Steven Sampson

steven.sampson@soc.Lu.se

DRAFT CHAPTER 10 March 2017

To appear in revised form in James Carrier (ed.), Economy, Crime and Wrong in the Neoliberal Era. Berghahn Books, 2018.

**All that is normal melts into air: rethinking neoliberal rules and deviance**

Social scientists have generally preoccupied themselves with one of two domains of study: that which is routine and that which is extraordinary. The first group focus on everyday routines in institutions, organizations, small groups or interpersonal relations. We study society, culture, practice or habitus. As anthropologists and ethnographers, we study daily life in all its naked routine, hoping to discover how this daily life is reproduced.

The second group of social scientists focuses all that is not routine: the extraordinary, the deviant, the fantastic, the violent, on the societal crises or social movements that punctuate social life, in all their vibrant drama and complexity. Some of these deviant phenomena, the most horrific, are studied to prevent them from happening again, while others, such as social movements or irregular coping practices, are a focus of study to discover out how they could be supported or strengthened.

Most of us oscillate between the two, mapping out the rule-based behavior in order to understand rule violation and the deviant. And regrettably, we often maintain an artificial separation between the two kinds of phenomena, where the deviant is equated with the spectacular..

The chapters in this book seek to break out of this separationist trap between the routine and the deviant. They problematize deviance in such a way that we are compelled to reevaluate what normality, legality and convention really mean, what “the rules” really are. In various ways, across different ethnographic and institutional fields, the chapters demonstrate how the institutional and the extraordinary, the routine and the deviant, the legal and the illegal do not just contrast, but may dissolve into each other. The driving force of this dissolution, the authors argue, is this irresistible force called “neoliberalism”. The underlying argument of these chapters is that under the contemporary neoliberal conjuncture, something very special is happening in the relationship between the institutions of economics, politics and law on the one hand, and people’s actual practices on the other.

What is it about neoliberalism that has led to this dissolving of the distinction between what is normal/legal and what is deviant? How is this reconstitution manifested? And what are its consequences for societal development, and for a possible anthropology of neoliberalism? Should we approach neoliberalism as a distinct set of practices or as a historical epoch of contemporary capitalism? It is these questions that the authors approach in their various studies.

The ostensible theme of this book is “deviance”. But if there is one overriding message in these chapters, it is that we need to rethink not so much deviance, but normality. To turn a phrase, “Deviance is the new normal”. We need to rethink normality and deviance in the same way that scholars rethink concepts such as structure and agency, emergence and reproduction, social integration and social crisis. The economic processes described in this book, analyzed by the authors under the rubrics of neoliberalism and deviance, offer us an opportunity to rethink the normal and to reassess what the deviant is, how it emerges, and what it means to various actors. Examining the intermingling of normality and deviance in practices as diverse as market clientilism of pharmaceutical researchers, bribery in Romania, taxation in the EU, key performance indicators in public management, migration regimes and marijuana growing, we feel compelled to search out an alternative framework for understanding what are rules and what is deviant. The rules/deviant dichotomy seems to be getting in our way. It is just too simple.

The inadequacies of the rules/deviance dichotomy can be illustrated with two additional examples from our contemporary economic life: the Panama Papers and Wells Fargo Bank.

1. The Panama Papers consist of 11 million documents from a single law firm specializing in helping firms and individuals hide their assets, typically to avoid creditors or taxes. The scale of this activity is much bigger than we thought. Luke Harding, a journalist who has studied the Panama Papers, concludes: “Previously, we thought that the offshore world was a shadowy, but minor, part of our economic system. What we learned from the Panama Papers is that it *is* the economic system” (Rusbridger 2016:22).
2. In September 2016, it was revealed that Wells Fargo Bank had fired 5300 employees for setting up 1.5 million bogus accounts and 500,000 hidden credit cards, and then billing customers for fees. Wells Fargo was fined 185 million dollars by the U.S. Government. The manager who ran this scheme soon retired with a 125 million dollar severance package, and the CEO of Wells Fargo insisted that the problem was caused by rogue employees who had misinterpreted the firm’s incentive systems. Meanwhile, several employees have testified that they reported these irregularities on Wells Fargo’s hotline, but that they were soon fired for what they saw were trivial offences (Sorkin 2016, Gandel 2016, Egan 2016a, 2016b; Chappell 2016).

Now in both these scandals, there is a but a hazy line between what actors see as legal or acceptable and what they see as deviant. As most analysts of the Panama Papers have explained, setting up offshore accounts is in fact legal, even if it may be ethically questionable; the problem comes in reporting them. And in the Wells Fargo case, the small size of the fine paid was due to what Wells Fargo’s CEO said were “interpretive mistakes” by his staff; not illegal or unethical or immoral or deviant, but mistakes of interpretation.

With examples like this, and reviewing the cases described in this volume, we need to ask what is economic deviance like in our neoliberal era? How do people break the rules? How do they justify crime? And how do they articulate that what they are doing is not deviance at all? What are “rules” anyway, when the people enforcing them either do not care who breaks them, when the people who violate them actually wrote them through lobbying or state capture, or when rules redefine deviance as interpretive mistakes or (as Lopes describes in his chapter) creative innovations?

The chapters in this book have attempted to answer these questions using a variety of ethnographic case studies. Here I will try to draw together some common themes, expanding on James Carrier’s introduction. And I will also try to draw out some implications regarding how we should define, and then investigate, concepts such as neoliberalism, rules, regulation, normality, and deviance. The reader should beware, that as I write these lines, the new U.S. president is also rewriting a few rules for how government should operate, how the American economy should work (relaxed regulations, reduced taxes, revoking treaty agreements, building tariff and immigration walls).

Neoliberalism generally connotes the increasing encroachment of market rationality into spheres of social life formerly governed by non-market logics. In academia, our version of neoliberalism contains a package of ideas and practices: a vehement distrust of state regulation, unbridled confidence in the efficiency of market solutions, outsourcing and privatization of public services, rational cost-benefit calculations of inputs and outputs using performance measures, calculations and transparency, and a downgrading or suspicion of any practices that cannot be put into this kind of framework. These latter, non-market practices may be viewed benignly as “traditional” or as “ brake on progress”; on other occasions, non-marked practice are viewed, with suspicion or as a political threat.

This neoliberal package of ideas and practices, generally assumed to have begun (or accelerated) with Reagan and Thatcher, is now being exported to the rest of the world through aid programs, trade agreements, international credit and financialization, and various transnational agreements that bring together state, multilateral and non-state actors. There is a neoliberal global regime, and what is called “globalization” is sometimes made synonymous with neoliberal expansion.

**Neoliberalism as disembedding**

The impact of the spread of neoliberal ideas and practices has been called many names, or should I say epithets, the most common being that of disembedding (Polanyi 2012), or dispossession (Harvey 2004), or by Marx “primitive accumulation.” Disembedding entails the demise of the social by market rationality, or in Bauman’s metaphor, ‘liquidity’ in various forms (1998, 2000). In a modernist and capitalist framework, and for many economists, disembedding is a liberation from tradition and from feudal obligations. Disembedding is freedom. In most social science discourse, however, especially with Marx and Polanyi, disembedding is viewed more insidiously. It is the loss of the commons, and more generally, the loss of social resources that can help people and communities reproduce their societies and get them through crisis. Disembedding is thus associated with Marx’s polemical description of the bourgeoisie’s project of capitalist accumulation in The Communist Manifesto as “all that is solid melts into air”. In this sense, disembedding – the ripping apart of this harmony and the autonomy of the economic -- is viewed as undesirable, chaotic, and destructive to social life. Moreover, the emphasis on neoliberalism as disembedding presupposes a once embedded society where economic and material life was somehow governed by, or at least contained within, social relations. The assumption here, especially among activists who oppose neoliberalism, is that this social constraint on economic life was somehow morally preferable and socially healthy. Embedded societies were presumably more integrated before disembedding because deviance, and especially economic deviance, was contained. There was a “moral economy” (Scott 1976, Thompson 1971).

Disembedding, this ripping apart, presumably creates the deviance that is described and problematized by the chapters in this book. Disembedding today is now equivalent to Harvey’s ‘accumulation by dispossession’ (2004), or Marx’s primary accumulation. Disembedding is the motive force that breeds the ‘liquid modernity’ bemoaned by Bauman, and it is the impetus behind the alternative strategies, informal exchange, “weapons of the weak” and other forms of resistance described by James Scott (1985) and so many other scholars.

In academia, there is a long tradition of describing the negative consequences of disembedding, with Marx, Polanyi, Bauman and E.P. Thompson as examples. Yet we should not forget that financial actors, conservative politicians and economists and numerous think tanks see disembedding as economic freedom and personal liberation. Freeing individuals and firms from the shackles of tradition, regulation, bureaucracy or national boundaries is an ideology with a respectable pedigree.

This being said, most social scientists, including the authors of these chapters, have focused on the negative consequences of disembedding for society as a whole, and especially for the most vulnerable groups, be they minorities, migrants, rural villagers or ordinary citizens. The anthropological project is to describe how people affected by disembedding (or the imminent threat of disembedding) find ways to cope with it, distort it or resist it, and sadly, succumb to it in the forms of human tragedies and violence. Resistance to state-supported disembedding projects is described in several articles, and the reassertion of the social is described as deviance. With the overlap between disembedding and neoliberalism, the culprit behind people’s increasing vulnerability is invariably some kind of neoliberal disembedding.

**The neoliberal juggernaut**

In describing social disembedding, anthropologists have focused on neoliberalism as an explanatory paradigm, in much the same way as we embraced paradigms of globalization, local knowledge underdevelopment, resistance, or agency. All-embracing paradigms such as neoliberalism have their benefits. Neoliberalism becomes a tool and a code word with which to elucidate how market ideology, market relations and market rationality penetrate into realms of social life previously shielded from these relations; realms such as kinship obligations, communal solidarity, communal land, social trust and welfare services.

As several articles have pointed out, neoliberalism tends to prioritize certain technologies, such as market calculation, objectification, standardization and measurement, which, while they certainly predate today’s neoliberal era, have begun to dominate how we work, how we deal with each other, and who we are (in our own world of academia, for example, our performance is now ceaselessly measured in the form of articles published, number of downloads, articles’ impact factor and in teaching the index of student satisfaction with how we ‘provide content’). These technologies, as several of the chapters attest, are also important to state regulators and therefore contested during various regulatory conflicts between public authorities and various “stakeholders” (even marijuana confiscations are part of a give-and-take between authorities and growers). It is not just financial actors who are deploying neoliberal technologies. The state is also a neoliberal actor.

The use of neoliberalism as an explanatory paradigm, however, runs the risk of overuse. It is not enough to view neoliberalism as some kind of “encroachment of market logic” on the social sphere, as if “market logic” were an independent, ahistorical actor. We thus need to distinguish between neoliberalism as 1) an ideological construct about free choice in human activity; as 2) a historical era, which like any historical era will draw to a close and be replaced by something else; and 3) neoliberalism as a set of specific market-related practices, which as Heyman observes for Mexican labor, could have existed decades before Reagan and Thatcher, but which can also suddenly emerge, congeal, intensify and then recede in importance. Viewing neoliberalism as a set of specific social practices, with their accompanying discourses, technologies and actors, makes it amenable to study in a way that is much different from viewing neoliberalism as a historical era that we are stuck in, or as a diabolical juggernaut that disembeds and destroys, or as a hegemonic ideology that ceaselessly penetrates into every nook and cranny of social life. For all the talk about neoliberal subjectivity, cases of resistance and descriptions of subaltern studies indicate that this neoliberal subjectivity may be only skin deep.

In trying to study the relationship between neoliberalism and deviance, the chapters in this book have largely taken a practice-based approach. They have endeavored to show us what the neoliberal toolbox looks like and how it works. In so far as they have shown the contradictions and frictions within this toolbox, showing who does what to whom with what tool, they also reveal the kinds of deviant practices that can emerge from neoliberal practices.

**An anthropology of neoliberalization**

What characterizes the configuration of neoliberal elements if we view them as by anthropologists? What is the culture of neoliberalism? And to what extent can we apply our understanding of neoliberal culture to understand the dynamics of deviance? What are rules, and rule-breaking under neoliberal conditions?

Let us imagine a typical neoliberal moment in which market rationality, or “market logic” to use the current jargon, encroaches on a social sphere formerly shielded from that logic, such as a community of peasant households with common lands and shared social obligations. From many ethnographic studies, we know that communities can attempt to reassert their control over runaway market processes via informal or illegal practices (barter, smuggling, banditry, migration). Such communities can also deploy various forms of violence; or an arsenal of nonviolent “weapons of the weak”, or other kinds of deviance which we can label passive or active resistance. Communities may also attempt to mobilize more collective forms of resistance, such as social movements, civic associations, electoral participation or armed rebellion. The question still remains as to whether we gain anything by calling this a “reaction to neoliberalism”. I’m not so sure.

One example of such resistance are the Romanians who give bribes to doctors. They bribe in order to assert their claims to health care, claims which have been denied them due to privatization. Another example are the Mexican and Central American migrants who have for decades been crossing the U.S. southern border seeking work; or the California marijuana growers who skirt US drug laws to produce and sell a popular drug. As several authors point out, whether these practices are in fact illegal or even deviant is not the sole issue, even for law enforcement. For those pursuing these informal strategies avoiding police is a practical obstacle, but the necessity to obtain medical treatment, find a job or sell the marijuana takes priority. Calling such practices “deviance” may obscure the complexity of the issue, and it is here that the chapters bring out the nuance.

One additional value of these chapters is that they show not only what it is like for those who have been disembedded or disenfranchised by neoliberalism, but also those on the “winning side”. Over a century ago, primitive accumulation gave us a triumphant bourgeoisie. Today, the disembedding that takes place uses neoliberal technologies to benefit global corporations, agricultural employers and financial tax evaders. These beneficiaries of disembedding can renegotiate or evade regulations, or exploit state subsidies or employees for their own benefit. The beneficiaries of disembedding can now find ways to re-embed others, which is what happens to migrants fortunate enough to find jobs, but unable to assert their rights to a living wage or proper working conditions (as the chapters by Heyman and Powell point out).

The beneficiaries of disembedding must also look over their shoulders at frustrated social movements or at jealous social democratic state regulatory apparatus. They therefore deploy their own technologies to stay ahead of the regulators, redefining what is meant by performance, efficiency, quality, innovation, legality and ethics, even something so concrete as ‘fair taxation’. Hence the fetish with statistics and measurement, as pointed out by Applbaum for pharmaceuticals, and by Cantens, Røyrvik and Lopes in describing taxation, performance indexes and regulatory compromise, respectively.

With the interaction between the winners and losers in the disembedding struggle, we observe a blurring of lines between what is legal, moral and acceptable behavior on the one hand and what is deviant, illegal or immoral on the other. In so far as regulators cannot readily enforce rules and regulations, enforcement of taxation and legal obligations morphs into negotiation. Deviance, or evidence of deviance, becomes not so much a gray zone between the legitimate and the grossly illegitimate. It simply dissolves. Deviance as a concept “melts into air”. Regulation disappears.

**Rethinking regulation**

Several of the studies in this book, particularly, by Applbaum, Cantens, Lopes and Royrvik, describe the evisceration of regulation toward powerful firms and financial actors. Powell and Heyman describe perverted regulation as it applies to migration and migrant labor. In the EU, instead of regulation, we get negotiations over calculability in which the financial actors see what they can get away with in the numbers war, and regulatory bodies are without the tools or even legitimacy to assert themselves (here the accusations of “too much bureaucracy” become useful as an evasion from necessary social control). If we consider public regulation as the modern way in which financial actors were embedded in society -- along with voluntary standards, corporate ethics (Sampson 2016) and compliance programs -- these studies of eviscerated regulation are the best evidence of a modern form of disembedding.

One might envision some kind of balance between private actors and state regulators. Yet there are also cases where the private actors themselves rewrite the rules, where they even “capture” the state in the form of special laws or bloated contracts or where they impose on the state certain costly practices which they themselves do not want to take on (Hellman et al. 2000, Wedel 2003, Fazekas and Toth 2015). Perhaps it is this state capture, rather than the shrinking of the state, that best typifies the modern form of disembedding in the neoliberal area. Neoliberalization is thus a more dynamic process, a combination of evasion or subversion of rules by economic actors, regulatory evisceration or state capture through lobbying, patronage and corruption. Hence Polson’s observation that modern forms of deviance also require a state to do some of the dirty work. And we can see under the Trump regime, while some federal regulations are being watered down and altered, certain other organs of control and surveillance are being strengthened. Hence, the state is hardly disappearing under neoliberalism, as most social scientists have now realized (even though the state’s most central functions, such as secret surveillance, can be outsourced, as Snowden’s own job history shows). The state thus acts as a guarantor of certain neoliberal projects, it attempts to limit others, and can act to repress those who contest further neoliberalization (including people’s ability to cope with privatization, as Stan describes in Romania).

**Rules and deviance**

In anthropology, discussions of rules and deviance, of what ought to be and what is, have a long pedigree (recall the discussion in the 1950s about preferential and prescriptive marriage rules). Anthropologists such as Keith Hart (1973, 2012) have been instrumental in helping us understand the informal underside of developing economies, and Gerald Mars (1982) and Stuart Henry (1987, Ferman and Henry 1984), researching the informal economy in the UK and Alina Ledenova (1998, 2001) in socialist and post-socialist Russia, have helped us understand formal/informal relationships, where informality can range from everyday social survival to organized crime (see also Morris and Polese 2014). As these scholars point out, there is a moral economy that competes with the economists’ understanding of “normal”. Conceptually, we get a situation where the normal economy is that which is measurable and quantitative while all that is hidden and qualitative is somehow deviant or suspect. However, does this make neoliberalism, the entry of the market into formerly social spheres, an “immoral economy” or “amoral economy”? Perhaps we should view neoliberal economics as just another kind of moral universe? Is so, neoliberalization could be viewed as a process of moral change. Neoliberalization, I would argue, would compel us to rethink the dichotomy between rules and deviance.

As any ethnographer discovers (and anyone working in any kind of organization knows), any social group operates with a gap between rules and actual practices. This gap includes rules about rule-bending, rule-ignoring and rule-breaking. In fact, we know that the best way for an institution or bureaucratic agency to cease functioning is for everyone to ‘work-by-the-rule’. Is the relation between rules and deviance different today, where neoliberal practices and discourses are so widespread?

I would argue that it is. But it is not that neoliberal practices simply lead to more violation of rules or more disrespect for rules. Rather, neoliberalization is a new way of rewriting rules. We watch this happening in Stan’s chapter on the Romanian health sector, where people’s survival strategies (paying bribes to get what they in fact deserve from a healthcare system) are now condemned by the regime as corruption, a corruption that only further privatization can solve. We also see it in the Lopes’ chapter on EU financial regulation, where regulators seem helpless against ever innovative actors; and in Royrvik’s description of key performance indices, where statistics and measures are not simply indices of practices but actually reformulate rules. We seem to have a situation where it is deviance that sets the rules rather than rules marking out what is deviant.

One should not gain the impression that the powerful financial actors always hold the state hostage to their neoliberal projects. State actors such as regulatory organs have their own resources and agendas as well, as do the politicians who run them (Trump’s recent appointee to the U.S. Environmental Protection Agency, whose goal has been to abolish it, is a striking example). As several of the articles point out, the state actors may formulate rules which simply compel some actors to break them if they are to realize their projects (migrants to the U.S., Romanian patients in a hospital). In this sense, regulation creates illegality. In other cases, rules are so vague or cumbersome that they cannot be readily enforced, giving actors effective carte blanche to pursue their interests in the most ruthless way possible (Heyman’s description of labor regimes for migrants, Cantens on taxation, Polson on marijuana growers). Finally, the state authorities can set up rules, laws, norms or standards which they only selectively enforce, as shown in the chapters on migration control or drug enforcement. Conservative rhetoric aside, one should not assume an automatic opposition between the state and market actors; we now have examples of states which allow themselves to facilitate private actors or even be captured by them. It is this state capture (the mildest form of which is lobbying) which in its extreme form becomes corruption.

**What is normal?**

The chapters in this book argue that that neoliberalism has created new forms of deviance. Since deviance can only be understood in the context of rules (e.g., laws, regulations or moral precepts), any reassessment of what constitutes deviance under neoliberalism entails a reassessment of normality. One is tempted to say that neoliberalism has altered our concepts of normality. The chapters of this book, in observing the machinery of neoliberalism in EU regulation, in financial calculation, in tax collection and in performance indicators, reveal how the very rules themselves seem to dissolve or become rewritten. Under the mask of transparency and regulation, the rules become so complex as to be purposely manipulated or inadvertently misunderstood by relevant actors, or they become so cumbersome as to be unenforceable.

If such practices are any indication, the boundary between the legal and the deviant, between the rule and its breach, is increasingly indistinct. Neoliberalization is the creation of new gray zones. These chapters show not simply that deviance is acceptable under conditions of neoliberalism. They show that the very distinction between the acceptable rule and the deviant practice is beginning to dissolve. Cantens describes the consequences of this dissolution, a complete loss of faith in the ability of regulatory authorities to regulate. Lopes describes it as a cat and mouse game of financial actors masking their deviance under the slogan of “innovation”, of creative financial devices with which regulators and tax authorities are unable to keep up. And Røyrvik describes the cult of routinization and calculability as a kind of performance of transparency. The normal dissolves into the deviant. Applbaum describes the dissolution of scientific ethics as medical researchers and drug companies use their testing to sell drugs’ reliability and market possibilities, what he calls “market clientilism”. In Romania, corruption and bribery accusations are now used as an excuse to introduce a privatization of the health system. People’s coping strategy, to pay doctors an extra tip in order to obtain scarce services, now becomes deviant, while the neoliberal privatization of the system, which marginalizes even more citizens, becomes normal. In the same way Heyman and Powell point out how migration from Mexico to the United States is a regime that creates its own illegality, which state repression tries to prevent. Mexican laborers are either working under illegal labor contracts, violated by their employers as business as usual, or migrating illegally across the border, or both. In all these cases, the line between the legal or normal and what is specified as deviant dissolves.

**No more grey zones?**

Anthropology has always had its strong point on researching the gray zones between legality and practice. These chapters reveal gray zones in all their complexity. However, the descriptions become so vivid that perhaps the gray zone assumption needs rethinking. This is because the grey zone assumes some kind of black and white. What if the white and the black (the clearly legal and the grossly deviant) are just not there anymore? What if they are irrelevant? Neoliberal practices may have led us to this point. And it is here that in some sectors of economic and social life, and in some historical conjunctures, the white-gray-black continuum may be simply irrelevant. The white-gray-black continuum itself melts into air. Deviance becomes the new normal.

Take the description by Cantens of taxation, where the negotiation of taxes replaces the legality or morality of collecting them; taxation becomes what the rich can get away with. The more complicated it is to calculate taxes, the more leeway they are given to negotiate how much of their income will be paid in taxes. Calculability replaces morality and legality; what’s calculable replaces what’s right. Calculation replaces justice.

For Heyman and Powell, neoliberalism operates in two ways: Mexican peasants break U.S. immigration laws to cope with effects of uneven development, and U.S. employers break laws and evade the regulations to employ these workers. Neoliberalism, argues Heyman, creates its own deviance, ironically, and despite the rhetoric, it creates unfree labor, a new embedding of undocumented migrants in unfree labor regimes. However, it is important to stress that such attacks on labor do not have to occur in a historical period associated with neoliberalism. They are practices that can be mobilized in other historical eras as well.

For Røyrvik, techniques of measurement and “calculative technologies” actually pervert justice. They produce what would otherwise be called deviance. The routine and the deviant coalesce. This coming together of the routine and deviant is explicitly illustrated in Romania, where citizens exert their social claims to medical care via deviant practices (bribes), which is used by the regime to justify further privatization of health care, only further disenfranchising the citizens. We see here the political use of corruption accusations, but it is the corrupt government that accuses its citizens, rather than the other way around.

What makes a rule a rule? Is it in its formulation, its intent or in its enforcement? For Lopes and Cantens, we end up with rules that are opaque or unenforceable, which can be negotiated or negotiated away as innovation, in a kind of “official deviance”. For Heyman and Powell, rules create deviance. In the other studies, the rules are a tool for state capture by the winners in the disembedding war. And for Polson, marijuana production, drug enforcement and its partial legalization itself create such a confusing rule set that deviance is inevitable.

**Conclusions: deviance as the new normal**

Let me reiterate some of the lessons learned from these papers.

First, our effort to rethink the concept of deviance should rather begin with a rethinking of what is normal, legal, and routine. We need to rethink rules. Further insight and understanding of normalization, legalization and routinization is needed in order to understand the genesis and reproduction of the deviant. Under the conditions and practices of neoliberalism, normalization, legalization and routinization take palace in a variety of ways. Most notable are the modern techniques of measurement and objectification, but neoliberalization also takes place through the discursive hegemony of what is human nature, of what is rational, of what is freedom-to and freedom-from. Anthropology has always been good in showing the extraordinary in the ordinary. And we have been good at showing what rules are and how rules and practices interact. In studying the normal, legal and conventional, i.e., the rules, we see the seeds of the deviant, and how the accusation of deviance and attacks on the deviant take hold. We need a new understanding of what rules are all about and how we should approach them in understanding social life. Rules can be “models of” and “models for” practice. Rules can be guidelines for practice. Rules can be justification of practice. Rules can be performative scripts. And rules can be weapons for determining who and what is deviant, just as deviance can suddenly bring us to question rules. We need an anthropology of rules.

Second, we need to rethink how we invoke neoliberalism: as an explanatory device, as a scientific concept or as a set of practices. Within academia, neoliberalism has had the tendency to become an epithet, and while using epithets may make us feel good, it is a poor tool for understanding how people and institutions act in ever changing situations. Neoliberalism is for some of us a historical era (that begins with Thatcher and Reagan), but it may also denote a set of practices and discourses about market efficiency, restricting of social obligations, reducing the public sector, or means-ends rationality over social solidarity. These practices and discourses come in waves or conjunctures. Like such waves, they inundate, and then recede leaving us to pick up the (now disembedded) pieces. Neoliberal practices affect different sectors of social life differently. Without creating a new term, perhaps we may opt to replace the term neoliberalism with a more processually oriented “neoliberalization”, and in so doing construct models for the kinds of deviance that emerge under these processes. In so far as neoliberazation is a modern form of disembedding, the reverse process would be re-embedding. Some of the social movements we have seen in the last decade are clearly aimed at re-embedding, first by unbinding communities or whole countries from the strictures of market logic (e.g., debt cancellation movements), and then reinstituting a new kind of sociality. These movements, both their failures and success, are certainly worth study since they portend new forms of deviance.

Third, Our preoccupation with deviance and with financial actors, understandable as it is, has led us to overlook the nature of regulation. This is regrettable, since several of these chapters vividly describe regulatory failure, regulatory inefficiency or the subversion of regulation by powerful financial actors in pharmaceuticals, drugs, financial transactions, and employment of migrants. An anthropology of regulation, a study of the various regulatory instruments and how they are constructed, must be placed on the research agenda. Some anthropologists of policy have begun to do this, and several of the chapters, elucidating the nature of taxation, measurement, drug policies or marijuana prohibitions, provide evidence of a new project to understand regulation and ‘the regulatory’ as a sphere. By regulation, we need to understand not just law and legal pluralism (including violations), not just the diffusion of ethical norms, industry standards and soft law but the way in which regulatory regimes create the deviant. There are echoes of Foucault here, obviously. But as researchers, we need more reflection on why regulation, as these papers have shown, can be as slippery a concept as deviance. Neoliberal regimes certainly have regulations, sometimes as weapons of disembedding, but neoliberal regimes are also accused of having “needless regulations” or “bureaucracy” that presumably inhibits entrepreneurial freedom or public sector efficiency (hence Trump’s new executive order to reduce the number of regulations). Regulatory regimes are thus rather slippery, and it is precisely their slippery character that should make regulation attractive as an object of anthropological study.

Fourth, there is a long tradition in science that certain key concepts or paradigms are broken down, reconceptualized or cast aside and then brought back in new form. In our own field, we have seen what has happened with concepts such as race, culture, gender, identity, property and kinship. Many of these concepts have become more dynamic… identity replaced by “identification”, kinship by “kinning”, gender by “engendering”, and within my own field of NGO studies, we have terms like “ngo-ing” and “transparenting”. Turning nouns into verbs is not a magic bullet, but what if we were to apply this technique to the concepts of neoliberalism and deviance? In this book, we have seen innumerable examples of what may be clumsily called “neo-liberalization” and “deviant-ization”. We have seen initiatives to create, reproduce and reassemble certain practices and give them new content and new ideological valences, what we might call re-embedding. Perhaps we can reassess our concepts of neoliberalism and economic deviance by looking at the everyday practices of their actors, retaining their dynamism without being locked into conceptual straitjackets. In this way, we can begin to understand how neoliberal regimes and neoliberal deviance fit together. As I write this, we see a new American administration attempting to dismantle the regulations overseeing risky financial transactions, remove regulatory restrictions on commerce, energy and environmental protection, and to redefine, “extreme vet”, exclude or deport various suspect (deviant) groups classified as terrorist threats or illegal aliens. We are watching neoliberalization at work, a redefining of rules and deviance with a vengeance. New forms of economic life and their social consequences will invariably create new practices, some of which will be labeled deviant, and others that will create new understandings of what is normal, legal and conventional. New rules will emerge. The field for an anthropology of the neoliberal, of disembedding, of rules, of regulation, is wide open. Let’s get to work.

References cited

Bauman, Z. 1998 Globalization: the human consequences. Cambridge: Polity Press.

Bauman, Z. 2000 Liquid modernity. Cambridge: Polity Press,

Chappell, Bill 2016 Wells Fargo Unit's Leader Departs With $125M After Bank Incurs Record Fine, Sept. 13. http://www.npr.org/sections/thetwo-way/2016/09/13/493791920/wells-fargo-units-leader-departs-with-125-million-after-group-incurs-record-fine

Egan, Matt 2016a $124 million payday for Wells Fargo exec who led fake accounts unit, Sept. 13 http://money.cnn.com/2016/09/12/investing/wells-fargo-fake-accounts-exec-payday/

Egan, Matt 2016b. I called the Wells Fargo ethics line and was fired. September 21 <http://money.cnn.com/2016/09/21/investing/wells-fargo-fired-workers-retaliation-fake-accounts/>

Fazekas, M. I.J. Tóth, 2015 „From corruption to state capture: A new analytical framework with empirical applications from Hungary”, Working Paper Series: CRCB-WP/2014:01 Available at: http://www.crcb.eu/?p=718

Ferman, L. and Henry, Stuart 1987. The Informal Economy. Annals of the American Academy of Political and Social Science 493

Gandel, Stephen, 2016 Wells Fargo Exec Who Headed Phony Accounts Unit Collected $125 Million, Sept 12. <http://fortune.com/2016/09/12/wells-fargo-cfpb-carrie-tolstedt/>

Hart, Keith 1973. Informal income opportunities and urban employment in Ghana, Journal of Modern African Studies 11:61-89

Hart, Keith, 2012. How the informal economy took over the world. http://thememorybank.co.uk/2012/10/17/the-informalization-of-the-world-economy/

Harvey, David 2004 The 'New' Imperialism: Accumulation by Dispossession. Socialist Register 40: 63-87.

Hellman Joel S., Jones Geraint, Kaufmann Daniel, Schankerman Mark. 2000. Measuring Governance, Corruption, and State Capture: How Firms and Bureaucrats Shape the Business Environment in Transition Economies. Policy Research Working Papers No. 2312, The World Bank Washington, DC

Henry, Stuart 1987 The Political Economy of Informal Economies. In ‘The informal economy’. The Annals of the American Academy of Political and Social Science, 493:137-153.

Ledeneva, Alena V. 1998 : Russia’s Economy of Favours: Blat, Networking and Informal

Exchange, Cambridge: Cambridge University Press, 1998.

Ledeneva, Alena 2001: Unwritten Rules. How Russia Really Works, London: Center for European Reform.

Mars, Gerald 1982. Cheats at work: an anthropology of workplace crime. London: Allen and Unwin.

Morris, Jeremy and Polese, Abel 2014 The informal post-socialist economy:embedded practices and livelihoods. London: Routledge

Polanyi, Karl, 2012 [1944] The great transformation : the political and economic origins of our time. Boston: Beacon Press.

Rusbridger, Alan 2016. Panama: The Hidden Trillions. New York Review of Books, Oct. 27th.

Sampson, Steven 2016 The “Right Way”: Moral Capitalism and the Emergence of the Corporate Ethics and Compliance Officer. Journal of Business Anthropology. Spec. Issue n. 3, pp. 65-86.

Scott, James 1976. The moral economy of the peasant : rebellion and subsistence in Southeast Asia. New Haven: Yale University Press.

Scott, James 1985 Weapons of the weak : everyday forms of peasant resistance. New Haven: Yale University Press.

Sorkin, A. R., Pervasive Sham Deals at Wells Fargo, and No One Noticed? New York Timex, Sept. 13. https://www.nytimes.com/2016/09/13/business/dealbook/pervasive-sham-deals-at-wells-fargo-and-no-one-noticed.html Thompson, E.P. 1971. "The Moral Economy of the English Crowd in the 18th Century". Past & Present 50: 76-136.

Wedel Janine R. 2003. “Clans, Cliques and Captured States: Rethinking ‘Transition’ in Central and Eastern Europe and the Former Soviet Union.” Journal of International Development 15 (4): 427–40.