TARGETING IMMIGRANTS

Government, Technology, and Ethics

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INTRODUCTION: GOVERNMENT AND IMMIGRATION

The Problem of Illegality

Let us begin with the following scene.

The date is October 1, 1994, the setting a 14-mile stretch of the US–Mexico border running from the Pacific Ocean to the rugged canyons east of San Ysidro, California. This stretch is the busiest illegal border-crossing zone in the nation. As dusk draws near, over 150 Border Patrol agents, more than twice the usual number, fan out in an array of vehicles (horses, bicycles, sedans, all-terrain vehicles, military helicopters, and small high-speed boats) along the fields, canyons, riverbanks, and beaches of this tract of border. They are arranged tactically in three lines of defense, each half a mile apart. From these strategic positions, using a host of sophisticated surveillance devices (including ground sensors, night scopes, and video cameras), the agents survey the stadium-light-illuminated terrain along the 10-foot metal fence that separates San Diego from Tijuana, scanning for illegal crossers bent on eluding them. At the first signs of incursion, the agents spring into action and give chase to the rush of trespassers. Before the night is over, the US Border Patrol will have made over 800 arrests in this area, more than three times the number registered at the same time the previous year (Sanchez 1994).

This scene depicts day one of Operation Gatekeeper, an ambitious rational-technical program developed by the Immigration and Naturalization Service (INS), and now under the auspices of US Customs and Border Protection (CBP) in the Department of Homeland Security (DHS), to reduce the flow of illicit immigration from Mexico into the
San Diego, California area. Gatekeeper is part of a larger, systematic federal government effort to strengthen control of the Southwest border. As articulated in the *Border Patrol Strategic Plan: 1994 and Beyond, National Strategy*, this comprehensive border control scheme is based on a strategy of “prevention through deterrence.” The objective is to increase fencing, lighting, personnel, and surveillance equipment along the main gates of illegal entry – such as San Diego, California and El Paso, Texas – in order to raise the probability of apprehension to such a high level that unauthorized aliens would be deterred from crossing the border. The rationale here is that such localized practices of governmental intervention disrupt traditional illegal crossing patterns, forcing migrants to consider passage through more arduous, remote locations. Potential border crossers are thus either dissuaded from ever attempting to cross, or those who do try, given that they fail repeatedly, eventually give up out of sheer frustration and/or from exhausted resources (Andreas 2000). The INS/CBP’s utopian vision aims for nothing short of the sweeping “restoration” of the integrity and safety of the Southwest border; the vision is of a border that works to arrest the flow of immigrants.

Significantly, Operation Gatekeeper’s goal of curtailing illegal immigration to the United States is directly connected to the ways undocumented immigrants have been problematized over the last few decades – to the manner in which particular knowledges or regimes of truth have constructed the “illegal alien” as a problem. More specifically, this goal is related to how a host of knowledges, stemming from a variety of “experts” such as social scientists, politicians, INS/DHS bureaucrats, policy analysts, and the public, have represented “illegal” immigrants as threats to the well-being of the social body. For example, these immigrants have been associated with such cultural, social, and economic maladies as overpopulation, crime, deteriorating schools, urban decay, energy shortages, and national disunity. Moreover, they have been accused of displacing American workers, depressing wages, spreading diseases, and burdening public services. Programs such as Operation Gatekeeper, then, have been formed in connection with particular assemblages of knowledge and the expertise of numerous authorities. They have sought to ground their conduct and objectives in the positive knowledge of the objects to be governed.

The purpose of this book, to put it briefly for now, is to explore this conjunction between knowledge and governmental practice. More
precisely, the study focuses on the post-1965 government of “illegal” immigration. It is concerned, on the one hand, with the kinds of knowledge, the specific problematizations, and the various authorities that have constructed “illegal” immigrants as targets of government; and, on the other, with the specific tactics, techniques, and programs that have been deployed to manage this population, particularly at the US–Mexico border. The book, in short, is concerned with how “illegal” immigrants have been problematized as objects of knowledge and governmental intervention.

Government and Governmentality

The conceptualization of this project in terms of the relation between knowledge and government draws from and is meant to contribute to the growing body of interdisciplinary literature that has developed since the late 1980s or so around the theme of governmentality. This work has emerged out of Michel Foucault’s (1988, 1991) scattered writings and lectures on the arts of government. In these pieces, the term “government” refers generally to the conduct of conduct – to the more or less calculated and systematic ways of thinking and acting that propose to shape, regulate, or manage the conduct of individuals and populations toward specific goals or ends (Rose 1996a; Dean 1999). Understood this way, government points our attention very broadly to any rational effort to influence or guide the comportment of others – whether these be workers in a factory, inmates in a prison, wards in a mental hospital, the inhabitants of a territory, or the members of a population – through acting upon their hopes, desires, circumstances, or environment. The term thus designates not just the activities of the government and its institutions but, more generally, the practices of all those bodies whose aim is to shape human conduct. From this perspective, then, the state is only one element, albeit an important one, in the multiple networks of actors, organizations, and entities that exercise authority over individuals and populations.

Scholars working with this notion of government have been most concerned with exploring those practices that take as their target the wealth, health, security, and happiness of populations. More specifically, they have been occupied with studying all those strategies, tactics, and authorities that seek to mold conduct individually and collectively.
in order to safeguard the welfare of each and of all. They have thus drawn attention to the intrinsic links between strategies for knowing and directing large-scale entities and schemes for managing the actions of particular individuals – to how the conduct and circumstances of individuals are connected to the security and well-being of the population as a whole. Focusing along these lines, scholars of governmentality have produced important studies on a broad range of subjects, including: space and urban planning (Rabinow 1989); psychiatry, medicine, and psychology (Castel 1981; Ong 1995; Rose 1998); poverty and insecurity (Dean 1991; Proacci 1993); social insurance and risk (Ewald 1986; Defert 1991); the regulation of pregnancy and reproduction (Horn 1994; Weir 1996; Ruhl 1999; Greenhalgh 2003); programs for self-esteem and empowerment (Cruikshank 1999); crime control (O’Malley 1992; Rose 2000b); globalization (Ong 1999; Ferguson and Gupta 2006); colonialism (Kalpagam 2002; Scott 2006); and the regulation of unemployment (Walters 2000). The perspective of these studies does not amount to a formal methodology or a unifying theory of government. It is actually a perspective that draws attention to government as a heterogeneous field of thought and action – to the multiplicity of authorities, knowledges, strategies, and devices that have sought to govern conduct for specific ends. Nonetheless, it is possible to single out at least three closely related analytical themes along which their analyses are organized. A review of these themes will help better establish the aims and limits of this book.

The first analytical theme involves the political rationalities (or mentalities) of government. According to Nikolas Rose and Peter Miller, two of the foremost proponents of the governmentality approach, this domain designates: “the changing discursive fields within which the exercise of power is conceptualized, the moral justifications for particular ways of exercising power by diverse authorities, notions of the appropriate forms, objects and limits of politics, and conceptions of the proper distribution of such tasks among secular, spiritual, military and familial sectors” (1992: 175). Political rationalities may thus be generally conceptualized as intellectual machineries that render reality thinkable in such a manner as to make it calculable and governable. They point to the forms of political reasoning ensconced in governmental discourse, the language and vocabulary of political rule, the constitution of manageable fields and objects, and the variable forms of truth, knowledge, and expertise that authorize governmental practice (Dean 1995: 560).
Political rationalities, in short, name that field wherein lies the multiplicity of endeavors to rationalize the nature, mechanisms, aims, and parameters of governmental authority.

With respect to this first analytical theme, governmentality scholars generally have a couple of important concerns. One concern is with the epistemological character of political rationalities (Miller and Rose 1990; Rose and Miller 1992; Dean 1999; Walters 2000). They are interested in how these rationalities both foster and rely upon assorted forms of knowledge and expertise – such as psychology, medicine, sociology, public policy, and criminology. Knowledges of this kind embody specific understandings of the objects of governmental practice – the poor, the vagrant, the economy, civil society, and so forth – and stipulate suitable ways of managing them. Moreover, such forms of knowledge define the goals and purpose of government and determine the institutional location of those authorized to make truth claims about governmental objects. Governmentality scholars, then, are occupied with how the practices of government are intertwined with specific regimes of truth and the vocation of numerous experts and authorities. They show that the activity of governing is possible only within particular epistemological regimes of intelligibility – that all government positively depends on the elaboration of specific languages that represent and analyze reality in a manner that renders it amenable to political programming.

The other important concern of governmentality scholars is with the problem-oriented nature of political rationalities (Rose and Miller 1992; Dean 1999). They note that government is inherently a problematizing sphere of activity – one in which the responsibilities of administrative authorities tend to be framed in terms of problems that need to be addressed. These problems are generally formulated in relation to particular events – such as epidemics, urban unrest, and economic downturns – or around specific realms of experience – urbanism, poverty, crime, teenage pregnancy, and so on. The goal of governmental practice is to articulate the nature of these problems and propose solutions to them. Guided by this perspective on government, the governmentality literature tends to explore how certain events, processes, or phenomena become formulated as problems. Moreover, it is often concerned with investigating the sites where these problems are given form and the various authorities accountable for vocalizing them. To focus on government, then, is to attend, at least on some level, to its
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problematizations – to the ways intellectuals, policy analysts, psychiatrists, social workers, doctors, and other governmental authorities conceptualize certain objects as problems. It is to focus on how government is bound to the continual classification of experience as problematic.

The second analytical theme of the governmentality literature involves the programs of government – that is, how government is conceptualized into existence in programmatic form (Miller and Rose 1990; Rose and Miller 1992; Dean 1999; Walters 2000). Government is programmatic in the sense that it assumes that the real can be programmed – that it can be made thinkable in such a manner as to make it amenable to diagnosis, reform, and improvement. This programmatic character manifests itself most directly in specific programs of government – that is, in more or less explicit knowledgeable schemes for reforming reality, for rendering the world intelligible and susceptible to rational administration. Governmentality scholars tend to train a good deal of their attention on these programs of government. They focus on how such governmental schemes conceptualize, manage, and endeavor to resolve particular problems in light of specific goals. They attend to how such plans attempt to shape the environment and circumstances of specific actors in order to modify their conduct in very precise ways. All in all, this emphasis on the programmatic calls attention to the eternally optimistic disposition of government – to its firm belief that reality can be managed better or more effectively.

Finally, the third analytical theme of the governmentality literature concerns the technologies of government – that is, how government takes on a technological and pragmatic form (Miller and Rose 1990; Rose and Miller 1992; Dean 1995; Rose 1996a, 1998; Walters 2000; Ong and Collier 2005). The technological is that domain of practical mechanisms, devices, calculations, procedures, apparatuses, and documents through which authorities seek to shape and instrumentalize human conduct. It is that complex of techniques, instruments, and agents that endeavors to translate thought into practice and thus actualize political rationalities and abstract programs. Governmentality scholars’ concern with the technological domain reveals itself best in the attention paid to specific technical instruments. These instruments encompass such things as: methods of examination and evaluation; techniques of notation, numeration, and calculation; accounting procedures; routines for the timing and spacing of activities in specific locations; presentational forms such as tables and graphs; formulas for the organization of work;
standardized tactics for the training and implantation of habits; pedagogic, therapeutic, and punitive techniques of reformation and cure; architectural forms in which interventions take place (i.e., classrooms and prisons); and professional vocabularies. Particularly important technical instruments are what Bruno Latour (1986) calls material inscriptions. These are all the mundane tools – surveys, reports, statistical methodologies, pamphlets, manuals, architectural plans, written reports, drawings, pictures, numbers, bureaucratic rules and guidelines, charts, graphs, statistics, and so forth – that represent events and phenomena as information, data, and knowledge. These humble technical devices make objects “visible.” They render things into calculable and programmable forms. They are the material implements that make it possible for thought to act upon reality. The governmentality literature’s concern with technologies of government, then, draws attention to the technical means for directing the actions of individuals and populations. Without these technologies the government of conduct cannot take place.

In line with these emphases of the governmentality literature, the present study has three objectives. First of all, it aims to explore how certain mentalities and intellectual machineries – those that might be called post-social (see below) – have constituted “illegal” immigration as an object of government: how they have rendered it thinkable, calculable, and manageable. Part of this exploration entails looking into how the phenomenon of “illegal” immigration has been constructed as a problem to be addressed and corrected. More specifically, it involves scrutinizing the precise ways in which this phenomenon has been problematized: most notably as an issue of criminality, job theft, and welfare dependency. Another part entails paying close attention to the assorted forms of knowledge and expertise – specifically those of social scientists, politicians, INS/CBP bureaucrats, policy analysts, and the public at large – that claim to set forth facts about “illegal” immigration. It involves, in other words, analyzing the specific regimes of truth and the various authorities with which the practice of governing immigration is intertwined. The concern here is thus to explore the constitution of “illegal” immigration as a problem object, as well as the variable forms of truth, knowledge, and expertise that render it intelligible and governable.

The second objective of this book is to explore the programmatic aspects of governing “illegal” immigration. More precisely, it is to study a number of more or less explicit knowledgeable schemes for
reforming the circumstances of “illegal” immigrants in order to direct their conduct in very specific ways. These schemes include Operation Gatekeeper and Operation Hold the Line, both of which aim to secure the US–Mexico border against illicit entry. This focus on border control has to do with the fact that, over the last few decades, it has been the primary way through which political and other authorities have sought to manage undocumented immigrants. The goal here is to detail how boundary enforcement programs have attempted to resolve the problem of “illegal” immigration.

The third objective of this study is to examine the technological dimensions of managing “illegal” immigration. In other words, there is a strong focus on the actual mechanisms or technical devices – such as border architecture, military know-how, pamphlets, policy reports, and INS/DHS statistics – through which governmental authorities actualize particular political mentalities and abstract programs. One of the aims here is to draw attention to the material tools that make “illegal” immigration “visible.”

The book as a whole, then, just as the literature of governmentality more generally, is concerned with how assorted forms of knowledge, modes of calculation, kinds of governing authorities, and technical means intertwine to construct particular objects – in this case “illegal” immigrants – as targets of government. The book can thus be read as an attempt to examine the art of governing “illegal” immigration – art in the sense that the activity of governing “requires craft, imagination, shrewd fashioning, the use of tacit skills and practical know-how, the employment of intuition and so on” (Dean 1999: 18). Such an examination consists, on the one hand, of empirical description: it depicts how particular regimes of knowledge have produced truths about “illegal” immigrants and, consequentially, how various entities in positions of authority have sought to regulate them. And on the other, the examination entails critical diagnosis: it is diagnostic to the extent that it seeks to establish a critical connection to practices of government, attending to their exclusions, presuppositions, assumptions, naivetés, oversights, and costs (see Rose 1999a). Overall, then, this analysis consists of describing and diagnosing the assemblage of mechanisms and devices for producing knowledge about and intervening upon the problem of “illegal” immigration. The book can thus also be read as an exploration of how the practice of government is inextricably tied to the activity of thought. It is intimately concerned with the connection
between thinking and acting, representing and intervening, knowing and doing. It deals, in essence, with the modern operations of power/knowledge.\(^5\)

The Post-Social Arts of Government

An important concern of the governmentality literature has also been to analyze what have been called post-social (or advanced liberal) rationalities and technologies of government. It is within such post-social strategies for governing conduct – particularly within their repressive side – that I would like to situate the contemporary management of illegal immigration. Let me begin with a brief articulation of the meaning of “the social.” Then we can move on to consider the “post-social” domain. In the discussion of “the social,” I roughly follow the work of Gilles Deleuze (1979), Mitchell Dean (1999), Pat O’Malley (1996), and Nikolas Rose (1996a, 1999a, 2000a).

From the perspective of governmentality scholars, the social is not an adjective that designates the class of phenomena which sociology takes as its object. It does not refer to an existential fact about humanity – that people are social animals enmeshed in webs of human relations, institutions, conviviality, and so forth. Rather, the social has a more particular meaning. It refers, according to Gilles Deleuze,

to a particular sector in which quite diverse problems and special cases can be grouped together, a sector comprising specific institutions and an entire body of qualified personnel (“social” assistants, “social” workers). We speak of social scourges, from alcoholism to drugs; of social programs, from repopulation to birth control; of social maladjustments or adjustments, from predelinquency, character disorders, or the problems of the handicapped to the various types of social advancement. (1979: ix)

The social is thus best conceptualized as a zone of governmental action and technical intervention (see Horn 1994). It represents a particular way of constructing and managing the objects of government – of posing questions concerning the conduct of individuals and populations.

This social mode of constituting the terrain of government has its roots in mid-nineteenth-century Europe and North America. In the wake of its emergence, as Pat O’Malley notes,
the principal objects of rule and the ways of engaging with them were constituted in terms of a collective entity with emergent properties that could not be reduced to the individual constituents, that could not be tackled adequately at the level of individuals, and that for these reasons required the intervention of the state. Social services, social insurances, social security, the social wage were constituted to deal with social problems, social forces, social injustices and social pathologies through various forms of social intervention, social work, social medicine and social engineering. (Quoted in Walters 2000: 8)

Over the course of the nineteenth century, then, the social emerged as an integrative and collective domain of rule inasmuch as political leaders came to accept the responsibility of managing the negative effects of urban life, industrial work, and wage labor. The government of the social came to be embodied in an array of programs formulated to deal with specific problems arising in a variety of places inside the social body.

During the twentieth century, social government was most notably instantiated in a distinct political rationality that has come to be called welfarism (Dean 1999; Rose 1999a). Welfarism was grounded in the belief that the state should maintain a realm of collective security in order to safeguard the life of each and every member of the population. It was based on the idea that the situation of all social groups within society – workers, employers, professionals, and managers – could gradually be improved. Programmatically, this rationality of welfarism came to be articulated around a range of distinct problem domains: the living and working conditions of the laboring classes; the sexuality, health, and education of children; the norms of family life; the role of women as mothers and housewives; poverty and squalor; prostitution and immorality; delinquency and anti-social behavior; and so forth. The goal of administering these domains was to ensure collective security through curtailing the risks to individuals and families that resulted from the craziness of economic cycles, alleviating the harmful consequences of unrestrained economic activity by interceding directly into the conditions of employment, and more generally through promoting the betterment of the social life of individuals. Highly significant to these administrative endeavors were the truth claims of experts – doctors, social workers, psychologists, probation officers, welfare workers, the career public servant, and so forth. These experts – working within a variety of institutional spaces such as public (state) schools,
juvenile courts, workplaces, baby health and family planning clinics, and unemployment offices – produced bodies of social knowledge concerning normality, pathology, urban unrest, social stability, and so forth, and proposed ways to direct and control events and persons in light of such understandings. The securing of the population thus involved a multitude of strategies that were shaped taking into account the assertions of experts as to what was righteous, healthy, normal, moral, or beneficial. Expert knowledge and professional skills stimulated and authorized the “complex social bureaucracy of pedagogy and care” that came to characterize the social state (Rose 1999a: 133).

Social insurance was one of the most important elements of this bureaucracy of pedagogy and care. We can use it to highlight a distinctive characteristic of welfarism: how it sought to socialize individual citizenship. Mechanisms of social insurance – accident insurance, health and safety legislation, unemployment benefits, and so forth – aimed to secure the life of the population from the risks associated with such phenomena as poverty, old age, sickness, unemployment, accidents, crime, and ill health (see Dean 1999). As such, social insurance was essentially an inclusive and solidaristic governmental technology: “it incarnate[d] social solidarity in collectivizing the management of the individual and collective dangers posed by the economic riskiness of a capricious system of wage labor, and the corporeal riskiness of a body subject to sickness and injury, under the stewardship of a ‘social’ State” (Rose 1996a: 48). Social insurance, in other words, was deployed as a mechanism of solidarity that translated accidents, sickness, unemployment, and other afflictions into insurable risks that were individually remunerated but collectively borne. It provided a certain measure of individual and collective security against the uncertainties of social life. This allocation of social provisions to individuals on the basis of their membership in a collectivity embodied a particular conception of the subject. The subject of government was conceptualized here as a social citizen – as a social being whose security was guaranteed through collective dependencies and solidarities. The individual was ordained into society in the figure of a citizen with social rights and needs, “in a contract in which individual and society had mutual claims and obligations” (Miller and Rose 1990: 23). Welfarism, then, conceived of the subject as an individual who was to be governed through society – within a nexus of collective responsibility. It constructed citizenship in terms of contentment, solidarity, and welfare.
The social, as a terrain of thought and action, has been kind of an *a priori* of governmental schemes and tactics for more than a century now. For a long time, to govern well signified governing in the name of the social: in the interests of social cohesion, social justice, and social promotion. Since the mid-1970s, this social rationality of government has come under severe attack from a variety of political forces. Neoliberals asserted the necessity of moving away from the excessive governing characteristic of the welfare state to a more frugal form of governance – one which would foster the mechanisms of the market and thus allow economic processes to operate naturally; civil libertarians expressed concern about the incompatibility between the discretionary powers of social government and the rights of individuals; and those on the left questioned the social state’s effectiveness in minimizing ill health, poverty, and insecurity. All seemed to agree, whatever their other incongruities, that the role of the state as the guarantor of steadfast and progressive social advancement had become deeply problematic. The social state – with its large bureaucracies, extravagant welfare programs, and interventionist social engineering – had simply grown too excessive. It not only hindered the market, created costly and inept bureaucracies, and generated exorbitant taxes, but also, worst of all, instead of fostering social responsibility and citizenship, actually created dependency and a client mentality, thus heightening the very problems of delinquency, immorality, and ill health that it meant to remedy (Rose 2000a: 157).

One of the consequences of this critique of social government, according to governmentality scholars (see O’Malley 1992; Dean 1999; Rose 1999a), has been the gradual reshaping of the terrain of government itself. This reshaping, it should be noted, has not been a matter of the simple replacement of one governmental style by another. Indeed not. For the social mentality of government continues to have sway. Nonetheless, the ideal of the social state has generally given way to that of what could be called the post-social state. This new ideal is such that political government is no longer obligated to tackle all the ills of social and economic life. It is no longer required to plan, know, and direct from the center in order to address society’s desire for health, security, and welfare. The responsibility for dealing with these problems is therefore largely displaced from the state to a multitude of specific actors: individuals, schools, communities, localities, hospitals, charities, and so
forth. Market rationalities – contracts, consumers, competition – play a crucial role here. For it is through the market that individual actors are expected to secure their well-being. The market is seen as the perfect mechanism for assuring the life of the population – for averting the risks linked to old age, ill health, poverty, accidents, and so forth. Its rationalities are thus extended into all kinds of domains – welfare, security, mental health – previously governed by social and bureaucratic logic. Post-social rule, then, entails new modes of apportioning the work of government between the political apparatus, communities, economic actors, and private citizens. It seeks to govern not by means of society but through managing the choices of the citizen, constructed now as a being who aspires to be self-actualizing and self-fulfilling (Rose 1996a: 41). Here the state, instead of being a provider – the ultimate guarantor of security – comes to exercise only limited powers of its own when it comes to social security; and thus public provision of welfare and social protection ceases to appear as a necessary part of governing the well-being of the population.

There are two key characteristics of post-social modes of government that are important to signal out for further discussion here: the fragmentation of the social into a multitude of markets and the new prudentialism. Let us deal with them in that order. The social state, as I have noted, was firmly rooted in the idea that politicians, through calculated government interventions, could act upon social life in order to optimize it, in the belief that political strategies could allay the most harmful individual consequences of capitalism – job insecurity, unemployment, poor working conditions – without destroying the spirit of private enterprise. As a result of the metamorphosis of government into a post-social form, what one sees as Nikolas Rose notes is “a detaching of the center from the various regulatory technologies that, over the twentieth century, it sought to assemble into a single functioning network, and the adoption instead of a form of government through shaping the powers and wills of autonomous entities: enterprises, organizations, communities, professionals, individuals” (Rose 1996a: 56). This detaching of the center can best be seen in the disarticulation of numerous governmental activities from the formal political apparatus: in the fragmentation of the social domain into a series of quasi-markets. There has indeed been a proliferation of market-based, semi-autonomous non-state organizations whose role is to