

Notes

1 The History of a Political Idea

1. *L'Année sociologique* was not published between 1913 and 1925. Although it is only an article, I place the title of that long essay in italics in the remainder of the book.
2. Karsenti 1994.
3. Lévi-Strauss 1950.
4. Bourdieu 1994: 174–5.
5. Derrida 1991.
6. Sigaud 2002.
7. Sigaud 2002: 335.
8. Zelizer 1994.
9. Taussig 1980.
10. From Bourdieu (1994) to the Mouvement Anti-Utilitariste en sciences sociales (MAUSS).
11. Sigaud 2002: 336.
12. Liebersohn 2011.
13. Foucault 2010.
14. Rist 1996; Teubner 1996; Gilman 2003; Rajagopal; Mazower 2010; Pahuja 2011, 2012.
15. Foucault 2010.
16. Koskenniemi (2001), and Cohen and Vauchez (2007) focus mostly on the interwar periods; Judt (1998) on the Cold War; Shepard (2008) on early decolonization. Kennedy (2006), Mazower (2010, 2012) and Mallard and Sgard (2016) provide attempts to catch at least a hundred years of evolution.
17. Bedjaoui 1978a.
18. Liebersohn 2011.
19. Cohn 1996.
20. Liebersohn 2011: 25.
21. Liebersohn 2011: 25.
22. Weber 1978 [1922].
23. Flandreau 2016: 5.

24. Flandreau 2016.
25. Liebersohn 2011: 161.
26. Shapin and Shaffer 1989.
27. Terrier and Fournier 2013.
28. Mallard 2011.
29. It is indeed Liebersohn's (2011: 123) thesis that these three anthropologists of gift-making practices all shared a deep intellectual link with the German-speaking world and were all "indebted to the same Imperial German learning," although all three were outsiders in German academic circles: "if Malinowski was a Polish Catholic who passed through the German university on his way to England, Boas was a Jew [from Westphalia] who migrated to the United States, while Thurnwald, the only one of the three to make his career in Germany, was by birth an Austrian Catholic who converted to Protestantism and migrated to Berlin."
30. Asad 1973; Cohn 1996; Flandreau 2016. For the German-speaking world of anthropology, the most complete history is Steinmetz (2013).
31. de L'estoile, Neiburg and Sigaud 2005; de L'estoile 2007; Singaravélou 2011; Conklin 2013.
32. Research is based on the consultation of the private archives of Marcel Mauss and Henri Hubert held at the Collège de France, and those of Albert Thomas and Léon Blum held at the French National Archives. For the later generation, I have consulted the papers of Jacques Soustelle, and read most of the published work of some of Soustelle's colleagues, like Germaine Tillion, as well as those who debated their positions – such as Raymond Aron for instance.
33. Prochasson 1993; Candar and Rébérioux 1994; Birnbaum 1988; Topalov 1999.
34. Graeber 2000.
35. The analysis of the "économie solidaire" pioneered by Jean-Louis Laville (2007) is another French school of thought that took inspiration from Mauss's ideas to study local circuits of gift exchange, which I did not review in this book, as my focus concentrates on international forms of exchange.
36. Caillé 1989; Godbout 2000.
37. In many ways, these French scholars from Pierre Bourdieu to Jacques Godbout and Alain Caillé – injected Mauss's normative propositions into an economic debate that pitted tenets of self-interestedness and apologists of disinterestedness against one another in the 1970s; see Bourdieu 1994: 180, 184; Caillé 1989, 2005.
38. Akerloff 1982: 549.
39. Schulte-Tenckhoff 2001: 177.
40. Graeber 2000, 2011.
41. Mauss 1925a.
42. Charle 1980, 1990; Bourdieu 1990.
43. Steinmetz 2013.
44. Mauss 2013.
45. Rajagopal 2003.
46. Rist 1996; Gilman 2003; Rajagopal; Pahuja 2011; Mazower 2012.

47. Just as Mauss praised Emile Durkheim at the same time as he hinted at the failings of his uncle's theorization when he campaigned to obtain a chair at the Collège de France in the late 1920s, Lévi-Strauss – followed by Bourdieu some thirty years after – later used Mauss's name when campaigning to obtain a similar chair at the Collège, but claimed that Mauss had failed to fully understand the role of gift exchanges; see Sigaud 2002: 345.
48. Aglietta and Orléan 1982.

2 The Cast

1. Steinmetz 2013.
2. Bourdieu 1990.
3. Durkheim 1998: 52.
4. Tarot 1999.
5. Hubert and Mauss 1899.
6. Frazer 1890.
7. Frazer (1898, 1902) thanked Mauss for publishing a review of his book in *L'Année*, as well as proposing to review its translation in French.
8. Mauss 1979.
9. Fournier 1994.
10. When he came back to Paris from Oxford, Mauss became a central figure of the Librairie Bellais, where he met all the Dreyfusards and in particular its creator, Charles Péguy (1873–1914), a young philosophy student at the ENS. Durkheim participated in the creation of the Ligue des droits de l'Homme in Bordeaux.
11. In 1904, sixteen out of the twenty-two contributors of *L'Année* were from the ENS (Besnard 1979: 16).
12. Mauss 1997 [1928]: 741.
13. Mauss 1997 [1935]: 756.
14. Berstein 2006: 71.
15. Bert 2012.
16. Durkheim 1998: 136.
17. Durkheim did not see the hegemonic situation of Durkheimians in the Ministry of Armament with very favorable eyes, as he (1998: 473) wrote that the “immensity of their responsibilities” was coupled with the “incompetence of those responsible.”
18. Besnard 1979: 13.
19. A. Becker 2003.
20. Halbwachs 1925.
21. In doing so, Halbwachs followed the influence of his old mentors Durkheim and Bergson, but also that of his former colleague at the ENS, Robert Hertz, whose posthumous 1922 book (edited by Mauss) asked how can societies forgive and forget. Still, Halbwachs could not stand Mauss's claim of leadership among the Durkheimian school (Hertz 1922; A. Becker 2003: 395).
22. Blaszkiewicz-Maison 2015: 76.

23. Berstein 2006: 72.
24. Pénin 1997: 136, 160. For instance, in June 1905, Mauss was the French envoy sent by the Bourse Coopérative to a British congress of more than 1,700 delegates of the Wholesale movement, where Mauss was influenced by the ideas of Béatrice and Sydney Webb and the Fabians (Mauss 1997 [1905]: 177, 1997 [1920]).
25. Mallard 2011.
26. Cited in Fournier 1994: 206.
27. Durkheim 1998. It is not clear whether Mauss had an affair with a married woman working at *L'Humanité*, but, in any case, Durkheim obtained from Mauss the promise that he would no longer see this person, whom both his uncle and mother disliked – a promise Mauss broke many times, judging from Durkheim's many letters of condemnation.
28. Jaurès was initially skeptical about the usefulness of fighting for Dreyfus, when the labor movement required all of his attention.
29. Before the Dreyfus affair, Blum was under the tutelage of Barrès rather than Jaurès, but the affair was a turning point in his life. It was Herr who convinced Blum to get involved in the fight for Dreyfus (Mauss 1997 [1928]: 741).
30. Durkheim 1998: 363.
31. Mauss 1997 [1928]: 744.
32. Winock 1992; Prochasson 1993; Candar and Rébérioux 1994; Topalov 1999.
33. Berstein 2006: 26. It is amusing to note that André Gide's platonic marriage with his cousin was the inspiration for Léon Blum's decision to get married in an effort to gain respectability (Berstein 2006).
34. Mauss and Hertz shared an anglophile curiosity at a time when German social sciences were prominent: after passing his *agrégation* in 1895, Mauss traveled for a year in Oxford in 1898, to complement his learning in the emerging social sciences, just as Hertz did a few years later. Mauss's anglophilia not only affected his political leanings but also infused his research, as he went on to write introductions for all the ethnographers working in the British tradition, from Evans-Pritchard to Bronislaw Malinowski – whose works he would later review at length in *The Gift*.
35. Hertz 1922: 15. Hertz's (1922: 37) book titled *Le Péché et l'expiation dans les sociétés primitives* ("Guilt and expiation in primitive societies"), on the reparative power of religions and funerary rituals, was published posthumously by Mauss in 1922 (Hertz 1902). Later on, as he came back from a trip to London, Hertz (1908) acknowledged to Mauss his interest in the Fabians' philosophy. Then, the two developed collaborations, as Mauss served as a benevolent older brother guiding Hertz's initiatives, such as when he advised Hertz to spend a year in London to become acquainted with the English school of anthropology, or when Mauss edited Hertz's book on rituals of purification after Hertz's death during the war (Hertz 1922).
36. Blais 2007. Although Gide knew and cited Durkheim's thesis on the transition from "mechanical" to "organic" solidarity (the latter being the product of the division of labor), Gide did not define solidarity in sociological terms, but

rather in natural terms, which he reconciled with his Protestantism: atoms were “*solidaire*,” in the sense of having reciprocal effects on each other, in the same way that all men were “*solidaire*,” in the sense of sharing the same destiny as outcasts from paradise as a consequence of man’s first sin (C. Gide 1932).

37. Blais 2007: 210.
38. Prélot 1939: 186.
39. Blaszkiewicz-Maison 2015: 92.
40. Groupe Parlementaire de l’Arbitrage 1913.
41. Malinowski 1922.
42. Or Victor Augagneur (1855–1931), the Governor of Madagascar in 1904 and then Resident-General in Tunisia (Augagneur 2010).
43. Blais 2007: 39.
44. As captured by Célestin Bouglé, another Durkheimian sociologist working at the library of the ENS, this notion of the quasi-contract “shares with other conceptions of contractual law . . . the care to ‘protect social equality,’ in the sense that it seeks to correct the present organization of society so that its members could live as if they had debated the social contract in all freedom, and as if they had debated these conditions with the same amount of freedom” (Bouglé 1924: 84). Bourgeois also said that the quasi-contract was “*le contrat rétroactivement consenti*” (cited in C. Gide 1932: 127).
45. Bouglé 1924: 84.
46. Renaudel 1910; Mauss 1938.
47. Pénin 1997: 103.
48. Pénin 1997: 105.
49. Berstein 2006: 227.
50. Mauss 1997 [1924a]: 539.
51. A pro bono job, since he paid his secretaries’ salaries out of his own pocket (Soustelle 1986: 18).
52. These ties were all the more important since David David-Weill was also a member of the committee of French museums which overlooked the Museum of Ethnology.
53. Mauss 1925a: 2.
54. Still, Mauss (1939) did not like Thérèse Rivière, calling her “crazy.”
55. Griaule 1931b.
56. Charle 1980, 1990; Bourdieu 1990. It is developed at the international level by Dezalay and Garth 2002, 2010, 2016.
57. Bourdieu 2013.
58. Birnbaum 1988: 73. In opposition to the “Jews of the Court,” the traditional role of Jewish bankers at the court of the Austrian Empire.
59. Judt 1998: 41.
60. Berstein 2006.
61. *L’Année sociologique* 1924: 2.
62. de Rougemont 2010: 239.
63. Soustelle 1986: 3.
64. Tillion 2009: 318.

65. Soustelle 1986: 83.
66. Fournier 1994. Mauss helped Déat clear the debt of the journal *La vie socialiste*, which the “neo-socialists” then used to publicize their ideas (see Mauss 1935). During the war, Déat protected French assimilated Jews like Mauss and Bergson while he did not hesitate to send the German Jews in exile in France to German concentration camps (Burrin 1986).
67. Mauss 1925b: 373.
68. Mauss 2016 [1925].
69. Mauss 1925c: 372.
70. Heilbron 1995.
71. Dezalay and Garth 2010.
72. Steinmetz 2013: 4.
73. Furthermore, until 1914, when the ethnographer Van Gennep was recruited by the University of Neuchâtel, the latter attracted more attention than Mauss among governmental circles (Sibeud 2004: 108).
74. William Cohen calculated that less than 20 percent of the colonial administrators had formal training before 1914 (Cohen 1971: 30).
75. Cohen 1971: 41.
76. Cohen 1971: 34.
77. Cited in Cohen 1971: 45.
78. Saada 2003: 14.
79. Cohen 1971: 49.
80. Cohen 1971: 40.
81. Cited in Cohen 1971: 127.
82. Dedieu 2004.
83. Kralfa 2016: 257.
84. Kralfa 2016: 279.
85. Elbaz 2003: 72.
86. Dedieu 2004: 215.
87. It was the Sénatus-Consulte of 1865 which declared for the first time who was a citizen and who was not among French nationals in Algeria (Blévis 2014).
88. Dedieu 2004: 216.
89. In 1934, they obtained the restriction that naturalized lawyers be barred from practicing law for a period of ten years after their naturalization – a condition that applied to Algerian naturalized citizens as well (Noiriel 1988: 285).
90. Mauss 1907: 4.
91. Mauss 1907: 22.
92. Mauss 1907: 4.
93. Mauss 1913: 4.
94. Mauss 1907: 8.
95. Mauss 1907: 19.
96. Mauss 1907: 10.
97. de L'estoile, Neiburg, Sigaud 2005; Conklin 2013.
98. Mauss 1913: 2. Thus, as his distinction between ethnology and folklore made clear, Mauss would have liked to lead the science of ethnology in France, while

his best friend Hubert led the science of folklore, thanks to his teaching post at the School of the Louvre and his job as curator of the French Museum of Saint Germain en Laye.

99. Guyer 2016.
100. Mauss 1913b: 2.
101. Mauss 1913b: 1; Mauss 1913a: 2.
102. Mauss 1902: 1.
103. Mauss 1907: 22.
104. Conklin 2013: 240.
105. Hardy 1927.
106. Cohen 1971: 128.
107. Cohen 1971: 87.
108. Steinmetz 2013: 4.
109. Steinmetz 2008.
110. Francioli 2015: 46.
111. In contrast to some of his colleagues among Mauss's group of doctoral students, like Claude Lévi-Strauss, who remained purely in academic positions during and after the war – with the exception of a short stint for the US Information Office.
112. After his return in 1968, Soustelle was elected to the municipal council in Lyon, and he continued publishing in ethnology, his field of specialization still being Central America.
113. Cohn 1996.
114. Kojève 2001: 121.
115. Giscard d'Estaing (1937) knew and appreciated Mauss, if judged from the fact that he congratulated Mauss for his promotion as Officer of the Légion d'honneur.
116. Marseille 1984: 63.
117. Koskenniemi 2001: 314.
118. Mazower 2010.
119. Koskenniemi 2001: 314.
120. Manceron 2003: 148.
121. Before the age of globalization in the 1970s, international law remained quite an academic discipline, considering the paucity of arbitration cases or cases before regional courts, which, like the European Court of Justice (ECJ) had very few cases to review in the 1960s (Vauchez 2013).
122. Koskenniemi 2001: 313.
123. Manceron 2003: 148.
124. For instance, Joseph Gallieni, the commander who led the French campaigns in Indochina, Sudan, and Madagascar, had a similar view of international law (Manceron 2003: 148).
125. Bedjaoui 2016: 9.
126. Bedjaoui 1984: 53. Colliard also wrote on the law of international rivers, nuclear law, law of technological transfers, and other matters that influenced Bedjaoui's writings on maritime law and deep-sea law for instance.

127. *Le Monde diplomatique* 1954.
128. Rajagopal 2003.
129. Rajagopal 2003: 90.
130. Article 2, United Nations General Assembly 1974c.
131. The ILC focuses only on international *public* law, whereas other institutions, like the Rome Institute or the UN Commission on International Trade Law (UNCITRAL), devote their attention to the codification of international *private* law (see Halliday and Block-Lieb 2016).
132. Bedjaoui 1978b.
133. Rajagopal 2003: 89–94.
134. Halliday, Karpik, and Feeley 2007.
135. Halliday, Karpik, and Feeley 2012.
136. De 2012: 62.
137. Kralfa 2016.
138. Thénault 2001.
139. Thénault 2012.
140. Vergès 1968.
141. Thénault 2001.
142. Malye and Stora 2012: 205, 246, 258. Halimi was warned of the danger, and immediately evacuated to Paris, by her colleague, Paul Teitgen (1919–91), then Secretary General at the Prefecture of Algiers. Teitgen resigned in 1957, in protest against torture and targeted assassination.
143. Bedjaoui 2017: 8.
144. Bedjaoui 2017: 8.
145. But as Minister of Justice in the independent Republic, Bedjaoui found the idea of judicial cooperation particularly shocking: when every legislation or rule published in the independent Algeria stated that colonial law no longer applied, how could French judges remain in charge of litigating cases in Algerian courts – especially when most of them would have directly come from the pre-independence colonial field of power? To underline the recovered sovereignty over the Algerian legal system, Bedjaoui also refused to place Egyptian law graduates, whom President Nasser agreed to send – a solution that Algeria’s first President, Ahmed Ben Bella, proposed to Bedjaoui (Bedjaoui 2017: 3).
146. In parallel, Bedjaoui teamed up with Ahmed Medeghri (1934–74), Interior Minister from 1962 until 1974 (when he was allegedly assassinated by Boumédiène’s security forces after denouncing the lack of a democratically elaborated Constitution), to create the *École Nationale d’Administration d’Algerie* (ENAA), and thus push aside the phantom of the French colonial presence in Algeria’s field of law (Bedjaoui 2017: 7).

3 *The Gift and European Solidarity*

1. Marks 2013.
2. Koskenniemi 2001: 292.

3. Torpey 2003: 4. For many authors, reparations in the Versailles Treaty defined a form of *indemnity* that was very different from our modern sense of reparations, which emerged in response to the Holocaust, as in the German–Israeli Treaty (1952) (Torpey 2003: 43; Colonomos and Armstrong 2006).
4. Binkley and Mahr 1926; Binkley 1929; Craig and Gilbert 1963: 142.
5. Schmitt 2003 [1950]: 266.
6. Maier 2003: 297.
7. Mauss 1997 [1922a]: 478.
8. Toussaint 2017a.
9. Blum 1972 [1923a]: 273.
10. Blum 1972 [1923a]: 273.
11. Mauss 1997 [1924h]: 617.
12. Or in French: *un système de prestations totales*, an expression that he would use again in *The Gift* to characterize societies which abide by the quasi-legal obligation to give each other a bit of everything (Mauss 1921: 389).
13. Durkheim 1893.
14. C. Gide 1932.
15. A. Thomas 1919.
16. A. Thomas 1919.
17. Durkheim 1998: 473.
18. Halbwachs 1917; Simiand 1917.
19. Blaszkiewicz-Maison 2015: 75. On his experience at the Ministry of Armament, see Oualid and Picquenard (1928).
20. Cointepas 2008.
21. Blaszkiewicz-Maison 2015: 29.
22. A. Thomas 1920.
23. de Rougemont 2010: 239.
24. M. Lazard 1908.
25. M. Lazard 1927a.
26. M. Lazard undated.
27. Mauss 2013: 244.
28. de Rougemont 2010: 345.
29. de Rougemont 2010: 178.
30. Cited in de Rougemont 2010: 180.
31. de Rougemont 2010: 185.
32. Cited in de Rougemont 2010: 180.
33. Cited in de Rougemont 2010: 181.
34. de Rougemont 2010: 353.
35. de Rougemont 2010: 361.
36. Cited in de Rougemont 2010: 360.
37. A. Thomas 1925. The ILO also communicated to Mauss that it was interested in his ideas on the international division of labor and the creation of wholesales in nations which specialized in food production (butter, fruits, corn, etc.) (Colombain 1932).
38. Berstein 2006: 227.

39. Pauly 1996.
40. Torpey 2003: 4.
41. The same section also declared “the right . . . to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war” (article 228), and asked for the surrender of those accused to the Allies. Both the prosecution of a sovereign and the formation of international tribunals to try war crimes were unprecedented.
42. Durkheim and Denis 1915.
43. Durkheim 1998: 424.
44. Durkheim [1991] 1915.
45. Durkheim 1998: 326.
46. Belfort remained French after 1870 because it was never occupied, thanks to the heroic resistance of Denfert-Rochereau, the “lion” of Belfort.
47. The Commission Report claimed that the crime of aggression against Belgium was intrinsically linked with future war crimes conducted in France (like the use of chemical agents) (cited in Laniol 2012: 53).
48. Barthélemy 1917: 62. In Larnaude’s organicist vocabulary, reparations were just the product of a “state’s reflex” to heal the productive forces after the major injury inflicted by the war (1917: 188).
49. Despite the lack of precedent, they argued that the creation of an international criminal court was in line with the spirit of the new international law embodied in President Wilson’s vision – and in fact, Léon Bourgeois’s internationalist conceptions of a legal order constructed by courts (Larnaude and de Lapradelle 1918: 20).
50. Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties 1920: 116.
51. Larnaude and Tardieu pushed aggressively for the prosecution of Kaiser Wilhelm against the opposition of Americans James Brown Scott and Robert Lansing, who argued that responsibility for the prosecution of war crimes was best left to the military authority of individual states. Commission on the Responsibility of the Authors of the War 1920: ch. IV, conclusion. For a detailed account of the different legal options that were considered by France, Great Britain, and the United States, see Foltz (1978).
52. Burnett 1965.
53. Still, the French nationalists failed to prosecute Kaiser Wilhelm, and the international prosecution of war crimes did not fare much better: the Germans refused to extradite soldiers and commanding officers accused of war crimes and instead offered to try offenses in the Reichsgericht, Leipzig (then the location of the highest German court). For a detailed discussion of the Leipzig Tribunals, see Willis (1982).
54. The British government at first insisted on a formidable tribute from Germany – although, as observed by the French negotiator on financial aspects, Louis Loucheur, the British prime minister completely changed position in March 1919 on the issue of reparations. In the Committee of Four, they insisted that France could not have suffered more than 30 billion francs-gold in

- losses, about the same sum as what the US had loaned to it. To counter the abrupt British policy change, Loucheur presented greatly reduced figures (as compared to Klotz's prior estimations) of the damage suffered by France during the war – e.g. 80 billion francs rather than 160 billion – see Loucheur (1962: 73–4).
55. George 1939: 55; Foltz 1978: 38–40.
 56. In preparation for the peace conference, Larnaude and de Lapradelle (1918) had been commissioned by Clemenceau to study the possible legal foundations for holding the German emperor responsible before a criminal court.
 57. Indeed, if the Treaty of Versailles presents the illusion of a unified document – negotiated among a group of politicians, diplomats, and lawyers – the reality was much more complicated, incorporating a piecemeal approach of various committees, commissions, and backroom consultations, which all understood the concept of responsibility differently.
 58. And, in general, all damage as defined in Annex 1 of the Versailles Treaty.
 59. The Reparations Commission could change the deadline of payment (article 234).
 60. Demographically, the results of the war for France were bleak. Out of a population of 40 million people, France lost about 1.6 million men – one-tenth of its active population – while more than 4 million were wounded, about 300,000 of which were heavily crippled. That makes almost 15 percent of the population who directly suffered from the war – many more if we include the resulting deficit of births, which is estimated at about 3 million for France alone. Furthermore, the war and the resulting weaknesses provoked by the conflict facilitated the spread of the Spanish flu, which caused about 400,000 French casualties immediately after the war.
 61. C. Gide 1932: 22.
 62. C. Gide 1932: 22.
 63. Loucheur 1962: 89.
 64. Bourgeois 1919: 82. The exception is Belgium, which required that Germany pay its inter-allied war debts.
 65. Trachtenberg 1979: 29.
 66. Initially, the French were less adamant about the Germans paying high reparation and war costs than the British, as the French minister of commerce hoped to reapportion inter-allied debts and to maintain Allied control of raw materials (coal), a position that he shared with his young adviser, Jean Monnet, who went on to create the European Coal and Steel Community after the Second World War. Even though President Wilson initially opposed the inclusion of pensions, they were eventually introduced in the bill after British lobbying (Trachtenberg 1979: 45).
 67. Bourgeois 1919: 92. For instance, Germany accepted that its population would be taxed as heavily as the highest taxed population in Europe.
 68. Sack 1927: 163. The burden of proving that debt contracts or reparations obligations were odious was quite high, much higher than present-day calls

- for the cancellation of the debt of Third World nations as expressed by the Jubilee network of legal activists (Gulati and Ludington 2008).
69. And even on that point Sack believed that the Versailles Treaty drafters had been too generous in letting the Poles reject that debt (1927: 159).
 70. C. Gide 1932.
 71. Mauss 1997 [1924a]: 539.
 72. Mauss 1997 [1924a]: 539.
 73. M. Lazard 1924.
 74. Mauss 1997 [1924a]: 539.
 75. Toussaint 2017a.
 76. Mauss 1997 [1924c]: 572. Mauss's (1997 [1913]: 201) attacks on Klotz predated the war, when Klotz raised the price of establishing a wholesale cooperative in France.
 77. Mauss 1997 [1924e]: 608.
 78. de Rougemont 2010: 388.
 79. Mauss 1997 [1924i]: 628.
 80. The sovereign obligations contracted by new Central European states were administered under the auspices of the League of Nations.
 81. The British assessment was led by William Beveridge and John Maynard Keynes.
 82. Gide and Oualid 1931: 3–4.
 83. Mauss 1997 [1922b]: 481.
 84. Charles Gide was commissioned by the Carnegie Endowment of International Peace to participate in this study to independently assess a “reasonable estimate of the credit and debit of each warring party” (Gide and Oualid 1931). Andrew Carnegie had already asked Gide in 1911 to chair the Carnegie Foundation section on economics because he admired the journal that Gide had created in 1893: *La paix par le droit* (Pénin 1997: 65, 160).
 85. Mauss (1997 [1922d]: 492) used the same numbers.
 86. C. Gide 1932: 5.
 87. Maier 1988: 237. Even though the Germans claimed that 3 billion was excessive and offered in return only 2 billion annually, in Brussels the British brokered a compromise with the French, setting the amount of yearly payment to 6 billion gold marks for forty-two years (and 12 percent of German benefits on their exports), as well as the cancellation of the 20 billion gold marks that Germany was supposed to pay in 1919 (article 235 of the Versailles Treaty), which the Germans refused to pay.
 88. Gide and Oualid 1931: 4.
 89. Mauss 1997 [1922e]: 482.
 90. In July 1921, Loucheur noted that if France had made it clear that a German default on its reparations obligation would be sanctioned, France had not yet defined the nature of sanctions, and that other sanctions than the occupation of the Ruhr could be decided (Loucheur 1962: 93).
 91. Maier 1988: 241. Critics of the Versailles Treaty like John Maynard Keynes welcomed the approval by the Allies of the London Agreement.

92. Mauss 1997 [1922c]: 484–5.
93. Loucheur 1962: 100. The German chancellor tried to find alternative modes of solving the question of reparations other than just paying the money due: he proposed to form large international companies, like a Société des Wagons Lits in civil aviation, or the development of chartered companies tasked with the development of specific domains in Russia (Loucheur 1962: 93, 104).
94. Maier 1988: 244.
95. Mauss 1997 [1922e]: 496.
96. Maier 1988: 251.
97. de Rougemont 2010: 392.
98. Carabelli and Cedrini 2010: 306.
99. Cited in Carabelli and Cedrini 2010: 317; Cedrini 2010.
100. de Rougemont 2010: 392.
101. Mauss 1997 [1922a]: 478.
102. Already in 1918, Gide had written that, at some point, inter-allied debts needed to be cancelled; or that, if their total was renegotiated, a lesser amount could be reimbursed, for instance by the creation of a pan-European loan, “*un grand emprunt international solidaire*” (cited in Pénin 1997: 185).
103. Mauss 1997 [1922g]: 504.
104. Cited in Maier 1988: 289.
105. Mauss 1997 [1922g]: 501.
106. Mauss 1997 [1922f]: 499.
107. Mauss 1997 [1922e]: 484–5.
108. Mauss 1997 [1922d]: 494.
109. Blum 1972 [1923a]: 281.
110. Mauss 1997 [1922g]: 502.
111. Maier 1988: 267.
112. Hubert (1922b) added that Germany’s problem was too much freedom, as it fueled speculation against the mark on the international markets; France suffered from the obverse problem.
113. Hubert 1922a: 2, 3.
114. Maier 1988: 287.
115. André Lazard, cited in de Rougemont 2010: 392.
116. Mauss 1997 [1922f]: 499.
117. de Rougemont 2010: 390.
118. Varoufakis 2017.
119. Mauss actually had the authorization to use their names (David-Weill 1925).
120. Simiand 1925: 780.
121. Fournier 1994: 451.
122. Mauss repeated that the system of gifts exchanged or potlatch was a legal rule (a “*règle de droit*”) and not just a social norm (1950 [1925]: 193). W. D. Halls translates this term as “rule of legality,” but I prefer to use the term “legal rule.” I will refer to the translation by Halls in the American edition of *The Gift* (1990 [1925]) where we agree on the wording.
123. Mauss 1990 [1925]: 198.

124. The similarity between the act of contracting a debt and that of paying it was illustrated by the fact that these societies did not have the “distinctions between concepts [of sale or credit] as these antithetical operations were named by the same word,” e.g. the gift, which served the same function (Mauss 1950 [1925]: 193; see also 198). In technical legal terms, Mauss referred to the kind of legal rule as one that existed in the absence of a clear system of written law, or when the law was “poorly written” (Mauss 1950 [1925]: 197).
125. Mauss 1950 [1925]: 195.
126. Mauss 1950 [1925]: 161.
127. Mauss 1950 [1925]: 153.
128. Mauss noticed that today, “fortunately, everything is not categorized in [the bourgeois] terms of buying and selling . . . and we possess more than a tradesman morality,” by which he meant, “there still remain some people and classes that keep to the morality of former times” (1990 [1925]: 65).
129. Mauss 1950 [1925]: 148; 1990 [1925]: 65.
130. Mauss 1950 [1925]: 200, 203.
131. Mauss 1950 [1925]: 177, or 1990 [1925]: 22.
132. Hubert and Mauss 1899, 1903.
133. At the time, there was a strong association between the Celts and the Frenchmen on one side, and the Germanic tribes and the Germans on the other: as Halbwachs wrote in 1917, “war between us was inevitable: this race has hated us at least since the ancient Germans tried to crush the Celts” (cited in A. Becker 2003: 145).
134. R. Mauss 1918.
135. Hubert 1911.
136. Although, in the case of Gide, the wedding remained largely platonic.
137. Drouin 1897.
138. Mauss 1950 [1925]: 251–2.
139. Mauss 1950 [1925]: 185.
140. Mauss 1950 [1925]: 253–4.
141. Mauss 1950 [1925]: 210.
142. Mauss 1950 [1925]: 251–2.
143. Mauss 1924a.
144. Hubert 1925. As Hubert added, “by the way, your paragraph on the ‘human rock’ on which you base the development of social insurance is also quite nice, but problematic, and there, it seems that you were thinking more about your book on *The Nation* than the topic of this essay.”
145. Hubert 1952.
146. Hubert 1932.
147. As Hubert (1925) added in his letter to Mauss: “Overall, your chapter on Germanic law seems absolutely insufficient. Indeed, you should have discussed the role of feudal law and its relation with Roman law. Indeed, it would have been interesting to add paragraphs on the example of social regress characterized by the constitution of client-patron relations in German

societies; at the same time, it consisted in a clear progress compared to the Germanic forms of structuration.”

148. Hubert 1925.
149. Mauss 1950 [1925]: 251–2.
150. Similar reflections were later extended to post-war cases of reparations (Minow 1998: 102; Colonomos and Armstrong 2006: 406).
151. Mauss 1950 [1925]: 199.
152. This bond had only diminished in recent times because “of a process which brought together temporalities that were disjoined before” (Mauss 1950 [1925]: 199). Mauss’s conception of the gift differs from that of Derrida (1991: 27), for whom the temporality of the gift is consumed in a present “outside temporal chains.”
153. Mauss 1950 [1925]: 199. In that sense, the utilitarian logic of loans and credit systems allowed the transaction to be encapsulated in the present.
154. For instance, the legal scholar Carl Schmitt (1888–1985) encouraged the German government to default on the payment of reparations; Schmitt 2003 [1950]: 268.
155. Toussaint 2017b.
156. Mauss 1997 [1924d]: 580.
157. Mauss 1997 [1924d]: 579.
158. Mauss 1997 [1924b]: 569.
159. Mauss 1997 [1924b]: 569.
160. Mauss 1997 [1922a]: 479.
161. Maier 1988: 357.
162. What Mauss called the “*prestations en nature*,” using the same term “*prestation*” that he later used in *The Gift* to qualify the gifts exchanged (1997 [1924i]: 631).
163. Mauss 1997 [1924d]: 581.
164. After France imposed sanctions and occupied the Ruhr, it looked impossible to de-escalate the conflict between German workers and French administration of the occupied territories: despite the best efforts of some of the members of the Reparations Commission, who, like John Foster Dulles, tried to find an agreement in July 1923, Chancellor Cuno did not agree to a stabilization plan for the German currency and flipped sides as soon as pressured by nationalist members of his government (Loucheur 1962: 131).
165. An event that was not named as such, as calling the failure of Greece to honor its debt obligations a “default” would have made it impossible for the ECB to activate some of its rescue instruments.
166. In the case of interwar Germany, not all segments of German society suffered the same, however. As Charles Maier (1988: 362) writes, German speculators with access to foreign currencies turned the crisis to their advantage, while “pensioners, retailers and those who had patriotically held government bonds were the silent victims” of hyperinflation.
167. Mauss 1990 [1925]: 63.
168. Mauss 1950 [1925]: 253.

169. Mauss 1990 [1925]: 61.
170. Mauss 1997 [1924d]: 580.
171. Mauss 1997 [1924e]: 585.
172. Cited in Pénin 1997: 214.
173. Varoufakis 2017.
174. Mauss 1997 [1922e]: 496. Income taxation was a relatively new procedure, long called for by Bourgeois, which France only instituted in 1916.
175. Mauss 1997 [1924c]: 575.
176. Mauss 1997 [1924c]: 577.
177. Interestingly, Mauss reversed the stigma of being “cosmopolitan,” by which the right-wing press, after Barrès, meant “uprooted” or “*déracinés*.”
178. Mauss 1997 [1924c]: 578.
179. Mauss 1997 [1922c]: 485.
180. Simiand 1924.
181. Indeed, the French occupation made it even harder for Germany to obtain foreign currencies, as Germans could no longer export manufactured goods and had to exchange marks against foreign currencies to pay the reparations. This exchange problem accelerated the rampant inflation: between August and November 1923, prices increased a millionfold as the mark was depreciated.
182. Blum 1972 [1924]: 315–18.
183. Maier 1988: 369, 392.
184. Simiand 1924.
185. Hubert 1923.
186. Hubert 1923.
187. A. Thomas 1924. But he still expressed the desire to see both Mauss and Hubert consider the option.
188. In parallel, Albert Thomas, by then president of the ILO, created a joint committee on economic crisis, whose 1923 report denounced inflation and which in 1928 endorsed a report by Max Lazard calling for price level stabilization (Rothbard 1963: 175, 179).
189. de Rougemont 2010: 410.
190. de Rougemont 2010: 415.
191. At the beginning of 1923, neither Prime Minister Poincaré nor the council members of the Banque de France (in particular, Edouard de Rothschild and François de Wendel) were convinced that the French central bank should buy currencies on international markets in order to sustain the exchange rate – which would have meant mortgaging as much as two thirds of its gold to fight the “battle of the franc.”
192. de Rougemont 2010: 420.
193. Mauss 1997 [1924j]: 638.
194. This chapter develops an argument first published in Mallard 2011.
195. Ramel 2004.
196. Terrier and Fournier 2013.
197. Dzimira 2007: 27. All translations from the French are mine.

198. Guyer 2016.
199. Hart 2007.
200. Dzimira 2007.
201. Steiner 2005: 209, 225.
202. H. Becker 1982; Heilbron 1995.
203. Abbott 1988; Fourcade-Gourinchas 2009.
204. Torpey 2006: 149.
205. In the words of Xavier Vallat. In 1936, Blum escaped the same fate as Rathenau by a short margin, when he was dragged from his car and almost killed by right-wing fanatics.
206. Mauss 1997 [1924k]: 639.
207. Mauss 1997 [1924n]: 691. The Great War temporarily healed the division between Jews and Catholics opened by the Dreyfus affair (Birnbaum 1988: 158), but the reparations question reopened it.
208. Mauss 1925b: 372.
209. Mauss 1925a: 264.
210. Mauss 1997 [1924f]: 599. Mauss 1997 [1924m]: 652. What these Anglo-American foreigners, Mauss added, these “modern Jews and Lombardi, realized,” warned Mauss, was that the franc “might have been a bit less than 40 percent of its parity with gold in 1922, and now it was close to 23 percent” (1997 [1924f]: 599).
211. Mauss 1997 [1924j]: 637, 1997 [1924l]: 647.
212. Mauss 1997 [1924j]: 638.
213. Mauss 1997 [1924k]: 640.
214. Mauss 1997 [1924l]: 649. Putting an end to the Ruhr crisis, the three main points of the Dawes plan of August 1924 were: the end of the French occupation, the immediate payment of one billion marks to France, and the Allied supervision of the Reichsbank (Maier 1988: 418).
215. Loucheur 1962: 174.
216. Blum 1972 [1924].
217. Mauss 1997 [1924m]: 652.
218. Blaszkiewicz-Maison 2015.
219. Mauss 1935. To some extent, Mauss was not far from assuming that class struggles could be overcome in capitalist societies themselves, thanks to the joint action of patriotic workers, industrialists, and indeed financial elites, who would unite to defend the worth of their national treasures – as the wartime experiment of Albert Thomas’s Ministry of Armament had illustrated – and that the rise of Nazism required a renewed call for national unity above class conflicts. This emphasis on the need to build national solidarity as a first step before achieving a real inter-nationalism brought him closer to the “neo-socialists” led by the younger Marcel Déat.
220. M. Lazard 1927b.
221. Hubert 1922a: 5–7.
222. Mauss 1933.

- 223. Mauss 1933.
- 224. This leads Stephen Schuker (1988) to claim that the Weimar Republic paid almost no reparations at all, since it largely paid the interest on its reparations debts with US loans.
- 225. Loucheur 1962: 174.
- 226. Eichengreen and Portes 1987: 29.

4 *The Gift as Colonial Ideology*

- 1. Sigaud 2002: 335.
- 2. Durkheim 1893.
- 3. Durkheim 1893.
- 4. Malinowski 1925. This letter proves that Malinowski had read Mauss's *The Gift* as he was writing his book on *Crime and Customs in Savage Society*, something for which Sigaud (2002) claimed to have found no proof in Malinowski's writings.
- 5. With the exception of Sibeud (2009) Conklin (2013), and Mallard (2018). This chapter greatly expands the latter's argument.
- 6. Mauss 2013.
- 7. The Committee was small, and gathered only forty members, out of whom ten were really active (Sibeud 2009: 60).
- 8. Girardet 1972: 58, 63, 66, 98–9.
- 9. Girardet 1972: 130.
- 10. Girardet 1972: 118.
- 11. Girardet 1972: 100.
- 12. To use the words of Colonel Mangin (Girardet 1972: 98–9).
- 13. Girardet 1972: 145.
- 14. M. Thomas 2005.
- 15. Girardet 1972: 121.
- 16. Sarraut 1931: 104.
- 17. Rostow 1960.
- 18. Sarraut 1931: 79.
- 19. Sarraut 1931: 103. When surveying France's colonial history, Sarraut consistently exonerated the French state from past crimes: even when recognizing that Louis XIV's Minister, Colbert, wrote the "Black code" which applied and made possible the Atlantic slave trade and a capitalist system of production based on slavery, he did not blame his predecessor for a lack of humanity or generosity, but rather, for the misguided mercantilist (and almost British) inspiration of his colonial philosophy. Sarraut euphemized the Atlantic slave trade by calling it "imported labor" rather than slavery, a term that almost never appears under his pen (Sarraut 1931: 89).
- 20. Manceron 2003: 135.
- 21. Sarraut 1931: 104.
- 22. Schmitt 2003 [1950]: 228.
- 23. Schmitt 2003 [1950]: 228.

24. France used the indemnity of 150 million francs-gold that it forced Haiti to disburse (until 1915) to pay for the military costs of France's military campaigns in Africa (Manceron 2003: 71).
25. Girardet 1972: 188.
26. Heins, Unrau, and Avram (2018).
27. It was also very similar to that of Alfred Fouillée (himself an advocate of the French colonial oeuvre) (Manceron 2003: 215).
28. Sarraut 1931: 118.
29. Sarraut 1931: 109.
30. Sarraut 1931: 111.
31. Sarraut 1931: 111.
32. Cohen 1971: 110.
33. In 1937, it was 29.7 percent of the year's budget of the French Western Africa, 40.6 percent for the French Eastern Africa, 17.1 percent for Madagascar (Cohen 1971: 110).
34. The British guaranteed colonial loans thanks to the Colonial Development Fund established in 1929, and according to Cohen, provided more aid than the French to their overseas territories (1971: 113).
35. Manceron 2003: 71.
36. Sarraut 1931: 113.
37. Sarraut 1931: 115.
38. Mauss 2013: 189.
39. Manceron 2003: 83, 160.
40. Asad 1973; see also Steinmetz 2013.
41. Terrier and Fournier 2013: 18; citation from Mauss 1925a: 113.
42. Mauss 2013: 125.
43. If indeed history and the "development of public law in any society" – and the movement of societies from one stage of "integration" to another – "is intrinsically linked to how economic relations function in such society, and reciprocally," it cannot be reduced to it (Mauss 2013: 92).
44. Mauss 2013: 79.
45. Mauss 2013: 77.
46. Terrier and Fournier 2013: 25, 26.
47. Mauss 2013: 158.
48. Mauss 2013: 176.
49. Mauss 2013: 176.
50. Mauss 2013: 82.
51. Mauss 1913a.
52. For Mauss, the circulation of goods and prestations grew in correlation with the multiplication of maritime routes and gigantic harbors, the deletion of spatial distances by the invention of telephony, and the expansion of new trading classes which had come to occupy the traditional niche of Jewish and Dutch peoples (Mauss 2013: 162).
53. Mauss 2013: 178.

54. Soustelle 1967. The (incomplete) transformation of an empire into a nation, as in the case of the German Zollverein of the nineteenth century, also took place thanks to a process of accelerated intersocietal trade that was associated with a qualitative change in the nature of intersocietal contractual obligations.
55. Schulte-Tenckhoff 2001: 167.
56. Mauss 1902: 1.
57. Mauss 1902: 1.
58. Mauss 1902: 3.
59. Mauss 2013: 242.
60. Mauss 2013: 188.
61. Mauss 2013: 252.
62. Mauss 2013: 188.
63. Mauss 2013: 90.
64. Mauss 2013: 184.
65. Mauss 1936b.
66. Mauss 2013: 71.
67. Mauss 2013: 55.
68. Mauss 2013: 56.
69. Mauss 2013: 182.
70. Mauss 2013: 241.
71. That of a cosmopolitan integration (or quasi-federal integration at the world level), which Mauss characterized by “the idea of limited national sovereignty, whose limit is placed by the superior right of all nations, which participate in the making and execution of contracts and which understand peace in good faith” (2013: 176).
72. Mauss 2013: 242.
73. Liebersohn 2011.
74. Liebersohn 2011: 25.
75. Liebersohn 2011.
76. Ligue française et ligue suisse pour la défense des indigènes dans le bassin conventionnel du Congo 1910.
77. Charles Gide, like most economists, opposed the 1885 war in the Tonkin launched by Jules Ferry. Indeed, economists believed the liberal denunciation of colonialism found in the often-reedited *Economic Treatise* of Jean-Baptist Say: in his 1826 essay, Say claimed that the military and civil costs of colonial occupation weighed on the budget of a colonial power, which procured a great advantage to its competitors in a system of global trade openness (Girardet 1972: 7; Manceron 2003: 219).
78. Indigenous Committee 1906: 1.
79. Indigenous Committee 1906.
80. Indigenous Committee 1906.
81. Challaye 1911.
82. Ribí-Forclaz 2015: 55.
83. Indigenous Committee 1901.
84. Sigaud 2002: 336.

85. Blaszkiewicz-Maison 2015.
86. Sibeud 2009: 58.
87. A. Thomas 1911b.
88. Mauss 1913.
89. Leroux 1908.
90. The author noticed that by playing the free rider and authorizing the circulation of munitions and weapons, the N'Goko Sangha Company hoped to attract local workers from French- and foreign-controlled zones where foreign chartered companies did not allow the sale of weapons. But even with this bias, the company failed to do so, as the locals “had no trust in the wealth of the N'Goko Sangha Company and the word of the whites in the administration” (Leroux 1908).
91. A. Thomas 1911a.
92. Mauss 1950 [1925]: 148.
93. *Journal Officiel* 1911: 1778.
94. Panizza, Sturzenegger, and Zettelmeyer 2009; Nelson 2016.
95. Leroux 1908. The company claimed in 1905 that the Germans had stolen more than 1,500 tons of rubber and had devastated vast forest zones, which is why it first filed suits against German companies in German courts (Hamburg and Bremen). But in 1905, it ended all legal proceedings after receiving from the French state new lands to exploit in Gabon, as well as a promise of indemnity (Tardieu 1910).
96. Tardieu 1910.
97. Tardieu 1910.
98. Labordère 1911a.
99. Labordère 1911a.
100. Leroux 1908.
101. Labordère 1911b.
102. Augagneur 2010.
103. Berthélemy 1910.
104. *Journal Officiel* 1911: 1773.
105. *Journal Officiel* 1911: 1773.
106. A. Thomas 1911b.
107. Dezalay and Garth 2002.
108. *Journal Officiel* 1911: 1773.
109. A. Thomas 1911b, 1911d.
110. A. Thomas 1911d.
111. Flandreau 2016.
112. This stage in the development of anthropology corresponds to what Flandreau (2016: 6) calls the “stock market modality” of anthropology.
113. In the mid 1880s, as a young deputy, Jaurès clearly sided with Ferry against those who criticized France’s colonial adventures in the Tonkin (see Manceron 2003: 225). In fact, Jaurès came from a military family and had uncles and cousins, as well as his younger brother, who all fought in Algeria.
114. A. Thomas 1911c.

115. Leroux 1908.
116. Nationalization was a socioeconomic concept and politico-legal reality that has been the subject of intense political debate throughout the twentieth century. In the European context, its defense long pitted economic liberals against socialists and other planning enthusiasts (Amadae 2003; Mallard 2006). It was not a coincidence if socialists also advocated nationalizations in the colonial context.
117. Mauss 2013: 243.
118. Mauss 2013: 252.
119. Mauss 2013: 252.
120. Cohen 1971: 112.
121. Couturier 2006: 96.
122. A. Gide 1927.
123. A. Gide 1927.
124. Cohen 1971: 70.
125. Manceron 2003: 209.
126. Weber [2007] 1927.
127. Weber [2007] 1927.
128. Bordage 1911.
129. Cohen 1971: 81.
130. At the same time, Martin du Gard met Louis Massignon, the famous Orientalist (Couturier 2006: 46).
131. Couturier 2006: 85, 93.
132. Couturier 2006: 29.
133. Couturier 2006: 77.
134. Cohen 1971: 118.
135. At that time Moutet (1909) had also given Mauss some documents on colonial abuses in Indochina that he wanted to publish in the journal *L'Humanité* (on whose board Mauss represented the SFIO).
136. Sarraut 1931: 89.
137. A. Thomas 1926.
138. A. Thomas 1928.
139. A. Thomas 1929.
140. A. Gide [1958] 1925.
141. It is also worth noting that, in his other masterpiece, *The Vatican Cellars*, published in 1914, the novel ends with the famous completely “disinterested action” – which Gide’s main character defined in a Maussian way as “a luxury, a need for over-spending” – which consists in the hero throwing to his death an anonymous figure whom he met in a train. And where was this anonymous man supposed to go? The poor victim was en route to a congress of sociologists in Rome! What a cruel fate for a disinterested scholar to be killed for no reason other than the disinterested overspending of energy (A. Gide [1958] 1914: 816).
142. Sibeud 2004: 119.
143. Conklin 2013: 3, 194.
144. Mauss 1925a: 2.

145. Hubert and Mauss 1899: 7.
146. As Hubert and Mauss (1899: 84) emphasized, in the Bible, there were very few sacrifices that did not involve “the idea of buying back” one’s debt, which is why they used the term “sacrifice-contract” to refer to this contractual dimension in the sacrifice.
147. Frazer 1890. Frazer (1898, 1902) thanked Mauss for publishing a review of his book in *L’Année*, as well as proposing to review its translation in French. As Marcel Fournier (1994) has emphasized, Mauss’s encounter with Frazer in Oxford in 1898 had only reinforced Mauss’s philological orientation, and the two men (and Frazer’s wife, who was French) formed a friendship which not only extended for more than twenty years, but which also nourished Mauss’s institutional-building efforts at the Institute of Ethnology. For instance, Frazer proposed to consider a partnership between his Folklore Society and Mauss’s Institute of Ethnology after the creation of the latter (Frazer 1929).
148. Liebersohn 2011.
149. Which Mauss discussed in his study of contractual practices among the Thracians (1921: 1). Thurnwald in particular was an Austrian-born ethnologist who spent his career half in Berlin and half in the United States.
150. For a similar point on the development and institutionalization of ethnology in Germany before the First World War, see Steinmetz (2008).
151. Conklin 2013: 263.
152. Maupoil 1934a, 1934b.
153. Maupoil 1934b.
154. Mauss 1937c.
155. Mauss 1937c.
156. Maupoil 1934a.
157. Mauss 1937a. Le Cœur (1942) preferred to take over Mauss’s chair rather than Leenhardt’s chair on comparative religions.
158. Conklin 2013: 273.
159. Mauss 1938.
160. Mauss 1938.
161. Mauss 1938.
162. Mauss 1928.
163. Conklin 2013: 266.
164. Seligman 1938. For instance, Mauss (1937d) asked Seligman to seek authorization for a student of Louis Massignon, his colleague at the Collège de France, to conduct fieldwork in Sudan.
165. Maupoil 1934b.
166. Griaule 1930.
167. C. Rist 1930; Rockefeller Foundation 1930.
168. Rivière 1930; Griaule 1931b.
169. Griaule 1931a.
170. de Rougemont 2010.
171. Griaule 1928a, 1928b.
172. Griaule 1931c.

173. Griaule 1931d.
174. Mauss 1937c. Later, Mauss accepted to write letters of recommendation for Griaule, who took over Soustelle's job at the Museum of Ethnology; see Conklin (2013) for a detailed analysis of the postwar controversy over Griaule's wartime opportunism, which led him to accept many responsibilities in the field of ethnology which Mauss and Rivet lost as a result of the Vichy laws.
175. Maupoil 1934a.
176. Maupoil 1934a, 1934b.
177. Maupoil 1934b.
178. Girardet 1972: 132.
179. Maurois 1931; D. Lazard 1990.
180. Conklin 2013: 191.
181. Manceron 2003: 189.
182. Alain, Langevin and Rivet 1934.
183. Soustelle 1986: 47.
184. Mauss 1933.
185. Soustelle 1986: 58.
186. Soustelle 1986: 25.
187. Conklin 2013: 232.
188. Maupoil 1935c.
189. Maupoil 1935c.
190. Maupoil 1935c.
191. Maupoil 1938b.
192. Maupoil 1937a.
193. Maupoil 1938a.
194. Fournier 1994.
195. Mauss instead supported Déat and his run against Blum in the SFIO. As Mauss wrote to Blum in 1933, he was closer to Renaudel and he would have even considered himself a "neo-socialist" (like Déat) if the latter "did not confuse their Jacobinism with socialist utopias" (Mauss 1935).
196. Maupoil 1938c.
197. Maupoil 1938b.
198. Kojève 2001 [1956]: 123.
199. Bedjaoui 1978a.

5 Marcel Mauss's Disciples in Algeria

1. Soustelle 1959e: 3.
2. Soustelle 1959e: 4.
3. Soustelle 1959e: 5.
4. Soustelle 1959e: 4.
5. Mauss 2013: 176.
6. Lépinard 2015.
7. Bouyahia and Sanna 2013; Lépinard 2015; Mazouz 2017.
8. Portes and Min Zou 1993.

9. Lagrange 2010.
10. Girardet 1972: 199.
11. Girardet 1972: 199.
12. Olick and Robbins 1998.
13. Girardet 1972: 195.
14. Mitterrand 1957: 3–4.
15. Girardet 1972: 195.
16. Before the Second World War, Mauss introduced the concept of “integration” in *The Nation* to point out differences between nations, characterized by different levels of integration (from “tribal” to “national” levels), and different developments in national public law (the “inter-national” between two independent true nations being the ultimate stage of development). In contrast, Jacques Soustelle understood the notion of “integration” in a way typical of the postwar political narrative, which stressed the need to further the *political* integration of overseas and metropolitan territories under a shared constitutional Republican framework, which ensured equal political participation to all citizens, whatever their race, legal status, or religion.
17. Soustelle 1956a.
18. Soustelle 1956a.
19. Soustelle 1957a.
20. Soustelle 1957a: 1.
21. Soustelle 1957a: 6.
22. Soustelle 1957a: 6.
23. Cohen 1971: 185.
24. Soustelle 1957a: 6.
25. Soustelle 1956b.
26. Soustelle 1957c: 5.
27. Soustelle 1957a: 8.
28. de Gaulle 1956.
29. de Gaulle 1956.
30. Soustelle 1962.
31. Lacouture 2011: 272; Francioli 2015: 196.
32. Shepard 2008: 67–9.
33. Auriol 1956.
34. Soustelle 1967.
35. Soustelle 1959e: 3.
36. Shepard 2008.
37. Soustelle 1967: 186.
38. Soustelle 1957c.
39. Soustelle 1959d.
40. Soustelle 1959d.
41. Soustelle 1955.
42. Tillion 2009: 351.
43. Soustelle 1986: 18.
44. Sacriste 2011: 46.

45. Tillion 1937.
46. Tillion 1939.
47. Tillion 2015.
48. Tillion 2015.
49. Massignon was persuaded that Mitterrand could not refuse Tillion's mission, as the Association France-Maghreb, which Massignon had founded with François Mauriac and of which Mitterrand was a member, had convinced Mitterrand to resign from his post as minister in the previous government. One year later, Mitterrand was rewarded for his resignation by Prime Minister Mendès France, who named him Minister of the Interior; Lacouture 2011: 235.
50. Francioli 2015: 134.
51. Soustelle believed one should not negotiate with the FLN, especially after August 1955 when the FLN carried out a bloodbath in Philippeville – in retaliation against Algerian Muslims, Europeans killed more than a thousand victims (Tillion 2009: 318).
52. Mitterrand, as Minister of the Interior, adopted this tough execution policy – which violated developing laws of war (as political prisoners could be granted amnesty if peace could be reached) – as he wanted to appear “harder” on terrorists than the Minister of Defense, with whom he was competing to become the next president of the council (Malye and Stora 2012: 196–7).
53. Tillion 2009: 318.
54. Sacriste 2011: 288.
55. Sacriste 2011: 122, 129.
56. Cited in Sacriste 2011: 156.
57. Sacriste 2011: 163.
58. Aron 1959, 1963, 1976.
59. Leca 2001: 7.
60. Bourdieu 1990.
61. Guilhot 2011.
62. A. Becker 2003: 315.
63. Leca 2001.
64. Aron 1957.
65. Shepard 2008.
66. Aron 1957.
67. Marseille 1984: 11.
68. Soustelle 1957b: 46.
69. Manceron 2003: 226.
70. When French capital exports to Algeria had represented in 1914 three-fourths of the total capital exports to the colonies (3 out of 4 billion francs) (Marseille 1984: 68).
71. Cited in Marseille 1984: 337.
72. Cited in Marseille 1984: 323.
73. On this issue, Mauss saw eye to eye with Sarraut and d'Estaing, as he wrote in *The Nation* that the problem of Europe's procurement in raw materials was a collective problem that should not be addressed in isolated terms,

neither conceptually, nor financially, nor commercially: in his unpublished manuscript, he wondered whether it would not be possible to facilitate the import of raw materials in Europe from the colonies, either by the issuance of international subscriptions for national reconstruction projects, or by the creation of an international currency (2013: 245).

74. Marseille 1984: 36.
75. Sarraut 1931: 211.
76. Cited in Marseille 1984: 223.
77. Marseille 1984: 223.
78. Marseille 1984: 63, 76.
79. Marseille 1984: 196, 265.
80. Marseille 1984: 354.
81. Girardet 1972: 25.
82. Marseille 1984: 274, 347, 351.
83. Marseille 1984: 65.
84. Freymond 1951: 89. Thus, in contrast to what early analysts of French imperialism write, before the Great War, the territorial expansion that ensued from Jules Ferry's call for France's colonial destiny was not matched by a similar interest among the financial milieu. As Marseille (1984: 262) sums it up, colonial imperialism of the years 1880–1938 was not the “supreme stage of capitalism,” as Lenin once wrote, but rather, the “supreme stage of mercantilism” (1984: 94).
85. Marseille 1984: 104.
86. Marseille 1984: 143.
87. Tillion 1960 [1957]: 56.
88. Tillion 1960 [1957]: 82.
89. Tillion 1960 [1957]: 82.
90. Soustelle 1957b: 5.
91. Aron 1957: 33.
92. Soustelle 1957b: 35.
93. In French, “clochardisation,” a neologism she coined. As Tillion wrote, “the black trade and slavery were the biggest crimes of the eighteenth century, colonialism that of the nineteenth century, and the crime of our time was the phenomenon of ‘pauperization,’ of which the phenomenon of the concentration camp was its extreme rationalized manifestation – an attempt to make the most financial profit out of it” (1960 [1957]: 55).
94. Tillion 1960 [1957]: 82.
95. Tillion 1960 [1957]: 46, 55.
96. The result of both medical progress leading to decreased infant mortality rates in large families and the introduction of imported industrial products in local markets, leaving rural families with no hope of maintaining their economy of subsistence.
97. Tillion 1960 [1957]: 82.
98. Soustelle 1957b: 28.
99. Soustelle 1958.

100. Soustelle 1986: 256. Among the reasons for the escalation in the Algerian War, Soustelle also cited Mollet's decision to disband the Algerian Assembly without creating at the same time a coordinating council which would have met in Paris: as he said, after this decision, the Oulemas, who had representation in the Assembly, went back to their villages and thus joined the revolution of the FLN (1986: 253).
101. Soustelle 1958.
102. Soustelle 1957b: 23–4. Still, Soustelle had not been opposed to population displacement in the case of the Algerian “camps de regroupement.”
103. Soustelle 1957b: 28.
104. Chaussade 1958.
105. Soustelle 1957c.
106. Tillion 1960 [1957]: 130.
107. Tillion 1960 [1957]: 110.
108. Tillion 1960 [1957]: 110–11.
109. Tillion 1960 [1957]: 101.
110. Soustelle 1957a: 8.
111. Tillion 1960 [1957]: 56.
112. Tillion considered that the problem of pauperization concerned all rural populations displaced by modern wars and global markets.
113. Tillion 1960 [1957]: 77.
114. Tillion 1960 [1957]: 57.
115. She gave as an example the ridiculous number of 408 out of 500,000 Palestinian teenagers who benefited from professional training under the auspices of the United Nations (Tillion 1960 [1957]: 76).
116. Only those families with a member (generally a young man) working in the metropolis – there were 400,000 Algerian workers in the metropolis at the time – benefited from some monetized income in the form of remittances. The others – the majority – had not seen their living conditions improve as a result of the encounter with the capitalist economy (in its French version) and the French administration.
117. Tillion 1960 [1957]: 91–2.
118. Tillion 1960 [1957]: 67.
119. Soustelle 1959b.
120. Soustelle 1959e.
121. Soustelle 1959a.
122. Laffont 1960.
123. Laffont 1960.
124. Nora 1961.
125. Heilbron 2011; Go 2013.
126. Sacriste 2011: 286.
127. Sacriste 2011: 291.
128. Sacriste 2011: 328.

129. A posture he generalized in his epistemological writings, which endorsed Bachelard's epistemology of the total "rupture" between science and politics (Bourdieu, Chamboredon, and Passeron 1968).
130. Even if Bourdieu (1958) was sometimes guilty of reproducing clichés on the difference between Berbers and Arabs (Sacriste 2011: 292), his main ambition was to identify an Algerian rule of law outside the "civilized" French system imposed from Paris.
131. Bourdieu and Sayad 1964.
132. Hence, Bourdieu agreed that Lévi-Strauss' analysis of gift-exchanges and matrimonial systems still applied to some parts of Algeria (Bourdieu and Sayad 1964: 13).
133. Bourdieu and Sayad 1964: 21.
134. Soustelle 1958.
135. Bourdieu and Sayad 1964: 70.
136. Bourdieu and Sayad 1964: 87.
137. In fact, many of the colonists (about 10,000) who benefited the most from the Warnier law were in fact Republicans sent into exile by the coup of 1851, by which Napoléon III ended the Second Republic of 1848 (Manceron 2003).
138. Under which 2,157,000 Algerian Muslims were forcibly moved out of their villages and into camps built and controlled by the French army, in addition to the 3 million peasants who were driven by poverty to move to the city outskirts (Bourdieu and Sayad 1964: 13).
139. From 1880 to 1895, the French colonial possessions in Africa multiplied tenfold (Girardet 1972: 45).
140. Bourdieu and Sayad 1964: 93.
141. Bourdieu 1961: 15.
142. Bourdieu and Sayad 1964: 32.
143. Bourdieu 1961: 71.
144. From this observation, it is not surprising that, in the controversy that Lévi-Strauss (1950) started with his old master Marcel Mauss when latter's writings were collected in a book-length format just after his death, Bourdieu (1980: 167) sided with Mauss, who, according to Lévi-Strauss, was guilty of placing the discussion of gifts at the phenomenological level of individuals' perception of obligations, rather than at the systemic level of the overall circulation of gifts. Like Mauss, Bourdieu was very much aware that binding obligations organized by the exchange of gifts were sometimes violated, leading to losses of honor, as well as anticipations of defaults, which inserted uncertainty into the heart of the system – an uncertainty that Lévi-Strauss failed to acknowledge.
145. Bourdieu and Sayad 1964: 33.
146. Bourdieu 1980: 219.
147. Bourdieu and Sayad 1964: 87.
148. Bourdieu and Sayad 1964: 25.
149. Bourdieu 1980.
150. Bourdieu and Sayad 1964: 90.

151. Fanon 1961.
152. When he entered the ENS in 1948 as a young philosophy student, Bourdieu had admired Jean-Paul Sartre (Sacriste 2011: 281).
153. Bourdieu and Sayad 1964: 169.
154. According to what de Gaulle told his ministers (Peyrefitte 1994).
155. Shepard 2008: 163.
156. Indeed, after the failed coup, Soustelle was told by his friends in the government that he had become a target for assassination by de Gaulle's secret services (Francioli 2015).
157. Soustelle 1963: 84, 163. The Conseil d'Etat declared in a confidential advisory opinion that the referendum of April 8, 1962 was "anticonstitutional, illegal and illegitimate" (Shepard 2008: 150).
158. Soustelle 1975: 11, 13.
159. Soustelle 1967: 106.
160. Soustelle 1967: 106.
161. Soustelle 1967: 106.
162. Soustelle 1975: 11. Soustelle (1967: 107) also reaffirmed Mauss's intuition: that "human history does not follow a gradual and ascending line, but appears to be like an ocean where waves infinitely rise up, rage and fall upon."
163. Soustelle 1975: 13, 15.
164. Soustelle 1975: 18.
165. Liebersohn 2011.

6 Decolonizing *The Gift*

1. Chapter 2, part B, Second Part, Evian Agreements, 1962. For the full text of the Evian Agreements, see Malek 1995: 313–65.
2. Article 2 of Title I, Third Part, Evian Agreements, 1962.
3. Article 13 of Title IV, Third Part, Evian Agreements, 1962.
4. Malek 1995: 200.
5. Byrne 2016: 123.
6. Title II of the Second Part, Evian Agreements 1962.
7. Article 12 of Title IV, Third Part, Evian Agreements 1962.
8. Article 14 of the Title IV, Third Part, Evian Agreements 1962.
9. In contrast, Soustelle believed that there was nothing natural in the organization of the international society as a society of independent states (Shepard 2008).
10. Cited in Byrne 2016: 125.
11. Bedjaoui participated in the meetings in Lugrin (July 1961); in Evian (May–July 1961), during which Bedjaoui remained, with the other experts, on the Swiss side, in the villa of a Qatari prince; and in the Signal de Bougy (December 1961), although by this time Bedjaoui, Ahmed Francis, and Ferhat Abbas were no longer part of the government as a result of a cabal which occurred in the middle of the negotiations, and which distanced the three men

- from the active negotiating team (Bedjaoui 2016: 36). See also Malek 1995: 198; Ouguerouz and Bownedra 1999: 5.
12. Bedjaoui 2017: 3.
 13. Bedjaoui 1970a: 486.
 14. Byrne 2016: 128.
 15. Bedjaoui 1970a: 498–9, also 1970b.
 16. Bedjaoui 1970a: 500.
 17. Bourdieu and Sayad 1964.
 18. Bedjaoui 1978a: 94.
 19. Bedjaoui 1970a: 469.
 20. Byrne 2016.
 21. At that conference, Boumédiène succeeded in obtaining an unlikely consensus from Arab leaders and the Shah of Iran, as well as Mexican President Luis Echeverría Alvarez and Manuel Pérez Guerrero, a Venezuelan economist who served as the Secretary General of the UN Conference on Trade and Development (UNCTAD) from 1969 to 1974 (Cox 1979).
 22. Bedjaoui 1976: 89.
 23. Bedjaoui 1981.
 24. Malek 1995: 269.
 25. Schrijver 1997: 116.
 26. See e.g. Cox 1979; G. Rist 1996; Pahuja 2011.
 27. Abi-Saab 1991; G. Rist 2002; Rajagopal 2003; Craven 2007; Pahuja 2011.
 28. See e.g. the work of G. Rist 2002. Even if it may appear arbitrary or partial to the specialist of decolonization in the Anglophone or Lusophone worlds to anchor the intellectual and political evolution of the ideas of the NIEO in the context of the Algerian War of Independence, the focus on Algerian jurists and diplomats and their relation to the NIEO can be justified by the leading role of Algeria for the evolution of ideas of global governance in the Global South in general.
 29. Which Rist brilliantly deconstructs in his analysis of the developmental discourse produced by UN developmental organizations (G. Rist 2002).
 30. Bedjaoui 1978a: 98.
 31. Pahuja 2011: 80.
 32. Dupuy 1990.
 33. Bedjaoui 1958.
 34. Colliard 1956. The manual was highly influential in French law schools, after a 1954 reform of the law school curriculum made a class on international institutions mandatory in metropolitan universities.
 35. Before the war, she served as the chief of staff for her husband, Paul Bastid (1892–1974), a professor of public law, when the latter became minister of trade in the Blum government.
 36. Throughout the years, Bastid-Basdevant continued to review positively Bedjaoui's work and published a very laudatory comment on his 1978 manifesto for the NIEO (Bastid-Basdevant 1979).

37. In Grenoble, Bedjaoui also militated for the protection of the rights of Algerian migrants (as a practicing lawyer registered in the metropolis), by protesting against the especially harsh taxation by the French government to finance the building of collective residences for them (Bedjaoui 2016: 18).
38. Bedjaoui 2016: 11.
39. Bedjaoui 2016: 15.
40. Bedjaoui 2016: 15.
41. During which Algerians demonstrated for the liberation of imprisoned nationalist leader Messali Hadj (1898–1975), parading with Algerian flags on the day of the Allied victory, and were consequently fired on by the police, sparking an outbreak of violence and an even greater French repression – numbers of the massacred are still debated, as estimates of the victims of the indiscriminate executions by the French range from 5,000 to 45,000 victims (the latter being the number officially recognized by the Algerian government). Setif was one of the places where the French repression was the most horrible.
42. Bedjaoui 2016: 15.
43. Ouguergouz and Bownedra 1999: 5.
44. In the interim, Francis had served as the editor of UDMA's journal, originally titled *Equality*, and then after 1954, *Equality, the Algerian Republic*.
45. Bedjaoui 2016: 6.
46. Bedjaoui 2016: 28.
47. Bedjaoui 2016: 24.
48. Bedjaoui 2016: 25.
49. Soustelle 1962: 66.
50. Bedjaoui 2016: 39.
51. "Cot told us where the weaknesses of our positions were," and, as Bedjaoui added, "some may call it high treason, as he advised a government against his government, but it showed instead his high intelligence and his intellectual integrity" (Bedjaoui 2016: 40).
52. Bedjaoui 1961: 114.
53. Bedjaoui 1961: 12.
54. Bedjaoui 1961: 13.
55. Bedjaoui 1961: 18–19.
56. Bedjaoui (1961: 22–5) found recognition of the presence of an active Algerian state by the French government in all the documents cited by French colonialists: the 1830 Convention of Algiers, the 1835 Oran Convention, and the 1837 Treaty of Tafna which recognized the authority of the Emir Abd-el-Qader.
57. Bedjaoui 1961: 31. Even if French Muslims were offered French citizenship after 1919, in fact less than a few thousand Algerian Muslims out of a total of nine million petitioned to obtain this citizenship (Bedjaoui 1961: 29).
58. Aron 1957.
59. Bourdieu 1958.
60. Bedjaoui 1961: 88–112.
61. Flory 1961: 1058.
62. Fanon 1952; Memmi 1957.

63. This explanation seems more precise than the statement made by Rajagopal that Bedjaoui did not wish “to do away with [a classically realist view of] international law at all,” an emblematic contradictory position often found in the writings of the “postcolonial lawyer who identifies himself with building his nation” (Rajagopal 2003: 93). See also Anghie, Chimni, Mickelson, and Okafor 2003.
64. Bedjaoui 1978a: 92.
65. Although the Algerian FLN sent a representative to Bandung, the Egyptian leader Gamal Abdel Nasser (1918–70), Yugoslav President Josip Tito (1892–1980), and Indian President Jawaharlal Nehru (1889–1964) led the fight of the non-aligned nations until the Belgrade 1961 conference – where finally a Latin American country, Bolivia, was invited.
66. Bedjaoui 1961.
67. Bedjaoui 2016: 35.
68. Bedjaoui 2016.
69. Bedjaoui 2016.
70. Malek 1995: 137.
71. Malek 1995: 113.
72. Malek 1995: 162. On this complex matter, the GPRA received the help of Claude Cixous on the economic side and Mohammed Bedjaoui on the legal side (Malek 1995: 198).
73. Malek 1995: 148.
74. Bedjaoui 2017: 2.
75. Bedjaoui 2017: 2.
76. Byrne 2016: 128.
77. Malek 1995: 138.
78. Bedjaoui 1961: 33.
79. Malek 1995: 126. As for Sarraut, colonial solidarity derived from the supreme right of the most efficient organization (here, the French oil companies) to claim natural resources, which they exploited for the good of humanity (defined in the ability of oil concessions to provide optimal quantities of oil for the markets and at a competitive price), rather than for the good of the nation where the natural resources were found.
80. Malek 1995: 200.
81. Article 12 of Title IV, Third Part, Evian Agreements, 1962.
82. Bedjaoui 1970b: 147.
83. Bedjaoui (1970: 148) found this principle outdated – and exemplary of the interwar imperial concept of limited sovereignty – and he cited in support of his thesis the opinion of Charles Rousseau (1902–93), a professor of international public law at the University of Paris and jurisconsult for the Ministry of Foreign Affairs from the 1950s to the 1970s. Shabtai Rosenne, an Israeli scholar sitting on the ILC subcommittee chaired by Bedjaoui, had been Rousseau’s student.
84. Article 2 of Title I, Third Part, Evian Agreements, 1962.

85. Something Iran did a year later, triggering the downfall of the democratically elected government and the restoration of a regime friendly to Anglo-American oil interests, which was to last until the 1979 Revolution.
86. Abi-Saab 1991: 602.
87. Pahuja 2011: 118.
88. Members included, among others: Sir Humphrey Waldock (UK and Northern Ireland); Mr. Roberto Ago (Italy); Mr. Milan Bartos (Yugoslavia); Mr. Mohammed Bedjaoui (Algeria); Mr. Jorge Castañeda (Mexico); Mr. Erik Castrén (Finland); Mr. Abdullah El-Erian (United Arab Republic); Mr. Taslim O. Elias (Nigeria); Mr. Nagendra Singh (India); Mr. Alfred Ramangasoavina (Madagascar); Mr. Paul Reuter (France); Mr. Shabtai Rosenne (Israel); Mr. Abdul Hakim Tabibi (Afghanistan).
89. Bedjaoui 2017: 20.
90. International Law Commission 1967: 368.
91. Sack 1927: 88.
92. The notion of “public debt” had been discussed by Jèze (1922) – later cited by Bedjaoui in his report – who had been known for taking on the legal defense of Ethiopian Emperor Haile Selassie in 1936 – and, as such, Jèze’s classes were blocked by young colonialist students in Paris including future president François Mitterrand (Manceron 2003: 261) – and it was different from the notion of “sovereign debt” which is now widely used in the academic literature, as those public debts which fell upon the shoulders of colonial governments did not imply any recognition of sovereignty.
93. Sack 1927: xiv.
94. Stephen Schwebel was a former State Department jurist who later joined Bedjaoui at the ICJ (and who succeeded Bedjaoui as ICJ president), to whom Bedjaoui once said in an ILC session that “he was for sharing the world [between great powers] when he [Bedjaoui] was for a world of sharing” (Bedjaoui 2017: 21).
95. A concept I draw from Halliday 2018.
96. Although, as some commentators have shown, the first and third criteria may not always be required, even by Sack (Ludington, Gulati, Brophy, 2010; Toussaint 2017a). Still, in general, Sack participated in the global emergence of the norm according to which state debts should be repaid, as his theory was rather conservative (Lienau 2014).
97. Sack 1927: 158.
98. Cited in Sack 1927: 161–2.
99. Sack (1927: 164) estimated that these *Schutzgebietsanleihen* amounted to 183.75 million marks.
100. Bedjaoui 1977: 103.
101. Bedjaoui 1970a: 477.
102. Bedjaoui 1970a: 477.
103. Bedjaoui 1970a: 518.
104. Bedjaoui 1970a: 524.
105. Bedjaoui 1977: 57.

106. Bedjaoui 1977: 99.
107. Bedjaoui 1977: 99.
108. In fact, during the negotiation of the Evian Agreements, Algeria's denunciation of French debts contracted for costs related to the Algerian territory had not been limited to the "war debts that France had [initially] charged to Algeria" like "payment of compensation to the victims of 'Algerian terrorism' or expenditures associated with establishment and maintenance of the *harki* force [composed of Algerian men enrolled by the French military forces to fight against the FLN]" – e.g. those debts that even Alexander Sack would have considered "odious" – but they also extended to debts which had been contracted to pay for useful developmental projects. Bedjaoui 1977: 100.
109. Mauss 1925a.
110. Bedjaoui 1977: 100.
111. Malek 1995: 201.
112. Bedjaoui 1977: 99.
113. Bedjaoui 1977: 99.
114. Bedjaoui 2017: 5.
115. Bedjaoui 2017: 5.
116. As Bedjaoui remarked, if it was considered "inherited debt," then "Algeria would have paid the money, not to the predecessor state, but to any third parties to which France owed money in connection with its previous activities in Algeria" (Bedjaoui 1977: 99).
117. Bedjaoui 1977: 103.
118. Foucault 2003.
119. Bedjaoui 1961: 16.
120. Flory 1961: 1060–1.
121. Flory wrote his dissertation on the issues of legality and legitimacy of the acts of governments in exile in London during the Second World War (Flory 1961: 1060–1).
122. Bedjaoui 1981: 28.
123. Bedjaoui 1981: 27.
124. Bedjaoui 1981: 29.
125. Law 2005–158 of February 23, 2005, French Parliament.
126. Bedjaoui 1977: 103.
127. Bedjaoui 1977: 103.
128. Both "debts contracted by the predecessor state for and on behalf of a dependent territory, and debts contracted by the dependent territory prior to independence, but with the guarantee of the administering power" (Bedjaoui 1977: 94).
129. As far as the Evian Agreements (1962) were concerned, Bedjaoui recognized that even if article 18 admitted the principle of succession of both France's rights *and obligations*, it was silent on whether such "obligations" included public debts contracted either by the metropolitan state or by the governor-general, which left room to maneuver (1977: 92).
130. Lachs 1963: 286, 265.

131. Bedjaoui 1968: 97.
132. Bedjaoui 1970a: 463.
133. Riles 2011.
134. Bedjaoui 1970a: 483.
135. Bedjaoui 1970a: 465.
136. Bedjaoui 1968: 97, 99.
137. Bedjaoui 1968: 96.
138. Lachs 1963: 286, 265.
139. Bedjaoui 2017: 8.
140. Group of 77 1967.
141. UNGA 1974b.
142. Bedjaoui 1970a: 518
143. Grimaud 1972: 1298.
144. UNGA 1974a.
145. UNGA 1974b.
146. UNGA 1974a.
147. Bedjaoui 1978a: 177.
148. Indeed, the Charter affirmed a right for each state to “regulate and exercise authority over foreign investment within its national jurisdiction,” a right to “regulate and supervise the activities of transnational corporations, and a right to nationalize, expropriate or transfer ownership of foreign property,” in which case “appropriate compensation” should be paid by the state adopting such measures, “taking into account its relevant laws and regulations and all circumstances that the State considers pertinent” (article 2, UNGA 1974c).
149. Colson 1972.
150. Rights that were given to the oil companies by the French sovereign state as well as in recognition of the 6.5 billion francs invested in the extraction of oil in the Algerian Sahara (Grimaud 1972: 1280).
151. Grimaud 1972.
152. Grimaud 1972: 1283.
153. Grimaud 1972: 192.
154. They also claimed that from 1965 to 1970, the French oil companies made 7 billion francs profit from Algerian oil exploitation while the French claimed only 1.4 billion francs, leading to disputes about the amount that the French should have reinvested in Algeria per the 1965 bilateral deal (Grimaud 1972: 1285).
155. Bedjaoui 2017: 15.
156. Grimaud 1972: 1300.
157. In retaliation, the French companies initially halted the production and commercialization of Saharan oil by sending letters to all possible commercial partners of Sonatrach (Algeria’s national oil company) threatening them with litigation if they traded Algerian oil. The crisis had reached a climax (Bedjaoui 2017: 47).
158. Grimaud 1972: 1307.
159. Chaumont 1970: 350; Bedjaoui 1978a: 63.

160. Already in 1927, Alexander Sack had recognized that the theory of state succession did not purely belong to international public law but represented a legal doctrine *sui generis*, as it organized the relationships between a successor state (or successor states in case of partition) and the creditors (both public and private) of the predecessor state (Sack 1927: 84).
161. Rosenne, cited in Lachs 1963: 287.
162. ILC 1970: 300.
163. Bedjaoui 1971: 177.
164. Bedjaoui 1972: 67. Before, Bedjaoui had claimed that concessions had to be read as contractual obligations with *private* persons – as the ICJ had established in its 1952 ruling on *Anglo-Iranian Oil v. Iran* – and not as *public* law documents benefiting from the sanctity attributed to treaties (1969; 1970: 535).
165. Bedjaoui 1972: 67.
166. Bedjaoui 1971: 176.
167. Bedjaoui 1970a: 536. Looking back at the jurisprudence of the Permanent Court of Justice, Bedjaoui found a ruling that concerned the protection of the acquired rights of German nationals expropriated from their lands by the new Polish state, but here, he found that it was a specific treaty obligation (and not a reference to *jus cogens*), which grounded the decision of the Court to ask Poland to compensate the German victims (Bedjaoui 1970a: 555).
168. Bedjaoui 1970a: 146. Bedjaoui (1972: 62) confirmed that he wanted to avoid that “distinction, which, indeed, is unknown to some national laws” and thus proposed the concept of “property appertaining to sovereignty” (1971: 179).
169. Bedjaoui 1972: 62.
170. Bedjaoui 1972: 67.
171. Bedjaoui 1973: 26
172. Bedjaoui 1973: 25.
173. Bedjaoui 1973: 256–7.
174. Bedjaoui 1973: 27.
175. They extended beyond the strict confines of international *public* law, as it was concerned with the “economic and financial acquired rights” of both public and private individuals (Bedjaoui 1970a).
176. Bedjaoui 1976: 82.
177. Bedjaoui 1969.
178. Bedjaoui 1970a: 545.
179. Bedjaoui 1970a: 528.
180. Bedjaoui 1970a: 533. Bedjaoui (1970: 531) cited Léon Duguit (1859–1928) in order to justify expropriation of private property by the state and international debt settlement. Duguit defended the decrees of the Third Republic expropriating the Church’s property in 1880 against Maurice Hauriou (1956–29) (Bancaud 2002: 187).
181. Bedjaoui 1970a: 545.
182. Bedjaoui 1970a: 485.
183. Bedjaoui 1970a: 552, 559.
184. Bedjaoui 1970a: 550.

185. Bedjaoui 1970a: 556.
186. Bedjaoui 1978b: 31.
187. Bedjaoui 2017: 34.
188. UN Conference 1983a.
189. UN Conference 1983b: 94.
190. UN Conference 1983b: 98.
191. UN Conference 1983b: 227; UN Conference 1983b: 100.
192. The delegates in the plenary conference who voted against represented Belgium, Canada, France, Germany, Israel, Italy, Luxembourg, Netherlands, Switzerland, the UK, and the US (UN Conference 1983a: 31).
193. UN Conference 1983a: 31.
194. UN Conference 1983a: 34.
195. UN Conference 1983a: 27.
196. Articles 14 and 15, UN Conference 1983b: 62.
197. UN Conference 1983b: 93, 109.
198. Waibel 2011.
199. Dezalay and Garth 1996, 2016.
200. UN Conference 1983b: 96.
201. UN Conference 1983b: 70. As Bedjaoui added, newly independent states like Algeria had objected to article 12, as immediately after a succession there was a risk that the predecessor state would pass its property to a third state in order to protect it from being appropriated by the successor state – as in cases of “fraudulent bankruptcy” – but he did not “believe that on the eve of succession, a third state would risk acquiring property title which might well be contested by the successor state” (UN Conference 1983b: 59).
202. UN Conference 1983b: 193.
203. UN Conference 1983b: 196.
204. UN Conference 1983b: 199.
205. UN Conference 1983b: 194.
206. In the Convention, after six introductory articles, seven articles concerned the issue of “transfers” of *state property* – or, rather, the “substitution of sovereignty” to which “property” was attached, as the articles talked about the “extinction” and “arising” of rights (article 9) in order to stress discontinuity rather than continuity in the process – five articles (14–18) concerned the issue of territorial swaps, thirteen articles (19–31) concerned the issue of the transfer of state archives, ten articles (32–41) codified the issue of state debt in cases of state succession (UN Conference 1983b: 48).
207. UN Conference 1983a: 27.
208. Rajagopal 2003: 90.
209. Rajagopal 2003: 89.
210. Rist 1996; Gilman 2003; Pahuja 2011.
211. In his book, Rostow distinguished between five stages of development – i.e. “traditional,” “pre-take-off,” “take-off,” “post-take-off stabilization” and “high consumerist” (Rostow 1960).
212. Anghie, Chimni, Mickelson, and Okafor 2003.

213. Pahuja 2011: 4.
214. Bedjaoui 1978a: 93–7.
215. Bedjaoui 1984.
216. Ozsú 2015.
217. Bedjaoui 1978a: 95.
218. Bedjaoui 1978a: 97.
219. Bedjaoui 1978a.
220. A notable exception is Ozsú 2015.
221. G. Rist 1996: 149.
222. G. Rist 1996: 153.
223. G. Rist 1996: 152.
224. UNGA 1979.
225. Bedjaoui 1981: 6.
226. Bedjaoui 1981: 14.
227. Craven 2007.
228. Gulati and Ludington 2008.
229. Bedjaoui 1981: 19.
230. Indeed, the norm of sovereign immunity started to disappear in the 1980s, as states increasingly faced court proceedings when defaulting on sovereign bonds (Panizza, Sturzenegger, and Zettelmeyer 2009).
231. None of the main histories of neoliberal ideas mention the contribution of the NIEO to the economic debate (Dezalay and Garth 2002; Best 2005; Ferguson 2005; Krippner 2005; Blyth 2013). In Zettelmeyer and Rogoff (2002: 472), the proposal to set up a debtor-friendly debt commission, inspired by the NIEO and the Plenary Committee, receives scant attention, the focus being on proposals of debt bankruptcy reform initiated and discussed by IMF experts.
232. Florès-Zendejas 2016; Shaffer and Waibel 2016.
233. Pahuja 2011: 95.
234. Rajagopal 2003: 90; see also Anghie 2015.
235. One notable exception being Rist (1996), who criticizes the NIEO for its internal contradictions.

7 International Solidarity and Gift Exchange in the Eurozone

1. That is quite egoistic to say, of course, as the end of the NIEO and the rise of neoliberalism – which I define here broadly as the deregulation of capital markets and large cuts in state spending – brought financial instability and massive unemployment to many parts of the world.
2. Godbout 2000.
3. Aglietta and Orléan 1998.
4. Fourcade Gourinchas 2009.
5. Servet 2016.
6. Attali 2016 [1986]: 324.
7. Attali 2016 [1986]: 321, 338; on the long history of the European negotiations that led to the denuclearization of Germany, see Mallard (2014).

8. Attali 2016 [1986]: 146–59.
9. Mallard 2014.
10. Malye and Stora 2012.
11. Attali 2016 [1986]: 408.
12. This was more easily said than done. With the breaking down of the Berlin Wall in 1989, and the collapse of the Soviet Empire, the Republic of Yugoslavia melted: civil war and ethnic cleansing in Serbia, Croatia, Bosnia, and Kosovo demonstrated the fragility of the new international European order and the necessity to maintain strong Franco-German relations to avoid the escalation of local conflicts into pan-European all-out war.
13. Attali 2016 [1986]: 14, 408.
14. Attali 2016 [1986]: 277.
15. Andersson and Prat 2015: 12.
16. On this episode and its consequences in French political history, see Mallard (2014), especially chs. 4 and 5.
17. Attali and Guillaume 1975.
18. Attali 2016 [1986]: 28.
19. Dezalay and Garth 2002.
20. Moatti 2008.
21. De Coppet 1998.
22. Malamoud 1998.
23. Servet 1998. Servet's expertise in financial history was much larger, as it ranged from postcolonial currencies in Africa to the origins of antique moneys, which he studied in his dissertation (Servet 1984).
24. Servet 1980.
25. They also turned their back on Lévi-Strauss, whose structural perspective did not allow them to analyze endogenous contradictions within systems of exchanges (Aglietta and Orléan 1982: 26).
26. Servet 2016.
27. Girard 1961.
28. Girard 1999.
29. Aglietta and Orléan cited Mauss and Gernet, the Durkheimians who most importantly wrote about debt, but did not give as much of a place to Mauss as they would later do (Aglietta and Orléan 1982: 149, 150).
30. Aglietta and Orléan 1982: 38.
31. Aglietta and Orléan 1982: 27.
32. Aglietta and Orléan 1982: 35.
33. Attali 1982: 21.
34. Whereas Marx relied on the outdated theory of value promoted by David Ricardo – which was premised on the notion that there was a relation between the value of a merchandise and the amount of work that went into its production – and whereas Marx focused on the contradiction between the use-value of a good and the amount of work incorporated in the merchandise itself, and thus on the appropriation of the surplus value by capitalists/merchants at the expense of workers, Aglietta and Orléan focused on the discrepancies between the

(Walrasian) subjective use value of merchandises and their market value, especially when the latter bubbled in speculative markets. Still, Orléan (2011) continued to claim a Marxist filiation.

35. Aglietta and Orléan 1982: 37.
36. Aglietta and Orléan 1982: 47.
37. Aglietta and Orléan 1982: 33.
38. Aglietta and Orléan 1982: 33.
39. Dezalay and Garth 2002; Best 2005.
40. Aglietta and Orléan 1982: 48.
41. In modern times, the decision to sell sovereign currencies and bet on their downfall during panics could be interpreted as the continuation of war by other means, as happened during the currency wars of the interwar period, which Mauss chronicled in his political writings of 1924.
42. These two kinds of market logics are not without any relation. When debts, bonds, or obligations are desired for themselves – for the gains that people hope to obtain from their circulation – panics can result in “the destruction of the means of production,” because of a process of auto-validation of self-fulfilling prophecies (Aglietta and Orléan 1982: 76).
43. Aglietta and Orléan 1982: 46. As they write, the only guarantee of the value of money, and beyond, of the value of goods, is the “shared belief by private parties that the institution [in charge of issuing] money is transcendental” rather than purely contractual, and that this authority is somehow immune from the folly of market agents (Aglietta and Orléan 1982: 42).
44. Aglietta and Orléan 1982: 92.
45. Aglietta and Orléan 1982: 84.
46. Aglietta and Orléan 1982: 98.
47. Aglietta and Orléan 1982: 33.
48. Aglietta and Brand 2013: 177.
49. Aglietta and Brand 2013: 42.
50. In particular, the reports presented by Raymond Barre, the Vice-President of the EC, in February 1969, followed by the 1970 report of Pierre Werner, Prime Minister of Luxembourg, called for both budgetary and monetary integration (Aglietta and Brand 2013: 37).
51. Aglietta and Brand 2013: 37.
52. Pénet and Mallard 2014.
53. CNBC 2017. In this period, the ECB bought anywhere from €90 billion euro-zone bonds per month to €30 billion per month as the program neared completion in 2018. When justifying its decision to not include Greece in its QE program, the ECB argued that its statutes required that the three main credit rating agencies should first issue statements about the sustainability of the Greek debt, which they did not (Pénet and Mallard 2014).
54. For instance, see Feldstein (1997).
55. Attali 2016 [1986]: 338.
56. Aglietta and Brand 2013: 47.
57. Aglietta and Brand 2013: 45.

58. Aglietta and Brand 2013: 76.
59. Aglietta and Brand 2013: 78.
60. Varoufakis 2017.
61. Pénet and Mallard 2014.
62. Aglietta and Brand 2013: 147.
63. Aglietta and Brand 2013: 147.
64. Toussaint 2017c.
65. Aglietta and Brand 2013: 83.
66. Aglietta and Brand 2013: 148.
67. In contrast to the 1930s, in the 2000s, the European governments and their central banks substituted themselves for private banks when the latter no longer extended any loans to each other: they were then able to reverse the climate of generalized suspicion that reigned at the time, mostly by adopting a policy of quantitative easing, which consisted in expanding the amount of currency available to buy bonds and other liquidities exchanged on financial markets (Aglietta and Brand 2013: 117).
68. Varoufakis 2017.
69. Aglietta and Brand 2013: 79.
70. Aglietta and Brand 2013: 43.
71. Varoufakis 2017.
72. Aglietta and Brand 2013: 169.
73. Aglietta and Brand 2013: 147.
74. Aglietta and Brand 2013: 181.
75. Aglietta and Brand 2013: 175.
76. Aglietta and Brand 2013: 178.
77. Vauchez 2014; Hennette, Piketty, Sacriste, and Vauchez 2017;.
78. Habermas 2009.
79. Hennette, Piketty, Sacriste, and Vauchez 2017.
80. Cohen, A. 2017.
81. Cohen, A. 2017.
82. If citizens indirectly elected parliamentarians of the Eurozone Parliament through national elections, these parliamentarians would mechanically represent the same parties as the ministers sitting in the Council of the EU, thus resulting in a high risk of collusion and lack of accountability at the European level (Mallard 2017).
83. Toussaint 2017a.
84. Varoufakis 2017.
85. Toussaint 2017a.