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A professional portrait of Adrijana Bergant, a woman with dark hair pulled back, wearing a black blazer over a light orange blouse. She is smiling and has her arms crossed. The background is a bright, minimalist interior.

**Meet
Adrijana Bergant**

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by Steven Sampson

Culture and compliance: An anthropologist's view

- » Talking about a “culture of compliance” has pitfalls because it represents culture as a set of fixed principles instead of the product of compromise.
- » Most human behavior is driven by need (we have to), by desire (we want to), or conformity (my colleagues are doing it).
- » Culture is a convenient shorthand concept to describe the practices we see in everyday life, but “culture” is only a concept. Cultures cannot clash. People clash.
- » The so-called “culture” of an organization is what we see when people’s individual goals clash with the structures and limitations imposed by the organization.
- » Talk of “resistance to change” or “stubbornness” in the organization when pursuing compliance goals is a sign that we do not understand what drives people to do things.

Every anthropologist has a tribe. Mine is the compliance tribe. And the world of compliance is as exotic as anything we can find in the New Guinea highlands or the Amazon forests. My first anthropological fieldwork was in a village in communist



Sampson

Romania, which eventually led me to study the workings of bureaucracy, corruption, and how formal rules and regulations are manipulated in organizations. Romania was a society where ethics were situational, where non-compliance was a way of life.

Like most anthropologists, I stumbled onto the compliance tribe by accident. I was busy studying the anti-corruption industry, attending yet another anti-corruption conference, and I fell over a corporate compliance handbook. I found out that most people outside corporate social responsibility (CSR) circles had little idea what compliance was, especially outside the United States. Now with some research time,

I have been able to attend some compliance courses, read the literature, and talk to some compliance officers. I am starting to learn the culture. Not the “culture of compliance” so often promoted by the SCCE and compliance trainers, but the culture of compliance professionals. I haven’t gone native yet. Maybe that will happen when I finally take the SCCE certification test, but I have begun to learn a bit about what compliance is all about.

Defining “culture”

Studying the compliance tribe is like studying other tribes. There is an excitement when you first discover it, but also a confusion. Every tribe has its special language and rituals. Compliance is no exception. Probably the most widespread ritual chant is the talk of a “culture of compliance.” Since culture is what we anthropologists are supposed to study, and since it is “our” intellectual property, we have spent a lot of time trying to define what “culture” is. Like other social science

terms—like “network”, “identity”, “social capital”—the word “culture” has been taken from our academic enclave and is now used generally. This is not necessarily a bad thing. After all, words take on a life of their own. But here I would like to bring a note of caution in the way compliance specialists use the term “culture” and the idea that (y)our task is to build a “culture of compliance.” So allow me to be a bit academic for a moment.

In academic anthropology, the term “culture” denotes learned behaviour, both in words and action, passed on within a group. The “culture” of a tribe or group is always changing, and it is always in dispute. Existing cultural practices are always being challenged and subverted by internal forces contesting what is “proper,” or by outside influences who want to innovate. For we academics,

“culture” is simply a concept that we use to talk about human behavior. Culture does not exist “out there.” It is not a “thing.” It can’t be “strong,” or “weak,” or “threatened,” or “built.” Cultures can’t “clash.” Concepts can’t clash. Only people clash. Specifying what culture is—or should be—saying that people’s culture is “deviant” or “weak,” that they are “resistant to change” is a strategy used by some people or institutions to explain behavior they may not understand, or to gain the upper hand.

Anthropologists study these cultural strategies. We try to figure out why some campaigns for change in practices lead to change in behavior and others simply fail.

This understanding of culture means that we study values—what people say they want—and we study practices that are undesirable by any standard—corruption, organized crime, drug use, domestic violence, religious cults, terrorist recruitment. What we are studying are concrete practices of how people perceive their world and act on it.

Sometimes the word “culture” is used as a synonym for “norms.” We cannot see norms. We can only infer them from practices. We can, of course, listen to how people articulate norms. Just like

tribespeople can say, “This is the tradition of our grandfathers,” people in modern society tend to explain their behavior with phrases such as, “This is how we do things around here.” “This is how we celebrate weddings.” “This is how we raise our kids.” or “This is how we run

our business.” These norms are supposed to be collective. But they invariably come into conflict with individual strategies and practical limits. The result of these clashes are “unintended consequences.” Most social science is, in fact, the study of these unintended consequences. In social theory, we talk of this conflict as the clash between the external forces of “structure” and the individual goals and practices of people trying to manipulate their situation, what social scientists call “agency.”

“Agency” is how people push the edge of the structural “envelope.” This pushing is what we anthropologists try to understand when we do fieldwork in a tribe

or subculture. It's also what organizational consultants try to do when they engage in "change management" or try to implement a compliance program. Consultants and ethics officers try to determine why there is "resistance to change." It is a conflict between what *they* want, the "standards," and what the people they are trying to change want. The result of this clash is some kind of compromise. This compromise between the standards and the individual strategies, this is what we anthropologists call "culture." Culture, then, is a *product*. It is not something hidden behind behavior. It is the human behavior we see.

With this view of culture, we can perhaps understand the problems facing the compliance professional. One of the problems in trying to understand non-compliance is an assumption that the practices we observe are the result of norms embedded in our heads. That is, we do things in a certain way because we have certain values.

Values

This sounds good. But there is not much evidence that our everyday behavior—paying (or not paying) our taxes, deciding to send our kids to private school, surfing the net while at work, eating junk food, complying with anti-bribery regulations—that these practices are the result of some kind of set of values. Rather, they tend to be reactions to certain concrete conditions (structures). Faced with conditions that we cannot always control, or opportunities we cannot resist, we make compromises. We cut corners. Sometimes we

get caught, and we feel guilty. Sometimes we don't.

But these practices are not some kind of mirror reflection of a fixed value set. Values do not *cause* practice. Values are more often a way in which we articulate or justify practices. No amount of "team building" rhetoric can

make disgruntled employees happy if they are being treated harshly by their superiors. In the same way, no amount of *talk* about "doing the right thing" can replace the conditions necessary when people just do the right thing

If asked (and this is what anthropologists do), people might explain our naturalness in doing the right thing as "tradition" or "the culture" or "the way we do things around here."

"naturally." Most people who do the right thing have no formal "code of conduct." They have not passed some kind of "ethics test." If asked (and this is what anthropologists do), people might explain our naturalness in doing the right thing as "tradition" or "the culture" or "the way we do things around here." We don't even have to talk about it. We just do it. It's "tradition." Social scientists call it "practice," or in more academic terms, our "habitus."

Why do people comply?

Now what does this all have to do with compliance? The problem for compliance is to make it natural, to make it part of the air we breathe. The oft-cited "tone at the top" is supposed to permeate down and through all levels of the organization, branching out even to our contractors and suppliers. Those consultants who work in foreign aid and in organizational change know how difficult this process is. Perhaps it is best to begin with the basic question of: Why do people act the

way they do? Why, indeed, do people comply? Basically there are three drivers of human behavior, seen from an anthropologist's point of view.

- ▶ They do things because they have to.
- ▶ They do things because they want to.
- ▶ They do things because others are doing it.

The first explanation highlights certain structural conditions in which people ultimately have no choice (except the choice to say no, which leads to other unpleasant or even unacceptable choices). At my university, we also have team-building exercises, organizational retreats, and strategic planning sessions. I attend them because, well, it would be just too complicated to say, "No."

The second explanation specifies that people have some kind of norms or values which overlap with the practice. It's my wife's birthday. I love her. I buy her a present. I don't have to reflect on whether to buy her a present or not. I don't need someone to instruct me or remind me of what my values should be. I don't need to reference some kind of "code of conduct." In this case, doing the right thing is obvious, even natural. Calling it "compliance" would seem awkward.

The third driver of human behavior is about social morality or team expectations. My colleagues expect something from me, so I join the group project, meet group deadlines, and get the job done. I don't need to be "nudged" (to use a popular term), because I get rewards from participation. Here again, I don't need a compliance officer or compliance refresher

course to remind me of my social obligations. I am in a community. That's enough.

Now we might call all three practices forms of "compliance," in that we get things done. But, they are compliances of quite different kinds. The first is based on a threat of sanctions for non-compliance, the second is based on socialized norms, and the third is an

expression of social belonging. They have nothing to do with a culture of compliance. They are simply practices which we try to explain, and which can change under certain conditions.

In this view, I would suggest that it may be helpful to eliminate the word

"culture" from the compliance vocabulary. I would also suggest we rethink the compliance officer's mantra: "How do you get people to do the right thing?" For this only masks the more general problem of "How do you get people to do what *you* want them to do?" How do you get employees to *want* what you want?

Questions such as these are the core of management. In compliance, however, it takes its form as the conflict over the compliance officer's role as chief internal police officer (finger wagging) versus the more difficult task of building the ethical core of the firm or organization, the common set of norms known as the "culture of compliance." Misgivings about whether to be policeman or ethicist, whether to focus on incentives versus core values, is itself part of the daily routine of being a compliance professional. Talking about "culture," no matter how vague it is, is now part of the language of the compliance tribe. This kind of rhetoric, what we in academia call

the “discourse” of compliance, expresses the conflicts between building a common set of values on one hand, and dealing with people’s concrete goals on the other. Compliance is a struggle—a struggle between encouraging commitment to goals versus instituting a system of compulsion; between respecting a code of conduct that many may not take seriously, and cutting corners to get the job done or the sales made.

Rebellion and irony

Every society has rituals. Some of these allow for rebellion, contestation, or questioning the existing system. Often it is during such “rituals of rebellion” where the daily routine is cast aside and established hierarchies are suddenly turned upside down. This is what happens at Mardi Gras, during the office Christmas party, or at the annual SWOT retreat (for Strengths, Weaknesses, Opportunities, Threats). On an everyday basis, the “rebellion” can take the form of irony or

playfulness, of not taking all this compliance stuff so seriously. Surely it requires some irony to take seriously terms such as “deferred prosecution” (try explaining a deferred prosecution process to an outsider).

Like all societies, the culture of compliance professionals has its ironic moments, where the most dedicated insiders can fundamentally question what we are all up to. But they are only moments. We then get back to work as if nothing has happened.

Conclusion

Talking about “the culture of compliance” is part of the everyday life of compliance professionals. But let us not hide behind a slogan like “culture of compliance.” Instead of “culture,” we need to really understand the kinds of practices being formed within the compliance community. *

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