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

Social scientists have generally occupied themselves with one of two domains of study: that which is routine and that which is extraordinary. Those who study the routine focus on everyday life in institutions, organisations, small groups or interpersonal relations, hoping to discover how this daily life is reproduced. Those who study the extraordinary focus on the deviant, the fantastic or the violent, on the crises or social movements that punctuate social life. Some of these deviant phenomena, the most horrific, are studied to discover how to prevent them from happening again, while others, such as laudable social movements or coping practices, are studied to discover how they could be supported or strengthened.

In our research interests, most of us oscillate between these two domains. We map out the routine and rule-based behaviour in order to understand rule violation and the deviant. In doing so, regrettably, we often reproduce an artificial distinction between these two kinds of phenomena.

The chapters in this volume seek to break out of the trap of the separation of the routine and the deviant. They problematise deviance in such a way that we are compelled to re-evaluate what it means to be normal, legal and conventional, 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 may dissolve into each other in the context of neoliberalism. The underlying argument of these chapters is that something 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, and that this dissolution of the normal and the deviant is a noteworthy feature of the neoliberal era.

What is it about neoliberalism that has led to the near dissolution of the distinction between what is normal and legal and what is deviant and even wrongful? How is the reconstitution of normality and deviance manifested? What are its consequences for societal development and for a possible anthropology of neoliberalism? Should we approach neoliberalism as a distinct set of practices which may appear and then disappear, or as a historical epoch of capitalism? It is these kinds of questions that the authors approach in their various ways.

While the theme of this volume is the relation between neoliberalism and deviance, an over-riding message in these chapters is that we need to rethink not just deviance, but normality. To turn a phrase, ‘Deviance is the new normal’. We need to rethink the relationship between normality and deviance in the same way that scholars rethink relationships between structure and agency, emergence and reproduction or social integration and social conflict. The economic processes described in this book, analysed 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 being deviant means to various actors in specific contexts. The examination of the intermingling of normality and deviance in practices as diverse as the market clientelism of pharmaceutical researchers, bribery in Romanian hospitals, taxation in the EU, key performance indicators in public management, migration regimes and marijuana growing compels us to search out an alternative framework for understanding what are rules, whether they are formal and written or the informal rules of everyday life, and what is deviant. The dichotomy of the rule-bound versus the deviant, which exists in everyday thought and among social scientists, seems to be getting in our way. It is just too simplistic.

The inadequacies of the rules–deviance dichotomy can be illustrated by two examples from contemporary economic life, the Panama Papers and the Wells Fargo Bank scandal. The Panama Papers are 11 million documents from a law firm specialising 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, 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). Wells Fargo Bank was caught up in a major scandal in September 2016, when it was revealed that over a five-year period the bank had 5,300 employees setting up 1.5 million bogus accounts and an additional half a million hidden credit cards and then billing customers for fees. In one case, a homeless woman was set up with six checking and savings accounts (Reckard 2013). Wells Fargo was fined a total of $185 million by the U.S. Consumer Financial Protection Bureau and Wells Fargo executives were brought before Congressional committees to explain themselves. Wells Fargo’s CEO insisted that the problem was caused by over-zealous employees who ‘misinterpreted’ the bank’s ‘product sales goals’ (CNBC 2016). However, several Wells Fargo employees insist that they reported these irregularities to their managers or to the company hotline and ended up being fired. Soon after the scandal broke, the head of Wells Fargo’s retail banking department suddenly retired with a $125 million severance package, as did the CEO, with stock plus $24 million (Chappell 2016; Egan 2016a, 2016b; Gandel 2016; Sorkin 2016).

In both the Panama Papers and Wells Fargo scandals, there is a hazy line between what the implicated actors (on all sides) see as expected or acceptable and what they see as deviant or wrong. In fact, the deviance seems to be regarded as business as usual. As most analysts of the Panama Papers have explained, setting up offshore accounts is legal, even if it may be ethically questionable; the problem comes in reporting those accounts to the relevant authorities. In the Wells Fargo case, the size of the fine was small in relation to the bank’s assets and income. In the company’s view, they did not swindle millions of people when they used their social security numbers to set up accounts without letting them know. For Wells Fargo’s CEO, it was just a case of overzealous staff misinterpreting the bank’s sales incentives. Yet the ‘bad apples’ defense is belied by the numbers: two million false accounts set up over a five-year period by 5,300 staff.

With examples like these and the cases described in this volume, we need to rethink the nature of economic deviance in our neoliberal era. How do people deviate from the rules? How do they justify crime? How do they articulate what they are doing as something that is not deviance at all, but rather is expected behaviour? More generally, we need to ask: What are rules anyway? What are rules when the people enforcing them often do not seem to care who breaks them, when the people who violate them actually helped write them through lobbying or state capture, when rules redefine deviance as incentives that are misinterpreted or, as Daniel Seabra Lopes describes in his chapter, as ‘creative innovations’ (at least when they work)?

The chapters in this volume address these questions. Here I will try to draw together some common themes, expanding on James Carrier’s Introduction, and also try to draw out some implications regarding how we should define and investigate concepts such as neoliberalism, rules, regulation, normality and deviance. The reader should be aware that as I write these lines, the new U.S. president, with a Cabinet from the highest echelons of American business, is also rewriting a few rules about how government should operate and how the American economy should work. He has already relaxed a host of regulations aimed at business, he has reduced taxes especially for corporations, he is in the process of revoking treaty agreements, watering down banking regulations and erecting tariff and immigration walls.

Neoliberalism generally connotes the increasing encroachment of market rationality into spheres of social life formerly governed by non-market logics. A common academic rendering of neoliberalism contains a package of ideas and practices: distrust of state regulation, confidence in the efficiency of markets, outsourcing and privatisation of public services, and rational cost–benefit calculations of inputs and outputs using performance measures, indicators and transparency. Associated with this is a denigration of practices that cannot be put into this kind of market-calculation framework. Such practices are viewed benignly as ‘traditional’ or more critically as ‘a brake on progress’ or even as a political threat.

This package of ideas and practices, generally assumed to have flowered first under President Reagan in the U.S. and Prime Minister Thatcher in the U.K., has been exported to the rest of the world through aid programs, trade agreements and transnational agreements that bring together state, multilateral and non-state actors such as NGOs, as well as through the growth of international credit and financialisation. The result is a neoliberal global regime, such that what is called globalisation is sometimes seen as synonymous with neoliberal expansion.

Neoliberalism as disembedding

The impact of the spread of neoliberal ideas and practices has been described using many terms, the most common being disembedding (Polanyi 1944) and the successor to Marx’s concept of primitive accumulation, dispossession (Harvey 2004). Disembedding entails the undercutting of the social by market rationality or, to use Zygmunt Bauman’s metaphor, liquidity in various forms (Bauman 1998, 2000). From a modernist and capitalist perspective, adopted by many economists, disembedding is desirable, in so far as it is a liberation from the traditional and its attendant hierarchical obligations that hinder economic growth.

Most social scientists, especially if they are not economists and have been influenced by the work of Marx and Polanyi, see disembedding more negatively. It is the loss of the commons, and more generally the loss of social resources that can help people and communities reproduce themselves and their relationships, especially in times of crisis. Disembedding is thus associated with the polemical description of the bourgeois project of capitalist accumulation in the *Manifesto* as ‘all that is solid melts into air’ (Marx and Engels 1848: Chap. 1). In this sense, disembedding is viewed as undesirable, destructive of the social life presumed to characterise pre-capitalist societies, in which economic activity is somehow governed by, or at least contained within, social relations. Pre- and non-capitalist societies are presumed to be more integrated than the disembedded because deviance, and especially economic deviance, is constrained by a moral economy (Scott 1976; Thompson 1971). From such a perspective, disembedding encourages, or even creates, the deviance that is described and problematised by the chapters in this volume. Deviance in this sense can be a means of restoring the moral economy that has been undermined by disembedding.

Accordingly, most social scientists, including the contributors to this volume, have focused on the negative consequences of disembedding for society as a whole, and especially for vulnerable groups such as minorities, migrants, rural villagers or disenfranchised citizens. The anthropological project is to describe how people who are affected by disembedding (or the imminent threat of it) find ways to cope with, transform or resist it. From this perspective, disembedding has caused people to become increasingly vulnerable, while their efforts to reassert the value of the social realm, their everyday practice, is defined as deviance by the neoliberal powers that be.

An anthropology of neoliberalism

In describing disembedding, anthropologists have focused on neoliberalism as an active, driving force and explanatory concept, in much the same way as we have used globalisation, underdevelopment and resistance. Such broad concepts, with their many connotations of agency, have their benefits: neoliberalism helps us to elucidate how market ideology, market relations and market logic penetrate into realms of social life previously shielded from those things, realms such as kinship obligations, communal solidarity, sharing of resources, social trust and welfare services.

As several of the papers in this volume point out, neoliberal penetration tends to bring with it certain technologies, such as market calculation, objectification, standardisation and statistical measurement schemes. While these technologies predate the neoliberal era, they have increasingly come to dominate how we work, how we deal with each other and even who we are. In our own world of academia, for example, our scholarly performance is now measured in terms of articles published, number of downloads and impact factor; our value to the university in terms of amount of external grant money procured; and our teaching in terms of student satisfaction with how we ‘provide content’ (e.g. Carrier 2016: Chap. 1). These technologies and statistical indicators, as several of the chapters attest, are contested during regulatory conflicts between public authorities and various interested parties subject to regulation or measurement; even marijuana confiscations, as Michael Polson points out in his chapter, can be seen as part of a give-and-take between authorities and growers. Hence, it is not just financial actors who are deploying neoliberal technologies. States are doing so as well. Neoliberalism is thus both market regulation and state bureaucracy, the two being mirror images of each other (Graeber 2015).

The very seductiveness of neoliberalism as an explanatory device, the connotation that it only destroys and disrupts, means that it is likely to be over-used and mis-used. It is not enough to view it as some kind of encroachment of market logic on the social sphere, as if market logic were an independent, ahistorical actor. A more nuanced approach is needed. Here we might distinguish three aspects of neoliberalism: as an ideological construct about free choice in human activity; as a historical era, which like any historical era will draw to a close and be replaced by something else; as a set of specific market-related practices that, as Josiah Heyman observes for migrant Mexican labour, could have existed before the rise of present-day neoliberalism (in effect, neoliberal tools prior to the neoliberal era). These different approaches to neoliberalism are likely to generate different research questions, different views of its force and durability and different ways in which we view deviance.

The chapters in this volume generally approach neoliberalism in terms of the third aspect mentioned above, as practice. They describe what the neoliberal toolbox contains and how it works. In showing who does what to whom with what tool, the chapters also reveal the kinds of deviant activities that can emerge as people engage with neoliberal practices. The chapters thus investigate the nature of rules and rule-breaking under neoliberal conditions. In so far as deviance is related to actors’ expectations (as described by Carrier in his Introduction), the chapters tell us how neoliberal conditions create, reinforce and at times undermine actors’ expectations about what is ordinary and what is deviant.

Let us imagine a typical neoliberal moment in which market rationality, ‘market logic’ in 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. We know that people in such a community can attempt to re-assert their control over market encroachment with practices like barter and smuggling, migration and other non-violent weapons of the weak, or in more violent ways, like banditry, riot and rebellion. The research task, therefore, is to do more than point to instances of resistance. The chapters in this book do just that, detailing the many strategies and tactics that people and communities use when faced with neoliberal encroachment into their lives.

One example of such resistance is that of the Romanians, who, as Sabina Stan describes, give bribes to doctors in order to assert their claims to healthcare, claims which have been undermined by privatisation. Other examples are the Mexican and Central American migrants who for decades have been crossing the southern US border seeking work, or the California marijuana growers who skirt drug laws to produce and sell a popular drug. As several chapters in this volume point out, whether these practices are in fact illegal or even deviant is not the sole issue, not even for law enforcement officials. For those pursuing these informal strategies, avoiding police is a practical necessity, but the need to obtain medical treatment in Romania or to make enough to live on by finding a job or selling marijuana in California, takes priority. Calling such practices deviant activities or ‘reactions to neoliberalism’ underplays the complexity of the process, and the chapters in this volume bring out just this complexity. Neoliberalism can be resisted, subverted or even temporarily embraced and manipulated. The operating term here might be that of ‘engagement’: actors ‘engage’ with neoliberalism.

One additional value of these chapters is that they show what it is like not only for those who have been disembedded or disenfranchised by neoliberalism (anthropology’s ‘suffering subjects’), but also for those able to deploy the neoliberal toolkit to their own advantage, those on the winning side. Over a century ago, primitive accumulation gave us a triumphant bourgeoisie. Today, neoliberal disembedding benefits global corporations, agricultural employers, tax evaders and their financial advisors. These beneficiaries of disembedding can renegotiate or evade regulations, as they can exploit employees or state subsidies for their own benefit. In doing so, they may re-embed the economic activities of others so as to lock them into a distinctly subordinate position. This is re-embedding with a vengeance. Heyman and Kathy Powell, for example, point out how migrants who find jobs in the U.S. economy are nevertheless unable to assert their rights to receive a legal wage or ensure proper working conditions.

Those neoliberal winners who are able to carry out the disembedding must also look over their shoulders at social movements or at aggressive social-democratic state regulatory bodies. The winners therefore deploy their own technologies to stay ahead of the regulators, redefining what is meant by adequate performance, efficiency, quality, innovation, legality and ethics, even something so concrete as ‘fair taxation’. This helps account for the fetishisation of statistics and measurement, as pointed out by Kalman Applbaum for pharmaceuticals, by Thomas Cantens for taxation, by Emil Røyrvik for performance indicators and by Daniel Seabra Lopes for regulatory compromise.

With the interaction between the winners and losers in the disembedding struggle, we observe a blurring of lines between what is acceptable and what is deviant, what is moral and what is immoral, what is legal and what is illegal. In so far as regulators cannot readily enforce rules and regulations, what we once understood as enforcement turns into some kind of negotiation. Deviance, or evidence of deviance, becomes not so much a grey zone somewhere between the routine, the unusual and the grossly illegitimate, it becomes instead a matter of interpretation, or simply dissolves altogether. With deviance as normal, the concept of normal melts into air.

Rethinking regulation

The contributors to this volume describe examples of the evisceration or perversion of government regulations by the activities of powerful economic actors. Regulation is the most visible way in which economic actors are embedded in society, others being voluntary standards, corporate ethics (Sampson 2016) and compliance programs. It follows that when the contributors describe that evisceration and perversion, they describe a form of disembedding that combines both positive and negative aspects, both liberation from norms and dispossession from resources. With this variation in reactions comes the necessary variation in what constitutes deviance.

The disembedding process goes beyond a simple tug-of-war between private actors seeking to maximise profits and state regulators. As mentioned in the Introduction, the neoliberal project includes private actors who rewrite the rules, firms or sectors that capture the state or some of its parts by ensuring that special laws are enacted or bloated contracts concluded, or where these actors escape social responsibility by imposing social or environmental costs on the state (Fazekas and Tóth 2014; Hellman et al. 2000; Wedel 2003). Hence, it is not just disembedding or the shrinking state but also state capture that characterizes the neoliberal era. These processes reveal how neoliberalisation is a dynamic combination of the evasion or subversion of rules by economic actors and regulatory evisceration and state capture through lobbying, patronage and corruption. This complex neoliberalisation is reflected in Polson’s observation that modern forms of deviance require a state to do some of the dirty work, as well as in the fact that the watering down of some federal regulations under the Trump administration is accompanied by the strengthening of other organs of control and surveillance. As most social scientists have now realised, neoliberalism does not mean the disappearance or even the significant reduction of the state. Rather, the state acts as a guarantor of certain neoliberal projects while it attempts to repress those social actors or groups who might contest further neoliberalisation; hence the Romanians described in Stan’s chapter who object to further privatisation of healthcare are described by the state as corrupt.

These reflections on the nature of regulation raise the question of rules and deviance, of what ought to be and what is. This question has long interested anthropologists: recall the discussion in the 1950s about preferential and prescriptive marriage rules. People like Keith Hart (1973, 2012) have been instrumental in helping us understand the informal underside of developing economies. Stuart Henry (1987; Ferman et al. 1987), Dick Hobbs (1989) and Gerald Mars (1982), studying the informal economy in the U.K., and Alina Ledeneva (1998, 2001) doing the same in socialist and post-socialist Russia, have helped us understand formal and informal relationships, where informality can range from everyday social survival to organised crime (see also Morris and Polese 2014).

These scholars point out what any interested ethnographer will discover, and what anyone working in any kind of organisation knows: social groups operate with a gap between rules and actual practices. There are ideas, even norms, about how rules should be bent, ignored or broken. This gap between rules and practices is not necessarily harmful to organised social life; in fact such gaps may help organisations function more smoothly. This is indicated by the fact that a standard way for workers to express grievances (short of going on strike) is the work-to-rule, doing what the rules specify, which invariably causes the organisation to stop working.

It seems, however, that the rise of neoliberalism has meant a change in how actors understand what it means to follow rules and to deviate from them. This is not simply because neoliberal practices lead to a greater propensity or willingness to bend or ignore the rules. Rather, it is also because neoliberalisation involves a new way of writing and rewriting rules. We watch this happening in Stan’s chapter on the Romanian health sector, where people’s survival strategy of paying bribes to get what they in fact deserve from the healthcare system is now condemned by the regime as a corrupt practice that only further privatisation can eliminate. We also see it in Lopes’s chapter on EU financial regulation, where regulators seem helpless against innovative actors, and in Røyrvik’s description of key performance indicators, where statistics and measures do not simply index practices but actually reformulate rules, however informal they may be. We seem to have a situation in which it is deviance that sets the rules rather than rules marking out what is deviant. If anything, the rules seem to be an artefact of deviance.

I noted earlier that state bodies may be captured by powerful economic actors. One should not assume, however, that those actors always manage to hold the state hostage to their projects. State regulatory bodies have their own resources and agendas as well, as do the politicians who run them. As several of the contributors to this volume point out, state bodies may formulate rules that compel some actors to break them if they are to realise their goals, whether they are Central American migrants to the U.S. or Romanian patients. In this sense, regulation induces illegality. In other cases, rules are so vague or cumbersome that they are difficult to enforce, which effectively gives people carte blanche to pursue their interests as they see fit, as is apparent in Heyman’s description of labour regimes for migrants, Cantens’s analysis of taxation systems and Polson’s description of marijuana growers. Finally, state authorities can set up rules that they enforce only selectively, as shown in the chapters on migration control and drug enforcement and as described in the Introduction. In these areas, we could speak of symbolic enforcement, what is often called ‘sending a signal’.

What is normal?

The chapters in this volume consider the idea that neoliberalism has created new forms of deviance. Since deviance can only be understood in the context of legal and administrative rules, moral precepts and actors’ expectations, any assessment of what constitutes deviance under neoliberalism entails an assessment of normality. One is tempted to say that neoliberalism has altered our concepts of normality to the point that anything goes, though this would be an exaggeration. Nevertheless, 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 are constantly rewritten or even dissolve altogether. In the name of transparency and regulation, the rules have become so complex that many of those actors to which these rules are directed cannot understand them, while other actors can manipulate them. In practice, we find rules that have become so cumbersome as to be unenforceable, partly because people’s expectations of deviance have become so high.

Neoliberalism is creating new grey zones by dissolving the very distinction between normative rules, deviant practices and people’s expectations of what is or is not deviant. Cantens describes the consequences of this dissolution when he discusses the loss of faith in the ability of tax authorities to compute tax liability. For Lopes, it is a cat-and-mouse game of financial actors masking their deviance under the slogan of innovation, creative financial devices with which regulators are unable to keep up. Røyrvik describes the cult of amoral routinisation and calculability as a kind of performance of transparency. Applbaum describes the dissolution of scientific ethics as medical researchers and drug companies shape testing to enhance a drug’s market potential. In Romania, Stan describes how people’s effort to obtain scarce services by paying doctors a bit extra now becomes deviant, while the neoliberal privatisation of the system, which marginalises even more citizens, becomes the norm. In the same way, Heyman and Powell point out how migration across the Mexican border to the United States is part of a regime that creates its own illegality. In all these cases, the line between the legal or normal and the deviant dissolves. Deviance is expected. Deviance is the norm.

I said that anthropology has always been good at investigating the grey zones between rules and practice. These chapters reveal the complexity of those zones, but what they describe suggests that the idea of the grey zone itself needs rethinking. This is because it assumes some kind of black and white on either side of the zone. What if the clearly rule-bound and the clearly deviant are just not there anymore? What if they are irrelevant? In significant sectors of economic and social life, neoliberal practices may have led us to this point, where the white–grey–black continuum itself melts into air.

Take Cantens’s description of taxation, where the negotiation of taxes replaces the legality or morality of collecting them. The wealthy and their financial advisors can complicate the authorities’ task of calculating their taxes, and the more difficult it is to calculate taxes the more leeway the wealthy have to negotiate how much of their income they elect to pay. For Heyman and Powell, neoliberalism operates in two ways: migrants break immigration laws in order to cope with the effects of uneven development, while employers evade labour regulations in order to employ these workers. The result of this dual deviance, argues Heyman, is that neoliberalism, despite its rhetoric, embeds undocumented migrants in unfree labour regimes that are far from the free-market liberal ideal. For Røyrvik, techniques of measurement and calculation produce what would otherwise be called deviance, so that here again we have a merging of the routine and the deviant. This merging is also visible in Romania: Stan describes how the government asserts that further privatisation of health care will prevent the bribes, but these measures only further disenfranchise citizens.

What makes a rule a rule? Is it in its formulation, its intent or its enforcement? For Lopes and Cantens, we end up with rules that are opaque or unenforceable, rules that can be endlessly re-negotiated or manipulated so that a dubious activity is turned into an innovation. Innovation becomes a deviance that is sanctioned because it is successful. For Heyman and Powell, the rules to control migration create the dual deviance of migrants’ illegal movement and employers’ illegal employment of migrants. If the power differential were not so great, we might even term this collusion. In other chapters, the rules are a tool for state capture by the winners in the disembedding struggle. And for Polson, marijuana production, drug enforcement and its partial legalisation themselves create such a confusing set of rules that deviance is pretty much inevitable.

Conclusion: deviance as the new normal

Let me conclude by reiterating the main lessons learned from this volume. Of particular importance are the relations between rules and deviance, the dynamic nature of neoliberalization and the understudied field of regulation.

First, our effort to rethink the concept of deviance should begin with a rethinking of what is normal, legal and routine: we need to rethink the concept of rules. Further insight and understanding of normalisation, legalisation and routinisation are needed in order to understand the genesis and reproduction of the deviant, the wrong and the criminal. The conditions and practices of neoliberalism lead to new, distinct kinds of normalisation, legalisation and routinisation, most notably in the use of techniques of measurement and objectification. More generally, we can identify a new discursive hegemony about what is human nature, what is rational, what is freedom-to and freedom-from. In addition, we find new definitions and expectations of deviance. Studying normalisation under neoliberalism helps us to see how definitions of the normal and the deviant, and attacks on the deviant, take hold. We need a better understanding of what rules are about and how we should approach them. This is not a simple task, for rules can be invoked as guidelines for practice, as justifications of practice and performative scripts, as well as 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, as Carrier has noted in his Introduction to this volume, we need to rethink how we invoke neoliberalism: as an explanatory device, as a scientific concept, as a set of practices, or as a historical era. Within academia, neoliberalism tends to be an epithet. Raising the ‘neoliberalism’ red flag may make us feel good, but it is a poor tool for understanding how people and institutions act in changing situations. For some, neoliberalism is a historical era that begins with Thatcher and Reagan. For others it is a set of practices and discourses about market efficiency, restricting of social obligations, reducing the public sector or subordinating social solidarity to means–ends rationality. These practices and discourses come in waves, and like waves they inundate and then recede, leaving people to pick up the now-disembedded pieces. Picking up those pieces may entail some sort of re-embedding. Some of the social movements we have seen in the last decade are clearly aimed at re-embedding, by freeing communities or countries from the strictures of market logic through, for example, debt cancellation movements, and then by instituting a new kind of sociality. These movements, both their failures and successes, are certainly worth study, since they portend new forms of the normal and the deviant.

Third, our preoccupation with financial actors and their deviance, understandable as it is, has led us to overlook the nature of regulation. This is regrettable, since several of these chapters describe regulatory failure and inefficiency, as well as the subversion of regulation by the powerful. We need, therefore, a research agenda that includes an anthropology of regulation. I do not mean just governance. I mean a fuller investigation of regulatory instruments and how they are constructed and deployed. Some anthropologists of policy have begun to do this, and in their descriptions of taxation, performance indicators, drug policies and marijuana prohibitions, several of the chapters in this volume illustrate the need to understand the nature of this thing called ‘regulation’ and the regulatory as a sphere of activity.

By regulation, we need to understand not just law and its violation, not just the diffusion of ethical norms, industry standards, governance and soft law, and not just the tug-of-war between state actors and private firms, but also the way in which regulatory regimes create the deviant. There are echoes of Foucault here, obviously, but we need more reflection on why regulation, as these chapters show, can be as slippery a concept as deviance. Neoliberal regimes certainly have regulations, sometimes as weapons of disembedding, but these same regimes are also accused of having needless regulations or bureaucracy that presumably inhibit entrepreneurial freedom or public-sector efficiency. Regulatory regimes are thus rather slippery, and it is precisely their slippery character that makes it imperative to focus on regulation as an object of study.

Fourth, there is a long tradition in social science that certain key concepts are criticised, rejected and then brought back in new form. In our own field, we have seen what has happened with concepts such as identity, kinship and gender, which have become cast in more dynamic terms, identity replaced by identification, kinship by kinning, gender by gendering and, within my own field of NGO studies, we have terms like ‘ngo-ing’ and ‘transparenting’. 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 clumsily be called ‘neoliberalisation’ and ‘deviantisation’. We have also seen initiatives to create, reproduce and reassemble various practices and give them new content and new ideological valences, what we might call a kind of re-embedding. The task is to reassess our concepts of neoliberalism and economic deviance by looking at everyday practices, retaining the dynamism that is lost when we think instead in terms of stable concepts. Rather than viewing them as entities or states of being, we could view them as processes with degrees of intensity, as vectors. In this way, we can begin to understand how neoliberal regimes and neoliberal deviance might fit together.

As I write this, we see an American administration attempting to dismantle regulations on commerce and to allow more energy exploitation on formerly protected lands. It is now attempting to redefine, exclude or deport various suspect (deviant) groups that it classifies as terrorist threats, social undesirables or illegal aliens. The techniques used range from intensified scrutiny of personal biographies (‘extreme vetting’) to traffic stops and surprise raids on your local convenience store. We are watching a new phase of neoliberalisation, and with it a redefining of the relationship between rules and deviance.

New forms of socio-economic life will invariably create new practices, some of which will be labelled deviant while others will lead to new understandings of what is normal, legal and conventional. New forms of deviance will, strangely enough, generate new rules. The field for an anthropology of the neoliberal, of disembedding, of rules, of regulation, is wide open. Let’s get to work.

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