

The book cover features a central, dark, circular shape, possibly representing a head or a shadow, set against a background of intricate, hand-drawn sketches. The sketches include various organic forms, such as what appears to be a hand or a face in profile, and other abstract, textured patterns. The overall color palette is a range of browns, from light tan to dark, almost black, tones. The text is centered within the dark circle.

THE
PROBLEM
OF
PASSING

Sandra Harvey

The Problem of Passing



BUY

The Problem of Passing

SANDRA HARVEY

DUKE

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Introduction

The world is flooded with light, and everything is available to be seen. We can see people, pictures, landscapes, and whatever else we need to see, and with the help of science we can see galaxies and viruses and the insides of our own bodies. Seeing does not interfere with the world or take anything from it, and it does not hurt or damage anything. Seeing is detached and efficient and rational. Unlike the stomach or the heart, eyes are our own to command. —JAMES ELKINS, *The Object Stares Back: On the Nature of Seeing*

Poor blind fool . . . robbed by an invisible man. —RALPH ELLISON, *Invisible Man*

Black studies is generally no longer very concerned with the problem of passing. Well, much of black studies, at any rate.¹ In 1952, *Jet* magazine published an article titled “Why ‘Passing’ Is Passing Out,” declaring an end to the phenomenon and attributing its demise to the growth of the black middle class.

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Black racial passing has generally been understood as a strategy available to the most privileged, and perhaps even bourgeois, of light-skinned black individuals, so light in appearance they are able to disappear into the normative white world. According to the article's authors, advocacy against segregation in the workplace after World War II, especially by the National Urban League, the NAACP, and some state and federal agencies, rendered passing for white a strategy no longer needed as "the thousands of Negroes who 'passed' to find decent employment 'return' to their race."² Direct collective action during the later civil rights and Black Power movements demanded visibility. They negotiated inclusion and/or reclaimed self-determination. They loudly and proudly embraced the tenets of "Black is beautiful." Given these advances, the topic—inasmuch as it referred to blacks passing for white—could be more and more put to rest. In its stead, many black studies scholars have shifted focus to the problem of hypervisibility, and they have astutely traced how general black inability to evade the scrutiny of the state or its representatives renders black subjects vulnerable to violence.

While black studies scholars, barring a few exceptions, have declared racial passing passé, other communities and scholarship have picked up interest in analyzing the phenomenon. Mixed-race studies, Jewish studies, disability studies, Latinx studies, and queer and trans studies, for example, have begun to see how passing as a trope could apply to the experiences they study. And rightly so. Today is a time in which passing—the notion that some can impersonate a normative identity to access individual benefits—is understood to apply to any subject. However, in most of these narratives, the analysis of blackness has been left behind. If mentioned at all, one of two things generally occurs within the newer analyses outside of black studies. Either black people are referred to as just one of numerous categories of people who pass, or black experience is reduced to a precursor to the specific passing problematics of other groups. The point of departure in *The Problem of Passing* is that many resolutions about passing in black studies and generalizations about passing in other areas of critical theory and cultural studies miss the mark. We have not, and so far cannot, move "beyond" this. The problem of black racial passing is critically relevant to black life today, and as I will argue, it is also central to the study of all forms of passing. Indeed, the book asserts, first, that passing—and, in particular, our assumptions about what passing possible or impossible—is at the very center of historical *and* present-day violence toward *all* black subjects. Second, not only is this true, but *all* narratives about passing (passing for cisgender, passing for straight, passing for able-bodied, etc.) encompass in their core assumptions about blackness—what it is and what it threatens to do. Perhaps

surprisingly, this is true even for those stories that, at face value, do not appear to have anything to do with black people. The third core argument of the book is that passing narratives, emerging as symptoms of anti-black fantasy and anxiety, lead us to question some basic epistemological assumptions we might otherwise take for granted. If we pay attention to the anxieties that passing threatens to provoke, we might begin to reexamine questions like: How do we know? How do we know what we know? And are we sure? One way people shape how they answer these most basic epistemological questions is through recourse to narratives about passing. Indeed, the book will argue that desires, fears, and anxieties rooted in anti-blackness are to be found at the center of our very practices of knowing.

I am aware that I have already moved too quickly, and perhaps for many, too far. Let us take up my initial claim first; that is, that ideas about passing are central to understanding the ongoing policing violence that black people face in the present. To consider this, permit me to ground us in a still pressing, nightmarish story. On the evening of February 26, 2012, a 911 dispatcher at the Sanford Police Department in Florida received an emergency call. The person on the other end of the line was twenty-eight-year-old George Zimmerman. According to the transcript of the six-minute call, Zimmerman reported,

Hey we've had some break-ins in my neighborhood, and there's a real suspicious guy, uh, [near] Retreat View Circle. . . . This guy looks like he's up to no good, or he's on drugs or something. It's raining and he's just walking around looking about.

DISPATCHER: OK, and this guy is he white, black, or Hispanic?

ZIMMERMAN: He looks black.

DISPATCHER: Did you see what he was wearing?

ZIMMERMAN: Yeah. A dark hoodie, like a grey hoodie, and either jeans or sweatpants and white tennis shoes. He's [unintelligible], he was just staring . . .

DISPATCHER: OK, he's just walking around the area . . .

ZIMMERMAN: . . . looking at all the houses.

DISPATCHER: OK . . .

ZIMMERMAN: Now he's just staring at me.

...

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ZIMMERMAN: Yeah, now he's coming towards me.

DISPATCHER: OK.

ZIMMERMAN: He's got his hand in his waistband. And he's a black male.

...

ZIMMERMAN: Something's wrong with him. Yup, he's coming to check me out, he's got something in his hands, I don't know what his deal is.

DISPATCHER: Just let me know if he does anything OK

...

ZIMMERMAN: Okay. These assholes, they always get away . . .

...

DISPATCHER: Are you following him?

ZIMMERMAN: Yeah

DISPATCHER: Ok, we don't need you to do that.³

Nevertheless, armed with a nine-millimeter pistol, Zimmerman continued to follow his suspect. Seventeen-year-old Trayvon Martin had left his father's girlfriend's house in the neighborhood to buy some snacks and was on his way back home when he noticed that he was being followed. He called his best friend, Rachel Jeantel, and as she later told ABC News, "He said this man was watching him, so he put his hoodie on. . . . I asked Trayvon to run, and he said he was going to walk fast. I told him to run but he said he was not going to run."⁴ Zimmerman shot Martin just seventy yards from where the teenager was residing. After his killing, Trayvon Martin's parents could not see their son's body until it was released, two days later, directly to the mortuary transport for the funeral. In the meantime, the young boy lay dead in the Volusia County medical examiner's office, listed as "John Doe. Young black male. Identity unknown."⁵ A fellow neighborhood watchman told the media there had been eight break-ins in the area in the past year and that black men were suspects in each of the former crimes. He concluded about Zimmerman's killing of Martin, "The stage was already set. It was a perfect storm."⁶

It was so for various reasons but primarily because of one of the founding mythologies and correlating missions of this nation: the assumed danger that free-roaming blackness presents and the moral call to contain it for the sanctity of the body politic. From fending off threatened mutiny on the transatlantic

slave ships to cordoning off land into property and defending the traditional nuclear family, the national colonial project has *needed* a common boogeyman. And need, here, must be understood expansively: ideologically, psychically, morally, and economically. It has a spatial dimension as well. Blackness is wrong when it exists where it shouldn't; it is trespassing and fugitive. Moreover, the geographic stipulation "where it shouldn't" refers to the totality of land the nation controls. If this is the case, blackness, and those fixed under its signifier, is also wrong simply for *being* as such. The consequential imperative to track, contain, and manage blackness—and therefore black people—undergirds the national project by designating how and where black people must exist and where and when they must be killed. After Martin's murder, students walked out of classrooms to protest. They donned hoodies and held their hands in the air with Skittles and iced tea, reportedly the treats the teenager bought during his ill-fated run to the store. In the wake of Zimmerman's acquittal, the collective organizing of the Black Lives Matter movement emerged. Of course, there were and will be other victims of this national pastime of hunting black people (adults and children): Philando Castile, Michael Brown, Aiyana Jones, Eric Garner, Rekia Boyd, Sandra Bland, Monica Jones, CeCe McDonald, and George Floyd, to name just a few.⁷ Considered mundane, most incidents remain unremarked upon. *The Problem of Passing* takes the watchman's words seriously, despite the fact that they offer an apology for murder. It does so because the matter-of-fact comment points directly to the much larger historical phenomenon that remains salient in determining the lives and deaths of black people in the United States: the surveillance and containment of blackness read as fugitivity.

I admit, given how racial passing has traditionally been conceived, it may seem peculiar to turn to racial passing as the conceptual framework to think through Trayvon Martin's killing and others like it. As I noted, much of the recent (and not so recent) analysis of and resistance to police killings has focused on the hypervisibility of blackness and the presumption that police violence is a threat to certain people almost entirely due to the assumed fact that they are unable to pass. Nevertheless, as this book will argue, turning to narratives about those we assume can pass—and, importantly, about those we assume cannot—allows us to understand how epistemological and ontological instability fuels the ritualized, everyday hunting of black people in the United States. Indeed, even as it seems contradictory, the biopolitical assumptions, desires, and anxieties around wayward blackness that underpin the suspicion of passing narratives are also what comprise the very conceptual structures of modern surveillance more broadly. They foretell Martin's killing as much

as they do the increased social mobility of a privileged class of light-skinned blacks. These two consequences are connected intricately; they are, in fact, two sides of the same coin.

We are better able to notice this dynamic, however, if we let go of, at least momentarily, the cultural obsession with conceiving passing from the perspective of the presumed individual passer—the person fraudulently occupying a supposedly forbidden and inauthentic identity. If we instead refocus our attention on the watcher rather than the watched, we can begin to take account of the suspicion or accusation of passing as part of a long history of surveillance. *The Problem of Passing* asks the reader to break with the traditional focus on the passer in order to center the work of the accuser. To begin, the book traces the origins of passing narratives to the policing of blacks as runaways during chattel slavery. It does so by tending to the prevailing logics undergirding the vigilant tracking and capture of fugitive slaves. Here, as everywhere, the success of the hunt depended on the tracker's ability to locate and identify blackness, and stories about passing narrated the challenges of doing so.⁸ By the mid-nineteenth century, this mythology narrowed down to complexion as the primary determinant of the hunted's (in)ability to blend in. Vigilante folklore about the exceptional racial imperceptibility that privileges individual light-skinned blacks stands in opposition to its assumptions about a collective and undifferentiated black underclass that is unavoidably eye-catching, presumably unable to pass. The latter class is fixed, in short, as a beckoning target.⁹

Indeed, the assumption of hypervisibility renders black skin its own spotlight.¹⁰ Consider that, when critiquing policing, we have often left uncontested the claim that blackness is uniquely hypervisible. In fact, we have reified it and used it as our point of departure in framing the surveillance of black people. There has been a good reason. The claim has material effects on those deemed hypervisible, and hypervisibility, in many ways, has become particular to the black experience in the West.¹¹ For example, Frantz Fanon remarked that what distinguished anti-blackness from anti-Semitism in France in the 1960s was a visual schema that overdetermined blacks based on a seemingly obvious visual phenotype. He wrote, "The Jew can go ignored in his Jewishness. It is not integrally what he is. . . . His acts, his behavior are what ultimately determine him. He is a White man, and except for some debatable traits, he is able to pass undetected. . . . The Jew is not liked from the moment he is detected. But with me, everything takes on a *new* face. I am allowed no chance. I am overdetermined from the outside. I am not a slave of 'the idea' others have of me, but of my appearance."¹² My purpose here is not to debate whether, where, and when it might be true that Jewish people can pass for not Jewish; there are

several layers of nuance that we will unpack later in these pages. For now, what is important is that Fanon believes that Jews can pass and he cannot. Moreover, it is not just Fanon who would think this way. Inasmuch as European Jews are considered to have white skin (or close enough) and blacks are considered the oppositional binary to whiteness, most people in the West would likely agree with Fanon, at least to a point. Thus, Fanon narrated his experience precisely in opposition to that of others who could pass. They, he observed, experience prejudicial treatment because of some supposed *interior* deficiency. That is, their inferiority can be hidden by a surface layer facsimile. In contrast, for Fanon, hypervisibility imposed a lived experience in which his body took up space where it was not supposed to be. The black body was rendered unavoidable, dense, and as existing in triple. Fanon's skin testified to his supposed inferiority, to his ancestors as a reminder of the historicity of this inferiority, and to all the horrific stories anthropology had already told about them and, consequently, about him. Through this social discourse, blackness becomes *epidermalized*, a process by which one's wretchedness is meant to be visible on the skin as a warning to all others.¹³ Following insights such as these, it is certainly warranted that scholarship on black resistance to surveillance has often settled on how to live—at times even how to have a good life—despite the *fact* of black hypervisibility: the supposition that black people are unable to hide.

Returning to the hunt, nevertheless, there is something else, something uncanny, that occurs. It is integral to the hunt in that it serves simultaneously as its driving force and its potential foil. For, even as the hunter attempts to disavow it, in the quiet of the stakeout, a nagging doubt emerges. Will he be tricked or seduced into missing what all others have declared to be visibly obvious? Even worse, will he drop the ball and, relying on the promise of hypervisibility, forget to be vigilant at all? Permit me a second story to illustrate my point. Ralph Ellison, in the prologue of *Invisible Man*, tells of the following encounter. One evening, the novel's black protagonist (we never learn his name) walks down his street and bumps up against a white man, startling him. Musing that the unsuspecting white man must have surely believed he'd collided with a ghost, the narrator has a critical and foreshadowing insight. He had been used to being ignored by society, accustomed to not registering as a person to most. However, in this collision, it occurred to him, astonishingly, that he might not be invisible after all. How could it be that the white man could suddenly be aware of him? The protagonist concluded: "Perhaps because of the near darkness he saw me."¹⁴ In this scene, paradoxically, Ellison uses the evening's darkness as the backdrop that summons the black figure to visibility. In contrast to the supposition of hypervisibility, in this example, the protagonist is only made

visible by a second anchoring signifier. There is a logic to it. For the white gaze, the dark street, as a scene where danger is likely to occur, parallels the dark man, from whom danger surely emanates. This mirroring of the street with the man renders each one perceptible. In response, the protagonist, indignant with his sudden vulnerability, demands an apology. Nothing doing. The white man proceeds to insult him, and a bloody scuffle ensues. Suddenly, in a split moment, “beneath the lamplight,” before the protagonist can enact his coup de grâce, he changes his mind. He had been mistaken. His white adversary “had not *seen* [him], actually.” In fact, he was clueless. The careless so-called hunter had dropped the ball. Surely, “as far as he knew, [he] was in the midst of a walking nightmare!”¹⁵ The darkness of the evening had ultimately allowed the white man to see something, but it was not the truth of Ellison’s protagonist. It was instead the confirmation of an undifferentiated black figure as a criminal. Confirmation of this reappears the following day as a glaring headline in the newspaper, which reports the incident “beneath a caption stating that [the white man] had been ‘mugged.’”¹⁶ Such is the contradiction of visibility and blackness, and the narrator concludes: “Poor blind fool . . . mugged by an invisible man.”¹⁷

Note that to quell the uneasy affect incited by this exchange, if we can call it an exchange, a certain semiotics is required. It relieves the disorienting tension by suturing additional stabilizing markers to the otherwise deceptive black body by providing a simple story about blackness and crime. These markers as stabilizing signifiers abound in stories about how to prevent passing.¹⁸ For example, as we will see in chapter 1 of this book, in the antebellum South, these anchoring markers included branding, freedom papers, temporary passes, and clothing restrictions or livery. Authors of early runaway slave advertisements narrated these signifiers in a telling way. For example, they equally used the noun *pass* (as in to forge a *pass*) and the verb *to pass* (as in *to pass* for free) to explain how fugitive slaves were able to escape, evading scrutiny and arrest by patrollers. The ads, as cautionary tales, moved from the inauthenticity of *the document* (the fraudulent pass) to the inauthenticity of *the person* (the passer), transferring from the paper to the body a presumably natural capacity, even tendency, to present themselves as someone they were not. This is an example of the process of epidermalization. Escapees were not free men and women but fugitives, and this truth could be traced on their bodies. As I will show in the ensuing chapters, this truth becomes both a legal and, in many ways, an ontological claim—that is, a claim about the very meaning of blackness. Post-emancipation, the signifying anchoring continues as narratives casually attach markers to black bodies like a caption to a photograph.¹⁹ In the present, the

branding is often—but not always—more subtle than that of the antebellum era. Notably, however, it is not necessarily less violent.

Returning to the case of Trayvon Martin, the additional signifier was more overt than the literary subtlety of Ellison's night sky, but it worked in a similar fashion. Rachel Jeantel, who was on the phone with Trayvon as he was hunted down, testified: "He said this man was watching him, *so he put his hoodie on*" and began quickly walking, not running, away.²⁰ The hoodie, the very tool Trayvon used to garner some invisibility, to evade the heavy handed vigilante surveillance, was one trigger of his hypervisibility. Confirming this, Zimmerman reported Martin's "dark hoodie" to the 911 dispatcher. And like the darkness in the previous example, the hoodie attaches to the body of the teen to reiterate his criminality. After Trayvon's murder, this single article of clothing, which black youth often use to evade the white gaze, became an icon. And then stories about the hoodie as fugitive attire were incorporated into the broader surveillance regime as their own cautionary tales. In essence, they emerged as anxious and salacious modern-day passing narratives. News headlines asked rhetorically, "Hoodies: Danger or Fashion?"²¹ Adding insult to injury for victims and their families and capitalizing on right-wing enjoyment in black death, shooting ranges featured pictures of Trayvon Martin and other black boys and men wearing hoodies to be used for target practice. White youth dressed up in hoodies and blackface for Halloween. It was a form of modern-day minstrelsy, allowing hunters and hunters-in-training to inhabit the figure of the hunted, to perversely relish in the apparently tantalizing sensation of experiencing the condition of the prey too. On the other side, cultural studies scholars engaged in important semiotic analyses, like Mimi Thi Nguyen's "The Hoodie as Sign, Screen, Expectation, and Force."²² And the cover of *Citizen*, Claudia Rankine's 2014 multi-award-winning book of poetry, featured a hoodie. Its filled out form gave the impression it was being worn, but the image showed no face. The full form of the hoodie is hollowed out. Within the trope of passing, the hoodie as a sign makes visible a tale of black criminality and makes invisible any sign of the passing subject's interiority.²³ Organizers in New York held a Million Hoodie March in protest of police violence and the criminalization of black youth.²⁴ Some ten years later, the Smithsonian's National Museum of African American History and Culture displayed the clothing Martin was wearing that night, including his hoodie, in an exhibit on vigilante violence as a response to post-Civil War Reconstruction.²⁵ As in the past with branding or other markers of blackness, what was produced in 2012 was an iconic image of black fugitivity, a necessary signifier to stabilize a body that conversely might threaten to pass out of the clutches of surveillance.

Faced with this stifling regime, *The Problem of Passing* attends to what is lying just below the surface of passing narratives in the United States. It returns to the suspicion or accusation of passing and seeks to take account of its underlying assumptions about the social, political, and even ontological limits this nation assigns to particular subjects. In doing so, one can even begin to trace the limits the Western world insists on when constituting what it means to be a subject at all, at least in opposition to those who are not—those whom the passing narrative relegates to a position somewhere between *object* and *perverse subject*. We can begin to take note of the nation's restless desire to regulate and police those limits.

Thus, the book's analysis is aimed at two interrelated registers. First, focusing on surveillance mechanisms of chattel slavery, it relates how passing narratives and the folklore surrounding them crop up as early cautionary tales about the ways fugitives evaded capture. It goes on to trace the persistence of these assumptions about black subjectivity and their corresponding libidinal investments in hunting the figurative fugitive slave. These are assumptions and investments that, as the later chapters of the book will show, persist within post-emancipation tales of passing. I argue that these narratives, now national mythology, work through capturing and managing blackness as a means toward territorial expansion and the formation of citizens as vigilantes. What drives the practice of retelling these passing stories, even in their contemporary versions, is a collective unconscious attempt to get a handle on the pervasive concern that one might not be able to identify, contain, and manage the perpetual threat that blackness on the loose poses to the ethnonational project.

The second register of the book abstracts from the historical. It explores just how the logics of passing narratives are rooted in and contribute to larger philosophical claims in which the national project—and the West more generally speaking—is invested. This broader venture is driven by a set of foundational epistemological and ethical questions guiding our critical return to the biopolitics of passing and the management of difference among the human world. Narratives on passing and a critical look at the violence they impose can lead us to ask: “How do we know?” “How do we know the other?” and “How do our ways of knowing shape our ethical engagement with the other?” As the ultimate conundrums of epistemological philosophy itself, I do not expect to provide a definitive answer, at least to the first two questions. Nevertheless, examining the folklore on passing requires us to return to them. It does so because of the ways passing narratives, suspicions, and accusations work to manage the insecurities knowing's conceits inevitably provoke. My aim in returning to passing is to rethink these questions *as* questions, ones that philosophy poses and on

which history intercedes (and vice versa). *The Problem of Passing* brings these two registers into conversation. The book will consider how our broad “practices of knowing” and our anxieties, desires, and fears attendant on that knowing rely on a historically rooted fantasy of the master hunter, which feeds into folklore on passing. So true is this, I venture, that in the West, as the book aims to explore, the master hunter and the knowing subject emerge as one and the same. And there is nothing that the knowing subject must master more than knowledge of the other. He must do so, however, by disavowing certain epistemological insecurities—those opaque and therefore threatening unknowns that the masterful subject can externalize by projecting them as something called “blackness” onto those who are, then, called “black.”

In this way, the book traces the many formulations of the idea of mastery that feed into modern surveillance regimes. In each instance of passing described in the book’s chapters, I find resonances between philosophical, psychoanalytic, and political-economic concepts of mastery. These include mastery with regard to knowing nature or the other—one’s ability to identify, define, and explain a subject. This sort of mastery inevitably requires capturing or grasping the truth about the object to be known. Take, for example, the double meaning of the word *apprehend*—both to understand and to capture. This also resonates with a sort of mastery regarding ownership—the capacity for a subject to own oneself as property.²⁶ This tenet forms the basis of liberal understandings of property ownership, and it is the requirement for another right of ownership: possessing the other as property. Finally, there is an overlap with the idea of mastery as a subject’s capacity for self-determination, autonomy, and control of their emotions or impulses. In this context, black studies scholars have often thought through mastery as a practice of individual sovereignty.²⁷ The authentic, sovereign, or masterful subject is one who is able to self-fashion, to make decisions for themselves—to be the author of their own truth or laws—without requiring external authority. One sustains this sort of mastery to the extent one is able to continue to enforce these laws or truths about the self in relation to the world around them. Sovereignty as a Western tradition, then, refers to the power to both make laws and oftentimes, importantly, to ensure those laws are followed.²⁸ We will soon see how this dual requirement for sovereignty provides its own inherent dilemma. Chapter 2 of the book will scale up from this notion of individual sovereignty to trace the ways national sovereignty claims, even anticolonial ones, are similarly invested in these broader notions of collective and self-mastery. In addition to national projects, these notions of mastery are part and parcel of the modern project of the human broadly speaking. The latter half of the book especially sorts through how this plays out within Western

regimes of knowledge production, including science and philosophy proper. The aim of this introduction is to provide some conceptual points of departure for the book's ensuing task of tracing the relationship between these two registers: the historical and the philosophical. With this in mind, let us disentangle some of the historical and conceptual threads that shape the key term of the book—passing—and its coterminous ideas: surveillance and fugitivity.

Subject-Object Lessons in Passing

In returning attention to the murder of Trayvon Martin along with the bloody struggle in Ellison's *Invisible Man*, we have been able to tease out several important dynamics with regard to passing narratives. We could do so by focusing attention on stories about passing from the perspective of the one holding suspicion or the one accusing an other of passing. We began to trace the affective force of passing narratives alongside the policing of black peoples. With regard to these moments of tracing, capturing and managing—indeed, hunting and passing—narratives emerge in response to a nagging insecurity with which the hunter struggles: that he, in fact, may not be successful. The anxiety, so the hunter might say—if he were to admit he experienced it—is in response to a supposed black shiftiness, a black capacity to seduce the beholder; in essence, a black propensity for fugitivity. The citizen as everyday watchman tells these stories to commiserate with, to warn, and to train fellow members of the hunting class on the importance of hypervigilance. Thus, a first dynamic we glean is that stories about passing emerge as cautionary tales and stabilizing mechanisms that members of the hunting class share with each other. These narratives serve as the supportive tools and technologies of surveillance.

This leads us to a second dynamic we are able to note: If we are to consider what surveillance is and how it works, it is important to account for the surveillance regime broadly speaking. We cannot limit our perspective to formal police activity. Recall that neither most slave patrollers nor neighborhood watch members—Zimmerman included—act in an official state capacity.²⁹ Surveillance includes the policies and practices of the formal policing force and the informal vigilante. The second is indispensable, as we will see, for example, in the broad, informal practices of locating and capturing runaway slaves explored in chapter 1. In addition to the wide base of informal means of keeping watch, proper modern surveillance also requires the surveilled to keep a good eye on themselves—to master themselves by internalizing vigilantism. Finally, regimes also include less tangible components, such as sociocultural discourse. Passing narratives and additional anchoring signifiers (fraudulent passes, branding,

mug shots, hoodies) are part and parcel of US racial surveillance regimes. In fact, one can say that these stories identify passing as one of the reasons that surveillance is necessary. They remind the body politic to be vigilant. However, as witnessed in the prologue of *Invisible Man*, the claim the stories make is paradoxical. They assure the hunter-knower that blackness is most easily seen or identified as it is manifested through criminality and fraud. At the same time, however, the stories also work to remind the body politic that it is this same supposedly innate fugitivity that aids the black subject in evading the watchful eye of the state and its policing bodies. The index of criminality and fraud simultaneously makes it possible to identify or know that a subject is black and makes it a challenge to identify or contain the black subject. This paradox is what ultimately renders the *appearance* of blackness untrustworthy. And here we have begun to trace a third point: Passing narratives are stories not simply about how easy or likely it is for some to pass but also about how unlikely, even impossible, it is for others. That is, passing stories are stories that play with the notions of black hypervisibility and invisibility as cut from the same cloth. The slipperiness of what must be shown and what can be hidden is a reflection of the uneasiness that blackness—when free from the controlling gaze of the watchful citizen—presents for the integrity of the nation and for a universal humanist project. And in the white imaginary, the one that stipulates the horizons for the nation's surveillance regimes, blackness is always already threatening to be free.

At this point, the reader might, understandably, feel that there are various slippages of my own in the way I have been discussing passing. For, thus far, I have talked about it in a variety of manners. First, I mentioned it as it is usually discussed in cultural lore, as something a person does to pass themselves off as someone or something that they supposedly are not. Here, passing refers to

an act of impersonation one attempts in order to claim an identity, a status (legal or ontological), or a position. This desired status is one that law, normative culture, and, as we will see in the ensuing chapters, Western metaphysics has denied them. Examples of this include attempts to pass for white, pass for Native, pass for straight, pass for able-bodied, pass for free, or pass for human.

Importantly, however, I have also referred to passing as something an onlooker does. In this case, passing also refers to

a suspicion or accusation that one holds or makes based on one's perception of another believed to be passing. Here, importantly, passing is also a transitive verb. You can "pass" someone else by reading them in a way

that is contrary to the way they read themselves. You can pass someone anytime you read them, and you can do so without them even being aware of what has happened.

Finally, I have also referred to passing as a discursive complex including general cultural and narrative productions, or an epistemological structure. This complex both sets up the conditions for passing to occur and claims passing as a problem requiring consideration. In this sense, passing includes

stories, narratives, cautionary tales, and folklore that render black fugitivity and fraud common tropes in US culture. These include notions of invisibility and hypervisibility as ideological claims. They most often emerge as stabilizing and containing forces meant to return a fugitive object's presentation back to the control of the onlooker's gaze. These stories work to explain away any illegibility or threat that an uncanny representation may provoke. They draw on anchoring signifiers in the form of literary symbolism, violence on the flesh, and bureaucratic documentation, such as passes, passports, permits, and the like. Passing narratives, as cultural productions, are also transitive in nature. They pass people. And they don't only pass individuals. Rather, what chapters 1 and 2 of this book show is how passing emerges as a tool that levels suspicion and organizes and manages entire populations.

The Problem of Passing prioritizes the latter two transitive forms of passing as ways of reading and narrating the other. It begins with the origins of the passing narrative in the colonial United States and the hunting and capturing of runaway slaves. Here, any African in the colony is understood to be potentially passing for free and to require careful surveillance. This practice develops into narratives and folklore about black racial passing that persist well after the de jure abolition of slavery. The subsequent chapters of the book trace these post-emancipation passing narratives as they work, often undetected, in contexts where one might not generally expect to find them. We witness suspicions of passing both as the United States usurps Indigenous land in the wake of the Civil War and in some Indigenous claims to resist this theft (chapter 2). We witness passing suspicions and surveillance within science and the scientific method (chapter 3). And finally, I show how anxieties around passing animate Enlightenment philosophy itself (chapter 4).

Returning for a moment to the concern of conceptual slippage, there is a necessary malleability in how the book theorizes passing precisely because passing itself is the framework for a messy relationship. In this sense, passing is

an example of what Roland Barthes calls mythology—a semiological system in which blackness itself comes to index and overcome a whole slew of anxieties around the integrity of the modern subject and its capacity to appear both as authentic and as capable of knowledge, freedom, and citizenship. The power of mythology is that it is able to “transform history into nature.”³⁰ The myth uses a sign in the construction of a second-order discourse that conveys a critical affective message, all the while obfuscating, or displacing, a historical truth or violence. And it is this disavowed, original violence that renders the sign available for use in the first place. This obfuscation produces the dynamic that makes it possible to imagine black racial passing as passé, all the while continuing to struggle with the vestiges of chattel slavery and the overwhelming surveillance of blackness in the present. If we are to get to the heart of the mythology of passing, we must contemplate what has been done to the black subject, and more specifically, to the black body, such that it is usable as the signifier and scapegoat for modern epistemological, ontological, and existential instability.

In the ways we most often discuss it, passing serves as a—granted insufficient—attempt to resolve an irresolvable problem emergent in the act of knowing, in surveillance, and in their combination: knowing as surveillance. I am referring to the instability that has always undergirded the relationship between subjects and objects or knowing-watching subjects and their objects set to be known. The act of knowing and the assumptions we make regarding the subject who is capable of knowing retain an unstable subject-object boundary. Symptoms of this instability rear their head sometimes in strange and unruly ways, and often in the most mundane of ways. For example, one can catch a glimpse of this in the way the knowing-hunting subject plays dress-up as their own prey for Halloween, in the way surveilled subjects impose a policing gaze on themselves or their own communities at times, or, as chapter 3 describes, in the way certain subjects have felt when their object stares back at them.

When the book speaks of passing, then, it is speaking about the relationship between all the above as constituent elements of a confounded practice of knowing-surveilling. In an initial sense, at least, my view of passing mirrors the way Eve Kosofsky Sedgwick explains the dynamic of queer representation and queer existence as shaped through an epistemology of the closet. The closet, she relates, is a set of “reader relations” that designate queer identity as always already structured by the lure of a secret: *Is the subject before me queer or aren't they?* The closet epistemology is such that even if the queer subject is out, it is the specter of the secret that continues to shape the way the person is read. Like blackness, there is also always an assumption of shiftiness with regards to queer sexuality. Indeed, the seduction of the secret, similar to that of blackness,

is that it always beckons the onlooker for a reading. In the next section, I will more intricately tease out the relationship between the closet and racial passing. What is key to bring into this unpacking, however, is two points. First, following Sedgwick, for the remainder of the book, when I speak of passing, I am generally referring to a set of reader relations (cultural, discursive, aesthetic, metaphysical) that are driven by the assumption of black shiftiness, fugitivity, or fraud. Second, regarding blackness, passing developed as a set of reader relations designated by a messy, unstable boundary between subjects and objects originating in the context of the transatlantic slave trade and the antebellum surveillance of fugitive slaves. It continues post-emancipation into present-day passing narratives as an afterlife of slavery. We see the effects in the logics and horrors of modern policing and in the murder of Trayvon Martin and other victims like him.

Passing by Resistance

Black studies is generally no longer very concerned with the problem of passing—the statement that opens the book—requires a significant qualification. Heteronormative black studies has largely not been preoccupied with passing in the past thirty years. To say someone is “white passing” today is to offer a simple factual description of another’s appearance, a characteristic bestowing the subject with the privileges of colorism. But with regard to black racial passing as a covert act of betrayal of one’s race, it is as if black studies has generally put the concern to rest. Genderly speaking, however, the matter has received continued attention, and black queer and trans scholarship has offered some of the most critical insights.³¹ One salient rearticulation of the politics of passing has come from black trans scholar C. Riley Snorton in response to white trans scholar, artist, and activist Sandy Stone. In her 1990 “Posttranssexual Manifesto,” Stone issued a call for trans people to refuse to pass. She wrote:

Transsexuals who pass seem able to ignore the fact that by creating totalized, monistic identities, forging physical and subjective intertextuality, they have foreclosed the possibility of authentic relationships. Under the principle of passing, denying the destabilizing power of being ‘read,’ relationships begin as lies. . . . To deconstruct the necessity for passing implies that transsexuals must take responsibility for *all* of their history, to begin to rearticulate their lives not as a series of erasures . . . but as a political action begun by reappropriating difference and reclaiming the power of the refigured and reinscribed body.³²

The refusal, Stone wagered, would allow for moments of intertextuality, opportunities to critically deconstruct the normative gender binary. Snorton, however, rightly reminds us all that passing is not so simple as to be read as an individual choice. On the contrary, he insists, trans people experience subjectivity as the product of repeated accusations or suspicions that they are passing. That is, the psychic effects of being read, reading oneself, and being misread as passing “bring one’s ‘self’ into view.”³³ The psychic life of passing, then, includes the affect of anticipation (*How might the other read me?*), the tension in reading the room and bracing for recognition or misrecognition and what might come as a result, and moments of recovery. Moreover, Snorton explains, a trans person does not always dread being told they pass. At times, the prospect of passing is celebrated. Successfully passing, or having a friend say, “You pass,” offers an affirmation “of one’s own reading of self.”³⁴ Passing exists within the everyday of black trans sociality. He concludes: “Through the experiences of psychic dissonance, affirmation, disavowal, and recognition, we engage in the process of passing off our daily experiences of embodiment as identifications—creating ‘fragile fictions’ of personhood . . . passing is not simply the essence of transsexualism; it is the way we make identity.”³⁵ This is the case even when or even if trans folk are not attempting to pass for cis. In other words, regardless of intentionality, trans subjects become trans subjects through passing’s reader relations. In this book, I would like to extend Snorton’s incisive argument even further. For this dynamic is not only true for queer and trans folks of any race but, because of the significance of blackness for the Western imaginary, it is also true for black subjects broadly speaking, perhaps even primordially so. That is, it is through the passing regime that black subjects come to be black subjects in the United States—as manifestations of fragile fictions of black race-genders.

Consider how Snorton’s rendition brings race and gender passing into conversation. He does so, however, in a way that does not assume these categories have integrity independently of each other. What I mean is that gender is always already a raced term and vice versa. To say that it is primordially true that blackness emerges through the passing dynamic is to say two things. First, it says that blackness is always assumed to be shifty, perhaps fugitively hiding or withholding something the watcher-reader cannot quite master. And second, that assumed shiftiness fixes blackness as the sign of proper gender’s perversion. It is through the psychic life of passing’s reader relations that the existence of blackness and all its unruly gender (dis)formations come to have meaning and that this meaning is attached to people. Thus blackness, as Zakiyyah Jackson points out, is an “existential matter,” and through the violence that produces this index “gender and sexuality lose their coherence as normative categories.”³⁶

Even if cis black subjects disavow this intersection, and even when cis black subjects accuse black trans folks of passing or attempting to pass, this original instability is there, haunting one's recuperative identification. This brings me to another point of departure for the book: passing is never simply racial passing *or* gender passing. It is always already both. This is why Snorton refers to black genders and, in his particular autoethnographic experience, to both trans and cis black masculinity as "fragile" claims. For example, what Zimmerman sought to contain in hunting Trayvon Martin was not simply his unruly blackness. It was the unruly blackness of Martin's so-called threatening masculinity made hypervisible through the hoodie's obscuring rhetorical forces. This black, fugitive masculinity—at once too much and not enough—stood challenging Zimmerman's own masculine expectations for white management and security.

In a paradigm in which everyone can, and does, pass in multiple forms because representation is never whole, the variety of ways that people experience passing differently is often flattened. Because of the prevalence of transphobia and gender policing, trans subjects specifically may come to know their own identity through passing's reader relations. The question of trans capacity or incapacity to pass has become hypervisible. Nevertheless, cisgendered readers especially must question why they might not consider gender passing a significant narrative in their own lives. If, as Che Gossett remarks, "blackness is gender trouble," cisnormative black subjects must ask themselves: What sort of gender trouble are we externalizing when we perpetuate the normative gender binary?³⁷ How, through this perpetuation, have cisnormative black folks come to inhabit the position of the watcher-master—surveilling and inflicting violence on both their queer and trans black kin and inevitably themselves?³⁸ We must take seriously the Western insistence that blackness throws gender off kilter. Having the passing narrative rest so easily and exceptionally on trans lives enables others to disavow the multiplicities of gender through which all subjects pass and which all are fixed to differently. Equally critical, it disavows the violence or ignorance that induces these passing experiences. The question here is not the binary—authenticity versus fraud—but rather that of who is always already subjected to the binary's violent overdetermination in the first place.

Given this structure that exists simultaneously with the rise of black subjectivity, the political insistence to refuse to pass does not quite accomplish what we hoped it would. In essence, as I explore in further detail in chapter 4, passing subjects are backed into an epistemological corner. Indeed, we often back ourselves into this corner. Stone argued that passing precludes true intimacy. However, this stand does not fully grasp the productive power of passing emerging through specific reader relations and couched within a specific

epistemic system. It thus individualizes responsibility. Her reproach of the passing subject borders on trafficking in the trans equivalent of the trope of the tragic mulatto, who because of their betrayal of their race becomes isolated and alone in the white world, constantly working to uphold an essential untruth. For Stone, passing is not simply a secret but a lie. I argue that she is not quite right in this conclusion, but she is similarly not completely wrong. That is, just as the regime of the closet is shaped by a secret, the passing regime *is* shaped by a lie. However, in grasping passing as an epistemological structure immersed in anti-blackness and queerphobia, we can better assess *who* is telling *what* lie and why, once we end up enveloped in these sorts of reader relations, the lie will continue to be told.

We even tell the lie in our own narratives of resistance, in our desire to, by refusing to pass, either uphold a fiction of authenticity or somewhat romantically immerse ourselves in the liminality that not passing might provoke. Take, for example, in *Epistemology of the Closet*, Sedgwick's caution about the limits of deconstruction. She warns that one might deconstruct, for example, the gender binary. However, doing so does not automatically guarantee the queer utopias that we desire. Heteronormativity, its reactionary narratives, and its psychic life are just as slick as one's resistance to them. In her explanation of this, however, the libidinally motivated project to contain and/or indulge in the unwieldiness of blackness returns to rear its head. Employing metaphor, Sedgwick cautions: "There is reason to believe that the oppressive sexual system of the past hundred years was if anything born and bred (if I may rely on the pith of a fable whose value doesn't, I must hope, stand or fall with its history of racist uses) in the briar patch of the most notorious and repeated decenterings and exposures."³⁹ While pithy, the critic's own choice of symbol here indicates a truth her intention, as she articulates it, disavows. The reference to the briar patch harkens to the old fables of supposedly African origin, reproduced by Joel Chandler Harris as told to him by enslaved black peoples in the US South. It is a strange allusion for Sedgwick to use, because while she designates the briar patch as the birthplace of the oppressive sexual system, this chaotic space is generally associated with blackness. In the traditional fables, it is the home of Br'er Rabbit, the trickster, who escaped his captor by leading him to believe that throwing him into the patch—a thorny mess from whence no safe passage out could be determined—would lead to his death rather than his freedom. Blackness, then, appears as a foil even for queer critique.

Certainly, there is no possibility of separating out the conceptual significance of the briar patch from its historical context. And to do so would actually limit the force of Sedgwick's metaphor even as she attempts to distance her argument from it. In her analysis of sexuality and identity, instability works in two ways.

First, as she asserts, the heteronormative binary of sexuality is fundamentally unstable. It subordinates and excludes queerness in order to shore itself up.⁴⁰ Then, as she warns, there is the instability present in the deconstructive project of queer liminality, which is subject to the symbolic and real disorder of the briar patch. While full of hopeful resistance, it therefore can offer no guarantees, no promises, that it might be put to use in any masterful way toward queer utopia. Sedgwick's narrative of the latter instability, articulated through the briar patch, is haunted by blackness as fugitivity and, more precisely, by the fugitivity of the slave. The briar patch, as a zone of opacity, becomes the foil of any mastery to be had in queer liberation. In this imaginary, blackness as slick, as the ultimate trickster, undermines all even as it beckons all. It cries: Do with me what you will, but make it the worst. It is the sadomasochistic pleasure of doing to the object and, simultaneously, unwittingly being played by the object. If the closet is the epistemology of white homosexuality, in this historical and cultural context, the briar patch might be the condition of its possibility and its failure.

What is inside the briar patch, what threatens to slip out of it, is inaccessible to the watchman, and thus it symbolizes the limit of the reader relation's ability to make meaning at all. That is, passing and other forms of reading presume a body as text, always comprising a surface and an interior. Within this reader relation, the briar patch works as a myth to obscure the fact that there is nothing to be found underneath the text's surface. Instead, this surface or veneer is nothing but the pure projection of the reader's fantasies and fears in being able to make stable meaning and thus fulfill their role. This, following Sedgwick, is true even for the sort of reader oriented toward deconstruction. The briar patch is the origin and topology of the black passing subject *and* the hypervisible black subject, both gender troubled; it inspires inappropriate desire, and it stands in for an inappropriate object of desire. Folklore, fables, and passing stories attempt to narrate it, to bring it under control, to in some way contain and master its instability. In accomplishing this, the storyteller can externalize this instability to the briar patch as a blackened space of chaos.

Returning to the scene of enslavement, the widely publicized nineteenth-century story of Ellen and William Craft illustrates the complexities of black race-gender passing well. The two escaped their enslavement by disguising themselves and taking a train north to Philadelphia. Ellen Craft, a light-skinned black woman, disguised herself as a disabled white gentleman. There was a crucial obstacle to overcome in doing so, however. As a white man, Mrs. Craft would be expected to be able to read and write. To avoid detection, she wrapped her right arm in a sling, feigning injury and offering an acceptable excuse for her inability to sign her name at hotels or train stations along the

way. William Craft, with a darker complexion, accompanied her as the passing gentleman's slave and personal assistant. Contemporary scholarship has often turned to this case as an example of the importance of "moving beyond" the limits of the black-white binary to think through gender and disability with regard to passing.⁴¹ And yet almost every one of the texts written on the case focuses most of its attention on the performance of Ellen Craft, perhaps because she is read as the one who disguised herself and performed the most different difference.

Tellingly, with few exceptions, much less is written about William Craft as a passing subject on this trip. Rather, it is generally assumed that William simply acted as himself, a challenging feat of escape certainly but not necessarily a misrepresentation. To understand what happened, however, one must take account of the reader relations—those between the watchful white gaze as reader and each of the protagonists—as stories or texts that relate to and confound each other. We must behold how, during the escape, William Craft passed for a slave under his "master's" control. Here, both hypervisibility and invisibility helped to obscure. It was William's supposed hypervisibility (as a dark-skinned man) that allowed his wife to pass as a slave-owning gentleman. And it was his wife's ability to pass as master that allowed onlookers to read William as contained rather than fugitive. Pushing back against how natural it was, and still is, to read the black figure as slave, we can reconsider our assumptions around the trueness of William's representation and the fidelity of its reference back to a fragile subjectivity. For example, Snorton asks, "What does it mean for a (fugitive) slave to 'pass' as a slave?"⁴² I would add: If William was passing as a slave on that train north to Philadelphia, what is to say he was not also passing as a slave on his master's plantation in Macon, Georgia, before his escape? Further, when that master sold William to settle his gambling debts, was he not also passing William as commodity?⁴³ When William hired himself out as a carpenter to save money for his trip, did he not also pass as a slave who was passing as a free laborer, even though he did so with his master's permission? Was his so-called true master—disavowing any insecurities he might have had in "owning" another and in the other's ability to revolt—passing as master as well?

These questions point out how William's performance of enslavement was the signifier that enabled a black woman, Ellen Craft, to pass as a white man, a master, but it was also his forced performance that allowed his white owner in Georgia to pass as master. In other words, chattel slavery demands that the slave pass as slave and do it so well that the passing itself is disavowed. The spectacle of the slave's "contentment and abjection," as Saidiya Hartman refers to the slave's performativity, becomes naturalized or given.⁴⁴ Paradoxically, it is in

performing precisely what is demanded of him that Craft is able to pass under the nose of the slave catchers. This book explores whether it is possible at all to read William as anything except completely collapsed into the category “slave” and whether we can understand William and Ellen Craft’s race-genders as anything but fragile, anchoring signifiers of this condition.⁴⁵ The overdetermination of the black body as “inescapable prison house of the flesh” denies any other reading of the two.⁴⁶ Nonetheless, their hypervisible instability mirrors that disavowed instability of their so-imagined masterful onlookers.

Passing narratives and the mythology of passing are lies inasmuch as they come from bad faith, externalization, and disavowal. However, even if they are lies, we must also say that in their productive capacity, they tell a sort of truth that this book attempts to witness. To do so, it views the surface/depth binary—the one that assumes that the surface must faithfully represent an authentic core or depth—as misleading. This is because part of the lie of passing is that there is an authentic core to be excavated. *The Problem of Passing* attempts to read the force of passing mythology as producing something that is actually all surface.⁴⁷ And one might be able to grasp something of this truth of the surface by reading it in this way. That is, I attempt to read passing accusations not to discover a truth hidden below the surface but to understand the multiple meanings that are produced alongside each other, that anchor each other, animate each other, and contradict each other as a chain of signification that manages the relationship between knowing subjects and duplicitous-because-they-are-black objects.⁴⁸ To think of passing as producing a subject that consists of one truth alongside another or a subject consisting of one truth understood through another moves us closer to grasping the ambivalent truth of the sort of fragile subjectivity that emerges for all involved in these reader relations.

Fugitivity’s Means

There is a last term that requires elaboration before proceeding to the book’s chapters. Thus far, I have referred to the idea of fugitivity in multiple contexts: fugitivity as trespassing, fugitivity as the characteristic of escaping containment or surveillance, fugitivity within invisibility, and fugitivity read as fraud. Each of the book’s chapters will examine these aspects of both individual and collective fugitivity. To begin, however, taking a critical look at the form and content of passing narratives, the book argues that fugitivity must be understood, at its most fundamental level, simply as *that which constantly threatens to undermine mastery*. As such, fugitivity and mastery always stand in relation to each other. In fact, it is the imagined threat of fugitivity that calls for mastery to regulate it.

It is the justification for mastery's existence. Recognizing the slipperiness of the order of the relation—*which came first?*—Stefano Harney and Fred Moten suggest that it is fugitivity or “criminality that brings the law online.”⁴⁹ If mastery emerges as the power to render the other transparent, fugitivity is present as that which is impenetrably obscure. If mastery emerges as the capacity to corral or contain and manage, fugitivity is the threat of ungovernability. If mastery demands total ownership of the self and the slave, fugitivity renders property, the right to determine the fate of the other, and even total self-determination impossible. If mastery requires authenticity, fugitivity is the threat of fraud.

In this sense, this book suggests that, perhaps even more than social death or dishonor, fugitivity is the fundamental state of the enslaved in relation to the master. But, I argue, one should keep in mind that each condition—mastery and fugitivity—is mutually constitutive of the other. The moment one emerges, the other is already there.⁵⁰ In other words, as I will explore in the chapters that follow, it is quite difficult to say which is a more “original” state than the other. Western social contract theory, for example, is only able to articulate state sovereignty by envisioning it in relation to an imaginary extreme freedom that characterizes a fantastical prior “state of nature.” In these renditions, law emerges as that which must curtail or contain extreme freedom in order to provide the grounds for a stable and moral society. Indeed, inherent to the idea of capture or containment is the ever-present threat of escape. Thus, once the concept of the captive or slave exists, the concept of the fugitive must exist. And the opposite is also true. There can be no fugitive except in relation to another person's claim to mastery over them. Once the fugitive exists, they must be managed and controlled. As I will argue in the following chapters, the threat the fugitive poses requires enslavement as the most extreme form of asserting mastery. In this paradoxical but also teleological way, if mastery is the Western subject's *raison d'être*, fugitivity is the cause of the anxious fear that one will fail to carry out their duty. Fugitivity also, by the way, offers a mischievous or masochistic enjoyment that some “masters” might feel in failing to accomplish this mission. It can also be the romanticized transgressive act in which the fugitive engages knowing full well that the transgression ultimately only confirms the original power of the master.⁵¹ To use Lee Edelman's term, this economy of conservation and transgression incites “enjiety,” the “unbearable weight of anxiety and enjoyment at once.”⁵² Above all else, fugitivity is an affective, libidinal, and conceptual projection. It does not exist prior to mastery, but rather, in many ways, it is mastery's fiction—and vice versa. In a world of conquest and chattel slavery, it becomes fixed to blackness, demanding that it take on the role of mastery's object and foil.

Thus, it is not the aim of *The Problem of Passing* to imagine the liberatory possibilities or impossibilities of black fugitivity.⁵³ Rather, the book seeks to remain, for the moment, at the threshold of the proverbial briar patch in order to trace how its boundaries are constructed. The following chapters take as their aim a critical reading of the mastery-fugitivity binary as a seemingly irresolvable conflict that passing narratives seek to manage. The hunter-knower on the lookout for the passing suspect is engaged in a project to detect fraud in whatever form of blackness it may emerge. In driving the hunt and its narratives, passing as a mythology ends up both producing markers of assumed ontological difference and policing those boundaries. Tracing the allegations of black fraud with regard to various concepts gives us a sense of the sorts of categorical differences that passing narratives produce: The fraudulent or authentic master, the fraudulent or authentic worker, the fraudulent or true free person, and the fraudulent or authentic knowing subject are some examples the book explores. Further, given that passing narratives in the United States gain force in the management of the slave, the most foundational limit these narratives adjudicate is the limit between the free and masterful subject and the unfree other, always threatening fugitivity and fraud. Freedom as a prized and aspirational status emerges as mastery's true aim and that which must be negated in the other. Black fugitivity surfaces in the passing narratives as freedom's imposter. Tracing how this plays out historically and philosophically can give us a better understanding of the West's conceits about freedom. It is important to note, however, that just as the hunter-knower's anxieties demonstrate, these conceits are never stable. On the contrary, the mastery and fugitivity binary plays out as a set of existential and epistemological tensions that emerge and that need managing (or provocation) along the path toward aspirations of freedom for the modern subject.

Chapter Roadmap: Four Passing Scenes

The Problem of Passing traces the stakes of this reader relation's political, epistemological, and ontological claims. Its chapters move among and between the historical and philosophical registers to read four scenes shaped by passing narratives. Each emerges as a mechanism to regulate the mastery-fugitivity binary. They comprise a multiplicity of geographies and time periods, including seventeenth- and eighteenth-century colonial law and discourse (chapter 1), post-Civil War US expansionism and Indigenous struggles for self-determination (chapter 2), early modern developments of the scientific method and twentieth-century implementations of it (chapter 3), and Enlightenment philosophies and

conceptual art as taken up in the twentieth century (chapter 4). At first glance, the historical periods and institutional complexes may seem to be so vast as to have little to do with each other and even less to do with narratives of passing. In most cases, because we have assumed passing to be either no longer pertinent or only pertinent in specific individual and perhaps bourgeois cases, the scenes considered in this book have not traditionally been narrated through the context of passing. However, as the book shows, each case produces a set of reader relations governed by the logics of black race-gender passing, and in turn, these reader relations produce consequences at the political-ideological and ontological levels. Indeed, passing narratives, especially where they move unacknowledged, animate the national project to maintain the power of the state and protect the body politic. They also animate the project of modern man as the central knowing and organizing subject of the world.

To trace these workings, most of the book's chapters turn attention away from the supposed intentions of so-called passing subjects. In fact, with the aim of troubling the kneejerk reaction to obsess over individual decision making with regard to passing, I have chosen to read scenes in which the accused are not always individual subjects. On the contrary, they also include populations and even cell cultures and genetic data on phenotypes. What becomes salient here are the narratives that give shape to and then are also shaped by the practice of knowing-hunting. Thus, the chapters concentrate on complexes of regulation—comprising laws, sociopolitical class interest, and ideological and epistemological claims—and the passing stories they end up telling. I trace how the stories imbue their “passing” entities with a supposed will to fraud or fugitivity, and I ask after the consequences of such projections.

Chapter 1, “Of Passing and the Pass,” takes into consideration an important original scene of racial passing narratives in the United States—the implementation of “pass laws” beginning in seventeenth-century Virginia. These laws aimed to mark out settler territory and regulate the mobility of people within and around that territory. Moreover, early in the Virginia colony, most everyone who was not a white planter or property owner was subject to legal restrictions in mobility and required to carry passes. This included Native tributaries, white indentured servants, and enslaved Africans. However, about thirty years after the first pass laws that applied to servants broadly speaking and regardless of race, Virginia leaders implemented a law directed specifically at black slaves. It required them to show passes confirming they had been given permission to venture beyond their masters' property. Moreover, by the end of the eighteenth century, it was almost exclusively black people who were required to show documentation, to any white individual who demanded it. The

manumitted needed to have proof of their status as “free,” and the enslaved were required to have a pass signed by their “owner.” This first chapter traces the consequences of this change in pass laws. It asks: How did black subjects come to be centered in pass system legislation? And how do white settlement and black captivity come together to give racialized meaning to the idea of “freedom”? Moreover, it asks how changing ideas of Nativeness come to be mediated within and outside of this oppositional binary.

A second set of questions that chapter 1 pursues has to do with the dynamic of racial epidermalization and its role in creating the mythology of passing. To trace this process, the chapter turns to eighteenth-century runaway slave advertisements written by members of the slave-owning class. They are, perhaps, one of the earliest collections of passing narratives in the United States. I read the advertisements’ rhetorical focus on the counterfeit “pass” as a key technology of black fugitivity. The workings of this bureaucratic technology ultimately come to be fixed to the body of the black subject, marking them as both fraudulent and fugitive. Here, fugitivity and fraud also come to have meaning together such that, as far as blackness is concerned, one always already threatened to be both. To unpack this process of early epidermalization, the chapter ponders how local ads often spread the word of runaways who were “passing for free” by way of “forging a pass.” The discourse on passing, fugitivity, and fraud deployed in runaway ads trafficked between the escaped blacks’ false documentation and the escaped blacks’ fraudulent selves, suturing the administrative paperwork to the body. Thus, the chapter presents the ways in which developing narratives of passing commencing in the seventeenth century began to organize what it meant to be free as mediated through colonial bureaucracy and the supposed black body. Literally and figuratively, in a world of black chattel slavery, it is white words that authorize the condition of the black body and the fate of the subject attached to it. The runaway’s criminal act comes in two parts: first, the falsification of documentation, and second, their trespassing on the position of the free. That is, by examining the legal requirements and the slave owners’ own discourse together, we can glean that any black claim to freedom that was not mediated by white authorship was necessarily understood to be fraudulent. As the rest of the book will show, the long-term consequences of the ontological claims to which the pass system gave form remain meaningful even after emancipation.

Chapter 2, “Passing and the Archival Ruse,” traces one scene of this aftermath at the turn of the twentieth century in the federal government’s attempts to expand its project into land it had previously designated Indian Territory. The narratives on black passing, originating in the pass laws and runaway slave

advertisements, shape the discourse on fraudulent black freedom and sovereignty alongside and against whiteness and indigeneity. The chapter reads transcripts of rejected petitions for enrollment in the Choctaw nation submitted by suspected black applicants between 1898 and 1914. The federal government appointed a commission to adjudicate the applications as part of a post-Civil War treaty negotiation between the United States and the Choctaw nation, which had fought alongside the Confederacy. The applications that the chapter reviews were rejected precisely because the petitioners were suspected of being black, and I read their rejection as an accusation that because of their suspected blackness, the petitioners were not Native but simply attempting to pass.

The Commissioners interrogated the applicants with the aim of pinpointing evidence of their blackness. Signs were found in various forms, including the applicant's admission that they had been a slave or were a descendant of a slave, that their mother had been black and that their parents were not married, or that their Choctaw blood quantum was insufficient. Because blackness had already been fixed to enslavement and vice versa, the assumption was that any individual found to have been a slave was necessarily black. Moreover, Nativeness and blackness were often understood as mutually exclusive political categories—if not always mutually exclusive racial categories. Thus, when an applicant was found to have been a slave or the descendant of a slave, they were necessarily understood as black and therefore not Native—or at least only inauthentically Native. In the case of the Virginia colony discussed in chapter 1, settlers had accused people of being black and passing for Native as a way to dispossess them of their land or enslave them. In turn, many Virginia Natives worked to differentiate themselves from blacks in an effort to resist white land theft. This same dynamic was at work in the case of the Choctaw, but there was even less official sympathy for black relatives because the Choctaw had also owned black people as chattel slaves. Thus, just as in Virginia, the weeding out of blacks as citizens of the nation had support among Choctaw leadership and many of its people.

This reaction fits within the racial and political logics set by the colonial and slave-owning project, given the way blackness had been rendered the index of utter dispossession. It worked as a signifier among white society but also among the leadership and many members of southeastern Indigenous communities. Because of this, black inclusion in Native nations was often seen as at odds with Native self-determination. This juxtaposition is the result of a colonial politics of recognition with anti-Native and anti-black assumptions at its core. If Nativeness was left open to some form of possible self-ownership and self-determination, however minimal, and blackness was closed off to it, passing

mythologies worked to police these boundaries and further limit opportunities for freedom. Anyone attempting to say they were Native—if they were suspected of being black, if they were recognized as obviously black, or even if there was little to no evidence of their blackness—could be subjected to the accusation they were simply attempting to pass.

There is a second register in which the libidinal economy and the conceptual framework of the passing mythology operate in this chapter. It has to do with how historians approach the colonial archive and toward what end. As part of the process of researching and writing this book, I presented my initial reading of the applicants' testimony at various conferences. Even as I discussed the power of the archive to overdetermine certain subjects as passing suspects, conferencegoers often asked me, "But did the applicants really believe that they were Native? Or were they just jerking the system?" While sympathetic to why we ask this question, I insist that we cannot answer it without falling back into the passing reader relation, this time as historians working to get to the bottom of the story on the terms the archive provides, obscuring and illuminating at the state's will.⁵⁴ Thus, in reading these transcripts, I have resisted the urge to render its interrogated suspects legible, and I instead trace the political meaning that is produced at the crux of settler expansion and Indigenous resistance when both traffic in and are beholden to the histories and mythologies of black racial passing.⁵⁵ Chapter 2 theorizes this impasse in relation to the status of legal truth and objectivity, given the fact that blackness has been constituted as their conceptual and material opposite.

Chapter 3, "The Science of Passing," picks up on the historical and epistemological genealogies of truth and objectivity. It moves to the scene of science as a space that, like law and the historical archive, is also organized through the passing reader relation and its accompanying libidinal economy. The success of science as a public good has required this same dynamic of mastery that seeks to stabilize the scientific object through rigorous methodology. In this case, mastery is understood as the ability to attain knowledge through objectivity, to limit and contain the incidental and subjective as sources of fraudulent or erroneous data.

To trace how this works, the chapter first moves to the twentieth century and considers the crisis of HeLa cell contamination—or, as scientists colloquially referred to it, the *HeLa bomb*. I read its fallout and the campaign to address cell culture contamination as tantamount to an accusation of racial passing leveled at the cells themselves. The HeLa cell line was derived from the cervical biopsy of Henrietta Lacks, an African American woman who died from cervical cancer in 1951. While the cell line became a critical material for conducting

experimental medical research, it also posed a great challenge for securing reliable and objective results. In early 1966, geneticist Stanley Gartler revealed to scientists that the HeLa cells were uniquely capable of contaminating other cell culture samples used in experiments. They consumed the available nutrient medium and reproduced, leaving no resources for other cell samples to grow. Given this contamination was likely widespread in labs across the nation, researchers who thought they were working on other cell lines were most likely working on renegade HeLa cells without their knowledge. As the story was told, HeLa cells had overtaken their lab samples and passed themselves off as something they were not. Gartler's discovery called into question the validity of all the cell culture research encumbered by the contamination, and scientists needed to discard the results they had published based on it. Notably, racial identification was the method through which Gartler had been able to detect the mix-up. Being the only sample from a black "donor," HeLa cells were distinguishable from the other samples in that they displayed phenotype markers that were statistically attributed to black individuals. The ensuing stories told among the cell culture community and popular journalism revealed the violence and underlying fear of miscegenation that fed public intrigue at the time. I read the moment that HeLa cells were "discovered" to have originated from a black body rather than a white one as the moment that opens the cells up for accusations of passing. Part of what triggered the panic in the scientific community is the narrative about how black fraud emerges to foil knowing's moral and rational or objective goals.

As a project of scientific mastery and surveillance, the campaign to curb cell contamination induced a series of confrontations between the scientist as the supposed knowing subject and HeLa cells as the duplicitous, passing black suspect-object. The chapter turns to consider this reader relation's deep epistemological roots in early modern Enlightenment thought and the emergence of the experimental method as the theatrical scene that would induce and regulate this confrontation. Even in seventeenth-century natural philosophy, knowing was theorized as a human practice that could and should produce true information about the world. Authorized to have dominion over it, if the human could know the truth God authored in His earthly kingdom, it would have to be by mastering it. This venture was plagued by fraud even then. Importantly, however, I make the case that a key epistemological shift occurred between the early modern experiment as a form of science and later-stage Enlightenment thinking: The location of expected fraud and imposture in the reader relation shifted from the first moment to the second. Early modern thinkers such as Francis Bacon believed that it was in the mind of the knowing subject, and in

particular in their blind allegiance to dogma, that imposture emanated as an impediment to true knowledge. By the nineteenth century, however, the battle with fraud focused not on the mind of the knower as much as on the object to be known as the prime location for deception to occur. This shift to externalize fraud—even though it was uneasy or perhaps precisely because of this—is significant because it sets up the epistemological and libidinal conditions for the modern passing reader relation and ensuing passing mythology.

The shift in where one is to expect fraud comes as a way modern subjects attempt to manage the tension that arises in the project of knowing. And it mirrors the hunter's anxiety I described at the beginning of this introduction—i.e., will I as the supposed knowing and masterful subject be able to access the truth? Or will I drop the ball? What the modern scientist needed was a stable, reliable object of study. What they feared they had instead was a trickster. Chapter 3 reads the writing of Francis Bacon and his work on the experimental method in order to trace this shift and its consequences. Notably, Bacon's narratives draw on fantasies of enslavement, and in particular on imagery of "making nature one's slave," to strip nature of agency, constrain it, and subsume it to the will of scientific man. Thus, I probe for what the early modern writer imagined enslavement to make possible in the name of the humanist project of knowledge production. The tension remains, of course, as mastery even over the slave is never complete. This time, it is expressed in anthropomorphic narratives, metaphors, and imagery of conspiracy or passing. By the seventeenth century, as we see in chapter 1, this fraud was also attached to blackness as its index. The merging of the two—mastery in science and in colonial nation building—animated the accusation that the HeLa cells were passing as if they were a duplicitous black subject. Given the chapter's conclusions that suspicions of passing are central to the modern act of knowing and enslavement is the condition for its possibility, I move to ask whether knowing can ever be an ethical practice or whether we are perpetually trapped at the impasse of the passing reader relation.

Chapter 4, "Passing and the Ethics of Knowing," takes on this problem directly. It does so by laying out three questions. The first is simply: Can knowing ever be an ethical act or is all modern knowing invested in the passing reader relation? The second is: Can the object make itself known? And finally, there is a third question, which responds to the chokehold of suspicion that the passing reader relation has fixed on its object at the level of ontology. I ask: Can the object of the reader relation ever be understood as a knowing subject or is it fixed as that which must be read but cannot read? The first question reflects the concern of the knower—one who may be invested in knowing but does not want to be invested in the violence of the passing reader relation. The second

and third questions, on the other hand, reflect the concerns of the passing (or by now we can also say passed) object.

This last chapter takes on these questions by examining the work of analytic philosopher and conceptual and performance artist Adrian Piper, whose art and writing often focus on racial passing. In fact, for the artist-philosopher, passing presents itself as the “founding crisis” for race as a scientific category and thus for the modern Western subject. To trace Piper’s wrestling with the metaphysical and epistemological questions opened up, the chapter considers the artist’s essays and performance installations in the form of three scenes of failure. They include an anecdote about Piper’s introduction to institutional philosophy at the new graduate student reception at Harvard in the 1970s, an installation piece Piper produced in 1988 entitled *Cornered*, and a private-public performance piece titled *Food for the Spirit* which she wrote about publicly in 1981 and presented publicly for the first time in 1989. Each of these scenes is compelling because of the way they explore the impossibilities of ethics, of knowing, and of intimacy when applied through the passing reader relation. Not only does Piper come to argue that there is no winning for the passing subject regardless of their decision to pass or to refuse to pass, but Piper’s art suggests a far graver implication. Her work ventures that the greatest fear (and desire) of the knowing subject is probably true. This fear is not what the traditional narrative ventures: that the other is a black passing suspect. Rather, more profoundly, Piper’s installation *Cornered*, for example, insists that it is the so-called knowing subject themselves that is the black passing suspect. Piper’s installation piece is thus an accusation that universalizes blackness and its fugitivity as conditions that characterize the human broadly speaking and that have been disavowed and externalized onto the Afro-descendant.

Nevertheless, in addressing the questions laid out by the chapter, not only would Piper argue that there is an ethical way of knowing but further that the will to know can be the ultimate ethical act. Against the grain of some black critical theory, Piper does not reject Enlightenment thought. Instead, she doubles down on it and on the work of Immanuel Kant, who consistently privileges the promise of reason over individual indulgences, fantasies, and desires. Racism, as Piper understands it, is a dynamic that stems from “pseudorational responses,” including “mechanisms of rationalization, dissociation, and denial” of that which challenges one’s knowledge of the self and its position within the world.⁵⁶ The worst one can do is give in to one’s phobias, anxieties, personal pleasures, and fantasies over reason itself. In response, Piper prioritizes reason as that which must be allowed to keep individual desire in check. The chapter reads Piper, faced with this challenge and again in contrast to much

of contemporary black critical theory, as prioritizing a critical form of mastery. This is one that her art seems to imagine as emerging from the radical possibilities of reason beyond the selfish desires of the individual. However, as the chapter will show, because of this, the more Piper chooses mastery over fugitivity, the more the stability or coherence of her own condition as a subject escapes her control.

Together, the chapters that follow challenge us to see the ways in which a mythology of passing works to manage tensions within the modern, humanist projects of both nation building and world building. The mythology emerges as an outgrowth of both history and metaphysics and situates the subject as one who must hunt, surveil, and capture blackness as part of a political and epistemological duty toward mastery. As a result of chattel slavery and settler colonialism, having fixed blackness to the position of the enslaved—that is, the position of that which is always already both fugitive and fraudulent—all are called to police and contain its spread in the other and in the self. We also find ourselves enjoying its fugitivity, itself a tantalizing taboo. *The Problem of Passing* keeps us between these two racialized projections—mastery and fugitivity—as anxious mirrors of each other.

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Notes

INTRODUCTION

Elkins epigraph: Elkins makes this comment with a tone of sarcasm as part of an argument about the very productive and political activity of “seeing” that I will build on in this text. Elkins, *Object Stares Back*, 11.

1. There are a few notable exceptions, and by far, black queer and trans studies has taken the lead in critical scholarship around passing. I will discuss several of these interventions in the introduction and throughout the book.

2. Wald, *Crossing the Line*, 119; “Why ‘Passing’ Is Passing Out,” 13.

3. “Transcript of George Zimmerman’s Call to the Police,” *Mother Jones*, 2012, accessed March 3, 2017, <http://www.motherjones.com/documents/326700-full-transcript-zimmerman>.

4. Adam Weinstein, “The Trayvon Martin Killing, Explained,” *Mother Jones*, March 18, 2012, <https://www.motherjones.com/politics/2012/03/what-happened-trayvon-martin-explained/>.

5. The Volusia County medical examiner’s office is located thirty-three miles from Sanford. The Sanford Police Department offered no explanation for holding Martin’s body there rather than in the Sanford medical examiner’s office. Neither Martin’s father nor mother was allowed to view their son’s body until it was released two days later directly to the mortuary transport for the funeral. See Fulton and Martin, *Rest in Power*, 38.

6. Weinstein, “Trayvon Martin Killing, Explained.”

7. Even this list is so woefully inadequate, not simply because there are numerous unnamed who are hunted as part of the banal workings of state violence and policing (stop and frisk, for example) and who, because they are not recorded (and even sometimes when they are), are not among the record of public discourse. They remain unremarkable with regard to the national “conversation.” Moreover, more work could be done to link today’s resistance to lynchings to that of earlier periods of US history. In contemporary times, we point to the camera phone and dashcam as technologies that provide (insufficient) evidence supplied by critical witnesses. Yet in the nineteenth and early twentieth

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centuries, those who enacted the lynchings were the very ones documenting their crimes and distributing them for the enjoyment of others.

8. Simone Browne ties modern day surveillance practices and fantasies to the antebellum practice of tracking fugitive slaves in her book *Dark Matters*. In the article “Everybody’s Got a Little Light Under the Sun,” she opens her discussion of migration and surveillance with a reference to a contemporary Canadian reality show titled *Mantracker*. One particular episode stars the protagonist Terry Grant, “an accomplished rider” who must find and arrest two young black men from “hard knocks hood of Toronto’s Jane and Finch.” The aim of the episode is to harken back to Canada’s historic relationship to the Underground Railroad. In this program, the words *hunter* and *prey* are used specifically to refer to the protagonist and those who are to be tracked. I am also using these words *hunter* and *prey* and connecting them to a long history of surveillance in the United States. However, as I will demonstrate in the following chapters, there is more going on than the development of surveillance. That is, as I argue, surveillance itself becomes the central form of knowing as it emerges collectively within Enlightenment thought and the simultaneous projects of colonial expansion dependent on slave labor. See Browne, *Dark Matters*; Browne, “Everybody’s Got a Little Light,” 543.

9. Juliana Huxtable makes a similar point regarding passing and the trans experience. Huxtable notes, “Those whom the media deem to be relatively ‘passable’ in one sense or another—end up being used as examples to police trans people generally.” Gosset and Huxtable, “Existing in the World,” 42.

10. Simone Browne referred to this phenomenon as “black luminosity” in her treatment of colonial New York’s lantern laws requiring blacks who were on the street after sundown to carry a lantern to make them visible to policing. Browne writes, “I use the term ‘black luminosity’ to refer to a form of boundary maintenance occurring at the site of the racial body, whether by candlelight, flaming torch or the camera flashbulb that documents the ritualized terror of a lynch mob. Black luminosity, then, is an exercise of panoptic power.” Citing Foucault, she explains that this panoptic power “belongs to ‘the realm of the sun, of never ending light; it is the non-material illumination that falls equally on all those on whom it is exercised,” Browne, “Everybody’s Got a Little Light,” 545–46.

11. See, for example, Daphne Brooks and Nicole Fleetwood. Their work highlights the impact of this hypervisibility on black experience and traces the response of black artists, particularly female artists, in accentuating the dynamic of *excess flesh* so as to bring attention to the violent history of tracking blackness. Brooks, *Bodies in Dissent*; Fleetwood, *Troubling Vision*.

12. Fanon, *Peau noire, masques blancs*, 93. My translation.

13. So striking is the effect of epidermalization that Fanon derides well-meaning European scientists who attempt to redeem *le noir* through the invention of a de-blackening serum that could, they hoped, alleviate them of this “corporal malediction.” Fanon, *Peau noire, masques blancs*, 89–90.

14. Ellison, *Invisible Man*, 21.

15. Ellison, *Invisible Man*, 22.

16. Ellison, *Invisible Man*, 22.

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17. Ellison, *Invisible Man*, 22.

18. Simone Browne offers the example of branding as a violent technique that served to enact black hypervisibility and ensure effective surveillance of enslaved peoples. Browne, *Dark Matters*, esp. 90–128.

19. Another anchoring signifier to consider is the yellow Star of David that the Nazi regime required Jews to have displayed on their clothes at all times. Drawing on histories of racist policy in the United States, Nazi Germany's anti-Semitic assumptions were contradictory (as are all racist assumptions). Nazis believed Jews were so obviously not Aryan and that this was not simply detectable in their appearance but that their appearance and all that it signified ontologically and culturally were so intrusive into German society that they could not "turn a blind eye." At the same time, the anxious fear that Aryan Germans would not be able to detect Jews, or that Jews might be able to appear so Aryan that they did not display their difference, was the basis for requiring the visual marker and policing adherence to this law so sternly.

20. "Transcript of George Zimmerman's Call," emphasis added.

21. Quoted in Nguyen, "Hoodie as Sign," 791.

22. Nguyen, "Hoodie as Sign."

23. Rankine, *Citizen*.

24. This event harkens back to the first Million Man March called by Louis Farrakhan to gather black men in Washington, DC, in 1995. The stated goal was to represent black men in a different way from what was depicted in the media, to foster mutual support and independence, and to raise awareness of socioeconomic issues affecting black people.

25. Manuel Roig-Franzia, "What Became of Trayvon Martin's Hoodie," *Washington Post*, March 17, 2022, <https://www.washingtonpost.com/lifestyle/2022/03/17/trayvon-hoodie-in-smithsonian/>.

26. Take, for example, the notions of identity theft, which is at the heart of the problem of passing, and the theft of intellectual property. Both include the legal fictions that one's abstract sense of self and any abstract or spoken thought, idea, or talent that the self produces can be understood as property of the self. Stephen Best argues that it is slavery that lends a historical and legal framework to what he calls the "subordination . . . of personality to the property relation." In *The Fugitive's Properties*, Best details this direct relationship between denouncing "fugitive personhood" in the context of intellectual property law and denouncing "fugitive persons" in the context of runaways during antebellum chattel slavery. Best, *Fugitive's Properties*, 38.

27. Saidiya Hartman, for example, elaborates on the connection between sovereignty and subjection within the context of emancipation. She writes, "The nascent mantle of sovereign individuality conferred rights and entitlements . . . it also served to obscure the coercion of 'free labor,' the transmutation of bonded labor, the invasive forms of discipline that fashioned individuality, and the regulatory production of blackness." Hartman, *Scenes of Subjection*, 120.

28. One particular dilemma is temporal in nature. For example, Jean Bodin argued that if sovereignty is to be absolute, it must be *unbound* by time, existing *perpetually*, and self-sufficient. What becomes difficult inherently in the concept of sovereignty and in the practical implementation of sovereignty is the relationship between being both

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“unbound” and “perpetual.” Certainly, in the instant that the sovereign makes a promise, they demonstrate pure will unconstrained by past obligations or future projections. But, if the sovereign is to change their mind or break the promise, his sovereignty must be called into question. Bodin writes, “It is impossible to bind oneself in any matter which is the subject of one’s own free exercise of will . . . the king cannot be subject to his own laws . . . so the sovereign prince cannot bind himself even if he wishes.” Bodin, *On Sovereignty*, 69. And yet, this is precisely what the sovereign must do. As Geoffrey Bennington points out, the sovereign is such precisely because they must simultaneously make and break law.

Even “breaking” the laws, the sovereign makes the law, cannot but make the law: the sovereign is even more obliged to the law than his subjects, more subject than his subjects as to the law of the law, i.e., faith in the promise. Simple derogation of laws renders the sovereign less than sovereign: sovereign is only he who makes the law itself at every instant, absolutely, while breaking the existing law in the same blow. . . . Like it or not, the sovereign, breaking the law each time, makes the law each time, cannot prevent himself from making the law, and thus promising, on pain of not being sovereign. A law that did not promise would not be law: every word of the sovereign is law and therefore promise. (Bennington, “Fall of Sovereignty,” 399)

29. It should be noted that Zimmerman was a member of a neighborhood watch organization that, like most others, holds special relationships with local police departments, which offer training and consultation for its members and maintain open lines of communication for members to report suspected crime. It was an officer that provided specific training for what to look out for in terms of usual suspects—dark clothing, dark hoodies. What is significant is that surveillance includes the formal sort organized in government agencies; the kind that is formalized but not officially managed by the state, such as neighborhood watches; and the informal and “unorganized” sort of surveillance for which every citizen is responsible. After September 11, 2001, this informal vigilantism oriented toward local neighborhoods was widened to so-called national security on the world stage. The refrain became, “If you see something, say something.” The latest example of individual citizen vigilantism in which citizens feel “deputized” to police suspects has been the trope of the “Karen.” Parodies of this trope, which became popular after the 2020 Black Lives Matter uprising, highlighted the ways surveillance and vigilantism are not limited to masculinity. White women as “Karens” take on the duty of the citizen police in just as committed a fashion. Interestingly, white men have seemed to enjoy “jumping on the bandwagon” of critiquing white women, suturing the misogynist trope of the nosey woman with the duty of policing. In this way, many men have disavowed their own participation in these regimes. The male hunter/surveillant is not generally accused of being nosey in the same way.

This web of formal state surveillance, formalized civilian organizing, and informal citizen watchers is an integral component of contemporary surveillance regimes. However, we should not assume that this dynamic is a natural or given occurrence. Chapter 1 of this book will lay out the policies and procedures colonial governance implemented in order to foment buy-in and personal investment, first from the planter class, then white settlers,

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and finally all whites as a surveilling class in relation to the fugitive slave and the resistant natives.

30. Barthes writes that myth “transforms history into nature.” It is in this move that myth is most powerful. He elaborates: “Myth is constituted by the loss of the historical quality of things: in it, things lose the memory that they once were made. The world enters language as a dialectical relation between activities . . . it comes out of myth as a harmonious display of essences. A conjuring trick has taken place; [myth] has turned reality inside out, it has emptied it of history and has filled it with nature.” It is this labor of myth that both displaces history, rendering its narrative “depoliticized” or natural, and yet retains that history as its disavowed animating signifier that prompts me to make the argument that all passing narratives in the United States have at their core the history of managing blackness as potential fugitive essence. Barthes, *Mythologies*, 128, 142.

31. See, for example, Snorton, *Nobody Is Supposed to Know*; McCune, *Sexual Discretion*; Ross, “Beyond the Closet”; and Nyong’o, “Passing as Politics,” “Unforgivable Transgression,” and *Afro-Fabulations*. These works are a sample of a much larger body of black trans and queer scholarship on the topic. Some of the texts speak directly to passing. Others can be read within the context of passing. None are limited to the topic of passing as theorization of black trans and queer life.

32. Stone, “‘Empire’ Strikes Back,” 298.

33. Snorton, “New Hope,” 87.

34. Snorton, “New Hope,” 89.

35. Snorton, “New Hope,” 87.

36. Jackson, “Waking Nightmares,” 359.

37. Che Gossett in Yancy, “Black Trans Feminist Thought.”

38. Tiffany Willoughby-Herard offers a significant political critique here when she argues that “tumble dried between shame and loss and confusion and moments of complete ecstasy, there is some truth to the notion that Blackness is a signifier for queerness.” She rightly insists, however, that “*that is not the only truth about Black queerness. . . .* Because there are in fact people who are Black and queer and Black and trans who each year are disappeared by and slain by other humans who know them, use them for rent payments and babysitting, and plagiarize from them.” Indeed, it is to this I refer when I ask about how cis and cishetero black people themselves take on the role of the hunter-knower, fixing as objects among objects queer and trans folks who are otherwise “too costly to mourn,” at least publicly, and for whose phobic trauma we are unwilling to take accountability. Willoughby-Herard, “Black Sexualities as Self-Defense,” 40–41.

39. Sedgwick, *Epistemology of the Closet*, 10.

40. Sedgwick writes, “The analytic move is to demonstrate that categories presented in a culture as symmetrical binary oppositions—heterosexual/homosexual, in this case—actually subsist in a more unsettled and dynamic tacit relationship according to which first, term B is not symmetrical with but subordinated to term A; But second, the ontologically valorized term A depends for its meaning on the simultaneous subsumption and exclusion of term B; hence, third, the question of priority between the supposed central and the supposed marginal category of each dyad is irresolvably unstable.” Sedgwick, *Epistemology of the Closet*, 10.

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41. For further discussion of the Ellen and William Craft story, see Samuels, “‘Compilation of Complaints’”; Foreman, “‘Who’s Your Mama?’”; Marshall, “‘They Will Endeavor to Pass’”; McCaskill, “‘Yours Very Truly.’”

42. Snorton, *Black on Both Sides*, 78.

43. One could say something similar about Henry Box Brown, who mailed himself to freedom, arriving by courier in Philadelphia in the nineteenth century. In this uncanny moment of escape, Brown was successful by performing the ontological status that slavery demanded of him. Brown *passed* as cargo, which is what he—or at least his ancestors—was considered crossing the Atlantic or having been sold down South by steamboat. For an insightful account of this passage, see Brooks, *Bodies in Dissent*, 66–131.

44. Hartman, *Scenes of Subjection*, 57.

45. Snorton offers an interesting analysis of the role of disability as an anchoring signifier here as well. He picks up on Ellen Samuels’s “A Compilation of Complaints” to underscore the symbolic work of Ellen Craft’s performance of disability. Samuels, cited by Snorton, writes, “If we understand the invalid as ‘one who is served,’ it is clear that William’s presence as the servant of ‘Mr. Johnson’ is as fundamental to Ellen’s successful performance of invalidism as are the sling, poultice, and green spectacles she wears.” Snorton then concludes: “Samuels’s formulation opens a way for thinking about how William Craft’s (fugitive) slave status engendered him as another disability ‘prop’ in a polysemous supplementarity.” This is significant, and yet I might add a caveat. As I argue in chapter 1 of this book, what is considered “invalid,” “disabled,” or “maimed” is not in and of itself what calls for the benefit of service. In the antebellum South, the black slave was paradoxically both the figure of disfigurement and the figure of labor. The runaway slave advertisements referred to disfigurement as one visible way in which one could identify a fugitive: their missing eye, broken arm, shattered tooth, etc. The maiming of the enslaved was not an appendage to an otherwise healthy and free body. Rather, it was naturalized as part of the wretched appearance of those who labored for life. Thus, one could equally argue the following: The disfigurement that Ellen performed alongside Bill’s copformance of service enabled her to be read as a white man and master. In contrast, the same injury on William might have been a hypervisible indicator of the runaway or fugitive black slave. In other words, disability alone is not a symbol of one who cannot work or must benefit from service. Depending on the body to which it is anchored, it might invoke a completely different meaning. Snorton, *Black on Both Sides*, 84.

46. Hartman, *Scenes of Subjection*, 57.

47. Barthes argues that “however paradoxical it may seem, *myth hides nothing*: its function is to distort, not to make disappear.” This is how passing as a myth becomes animated by the compulsion to manage fugitive blackness or fugitive slaves even as it disavows this original urge. At the same time, decoding the myth or refusing to pass, even as it might attempt to deconstruct the myth, does not get us out of the problem. That problem is the ideological structure of surface versus depth or authenticity versus fraud. Myth, like the briar patch, is dynamic. One must, in Barthes’s words, become a reader of myths or a *mythologist*, which is to say one must read for the truth within the deception of myth. Barthes explains that “myth is neither a lie nor a confession: it is an inflexion. Placed before the dilemma [of being deconstructed], myth finds a third way out. . . .

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Driven to having either to unveil or to liquidate the concept [narrative], it will naturalize it.” Refusing to pass is almost always read by the hunter-knower as a confirmation of passing’s twin mythology—black hypervisibility. Barthes, *Mythologies*, 120, 128. For surface reading as a methodology, see also Best and Marcus, “Surface Reading.”

48. Comparative literature scholars have made an argument for the promise of surface reading that I am drawing on here, although perhaps not in the most faithful way. Mary Thomas Crane makes an interesting point about the reading of allegory as requiring a surface reading. *Allos agoreuein*, the Greek root of the word *allegory*, means literally to speak (*allos*) otherwise (*agoreuein*) or to say other things. Crane explains that allegory does not indicate a truth below or hidden by a surface but rather an alternative meaning “alongside a primary meaning.” Crane, “Surface, Depth,” 84.

49. Harney and Moten, *Undercommons*.

50. Scholars have made similar arguments in different ways. For example, Nahum Chandler writes: “Control, especially ‘absolute’ control, over someone else’s intention requires recognition of that intention: There is no need to control that intention which has no force. This force, the force of an intention other than that of the slave owner’s, is signified practically by the risk of flight or escape: The slave can always choose to escape or attempt to escape, including by way of death or suicide.” He ventures in a footnote that this “suggests that the apparent possibility of absolute control is a kind of transcendental illusion.” Chandler, “Originary Displacement,” 281–82, 281n43.

51. This is precisely what occurs when one fails to understand the truth in the “lie” the myth upholds. See my discussion of invisibility and hypervisibility above.

52. Edelman, *Bad Education*, 11.

53. Much of black studies has invested greatly in the radical possibilities of fugitivity. The critical question is, however, whether one can do this without recourse to the false promises emanating from mastery, which often sneaks back in through the side door. These projects often end up either “recovering” a stable subject or throwing themselves into a fetishization of illegibility and liminality as a reactionary inversion of mastery, in essence the perversion mastery both enjoys and seeks to control. I am willing to accept that this may not always be the case. Yet I am ever suspicious. Fred Moten’s work, for example, walks this tightrope carefully. It looks toward the aesthetic imagination of black fugitivity, which he views as both a force counter to the law but also a productive *anoriginary* force. It manifests as a sort of creative or poetic fugitivity, provoked in response to the projection of a white imaginary yet not reducible to it. Emanating from this latter excess, he argues, is a power more originary than law that also has the power to rearrange the very concept of law. See Moten, *Stolen Life*.

To think with Moten and to think of this spatially, one might say that while mastery might proclaim to be well-landscaped and orderly gardens, fugitivity—thanks to the projection of the white imaginary—is of the briar patch. The laws of the latter are written improvisationally, at a moment’s notice. However, what is unforgettable here is that the only promise of the briar patch is that there is no promise. There is no claim to stability and no security in liminality. Anyone subjected to its space, even if they were born and raised in it, has as good a chance to thrive as they have to die among its thorns. Again, if this sort of fugitivity harkens to an anoriginary force, it emerges and is mastered, one might say, only momentarily.

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54. For, in attempting to carve out a critical historical account of Native dispossession and erasure, even the anticolonial historian can easily fall into an anti-black politics of recognition. It likewise emerges through the dynamic of the hunter-knower searching for the truth of their archival subjects. Nevertheless, because the colonial archive can only offer up as subjects those that it has made legible and only in the manner in which it has made them legible, the rejected applicants appear to the historian through the suspicion of passing. They have already been categorized. Even without the intention of reproducing the accusation, the critical historian's approach can often mirror it. We come to an impasse if we engage the archive through a politics of recognition that remains obedient to the political and epistemological terms it sets out—that black and Native are mutually exclusive political categories, that Native self-determination depends on rooting out the other, and that *Native* signifies a sort of authenticity that when sullied by blackness is rendered fraudulent. The very structure of the archive is governed by the logics of the passing reader relation. It pulls its readers into the chore of mining it for the authentic that comes as a result of Indigenous erasure and black capture. Amongst many others, Lisa Lowe on this front has gestured toward the suspicion we must all carry in equating “the retrieval of archival evidence” with the “restoration of historical presence.” Lowe, “History Hesitant,” 85.

55. I am further convinced that this is the only way to read this archive—as structured through the logics and libidinal economy of black passing narratives—when reading the words of Stephen Best. He argues,

We create ideals of hiddenness against which we then aggress “in order . . . to dwell on concerns about how the subject can become more ‘authentic.’” These ideas of the hidden motivate my concern for one of the recovery imperative’s implicit maxims: the notion *that what is hidden is more authentic than what is visible for all to see*; that the most significant truths are not immediately apprehensible and may be veiled or invisible. It is not hard (or even wrong) to feel the encroachment of this “buried essence” model of authenticity in discussions of slavery, where it has come to mean, at base, that slave culture is cunning, always shrouded in a cloak of secrecy. . . . The presumption of hiddenness forces me as a scholar to hold the same suspicious relation to slave knowledge as did the inquisitors, planters, and colonial administrators who left most of the evidence of it—a kind of historical “transference,” as Dominick LaCapra has termed it, in which we reproduce in our own work the dynamics about which we write. One need only consider here Vincent Carretta’s work on Olaudah Equiano, which asks the same question as contemporaries of the man who believed him to be a fraud: Who are you? (Best, *None Like Us*, 86)

56. Piper, “Xenophobia and Kantian Rationalism,” 190.

CHAPTER I. OF PASSING AND THE PASS

1. Douglass, *Life and Times*, 79.
2. Douglass, *Life and Times*, 79.
3. Douglass, *Life and Times*, 79.