

CHAPTER 8



SOCIAL BANDITRY AND THE LEGAL IN THE CORPORATE STATE OF PERU

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Peru is sometimes described as a neoliberal experiment, especially due to the reforms initiated by Alberto Fujimori in the 1990s, sharing several traits of similarity with the austerity measures later introduced in European countries due to the financial crisis. Governments after Fujimori have more or less followed in his footsteps in terms of economic policy, thus setting Peru apart from the so-called ‘Pink Tide’ in Latin America. During these decades, the numbers of Peruvians involved in informal economic activities, especially through different forms of small-scale trade, have increased. This expansion of economic activities at the margins of the formal economy¹ is often considered a response to economic crisis and neoliberal reforms in Peru and beyond, due to privatization and reductions of public spending, unemployment and the promotion of entrepreneurship by the state and NGOs. These transformations of state structures have made vending and self-employment the only alternative for many Peruvians. In the streets and markets of Peruvian cities, the creativity and street smartness of vendors may even give an impression of successfully created ‘neoliberal subjects’, hard-working and ‘self-made’, and accommodating their own quest for a livelihood to increasing demands of growth, flow and consumption.

Yet the Peruvian vendors at the margins of the formal economy must be seen to reflect long-standing structural inequalities in Peruvian society (Ødegaard 2018). They seek to develop their economic strategizing and tactics on their own terms (Ødegaard 2018, 2008) and in ways that challenge the hierarchical and centralizing workings of the nation-state. In this chapter, I show that the importance of vending and border-trade for many Peruvi-

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ans can throw light not only on the effects of neoliberal reforms or austerity policies but reflects the resurgence of social networks and socialities that are embedded in long-standing socio-spatial practices in the Peruvian Andes (see Gold, this volume, for a related argument in the case of Cuba). These networks and practices are part of Peruvian history and identity that the modernizing nation-state has seemingly left behind in the name of modernity, progress and a universalized mestizo identity. They are the networks and practices of bilingual Spanish and Quechua- or Aymara-speaking migrants who move between the highlands and coastal cities, often referred to with a negative undertone as cholos (-as). Being somewhat ambiguously positioned and envisioned in-between racialized and class-based categories such as indigenous and mestizo, rural and urban, private and public, these migrants can be seen both to convey and resist the intersections between class, race and gender in Peruvian society (Ødegaard 2010). Living the life of the urban poor, they often maintain their rural ways and relations while making a living through vending or cross-border trade. Although these vendors' activities may appear as complicit with the state's capitalist ethos of commodity flow and wealth accumulation, I will argue that there is a resistant and egalitarian potential to their practices, as they continually criticize and circumvent official interference and claim urban spaces from which they have been excluded. They work to redirect global commodities and wealth away from official circuits and reconfigure wealth to other socio-spatial relations of redistribution.

By focusing on these dynamics, I uncover the relationships, practices and understandings that shape vendors' relations with the state and market structures, and how they, by redirecting commodities and wealth away from official circuits, can be seen to convert and translate wealth from one form of value accumulation to another (Ødegaard 2019; Tsing 2015). I explore also recent shifts in state and market structures, by discussing policies of regulation through formalization and free trade. First I show that the vendors' reconfiguration and translation of wealth are embedded in a particular moral ethos of exchange and redistribution; a moral ethos that shapes their relations with the state and market structures. Second, and based on the experiences of vendors with recent changes of state and economic policy, I show how the market liberalization instigated by Peruvian governments entails a particular emphasis on the formal and the legal, a point that is often overlooked in studies of the 'neoliberal'. My argument is that the emphasis on formality and the legal in Peruvian policymaking in recent years point to some crucial dimensions of the corporate state, regarding its instigation of market liberalization through formality and juridicalization. By juridicalization, I refer to the intervention of legal and juridical structures in the organization of political and economic life. While policies promoting for-

malization and juridicalization of economic operations are framed within a democratic and egalitarian idealism, I illustrate how they may nonetheless reinforce exclusion and dispossession. In doing so, I explore Peru's neoliberal experiment from the perspective of those gaining a living at the margins of the formal economy; small-scale vendors and *contrabandistas*.

Neoliberalism, Subjectification – and the Corporate State

As noted, Peru was not part of the so-called 'Pink Tide' in Latin America but opted for deepening its neoliberal orientation initiated with Fujimori in the 1990s. Since then, governments have envisioned modernization and progress through an emphasis on market liberalization, and implemented tax, royalty and policy regimes accommodating for privatization and foreign investments. Alongside these developments, small-scale businesses among the poor were increasingly encouraged by the state, NGOs and commercial enterprises, through the provision of microcredit arrangements and training in marketing skills. With this expansion of neoliberal rationality, governments have aimed to instigate 'development' through the promotion of entrepreneurship also among the poor. Initiated during the presidency of Alejandro Toledo (2001–2006), Peru signed several free trade agreements facilitating overseas, bilateral trade, intended to eliminate trade obstacles, consolidate access to goods and services, and foster private and international investments. Inequalities have persisted during these decades, and under presidential campaigns in 2006 and 2011, Ollanta Humala built his political platform by promising a more equitable framework for distributing wealth from the country's natural resources. Humala was thus affiliated with other 'Pink Tide' leaders, although his time in office (2011–2016) resulted in political continuity rather than change, as was also the case with Peru's subsequent presidents. Due in part to the boom of primary materials from the turn of the millennium onwards, Peru has experienced significant economic growth. Hundreds of thousands Peruvians still struggle to find a way out of poverty though, often relying on precarious forms of work at the margins of the formal economy.

Issues related to neoliberalism, state and governance have represented central lines of enquiry in anthropological studies in recent decades. Many of these studies are influenced by the governmentality approach, drawing on Foucault and focusing on the techniques, technologies and discourses of neoliberal governance and its production of particular kinds of ideal subjects (Hilgers 2010). As noted by Kipnis, the governmentality approach tends to create, however, 'a sense that neoliberal governance functions, that it has successfully produced responsible and governable but alienated subjects'

(2007: 385). In other words, there is a tendency to assume that the articulation of ideal subjects results in the actual creation of these selves, while the process by which this subjectification might occur is left unexamined (see also Winkler-Reid 2017). In effect, the assumption of a 'successful end-product' obscures the more complex, ambiguous and particularistic aspects of processes of creating so-called 'neoliberal subjects' (Winkler-Reid 2017). Studies of 'neoliberal governance', therefore, are often restricted by an inherent methodological flaw, in that they take the 'atomized individual' as their conceptual and methodological point of departure (see Graeber 2001). A one-sided focus on governmentality and subjectification may even contribute to overlooking other important aspects of the neoliberal state, such as labour conditions, inequalities and accompanying changes of regulations or laws, and lead attention away from subjectivities and forms of sociality that escape, exceed or simply fall outside the techniques and technologies of 'neoliberal rule' – or are further externalized by such measures. Considering that vendors are only occasionally involved in state programmes (i.e. of microcredit) and let alone the fact that most of them have few years of school studies, my intention in this chapter is not to make a contribution to studies of governmentality. Rather, I seek to explore forms of sociality that have exceeded or escaped state rule but that increasingly are being externalized by state policies intended to ensure market liberalization.

Kapferer and Gold (2017) importantly discuss the ways in which neoliberalism has gained ideological force by claiming a democratic and egalitarian idealism while accommodating for policies and arrangements that undermine these values and increase social inequalities. They at the same time aim to problematize how the ongoing and worldwide crisis of exacerbated inequalities, accompanied by a failure of democratic values, is often glossed over as an ideological effect of neoliberalism. This emphasis on neoliberalism entails a risk of overlooking the role of the state in market reforms and may make the neoliberal achievement of political force through egalitarian rhetoric into a blind spot (2017: 31–32). To avoid this, they instead refer to the 'corporate state' to emphasize how the crisis (often explained by neoliberalism) relates to the reconfigurations and ruptures brought about by developments of the nation-state. Kapferer and Gold thus find it vital to stress the rise of the corporate state from out of, or from within, the frame of the nation-state. On the one hand, they underline how the corporate state constitutes the flinging aside of constraints that the nation-state earlier placed on many of the potentials of capital; involving the further realization of capitalist potential through radical changes or transformations of the orders and relations of the social landscape, including the values that are integral to it (2017: 31–32). Simultaneously, they emphasize that we need to pay attention to how the corporate state's market liberalization also entails or even

requires particular forms of regulation (international trade agreements, transparency in taxation, increasing accountability etc.). While these and other regulations may serve to guide or limit capitalist extractions, they can also enable capital flows of particular kinds, or be at the service of economic and political interests that respond to transnational economic pressures, lobbies and agendas. Along these lines, I argue that the emphasis on formality and the legal in Peruvian policymaking in recent years point to some crucial dimensions of the corporate state. It shows how policies for market liberalization are developed by and through the structures of the nation-state (i.e. legal reforms, regulation), being framed within a democratic and egalitarian idealism, and promoted as an advancement of democratic freedoms but often having rather contradictory effects. I will therefore point to some of the ways in which the corporate state accommodates for market liberalization through forms of regulation and juridicalization that may appear to universalize but in practice work to differentiate and exclude. Different forms of regulation, then, may entail particular constraints for economic actors without the means, contacts or competence to use regulatory measures for their own interests. We may thus gain important insight into the development of the corporate state by considering the perspective of particular actors, such as informally working vendors, who often go beyond the radar.

The chapter builds upon several periods of fieldwork since 1997, especially the fieldwork I conducted in 2016, 2011 and 2007, when I worked with vendors and *contrabandistas* at marketplaces in Arequipa, combined with research visits to marketplaces in Lima. In 2007, I followed the dramatic events at the market Santa Anita in Lima, and I will briefly refer to these events to illustrate Peruvian authorities' emphasis on formality – and some changes in the form and intensity of state interference in vending activities. In addition to research stints in Lima, I have worked with vendors and *contrabandistas* associated with the marketplace La Feria Altiplano² in Arequipa. Most vendors at the Feria (like at the Santa Anita market) are women and bilingual Quechua- or Aymara- and Spanish-speakers. The Feria was established after several years during which a group of vendors had occupied land in different areas of the city for purposes of vending. Since they initiated these unauthorized markets in the 1980s, the vendors were repeatedly fined or removed by the police. These difficulties resulted in the creation of an association of vendors and finally their acquisition of an area that they formally bought in 1999. While the association has acquired land titles – at least in part – and most members pay for a licence, the vendors do not pay taxes, and many also bring undocumented merchandise, or *contrabando*, from across the borders. The goods offered at the Feria are agricultural products, textiles and artisan crafts, pirate CDs and computer software, as well as industrial and electronic articles. Many of these goods are smuggled from Bolivia or Chile, often pro-

duced in China. Some of the *contrabandistas* have also been involved in the smuggling of fuels from Bolivia, due to lower prices there. Leaders of the Feria take responsibility for paperwork and communication with the municipality and are expected to promote the interests of members. Although some leadership positions are held by women, most are held by men, despite the fact that members are primarily women. This reflects not only the more general tendency for politically important positions in Peruvian society to be held by men but also that many of the women at this market have limited reading and writing skills – generally a requirement for leadership positions (Ødegaard 2010).

Among vendors at the Feria, the flow of money, people and commodities is considered essential for survival and for ensuring at least a basic source of income. A common saying if people are unsuccessful in business is that ‘money does not stop in my hands’. This is sometimes attributed to *brujería*, or magical acts performed to harm other people. The saying indicates that the ‘natural’ state of money is to flow, and not be accumulated, although trade is considered a way to get access to some money at least. As my friend and interlocutor Aurelia said: ‘I gain almost nothing by selling these little things, but at least there is some money circulating through my hands.’ In recent decades, vendors at the Feria have become attractive clients for loan agents, and surrounding the market, private loan agencies abound. These ventures offer vendors loans and credit, although the informal/semi-formal nature of their businesses makes such loans a risky venture. Aurelia has taken several loans both from loan agents and kin. She cannot read and write though, and often has a limited overview of how much she owes, and when payments are due. On days when a loan agent comes to approach her at her pitch, she often tries to make excuses, asking for an extension of the payment due. In contrast to kin and colleagues though, Aurelia emphasized that ‘the bank does not forgive’.

‘Cultures of Informality?’

In Peru, informal economic activities like street-peddling, vending and contraband gained increased importance with the 1980s economic downturn and became a source of livelihood especially for rising numbers of urban poor. Since the 1950s, the boost of urban migration and the land occupations that followed significantly changed Peruvian cities’ demographic set-up and aroused anxiety over delinquency and social breakdown among urban elites. Migrants from the Andes were considered ‘matter out of place’ in the perspective of the upper and middle class, and their presence disturbed the racialized spatial dichotomies of rural-urban, indigenous-mestizo. Urban

influx continued during the 1980s, also due to the war between the guerrilla movement Sendero Luminoso and the military, as thousands of people were forced to flee from rural areas to the cities. The existing labour surplus was augmented with Fujimori's austerity measures³ (often referred to as the 'Fuji-shock') in the 1990s, further exacerbating the need for alternatives to waged labour. The economic setback was to affect Peruvian society severely, while other Latin American countries experiencing similar challenges tried to soften the negative effects of adjustments through the introduction of safety nets (Ewig 2010). In Peru, social reforms took the form of 'liberal-informal' regimes based on (partial or total) privatization of the financing and provision of services, as well as state-financed social programmes targeting particular segments of the population (Rousseau 2007: 97). In the shantytowns of Peruvian cities, both men and women turned to different forms of self-employment; men combining taxi driving with short-term employment in construction, and women to vending. Among my interlocutors in Arequipa's shantytowns, many women first started their working careers as domestic servants, in textile factories or as day labourers at farms surrounding Arequipa. Later, many of them turned to vending due to low payment and often strict labour regimes in other forms of low-skilled work. Many vendors take pride in their work and in the forms of autonomy that it requires; they find creative ways to evade official interferences, although also stressing the hardships of vending. For most, vending has been and continues to be a precarious means of making ends meet; such as in the case of Aurelia. Others – especially *contrabandistas* – may earn more than the minimum salary, and some have managed to expand and make new investments, for instance in land, houses, buses – or even trucks for the transportation of goods. As I will illustrate, they also make 'investments' in relations with kin, earth beings and saints.

From the perspective of social scientists in Peru as elsewhere in Latin America, informal economic ventures and use of land have been seen to involve new claims for citizenship among the urban poor (Roberts 1995); and to represent a form of 'insurgent citizenship' with the potential to alter the poor's terms and conditions for citizenship (Holston 2008). People's initiatives at the margins of the formal economy have thus been seen as heralding a new era of contestation against the legal institutional apparatus, which has given rise to what is often referred to as 'cultures of informality' (Matos Mar 1984). In a study of Lima's contraband markets, Gandolfo (2013) describes how vendors explicitly evade formality and resist attempts by state bureaucracies to draw them into regimes of regulation. Although the vendors' resistance carries costs and risks, they nonetheless value more highly the freedom and autonomy that informality affords. This valuation of informality's freedom and autonomy is part of many vendors' resistance to being

low-paid workforce employees. Among vendors, there is a continual contestation and questioning of official regulations, interventions and border control regimes. They even consider these interferences to be immoral and illegitimate, and they question the right of the officials to interfere in people's efforts to make a living (see also Ødegaard 2008, 2016). In cases when authorities interfere in vendors' activities, there is a common phrase that vendors use with great contempt: 'They prevent people from working.' This phrase illustrates the value people ascribe to this kind of work independently of its degree of formalization.

For instance, regarding a fellow vendor who had her contraband goods confiscated, my interlocutor Rosaria⁴ said:

They ought not to confiscate if this is how she works. It is not that they [*contrabandistas*] steal or anything, since they buy with their own money. Some even with borrowed money. This is the only kind of work there is . . . As if they were the authorities? [i.e. those who confiscate goods]. And who stays with the goods? Well, they share it between themselves of course! [that is, the officials].

Even Aurelia – who is a small-scale vendor and *contrabandista* and generally earns very little, barely enough to feed the family – has been quite explicit in her criticism of official functionaries interfering with people's businesses. We were discussing vendors' protests before a contested dislocation at the Santa Anita market in Lima, which I will describe below, when she said: 'Well, they are fighting of course. Where are they supposed to work? They say they have arms and explosives, but they have to defend themselves!' As I will show towards the end of the chapter though, Aurelia's critical attitude to official interferences later changed.

Most studies of vendors in the Andean countries have, however, treated these 'cultures of informalities' as originating from some kind of 'empty space', by not dealing with the moral ethos and socialities from which these forms of critique originate and evolve. For instance, and despite their strong Aymara and Quechua origins, the vendors have usually been addressed by ethnographies more interested in economic 'informality' in South America (Goldstein 2016) than in Amerindian worldviews. Instead, I argue that vendors' critique of official intervention gains voice and legitimacy from their particular moral ethos of exchange and redistribution. This is not to say that the Quechua and Aymara have a moral ethos to work informally but that they conceptualize and deal with commodity flow and exchange in ways that for them legitimize economic activities independently of their informal dimensions. I suggest that we need to consider the particularities of such a moral ethos if we are to understand how informalities evolve in different contexts.

Although the extension of informal economic activities increased from the 1980s onwards, as mentioned, it is worth noting that the cross-border trad-

ing routes of contemporary vendors follow the same routes as trade during the colonial period; along the routes of mule drivers who carried goods between highland towns such as La Paz, Puno and Arequipa and towns along the Pacific coast. People's involvement in contemporary cross-border trade thus builds on historically established trading routes, which in some cases replaced precolonial practices of barter across ecological zones (Murra 1980). The border areas where contemporary smuggling takes place are often referred to as *tierras de nadie* (no man's land), referring to places characterized by a history of marginalization, a strong sense of local autonomy, contentious state boundaries and the ambiguous presence of state actors (see also Langer 2018). These are areas where trade is *already* institutionalized in the absence of state control, through its embeddedness in social relations and forms of circulation and exchange long established by vendors and community inhabitants. These relationships along trading routes may provide, for example, information and supply or storage of goods (see also Babb 2001; Ødegaard 2016; Seligmann 2001; Smith 1989). Especially at the border between Peru and Bolivia, this trade has historically been dominated by indigenous community members and small-scale smugglers (Langer 2018). The social and spatial embeddedness of trade is thus central to the practices of smuggling, which are based in networks of household and kinship relations that extend from rural to urban areas.

The moral ethos of vendors entails a sense of, and claim to, autonomy in dealing with commodity flow and redistribution. While vendors thus contest some of the hierarchical and centralizing workings of the nation-state, it should be noted that people in these areas have paid tribute to various authorities since the Inca empire, sometimes also taking pride in their payment of communal tribute, and continuing this practice even after its abolishment, as an act of communal identity and autonomy (Platt 1982). The moral ethos I seek to pinpoint here is therefore a question of the emphasis and value that people ascribe to material exchange; as a claim simultaneously to autonomy and interdependence. Official interference is considered illegitimate when denying or undermining such exchange.

It is worth noting that there are also long traditions in the Andes for women's involvement in barter and trade, so trading is not necessarily something they first learn in the city, or by participating in microcredit arrangements. A central dimension of women's involvement in trade in the Andes is the notion that women manage money and economic matters while men manage politics (Harris 2000). As indicated, the neoliberal promotion of entrepreneurship in Peru does therefore not exist in a vacuum and nor does women's predominance in the country's marketplaces. In the following, I describe one of my interlocutors' translation of profit to the aim of nurture and care for her children, as well as her experience with a confiscation – and then I

unpack the moral ethos and forms of sociality that characterize the practices of vendors. As I will illustrate, this ethos of sociality and material exchange is central also to people's relationship with the state and their critical attitudes towards intervention.

Translation, Distribution, Socialities

For a time from 2009 onwards, one of my interlocutors, Olinda, earned a living by bringing fuel from Bolivia, often travelling by bus and hiding her goods underneath other packages on the roof. She brought about 50 gallons at a time to sell to petrol stations in Puno, where the smuggled fuel was usually mixed with ordinary products. In order to live closer to the border and have a place for her goods, she rented a room from a relative in Yungoyo, a community close to the border. Olinda is originally from Arapa, and for several years, the couple's three children mainly stayed behind in the village with their elderly grandmother, living under extremely poor conditions while their parents were working.

One day, just before I reached Arequipa in 2011, Olinda was caught with fuels worth 10,000 soles. All of her goods were confiscated, and she had to pay 3,000 soles to the custom officials (in bribes, not in fines) before the bus could pass. As we talked one day about the incident while sitting at her sister's market pitch at the Feria, Olinda stressed how much she had suffered and cried after she was caught and lost her capital. She soon re-established her business through the help of her kin but decided not to include fuels. Before the confiscation, Olinda had been rather successful. Her earnings from smuggling fuels had been converted into the construction of a house in Arapa as well as education for her children. After the confiscation, however, she started to smuggle olives and clothes instead. 'You win and you lose, but you just have to continue,' Olinda said. This is typical for vendors' narrations about the risks their businesses involve; stressing how they suffer when their goods are confiscated – but also how they start up anew after a short time, often still working informally, although sometimes downsizing or switching to another commodity.

Olinda's narration indicates also how *contrabandistas* spend their earnings for the benefit of their family and relations. One of the key freedoms of informality, as noted by Gandolfo, is to subsume profit to particular modes of sociality. By investing in market colleagues, kin, earth beings and saints, wealthy vendors give time and money to 'reciprocal relations and forms of consumption that limit the accumulation of wealth' (Gandolfo 2013: 280). As I have illustrated elsewhere (Ødegaard 2008, 2016, 2019), this intense cultivation of social relationships at the margins of the formal economy car-

ries similar importance among vendors in Arequipa. They cultivate social relations assiduously through sharing and giving food and gifts, by establishing familial connections through god-parenthood and by maintaining often relatively stable relationships with customers and suppliers. These relations enable the distribution of goods beyond authorized infrastructures and institutions. Vendors simultaneously subsume the profit earned from trade to these social relations with kin and colleagues – and to the powerful landscape.

Many vendors perform offerings to the powerful earth beings, such as *apus* (mountain lords) and *pachamama* (the powerful earth), as well as saints as a way of maintaining good relations with the sources of wellbeing and wealth and to improve success in business. Such offerings characterize people's relations with the powerful landscape in the Andes (see also Allen 1988; Canessa 2000; De la Cadena 2010; Harris 2000; Ødegaard 2008, 2016) and reflect a particular cosmology of place where earth beings are considered to have a powerful influence over the lives of humans with the potential for bringing prosperity as well as causing harm. Offerings consist of alcohol, food, llama fat, herbs or coca and are made to *pachamama* and the *apus*, or to virgins or saints considered to be particularly prosperous and powerful. Large-scale *contrabandistas* and vendors are also expected to serve as sponsors for offerings, festivals and parties, illustrating the significance of a relational understanding of wealth as being dependent on reciprocity, circulation and exchange between humans and earth beings (see also Harris 2000). Earth beings represent an extra-human prototype of 'other', whose power may be actualized in the form of health, income and wealth but also in the form of illness, accidents and death. Sustained by the offerings, earth beings depend on the same vital substances as humans do (alcohol, meat, fat, coca) and have similar needs and feelings. People's relationship with these entities is continuously nurtured, as are the relations with kin and fellow vendors.

Those who bring in contraband generally self-identify as *contrabandistas*, and proudly so. They are viewed as important suppliers of merchandise, constantly travelling long distances to bring goods to market vendors. Interestingly, the truck occupies a central position among vendors in elaborations of ideas about movement, circulation and wealth. At festivals organized at the Feria, miniature trucks figure in some dances, especially one in which women swirl colourful ropes with miniature⁵ trucks fastened to the ends. These women are usually dressed in *polleras* from Puno, generally of the most recent, colourful fashion and expressive of the successful and economically powerful Andean vendor. Movement and circulation, therefore, are key elements in vendors' notions of autonomy, productivity and success. Vendors at the market also sell miniature trucks meant for offerings that peo-

ple make in the hope of acquiring a real truck or other forms of wealth. The truck symbolizes the work of *contrabandistas* and the flow and circulation of goods and money that they ensure. *Contrabandistas* who succeed in their businesses often choose to invest precisely in a truck for the purpose of continuing the practice that allowed them to acquire the truck – transporting contraband goods.

According to the vendors I have worked with, public functionaries have typically shown a degree of tolerance for their unauthorized economic activities at marketplaces and border crossings. *Contrabandistas* may be said to be involved in a kind of social banditry (Hobsbawm 1969), as their claims for the right to earn a living hold a certain legitimacy. Their claims are informed by historical structural inequalities and by the recognition that *there are no other jobs to get anyway*. Until recently, many unauthorized markets continued for years without particular interference, and many *contrabandistas* have brought goods across the borders throughout their careers; on occasion, their goods have been confiscated but not frequently enough to prevent their businesses from flourishing – in many cases, due to bribery. Many vendors have thus relied on the involvement of public functionaries, who often receive bribes in return for letting people pass and keep their merchandise without interference. In this way, the relational character of trade seems to constitute a means by which state officials at different levels tap into and profit from the extralegal activities of vendors. These exchanges are called bribes (*coima*) and not gifts, although vendors often draw a parallel between *coima* and gifts and view it as lack of respect when public functionaries refuse to accept *coima*. Public functionaries, like the powerful surroundings and *apus*, must be appeased through gifts or offerings to ensure, among other things, the circulation of merchandise. Comparable strategies – gifts, offerings, bribes – are thus called for in dealings with representatives of the state as with the earth beings to ensure successful commodity flows. Central for such strategies is the exchange of material substances.

Public officials have sometimes legitimized their non-interference in the same way as the vendors themselves: there are no jobs to get anyway. The legal assessor of the Chamber of Commerce and Industry in Arequipa estimated that almost 90 per cent of the inhabitants in border areas are involved in contraband and provide consumer goods to the entire country: ‘It is difficult to do anything, because people get angry, and will ask for an alternative, something which doesn’t exist.’⁶ The association of market vending with basic commodities, household activities and women has given market work an ambiguous status as *work*, and it is often not considered important enough by officials to interfere (see also Lazar 2008). In recent years, however, vendors have increasingly reported that they find it difficult to make a living

through trade, due to stricter controls and more frequent confiscations at markets and border checkpoints. For many, these difficulties are reinforced by more explicit demands that market organizations formalize their use of land. These changes, and the difficulties that vendors and *contrabandistas* experience as a result, point to a dimension of the corporate state that might be worth exploring further. It relates to how market liberalization and the promotion of flow and citizens' entrepreneurship is accompanied by new forms of regulation. To illustrate this, I will describe a high-profile intervention at the Santa Anita market in Lima.

An Eviction

Santa Anita is known as the location for some of the truly huge outdoor markets on the outskirts of Lima. Vendors established the Santa Anita market in 2003, as they organized an unauthorized occupation of land and formed an association of almost 10,000 vendors to organize their preparation and use of what had previously been a deserted area. In addition to pitches for trading, the vendors established infrastructural facilities such as paved roads, a parking lot, water supply, toilets, small shrines and even shelters for housing. They also installed electricity, despite a requirement of property titles for such installations. In 2007, four years after the formation of the market, the municipality requested that vendors formalize their use of the land – or leave, apparently because a Chilean enterprise had made an offer to buy the land. The message that the vendors had to leave resulted in several demonstrations by the Santa Anita association and were accompanied by media reports portraying the vendors as associated with chaos, illegality and crime.

When I arrived at Santa Anita, it was during intense debates and conflicts in May 2007. A few days before my visit, the vendors had received notice of removal, and I found the market almost deserted. There were no customers, and, except for the food vendors, most other vendors had removed their merchandise awaiting the formal intervention. Some vendors were standing in groups discussing the situation, and they all expressed their worries concerning the notice of removal. They said they were obliged by their leaders to organize a continual presence in the market, day and night, so as to prevent and hinder police interference. Explaining their reluctance to formally pay for and legalize their use of the land, some vendors stressed that the land was already theirs on the basis of all their work and efforts. One vendor of food explained: 'It is we who have done all the work. God bless the person who gets up early. And now that it has been served [e.g. infrastructure established] they want us to pay.' Likewise, another woman claimed: 'This land has always been deserted, there was only sand here before.' Eventually, by

the end of May 2007, the vendors were evicted. The eviction reached the headlines of most national newspapers, picturing the dramatic removal of vendors, who thus lost their investments and source of income. The removal of vendors involved no less than 3,800 police, heavily armed and wearing brand new high-tech security uniforms, helmets and equipment, sending a clear message that there would be no excuses for vendors to stay or otherwise keep their investments. The eviction by police force gave an impression of a techno-scientific state moving forward to eradicate the 'chaotic, unruly masses' and impose civilized, legal and formalized order. In 2012, a Chilean mall operator opened Mall Aventura Plaza Santa Anita, reflecting the growing foreign interest in Peru's retail markets.

The case of Santa Anita may, along with similar evictions and confiscations at markets in recent years, illustrate some important dimensions of the corporate state vis-à-vis those operating at the margins of formalized circuits of wealth accumulation. It illustrates how the corporate state's liberalization of markets works through particular regulatory and juridical structures; indicating some of the implications of such mechanisms for small-scale vendors. Through these structures, the corporate state produces its 'other'; a criminalized other. Rather than seeing the corporate state in terms of a uniform set of policies and intentions – and as creating a uniform set of implications – it may be useful to look for the kinds of differentiation that the corporate state's emphasis on formality and the legal may create, a point I explain in the following.

Market Liberalization through Formality and the Legal

A central aim for Peruvian governments since the 1990s has been to develop policies and reforms to attract international capital and accommodate the national economy for competitiveness vis-à-vis global markets. While tax relief for international investors has been one measure to this aim, it is worth noting the legal measures involved and how an increasing significance ascribed to formality and the legal is central for the liberalization of markets in Peru as elsewhere. While such emphasis on formality and the legal is often framed within a language of freedom and egalitarian liberalism (freedom of movement: equal access to markets, and equal rights to protect one's property), I explore how it may also create a foundation for new forms of exclusion and otherness.

There is significant legal work involved in a state's accommodation for national competitiveness vis-à-vis global markets, and worldwide, states and firms have significantly increased their expenses in different forms of 'legal work' in recent decades. The market's 'invisible hand' is in fact heavily reli-

ant on juridical process, and hence different forms of juridical 'labour'. The accommodation of policies for the promotion of an 'ownership society' in countries in the Global South is one example, and competition laws, norms and standards are another. Free trade agreements, on the other hand, are generally associated with the relaxation of regulations and norms – especially for import/export and custom requirements. From the perspective of vendors and *contrabandistas*, however, free trade agreements appear to entail precisely the opposite – that is, more regulation and control, especially since they often lack the competence and capital to undertake the 'legal work' required to maintain their businesses. So while regulation through formalization and juridicalization previously might have worked to ward off the excesses of capitalist interest, it is increasingly used to enable these excesses. In the case of Santa Anita, it enabled the expulsion and clearance of large areas of land where marginalized people had found a living.

For vendors at outdoor markets such as Santa Anita in Lima and the Feria in Arequipa, the government emphasis on formality and the legal was intensified with arrangements for the formalization of unauthorized land use initiated in the 1990s. The government of Fujimori established specific institutions for this purpose, such as COFOPRI (Commission for the Formalization of Informal Property), and succeeding governments followed up with this and similar land titling projects aiming to promote 'development', security for owners and a more effective land market. Governments have thus introduced policies for the formalization of unauthorized economic activities and use of land alongside the promotion of entrepreneurship. This indicates – again – how an increasing significance ascribed to formality and the legal (see Sieder et al. 2005) is central for the liberalization of markets worldwide and may entail mechanisms through which contrasts between 'licit' and 'illicit' are both intensified and continually blurred (Comaroff and Comaroff 2006).

In Peru, policies of formalization have been recommended by economists like De Soto (1989, 2001), who argued that formal ownership among the poor would promote development, by contributing to the integration of unauthorized economic activities into the economy at large. Formality is indeed part of making society legible (Scott 1998) and may represent a prerequisite for increasing tax revenues and improved welfare services. De Soto's concern with formalization, however, appears to be related primarily to its 'property effects': that formalization would promote economic activities and development through the security of formal ownership. Formalization may certainly enable people to legally use and protect their resources, but the terms and conditions can nonetheless create and fuel other processes that reinforce dispossession and exclusion (Mitchell 2002). Like microcredit, policies of formalization can be seen to involve an extension of

the supposed benefits of a capitalist ethos to desperately poor and marginalized populations. These mechanisms, intended for citizens to pull themselves up by their own private bootstraps, may however result in the spread of indebtedness and deeper impoverishment (see Kapferer and Gold 2017). It is therefore worth noting how different kinds of credit arrangements, like microcredit, are accompanied by formalization and a requirement of land titles, contributing to facilitate a commodification of land that may result in its dispossession. This is because of the high cost of formalization and rising land prices; policies for formalization may indeed serve to make collectively used land accessible for corporate interest and real estate investors. Policies for formalization may hence contribute to fortifying already existing fissures along class lines (see also Larkins 2015: 156). The emphasis on formality and the legal in Peruvian policymaking thus seems to be part of a continuing expansion of a form of rationality that allows for the involvement only of specific categories of citizens.

For vendors and *contrabandistas*, the emphasis on formality and the legal has become evident also in other ways, such as, ironically, with Peru's signing of free trade agreements. Peruvian governments have signed a range of free trade and trade promotion agreements during the last few years, with the US, Canada and the EU, as well as China, Japan and Korea. Accommodating for bilateral trade through tax and customs reductions, such agreements also entail other specifications of norms, standards and regulations. For instance, Peru's trade promotion agreement with the US⁷ entailed arrangements not only for bilateral trade itself but also for the strengthening and modernization of Peru's domestic regulations and border work. As part of the agreement, the US was to assist Peru in limiting exportation of narcotics, modernizing the equipment and procedures of the National Police and Customs Agency and strengthening the rule of law. These measures appear to have been a way for US authorities also to protect the US market, by assisting one of its trade partners to control its borders. As a result, Peruvian authorities have significantly strengthened border control functions during the last few years. Routines for the registration (and destruction) of confiscated goods have also been introduced to reduce the problem of functionaries who take confiscated goods for themselves. In addition to the strengthening of customs and tax controls at border checkpoints, control stations have been established also along the main intercity highways, before entering bigger cities such as Puno, Arequipa and Ica. In this manner, borders are actualized within regions of the country, in the form of intercity controls both for customs and taxes. Along with these initiatives, there is also increasing use of ambulatory fiscal patrols, especially in cities like Lima and Arequipa. Big black vans, with a sign saying '*fiscalizacion*', have become a common sight in the streets, with guards on board ready to conduct controls.

As the customs and tax authorities have intensified their controls, some vendors and *contrabandistas* continually seek to develop new strategies for avoiding control and finding new sites to realize their businesses. Others have decided to downsize or leave their businesses altogether, due to stricter controls – and a new kind of competition. Encouraging direct import from bilateral trade partners, the free trade agreements have resulted in increased competition for those who import (informally) through neighbour countries like Bolivia or Chile. Compared to the *contrabandistas*' well-established importation from neighbour countries, to import directly – i.e. from China (and formally so) – involves not only greater investment but also knowledge of formal procedures and writing. Additionally, direct imports create less need for various types of local intermediaries. Many vendors and *contrabandistas* find it difficult to take advantage of the agreements, leaving importers who belong to the middle or upper classes as those mainly benefiting from the agreements. More goods are also brought in via Lima since the free trade agreements, gradually reducing the advantages of bringing contraband from Bolivia and Chile. While people used to come to Arequipa – even from Lima – to buy contraband, trading activities are increasingly centred around Lima, as more goods are brought in directly and legally through the capital. Several *contrabandistas* also noted that official functionaries were becoming more reluctant to accept bribes in exchange for letting them keep or move on with their merchandise. María, one of the *contrabandistas* at the Feria, decided to take a break from contraband now that the controls have increased. She exclaimed that, 'now they [public functionaries] do not even want to receive bribes. They do not know how to respect people.' Others said that these days the contraband business is 'nothing but controls' and 'failure' (*fracaso*). As a result of intensified controls, some have formalized their businesses, like for instance my interlocutor Eufemia. After repeatedly having her goods confiscated, Eufemia invested in authorized office equipment. After formalizing, however, her earnings declined and she decided to invest in an informal mining project to compensate. This investment proved to be more hazardous than any of her previous ventures, however. As in Eufemia's case, some *contrabandistas*, feeling forced to formalize in response to increased border controls, suffer a loss of income. Formalization may thus pose new and unforeseen challenges.

Conclusions

During my fieldwork in 2016, I learned not only that many *contrabandistas* in particular were leaving their businesses but also that there was a new and very different attitude among some of them. This was the case for my friend

Aurelia, for instance, who by this time had left her business in contraband altogether, partly because she had had her goods confiscated several times. Her critical attitude towards official interferences described above had also changed, and regarding the municipal requirements for infrastructure and formalization at the Feria, she exclaimed: 'that's how it is; when the authorities make requirements, we have to comply.' Also, she was no longer directing her harsh critique against the authorities in cases when her colleagues had had their goods confiscated. She had started to participate in regular prayers in one of Arequipa's many Pentecostal churches. In this church, Aurelia and other members spend hours on end praying not only for their loved ones but for the government of Peru, its president and all other governments and presidents of the world, as she explained to me. Aurelia no longer made offerings to the earth beings, and she followed her Pentecostal Church's strict condemnation of such practices as heathen and sinful.

This chapter is not the right place to properly discuss the many issues that this change of my dear friend's attitude may raise. Suffice to say that it throws light on her earlier, somewhat rebellious attitude towards the authorities, supporting my point about how vendors' relations with the state and the market have been grounded in an Andean ethos of sociality and material exchange. Indeed, the chapter has been an attempt to analyse some continuities and shifts in vendors and *contrabandistas*' relationship with state and market structures, by seeing the corporate state from the perspective of those who operate at the margins of the formal economy. A central argument is that vendors' contestation of official interventions can be seen to gain voice and legitimacy from their ethos of sociality, exchange and redistribution. This moral ethos shapes people's relationship with state and market structures in a way that has given legitimacy to vendors' activities at the margins of the formal economy. Their practices can be seen to constitute a social formation of particular socio-spatial relations created through exchange and redistribution, entailing an egalitarian impulse understood in terms of the continuous questioning and challenging of state intervention. This social formation – and its entanglement with the corporate state – is different from the class-oriented mobilization of the 1970s, in Europe as well as the Americas, and is different also from the demands for racial and minority equality of the 1980s onwards, and from the anti-capitalist movements in Europe in recent years. It is characterized not by claims for cultural rights or by direct anti-capitalist sentiment, but rather by sentiments expressing certain complicity with capitalist ideology. At the same time, these vendors aim to redirect wealth away from official distribution and elite accumulation towards other forms of sociality, constantly evading and contesting state involvement. As they subsume wealth to relations and exchanges with kin, colleagues, earth beings and saints, vendors are partaking in a kind of social

banditry (Hobsbawm 1969), redistributing wealth beyond the reach of the state. The practices of vendors therefore revolve around translating, incorporating and harnessing extralocal values to local ends (see e.g. Orta 2004), by their use of global commodities for trade and distribution, offerings and consumption; and for maintaining material exchanges. Their practices are aimed at the integration and translation of ambivalent extralocal values, and form part of an emphasis on harnessing value to create kinship; or *familiarizing predation* in Fausto's terms (2007).

Meanwhile, there have been some changes to the dynamics and vitality of vending and contraband in recent years. This, I argue, is related to the corporatization of the state, through an emphasis on formality and the legal. For vendors, the intensified regulation and control entails a denial of the relations and exchanges through which they previously operated, and which to a great extent have also defined their relations with state and market structures. These alterations have led some vendors to formalize their businesses by replacing contraband with other goods, selling services, or leaving their businesses altogether. Somewhat ironically, the state's instigation of market liberalization operates through legal structures and mechanisms that often marginalize or exclude small-scale economic actors. Therefore, central to my argument is that the emphasis on formality and the legal in Peruvian policymaking in recent years points to juridicalization as a crucial dimension of the corporate state; these policies are being developed by and through the structures of the nation-state and framed within a democratic and egalitarian idealism and promoted as an advancement of democratic freedoms, but often with contradictory effects. Market liberalization through policies promoting formality and the legal may contribute to further exclude already marginalized populations and simultaneously entail a corporatization of the informal – i.e. by facilitating corporate or real estate interest (see Gago 2015). Such corporatization is enabled by the expulsion and clearance of large areas of collectively held land where marginalized groups had found a living; or by taking over the economic niche of marginalized populations. For instance, regulation through free trade is accommodating for the interests of capital through the replacement of long-established trade networks. Market liberalization through formalization policies and regulatory norms thus indicates a double standard, which is supported by the legal apparatus. My argument is therefore that we must not overlook how the emphasis on formality and the legal is central for the corporate state's market liberalization. Such mechanisms and requirements even have the effect that some people are excluded from the circuits of capital and that those excluded are increasingly criminalized as impertinent 'other'.

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NOTES

1. The activities of many vendors can be termed informal in the sense that they are often unauthorized and untaxed and rely on unauthorized importation of goods and use of land. That said, it should be noted that the distinction between formal and informal economies is complex and debated. This is related to the many interdependencies between informal economic activities and formal enterprises. Bigger, more established businesses often rely on smaller unauthorized operations and may also escape state regulation. It is therefore worth noting the challenges of distinguishing between formal and informal economies (Comaroff and Comaroff 2006).
2. Altiplano refers to the presence of vendors and goods from the Andean highlands.
3. Fujimori initiated a wide range of neoliberal reforms to counter hyperinflation and close a gaping government deficit; by reducing government subsidies and government employment, relaxing private sector price controls and reducing restrictions on investment, imports and capital. These reforms responded to IMF's plan for South American economies from the 1980s (emphasizing trade liberalization, privatization, fiscal discipline, broadening of tax reforms, liberalization of foreign direct investments, property rights for the informal economy etc.), which resulted in rising prices and had significant social costs.
4. The names of my interlocutors and their villages of origin have been altered.
5. This use of miniatures is part of wider practices in the Southern Andes; las alasitas.
6. This is from an interview that took place with the legal assessor in Arequipa, in 2011.
7. After Peru entered a free trade agreement with China, China was expected to replace the US as Peru's most important bilateral partner, a prospect that might seem ever more likely with Trump as president.

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