the earthly city is promoted not merely by relationships of rights and duties, but to an even greater and more fundamental extent by relationships of gratuitousness, mercy and communion.”

84. Benedict XVI, *Caritas in veritate*, nos. 9, 39.
The encyclical takes up a long tradition of philosophical and theological thought that reminds us of a truth that has been forgotten: “Because it is a gift received by everyone, charity in truth is a force that builds community, it brings all people together without imposing barriers or limits.” Far from being a definitive answer, this proposal is an invitation to rethink the profound meaning of human action and its impact on different social realities that demand an urgent renewal of science in charity and truth, taking into account that the economic sphere is neither ethically neutral, nor inherently inhuman and opposed to society. It is part and parcel of human activity and precisely because it is human, it must be structured and governed in an ethical manner. In commercial relationships the principle of gratuitousness and the logic of gift as an expression of fraternity can and must find their place within normal economic activity. This is a human demand at the present time, but it is also demanded by economic logic. It is a demand both of charity and of truth.

From these statements, two basic proposals can be derived: economics is an ethical discipline, and there is a need for an “expansion of rationality.” It is time to assert without reservation that man cannot be explained by himself, but by love; that is to say, that true humanism can only be founded on Christ:

Without God man neither knows which way to go, nor even understands who he is. . . . Paul VI recalled in Populorum progressio that man cannot bring about his own progress unaided, because by himself he cannot establish an authentic humanism. Only if we are aware of our calling, as individuals and as a community, to be part of God’s family as his sons and daughters, will we be able to generate a new vision and muster new energy in the service of a truly integral humanism. The greatest service to development, then, is a Christian humanism that enkindles charity and takes its lead from truth, accepting both as a lasting gift from God.

89. Ibid., no. 34.
90. Ibid., no. 36.
91. Ibid., no. 78, referencing Paul VI, Encyclical Letter Populorum progressio (March 26, 1967), no. 42.
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