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Abstract

Why So Melancholy? Reflections on the Rise of Migration and Identity Control since the 1880s

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This paper will summarize some of the main arguments and then criticize the conclusion to my book, *Melancholy Order: Asian Migration and the Globalization of Borders*. The existing conclusion criticizes contemporary internationalist agendas for immigration law reform by arguing that reformers' lack of historical memory causes them to reinforce the very procedures that had earlier created the situation they now find undesirable. I will rethink that conclusion more in the spirit of the narrative presented in the body of the book and of Kafka's parable of the man who came to the gate of the Law but was not allowed to enter (the part in which K. decides that the parable reaches a "melancholy conclusion" is the epigram to the conclusion). The critiques in the existing conclusion are grounded in assertions of human rights, privacy, limitations on state power and the expansion of democracy. The rest of the book argues, however, that these are precisely the foundations on which the global apparatus of migration and identity control was built in the first place, and that our belief in these ideals is inseparable from the extension of surveillance techniques and institutions that have created us as individuals in polities with rights. To paraphrase the priest who interpreted the parable for Kafka: to doubt the techniques of the law is to doubt the law itself. We need not believe that the identities produced by those techniques are true, only that they are necessary. Melancholy indeed.

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