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PASSING FOR SOVEREIGN, PASSING FOR FREE: BLACKNESS AND THE FORMATION OF THE NATION

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICS
with an emphasis in FEMINIST STUDIES and HISTORY OF CONSCIOUSNESS

by

Sandra Harvey

June 2017

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Abstract

Passing for Free, Passing for Sovereign: Blackness and the Formation of the Nation

Sandra Harvey

Passing for Free, Passing for Sovereign examines the relationship between narratives of race and gender passing, histories of slavery that these narratives draw upon, and the hetero-nationalist imaginaries that they inform. Much of the scholarship on passing emphasizes the political and affective agency of "passers" to attain social mobility or escape racialized and gendered violence. However, this approach often pre-supposes an individual with autonomous and rational, liberal agency. It also leaves under-examined the accusation of passing itself. In contrast, this dissertation brings to the forefront accusations of passing as techniques of disciplining bodies and regulating populations in order to investigate the political assumptions embedded within them. It points to the ways the passing accusation has been institutionalized in a range of historical periods and spheres of activity including: positivist science, which centers the human as the knowing and unveiling subject; law and its role in defining free, liberal individuals and their belonging to the nation; and Enlightenment philosophy that posits an ethics based on rational universalism. It concludes by asking after the grounds for an ethical form of knowing not tethered to the anti-black epistemologies of passing but instead rooted in epistemologies of abolition.

For

Curly Buckins, Myrna Johnson, and Victor Harvey

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Introduction

"The Stage Was Already Set": Regimes of Surveillance and the Pass

On the evening of February 26, 2012, a 911 dispatcher of the Sanford Police Department in Florida received an emergency call. The person on the other end on the line was George Zimmerman. He 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: Okay, 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: Okay, he's just walking around the area …
>
> Zimmerman: … looking at all the houses.
>
> Dispatcher: Okay …
>
> Zimmerman: Now he's just staring at me. … Yeah, now he's coming towards me.
>
> Dispatcher: Okay.
>
> Zimmerman: He's got his hand in his waistband. And he's a black male … 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, okay? ...

Zimmerman: Okay. These assholes they always get away …

Zimmerman gave the dispatcher instructions on how to find his suspect once the police arrived. The dispatcher asked:

So it's on the left-hand side from the clubhouse? [sic]

Zimmerman: No you go in straight through the entrance and then you make a left … uh you go straight in, don't turn, and make a left. Shit he's running …

Dispatcher: Are you following him?

Zimmerman: Yeah

Dispatcher: Okay, we don't need you to do that.[1]

Nevertheless Zimmerman, armed with a nine-millimeter pistol, continued to follow his suspect, Trayvon Martin. Martin, who was seventeen years old, 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" (Weinstein 2012). After his murder, Trayvon Martin's parents were not able to 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

[1] "Transcript of George Zimmerman's Call to the Police." *Mother Jones* 2012.

boy lay dead in the Volusia County medical examiner's office, listed as "John Doe. Young black male. Identity unknown" (Fulton and Martin 2017, 38).[2]

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 these former crimes. He concluded about Zimmerman's murder of Martin, "The stage was already set. It was a perfect storm" (Weinstein 2012). *Passing for Free, Passing for Sovereign* takes the watchman's words seriously despite the fact that they were meant as a justification for murder. It does so because the matter-of-fact comment points directly to a 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.

Not yet a month after Martin's murder several scholars, myself included, gathered at the Western Political Science Association's annual meeting in Portland, Oregon. The panel I was most interested in attending was scheduled for the last time slot of the last day of the conference. It was titled "Passing as Ethico-Political Synecdoche." The panelists, who researched the ethics and effects of racial passing in various geopolitical contexts, were exploring the possibilities that passing might open up for radical resistance to settler colonial and racist governmentalities. After the panelists presented their papers, the discussant paused in order to locate the discussion within the current racial political context of the United States. She noted that we should take a

[2] 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.

moment in our conversations about the "radical" possibilities of passing to remember those who are inescapably unable to pass at all. She was referring, of course, to Trayvon Martin.

Her return to the perpetual hunting and killing of black people (ostensibly those not "light" enough to pass) was a critical intervention into the debate around passing, but, as this dissertation argues, not necessarily for the reason the discussant had initially proposed. That is, although passing is often discussed as a "privileged" and individualized political strategy tied inextricably to colorism, the antiblack biopolitical and necropolitical underpinnings of the passing dynamic, which this dissertation will lay out, foretell Martin's killing as much as they do the increased social mobility of the privileged class of light-skinned blacks. These two aspects are connected intricately. That this is true requires us to re-examine the scope of the biopolitical work that the passing narrative realizes.

It is worth noting the peculiarity of returning to the question of racial passing with regard to Trayvon Martin and the state-sponsored murder of other black subjects. To be sure, much of the activist and scholarly attention on police killings of black people within the past five years has focused on the hypervisibility of blackness as a mark from which those most vulnerable to state violence cannot hide. Further, broader discussions on racial passing, and in particular, on black racial passing seem to have gone out of vogue in cultural studies. For example, literary scholar Juda Bennett notes that although the trope of passing captivated authors and readers at the turn of the twentieth century, the figure of passing has all but disappeared from contemporary fiction (Bennet 2001). F. James Davis identifies 1880 to 1925 as "peak years for passing" especially within

literature (1991). Bennet has gone so far as to ask whether contemporary scholars and writers generally view the passing trope itself as "passé" (Bennet 2001, 205). Nevertheless, I argue that a return to the question of passing is critical at this juncture specifically, because a focus on the history of black racial and gender passing narratives enables us to examine the multiple ways that the vestiges of slave surveillance mechanisms continue to shape state management of black bodies, and therefore black people, in the present. As I lay out in this introduction, this dissertation returns to passing narratives in order to emphasize the importance of the accusation of passing, rooted in chattel slavery, as a surveillance technique that polices the racial borders of the body politic and therefore continues to inform the heteronationalist imaginaries of the United States as a settler colonial, antiblack nation into the present.

Ideas of Passing

The term passing within the U.S. black historical imaginary is often understood as a survival mechanism—a strategic, utilitarian act aimed at escaping the violence of white supremacy or at accessing the benefits (symbolic and material) of whiteness. Literary scholar Elaine Ginsberg defined the act of passing as "the assumption of a fraudulent 'white' identity by an individual culturally and legally defined as 'Negro' or black by virtue of a percentage of African ancestry" (Ginsberg 1996, 3). Ginsberg's term "fraud" is important here because of the assumptions it makes about real or authentic race or racial identities. Seemingly, one must deny a race that one *is* if one is to pass for a race that one *is not*.

Late nineteenth-century and early twentieth-century narratives of racial passing were often supported by the U.S. "one drop" racial doctrine. This biologic rule, explicitly articulated in the 1896 *Plessy v. Ferguson* Supreme Court decision, confirmed that anyone in the United States who had been proven to have at least one "drop of black blood" must be considered black. The decision meant that Homer Plessy, who had argued that by all visual accounts he was white, was in fact black and therefore guilty of trespassing in the "whites only" section of a train in New Orleans. Even though Plessy appeared white to the "unobservant" eye, because he possessed at least one "drop" of black blood, his existence in the white section of the train rendered him criminally fraudulent. Prompted by the threat of passing and racial integration, *Plessy v. Ferguson* upheld the de jure racial segregation laws of the South and severely limited black mobility. Of course, while Plessy did not pass, many white-presenting black people did evade the policing eye of the Jim Crow South.

The ability to pass, post emancipation, has often been seen as a privilege, one attributed to black people with light complexions. However, the discourse on racial passing also produced the trope of the tragic mulatto, the figure fraught with anxiety about being a traitor to his or, most often, her race and with paranoia that some form of black essence will betray her cover. Feminist scholar Liora Moriel argues that passing comprises a tension between the call to be loyal to one's community and the opportunity to access the benefits of whiteness. She maintains that passing is a conscious decision, "a quest for a transformation of oneself, one's identity, one's potential" (2005, 167). Nineteenth-century novels such as Charles Chesnutt's *The House Behind the Cedars* (1900), James Weldon Johnson's *The Autobiography of an Ex-Colored Man* (1912), Jessie Fauset's

Plum Bun (1928), and Nella Larsen's *Passing* (1929) centered protagonists who face the decision to pass for white as an ethical dilemma that might render them a "race traitor" but that also offers them some version of "freedom," whether that be license to love whom one loves, social mobility, or evasion of antiblack and misogynistic violence. Passing in these fictional accounts appeared as a literary device that explored the instability of racial categories and its political implications. The novels often resolved racial instability as the protagonist rejected the possibility of passing or suffered a tragic punishment for their transgression (Wald 2000). This genre of literature called on refusing to pass as the true form of resistance to racism.[3]

Thirty years or so later, a 1952 *Jet* magazine article titled "Why 'Passing' Is Passing Out" attributed the decline in black racial passing during the U.S. postwar period to the work of agencies such as the National Urban League, the NAACP, and state-level Fair Employment Committees, which contributed to growth of the black middle class and the growing impatience with southern Jim Crow racial segregation (Wald 2000, 119). In "postpassing narratives," as historian Gayle Wald named them, the decision to pass continues to be a moment of political struggle whose engagement comes in the form of refusal. As the *Jet* article attested, "the thousands of Negroes who 'passed' to find decent employment 'return' to their race" (ibid, 119). This 1950s trend of refusing to pass foreshadows contemporary liberal multicultural policies that demand black Americans be able to take up a legitimate place in U.S. civil society.

[3] Extending into the late twentieth century, films made similar conclusions about the importance of rejecting passing. Some examples include *Imitation of Life* (1959), *Pinky* (1949), *Illusions* (1982), and *True Identity* (1991). For analysis on passing films in the early twentieth century, see Valerie Smith, "Reading the Intersection of Race and Gender in Narratives of Passing" (1994).

In the last fifteen years, much of the literature on passing moved beyond the black-white binary that has structured discussions about race in the United States traditionally. Feminist, poststructuralist scholar Judith Butler's theories of performativity in *Gender Trouble* (1990) and *Bodies that Matter* (1993) gave rise to a renewed interest in passing as an example of performativity. The literature moved beyond thinking through passing using the trope of the tragic mulatto, for example, and towards understanding the ways in which passing was a moment or process of gender and race formation. This scholarship offers a theoretical language to talk about the "subversive" possibilities of passing that Nella Larsen alluded to in the early part of the twentieth century.

This scholarship also opened up the notion of "who" passes and "how" widely. For example, cultural historians have examined the myriad ways the bodies of both Jewish people and queer folk have been deemed unreadable, which leads, in the cultural imagination, to "paranoid fantasies of stealth queers taking over higher education, or powerful Jews secretly controlling the federal government" (Sanchez and Schlossberg 2001, 2).[4] This new wave of scholarship built upon the work on black racial passing and white racial paranoia to underscore the affective underpinnings of passing in general, but in particular with regard to gender and sexuality. Thus, queer and trans communities use the term passing to debate politics of visibility. For instance, Sandy Stone called for a radical refusal to pass arguing, "Transsexuals who pass seem able to ignore the fact that by creating totalized, monistic identities, forgoing physical and subjective intertextuality, they have foreclosed the possibility of authentic relationships. Under the principle of

[4] For additional literature on Jewish passing, see Harrison-Kahan (2005) and Glasser (2008); for Asian passing, see Ho (2008); for gender queer and trans, gay and bisexual passing, see Van Thompson (2008), Halberstam (2005), Lingel (2009), Johnson (2002), and Cooley and Harrison (2012).

passing, denying the destabilizing power of being 'read,' relationships begin as lies … 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."[5] The demand for transgender folks to be "seen" as they are mirrors the calls for refusal in black magazines in the 1950s. For Stone, however, it is not about integration, but about the political drive for intimacy with friends and family based on authenticity. However, claiming this radical refusal to pass does not get Sandy Stone out of the false promises of authenticity with regard to gender expression or intimacy between subjects. Moreover, trans studies scholar C. Riley Snorton troubles Stone's reductive reading of passing as purely a decision about political solidarity. He explains that passing is not a simple individual decision but the mode through which trans subjectivity emerges. Offering the example of an experience he had failing to pass in a black barbershop, Snorton argues that the ensuing exchange provided an opportunity to undermine and subvert "dominant scripts of black masculinity" (Snorton 2009, 86). "Definitions of passing," he adds, "must also include its psychological function, that is, that it brings one's 'self' into view. Through the experiences of psychic dissonance, affirmation, disavowal, and recognition, we engage in the process of passing off our daily experiences of embodiment as identification … passing is not simply the essence of transsexualism; it is the way we make identity" (Snorton 2009, 87). Key is Snorton's gesture toward the productive power of passing with regards to becoming a subject. That is, part of being trans is the liminal experience of passing, in particular the accusation that one might be passing. This

[5] Stone 1991, 170.

includes the affective relationships that emerge from the dynamic, in terms of one's relationship not only to others but also to one's self.

Snorton's rendition brings the intersections of racial and gender passing into conversation. In a paradigm in which everyone can and does pass in multiple ways, the ways that people experience passing differently are often flattened. However, in Snorton's characterization of passing as "the essence of transsexualism," he closes in on a sort of exceptionalism that runs the risk of labeling trans people as passing subjects par excellence. That is, while it may (or may not) be true that trans subjects become subjects through dynamics of passing, cis-gendered readers especially must question why this statement might fall so easily onto their ears. It is because to have the passing narrative rest so easily and exceptionally on trans lives enables others to disavow the multiplicities of gender through which all subjects pass differently—and the violence that accompanies these experiences.

What I mean by this is, first, that contrary to the ways in which passing has generally been discussed in literature, scholarship, and popular culture, one does not always make a conscious choice to pass. Instead, it is often the case that other people "pass" a subject as a consequence of (mis)reading them. Not acknowledging this dynamic leaves underexamined the accusation of passing itself and its role in disciplining and surveilling bodies and regulating populations. Second, in considering the multiplicity of genders, it is evident that one is not ever passed only in terms of race or of gender, but always in terms of race and gender as co-constitutive disciplinary regimes within historical contexts. In particular, my understanding of passing narratives draws on Hortense Spillers's description of the "American grammar," those epistemological claims

rooted in the transatlantic slave trade that "name" her and other black women in multiple ways. In her essay "Mama's Baby, Papa's Maybe" Spillers writes, "Let's face it. I am a marked woman, but not everybody knows my name. 'Peaches' and 'Brown Sugar,' 'Sapphire' and 'Earth Mother,' 'Aunty,' 'Granny,' God's 'Holy Fool,' a 'Miss Ebony First,' or 'Black Woman at the Podium': I describe a locus of confounded identities, a meeting ground of investments and privations in the national treasury of rhetorical wealth. My country needs me, and if I were not here, I would have to be invented."[6] This dissertation draws on Spillers's thoughts on naming to better understand the dynamics of passing. That is, rather than focusing solely on how black women might perform various racialized and gendered identities, it also points to the ways that antiblack language articulates genders and makes them intelligible.

For example, in the mid-nineteenth century, Ellen Craft, a light-skinned enslaved black woman and her husband, William Craft, escaped their enslavement by taking a train north. Ellen Craft disguised herself as a disabled white gentleman. She was not able to read or write and her performed disability—a broken arm—excused her from being asked to sign her name at hotels or train stations along the way. William Craft passed as the white gentleman's slave and personal assistant. White abolitionists orchestrated speaking tours narrating both the Crafts' escape from bondage and also their life in freedom. The abolitionists' narratives most often relied on the conservation of an interior racial and gender authenticity to which the Crafts were always faithful. Racial passing, in many abolitionists' version of it, was about recuperating and rehabilitating blackness and femininity or masculinity as intrinsic to the prize of freedom to come. As

[6] Spillers 1987, 67.

the abolitionist narrative goes, Ellen Craft's escape from slavery was precipitated by her desire for a legibly black and free life. She chose a visibly black partner and, thus, identifiably black children. Moreover, she refused to be married as a slave, preferring to wait until the couple reached the free north where the bond between the two sovereign subjects could be recognized by law (Foreman 2002, 508).[7] In this view, the passing black subject was capable of rehabilitation through the civilizing project of white abolitionists. Spillers's argument, which goes beyond theories of interpellation in demonstrating how the act of "naming" in her words, or "passing" in the terms of this project, makes an ontological claim about the makeup of blackness. This is not simply an argument about what blackness is, but rather about what the white subject of mastery requires blackness to be.

In conversation with and building on black feminist and queer and trans scholarship, I ask the reader to think critically about the emphasis on the political and affective agency of the "passers" because of how it leaves underexamined the accusation of passing itself. In doing so, I bring to the forefront narratives and accusations of passing as techniques of discipline and regulation, in order to investigate the political assumptions embedded within them. Further, in a moment when black racial passing may have become "passé" and when scholars have begun examining a wide range of forms of passing, the task of this dissertation will be to recenter black racial and gender

[7] For further discussion of the Ellen and William Craft story, see Ellen Samuels, "'A Complication of Complaints': Untangling Disability, Race, and Gender in William and Ellen Craft's Running a Thousand Miles for Freedom" (2006), Gabrielle Foreman, "Who's Your Mama? 'White' Mulatta Genealogies, Early Photography, and Anti-Passing Narratives of Freedom" (2002), Amani Marshall, "'They Will Endeavor to Pass for Free': Enslaved Runaways' Performances of Freedom in Antebellum South Carolina" (2010), and Barbara McCaskill, "'Yours Very Truly': Ellen Craft—The Fugitive as Text and Artifact" (1994).

passing in order to examine the historical significance of the passing narrative for the formation of an antiblack nation.

Hunting, Passing, and Surveillance: The Afterlife of Slavery

Contemporary practices of surveillance and containment of black peoples are an important component of the afterlife of slavery. During chattel slavery, the free movement of black peoples without the careful watch of the slave-owning and settler colonial classes became a threatening signifier of black revolution and black freedom. The enslaved black subjects who freed themselves served as a metonym for criminal activity threatening the sovereignty of the state.

In the mid-seventeenth century, one of the earliest and most prominent slave management laws, the Barbados Slave Code, was enacted. It required white men and other free men to participate in colonial militias to engage in the surveillance and tracking of fugitive slaves, particularly because of the perceived threat of rebellion (Hadden 2001, Parenti 2004). Slave owning societies in both the Caribbean and the U.S. southern states based their subsequent slave surveillance regimes, including mandatory militias, on the Barbados codes.[8] Prompted by a rise in northern abolitionism and more importantly by "fear of another Nat Turner Rebellion," southern state legislatures took up policing as a regime of slave control (Williams 1972, 399). The state apparatus was critical in normalizing the surveillance of black slaves even as by the turn of the nineteenth century individual white settlers were still slow to participate in regular

[8] However, enforcement of obligatory participation in the town militias was necessary since local slave owners in the South often did not offer their labor to the collective until the threat of slave rebellion grew.

patrolling practices. In fact, the Louisiana state legislature, noting that "slave policing had been lax," passed a statute in 1815 that made the parish judge in each parish responsible for enforcing the varied slave regulations (Williams 1972, 400). It required that each farm or plantation designate one white patroller per thirty slaves it employed or its owner would face a monetary fine (ibid).

Southern patrollers, or pattie rollers as the enslaved often called them, made regular rounds through their designated neighborhood, parish, or county, often riding at night, three to six at a time in what was called a "beat company."[9] They made weekly visits to each plantation at night getting to know the enslaved peoples in the area and the plantations or homes to which they belonged, and taking counts to ensure that the enslaved were in fact present as they should be (Parenti 2004). Patrollers were instructed to be on the look out for runaways, extra supplies that might indicate future escape plans, and weapons.

Together with the slave patrol militias, *the pass* was a key tool in the antebellum slave surveillance regime. It was often a handwritten note in which the enslaved person's owner would communicate to other white subjects that they had given the holder permission to move beyond their own plantation or home to a specific destination and during a particular period of time. These passes were another legislated component of economic market management, including the regulation of non-free labor and trade, beginning in the mid-seventeenth century. For example, starting in 1641 Virginia required indentured servants to carry passes in order to prevent them from absconding

[9] In contrast to the southern roaming patrols, police officers in northern cities often congregated at a central guard station, ready to respond to potential crime.

from their debts. Around the same time, Native peoples were required to carry passes or tickets to transit through white settled land for trade purposes. Finally, by the end of the seventeenth century, Virginia enforced a pass law that was directed specifically at black slaves (Parenti 2004). This pass law and others that followed required black people who were found off their master's plantation to show their pass to any white person who demanded to see it. In turn, slave patrollers were required to capture and return any black fugitive (those blacks without a pass) either to their owner or to jail; certainly the most notorious quality of these patrols was the brutality with which their members treated black suspects and the terror they inspired in black communities both enslaved and free.

The power of the pass as a tool of surveillance, in great part, stemmed from the restrictions in slave codes that prohibited enslaved black peoples from learning to read and write. Those black folks who were literate or knew someone who was often changed dates, names, and destinations on old passes—or simply wrote themselves new ones. Having done so they moved within plantations and abroad to visit kin or friends, orchestrate uprisings, and escape their enslavement by hiding among free blacks in the North and in southern coastal cities, in Spanish- or Seminole-controlled Florida, or out west. Moreover, low literacy rates among poor whites, some of whom participated in slave patrol militias, further enabled the use of fraudulent passes (or any piece of paper with writing, such as an old letter). For example, Henery Clay Bruce, a former slave, wrote that patrollers "were as a rule illiterate, and of course could not read writing. The slaves knowing this would take a portion of a letter picked up and palm it off on them as a pass when arrested. The captain would take it, look it over wisely, then hand it telling

the slave to go" (Bruce 1895, 96–99). It is in this context that *passing* as a criminal act of fraud engaged in specifically to escape white policing and the legal and bureaucratic management of slaves came to have meaning in the United States.

One of the ways that passing as a strategy for escaping (at least temporarily) the torture of slavery was narrativized was through runaway slave advertisements. These personal ads were published in local newspapers and magazines throughout the South in order to inform slave patrols and other white citizens of possible fugitive slaves in their area, and also to warn those whites who might potentially employ the absconded and undocumented of the legal repercussions of such a crime (Waldstreicher 1999). By the early nineteenth century, the authors of these ads used both the noun "pass" (as in to forge a "pass") and the verb "to pass" (as in "to pass" for free) in describing the work a formerly enslaved person had done to escape the master's reach. This genre of narrative is critical for understanding passing in the United States inasmuch as slave owners began to rely on the binary of fraud and authenticity in order to delegitimize slaves' attempts to steal away. Yet at this time the idea of passing was not limited by the complexion of the passing subject. What is more, complexion itself was not necessarily privileged with respect to who might be most capable of passing. Take for example, the following advertisement,

> 21 May 1834
> The Vicksburg Register (May 22, 1834)
> $150 Reward.
> Ranaway from the subscriber on or about the 15th day of February last, a bright mulatto boy named PATRICK, about 20 years of age, 5 feet 6 or 7 inches high, slender made, strait hair, free spoken; his limbs remarkably slender for his age. It is supposed he may have tried to get to South Carolina, where he was raised; and very probably may have obtained a pass or free papers. He is well qualified to pass, being remarkably smart and impudent. The above reward will be given for

> the apprehension of said boy, and proof to conviction of any one furnishing him with a pass, or taking the boy off; or fifty dollars if caught and lodged in any Jail out of the State; or twenty-five dollars if in the State; Address Messrs [sic] Martin & Aiken, Vicksburg.
> M. W. PHILIPS

The runaway slave advertisement above suggests that what enabled "Patrick" to pass per M. W. Philip's estimation was that he was "remarkably smart and impudent." Other advertisements focused on the suspects' ability to both read and write English, their experience in having been hired out by white owners, their ability to interact with whites and other nonslaves with minimal deference, and their access to social networks that might bring them into the company of white abolitionists, Native peoples, or other black folks who were literate and could forge a pass. These qualities and experiences allowed an enslaved person to fraudulently inhabit the position of a free person.

As fugitive slave mobility grew, runaway slave advertisements became more detailed so that a wider range of white surveillance networks might better identify them. Advertisements began describing the fugitives' height, gait, teeth, literacy level, dress, and physical appearance (Parenti 2004). Even at this time, a light complexion was only one of many other characteristics that enabled enslaved Africans and Afro-descendants to pass. Thus for example the most common use of the term "pass" was as a warning for readers to be on the lookout for slaves who might "pass for free" mostly because they had forged a pass or a "free passport" (Chambers and Grivno 2013). Other advertisements warned of fugitives who passed as someone else's slave or "by some other name and [gave] some one else as his owner." Some accused runaways of "pass[ing] for another slave's wife" or for passing as a person of another gender. A small portion of the advertisements pointed to an enslaved person's capacity for passing for a person of a

different racial category, yet these were the minority. In Mississippi, for example, it was just as likely for a slave to pass for "Indian," "Choctaw," or "Spaniard" as it was for them to pass for white (Chambers and Grivno 2013). Ultimately, the juxtaposition between fraud and authenticity points to a commonly held belief that an enslaved black person could never legitimately occupy any position that might be read as a "free person." The closest they could get would be by fraudulently authorizing their own legal documents.

One might deduce from the runaway slave advertisements that one of the most critical characteristics of being a "free person" is a person's ability to authentically make a claim to the position of the "free laborer." Thus, antebellum newspapers warned of slaves who might be *passing for* (read: impersonating) a blacksmith or a preacher in the North even as these same slaves had performed the work of blacksmiths or preachers in the South before their escape (Chambers and Grivno 2013). Take for example the following advertisement:

> 20 August 1850
> Woodville Republican and Wilkinson Weekly Advertiser (August 20, 1850)
> $25 Reward.
> MARTIN ranaway on the 10th instant. He is about six feet high, black complexion, and his [*sic*] is very broad across the shoulders, rather inclined to be stoop-shouldered, with a swinging walk. He has a scar on one of his wrists, I think it is his left, on the under part of the wrist or rather on the join, speaks very quick when spoken to. He is about 25 years of age. He has two very large ridges over the eyes or each temple; front teeth all sound and even. He has been out for five months with a forged pass to the effect that he should be permitted to obtain work wherever he could. He may undertake to pass himself off as a mechanic. For his arrest I will give the above reward.
> THOMAS OGDEN. (Chambers and Grivno 2013)

Through these publications, the owners of slave labor drew on the language of pretense and fraud to alienate the enslaved from their vocation and their labor, publically denying

that slaves might legitimately be skilled workers except through the institution of slavery. They argued that enslaved persons did not personally hold particular labor skills even as they were often hired out by their masters to work for other clients. That the payment for the labor was always due to the owners themselves, rather than to the persons who did the work made this evident. Within this discourse, the slave's labor is only authenticated by its mediation through the slave owner; thus, unauthorized, autonomous freelancing by legally enslaved people must be considered wage theft—the victim being the legitimate white owner of the labor power.[10] Antebellum passing narratives, then, contribute at a foundational level to the modern conceit that the free laborer is the epitome of the free person.

So prevalent was the narrative about forging passes and passing in runaway slave advertisements that passing itself became one of the prominent characteristics that whites attributed to enslaved blacks in the South. As seen in the above examples, the focus of suspicion moved from the authenticity of *the document* (the pass) to the authenticity of *the person* (the passer) and their capacity, even tendency, to present themselves as someone they were not. In a preventative act, some city governments replaced the paper pass with a tin badge engraved with the enslaved person's occupation,

[10] As Christian Parenti points out, the phenomenon of slaves passing as free laborers, especially in the coastal cities of Charleston and New Orleans as well as several Mississippi river towns, was understood to be as threatening as the phenomenon of undocumented workers is in the contemporary. Employers at shipyards and riverboats benefited from the cheap and precarious labor of fugitive slaves who did not have passes or who had fraudulent passes (or free papers), in the same way that employers today benefit from undocumented labor. Therefore runaway advertisements often warned readers that hiring fugitive slaves, those who authentically did not have the right to sell their own labor, was a criminal offense. See Parenti's *The Soft Cage: Surveillance in America, From Slavery to the War on Terror* (2004, 25).

the state, and an identification number.[11] The hope undergirding this new bureaucratic surveillance against passing was to require slaves to rely on a more stable identifier of the status of their personhood. The black subject had become co-terminus with the "suspect."

Passing, as a narrative description of blackness within white imaginaries, cemented the widespread assumption of black fugitivity. Passing narratives became a stabilizing and conserving force for the national body politic in particular because they asserted that moments of black fraud could be detected by the vigilant eye of the good white citizen/watchman. This fantasy of hypervisibility and vigilance prevalent in the antebellum surveillance regime continues post emancipation and into present-day passing narratives as an afterlife of slavery.

Passing and Ideas of the Free and Knowing Man

The idea of passing began shaping both what it meant to be a "slave" and, consequently what it meant and continues to mean to be free within the U.S. white democratic imaginary. For instance, the accusation of passing refers to the assertion that one is fraudulently occupying a subject position to which one has no legitimate claim. Thus the passing narrative insists that the slave is necessarily fixed to the position of bondage;

[11] For example, historian Sally Hadden wrote, "larger cities like Charleston devised badge systems: a slave's owner purchased a badge from the city, good for one year, that the slave had to wear at all times. Although slaves did not always wear their badges, and some owners flouted the law, badges gave patrollers a means to avoid inspecting passes in the largest Southern cities. Even seventy years after freedom came, one former bondsman declared that he still had his badge and pass to show the patrol, so that no one could molest him" (2001, 114). Christian Parenti elaborates, "In Charleston, South Carolina, in 1783 authorities adopted what they hoped would be a tamper-proof technology, a system of metal slave 'tags' or 'slave hire badges.' Urban slaves who hired themselves out as wage laborers (the wages going to the masters) were required to obtain from the city a brass or tin badge stamped with the slave's occupation, the date, and a number to record payment of the annual slave tax" (2003, 25).

there is no legitimate transition to the status of free person.[12] In their later concentration on the black body and the black subject, narratives of passing built upon Enlightenment notions of what it meant to be human. As postcolonial scholar Sylvia Wynter writes, with prevailing ideas of race and science, by the end of the nineteenth century this human (the prototypical Western Man) comes to be understood as a biological human with access to reason, politics, and morality (Wynter 1995). The evidence of this human status was to be seen on the human body.

The underlying ontological claim of passing is that the human subject (in all its stages of "development" or forms of radical difference) is a dual entity. It has an exterior (or body) that ought to reflect the truth of its interior. In other words, the racialized and gendered body points to an authentic self, and the truth of this self should be visible in some way on the surface. Michel Foucault identifies this same relationship between the subject and its inner self as a result of the modern, capitalist world's disciplinary power, which functions as a sort of panopticon of surveillance. He argues that a disciplinary sort of punishment produces the criminal, a docile body that is in constant reference back to an interior soul needing rehabilitation (Foucault 2012). This is the makeup of "modern Man."

Yet panopticism fails from time to time. There are slippages that suggest that surveillance cannot be all encompassing. These failures can be seen in circumstances

[12] In fact, Orlando Patterson argues that even in manumission, the former slave continues to exist within the dynamics of slavery. That is, manumission itself is part of the practice of slavery. Patterson explains: "it is not possible to understand what slavery is all about until we understand it as a process including the act of manumission and its consequence. Enslavement, slavery, and manumission are not merely related events; they are one and the same process in different phases" (1982, 296). It is the possibility of manumission, which the slave owner holds over the enslaved, that ensures the enslaved persons' loyalty and obedience.

such as the ability of the fugitive slave or trans person to pass (Browne 2015). The dynamic of the panopticon is played out on the bodies of such subjects and many scholars go so far as to say that it is the body of these subjects, its "perverse opacity," that potentiates the panopticon's undoing (Browne 2015). Yet this "perverse opacity" must not be attributed as an essential characteristic of certain subjects' bodies. To do so is to fall into the trap of the passing narrative. That is, the passing accusation states that while most human bodies cooperate (they are transparent and consistently refer back to their authentic selves), there are those subjects/suspects who are wont to engage in fraud, and may do so at any given moment. Thus, inasmuch as passing came to be understood as a quality of blackness, the black subject must be understood as always deserving of suspicion. The work that the passing narrative accomplishes is precisely to disavow the uncanny truth of such slippages by asserting a claim about the ontological nature of the passing subject. Here, blackness becomes the threat of fluidity (racial, sexual, affective) upon which the free white subject is stabilized.

With this history in mind, this dissertation examines the ways in which the logics of the passing narrative as a form of management of blackness (black life and black death) constitute one of the distinguishable features of the modern surveillance regime in the nineteenth- and twentieth-century United States. This regime depends, however, on the watcher's belief that one should know blackness when one sees it. In seeking to answer the question, "how do we presume to know what we know?" *Passing for Free, Passing for Sovereign* argues that our "practice of knowing"—and the anxieties, desires, and phobias attendant on that knowing—relies on a fantasy of mastery that is both racialized and gendered. Knowing depends on the relationship between an autonomous seeing,

measuring, and managing subject and a knowable and measurable object. To know the object, in this sort of paradigm, is to apprehend it.

That is, the knowing subject is one who can identify objects in the world, including other people as objects. However, the act of knowing is a process of subjectification as much as it is one of objectification. As opposed to other cosmologies in which knowledge emerges from various animate and inanimate sources (God, rivers, animals, etc.), Western modernity is distinguished as a moment in which the sole source of knowledge and meaning in the world is the human (Seth 2010, 398). Further, as Martin Heidegger explained, "when man becomes the primary and only real subiectum … that being upon which all that is, is grounded as regards the manner of its Being and its truth. Man becomes the relational center of that which is as such" (1977, 128). What sets this Western knowing subject above the rest of the objects in the world is his capacity to measure and organize the rest in an effort to establish mastery.

Thus this dissertation examines the relationship between narratives of racial and gender passing, the histories of slavery that these narratives draw upon, and the humanist imaginaries that they inform. It points to the multiplicity of ways the passing accusation has been institutionalized in a range of historical periods and spheres of activity including: positivist science, which centers the human as the knowing and unveiling subject; law and its role in defining free, liberal individuals and their belonging to the nation; and Enlightenment philosophy, which posits an ethics based on rational universalism. It ultimately argues that racial and gender passings become moments of contention that threaten to blur the limits of these categories and challenge these institutions' conceits of freedom, sovereignty, knowledge, and the universal. The duality

of the subject makes surveillance a biopolitical necessity and passing accusations an attempt to reinscribe stable lines of difference. This dissertation ultimately asks: If the underlying assumptions of the passing narrative organize the way in which we "know" the other in this world, what might the foundations of a radically different and staunchly ethical way of knowing look like?

Chapter Descriptions

The dissertation's first chapter, "The HeLa Bomb and the Science of Unveiling," begins by examining an ethics rooted in positivist assumptions about "knowing" and underscores its investment in containing black female sexuality. It does so by reading the story of Henrietta Lacks and HeLa cell contamination as an accusation of passing at the level of the cell. HeLa contamination is an instance in which the passing offender is not a subject at all but an object—basic biological material. Thus, the chapter's focus moves away from personal intentionality and towards accusations of passing and the ways that racial and sexual desire, fantasy, anxiety, and paranoia have animated the cells through time. It then examines the agency of HeLa, as passing narratives move the cells through different racialized and gendered identities. That is, in the multiple iterations of the HeLa narratives, cell culturists, geneticists, science journalists, and cultural studies scholars represent the cells as the universal white woman, an illegitimate black father, and then, a hypersexualized black woman. It is precisely the accusation of passing rooted in U.S. slave surveillance that animates the HeLa cells in provocative ways, making clear their vital, creative, and destructive forces. The slipperiness of HeLa's queer animacy thus

demands that readers embrace the moments of vulnerability and contamination within scientific knowledge production that highlight the fragility of national (bio)security projects based in antiblackness.

Chapter 2, "Passing for Sovereign," takes up the passing narrative almost one hundred years prior to HeLa contamination, at the level of population regulation and codification. This chapter reads the claim that black Choctaws are not "really" Native as part of larger narratives on racial passing with roots in the Five Civilized Tribes' entanglements with the culture and economy of chattel slavery.[13] In doing so, it traces the intersections of Native claims to sovereignty and black disenrollment from the Choctaw Nation, within the context of U.S. colonialism and its ideologies of race, the nation, and patriarchal genealogy. The chapter examines Dawes Commission applications for enrollment to the Five Civilized Tribes from 1898 to 1914. In doing so, it argues that the accusation that "blacks" were passing for Native depends on three important ideological and material moves that gender and racialize ideas of national sovereignty in the United States. First, it reads black peoples in the Americas reductively, in terms of racial subjects desiring inclusion rather than as colonized nations or peoples capable of national sovereignty. Second, negotiations for sovereignty between Natives and the federal government fixed blackness to the position of the slave, as the site of nonsovereignty and disinheritance. Lastly, through these acts, black women emerge as the reproductive site of nonsovereignty and, therefore, as incapable of mothering Native children.

[13] Throughout the dissertation, I have used lowercase letters to spell "black," "white," and other words that very directly denote races of people. However, I capitalize "Native" in order to differentiate that word's reference to indigenous peoples.

The dissertation's third chapter, "Passing for Universal," moves from the question of national sovereignty back to the question of the sovereignty of the self. To do so it focuses on the work of Adrian Piper, a Kantian philosopher and conceptual artist, to interrogate the relationship between the logics of racial and gender passing by means of Piper's reading of a Kantian ethics of knowing. Through her reading of the *Critique of Pure Reason,* Piper understands "personhood" as a transcendental concept universally shared by all and rooted in an innate ability to reason. As rational beings, we all have the capacity, and as such the ethical duty, to recognize the other as belonging to the universal category of personhood. For Piper, recognition, even of oneself, as a rationally intelligible "person" is not straightforward; she examines how racist narratives have historically served to quell the anxiety produced through these moments of doubt, to redefine "person" by reifying race and gender differences. In her words, racism is "a self-protective reaction to violation of one's empirical concept of people, and involves a failure to apply the transcendent concept of personhood consistently across all relevant cases" (Piper 1992, 4). Piper locates racism, then, as a response to one's own particularly threatening "conceptual anomalies." Chapter 3 reads Piper's work as a meditation on the perception of a racialized and gendered body passing for the universal subject.

Returning to the narratives of passing, particularly in a moment of state-sponsored violence towards visibly black subjects, these chapters ask what can be gleaned from past practices of surveillance and management to better understand the nation's present biopolitical moment. Together the three seemingly disparate cases of racial and gender passing trace the way that the passing narrative circulates in what Native scholar Jodi Byrd (2011) has called a "transit of empire," a discursive and material

circuit that "allows for empire to move, geographically, politically, hermeneutically (Simpson 2016, 2). The term "transit" is similar to what Saidiya Hartman calls the fungibility of blackness or "the replaceability and interchangeability endemic to the commodity [such as chattel]. . . . [It] makes the black body an abstract and empty vessel vulnerable to the projection of others' feelings, ideas, desires, and values" (Marshall 2012, 3). Both fungibility and transit describe the kinetic force of the passing accusation, which ties together the surveillance of blackness as fugitive slave, the epistemologies we use to detect this fugitivity, and the ontological claims made about colonial subjects, both Natives and black folks, in relation to the Western claim to the human. Passing as a phenomenon relies on a libidinal economy of enjoyment and anxiety in constituting and maintaining the sovereign nation and its citizens. Thus, together these chapters might be understood as agreeing with Hortense Spillers's earlier claim about naming: "The settler state needs us, and if we didn't exist it would have to make us up."

Chapter 1

The HeLa Bomb and the Science of Unveiling

In early 1966, geneticist Stanley Gartler provided some upsetting news to the attendees at the Second Decennial Review Conference on Cell Tissue and Organ Culture. He had reviewed some of their work for his later published study, "Apparent HeLa Cell Contamination of Human Heteroploid Cell Lines" (1968). The HeLa cell line derived from the biopsy of a squamous cell carcinoma of the cervix of Henrietta Lacks, an African American woman who died from this cancer in 1951. In his presentation, Gartler revealed the HeLa cells' capacity to pass themselves off as other cells and to contaminate the samples with which they came into contact. He was able to identify the HeLa cells because they were the only cell line derived from a black person included in Gartler's sample. Based on his findings, Gartler argued that much of the attendees work was "open to serious question … [and some] would be best discarded" (Gartler 1968, 175). As Robert Stevenson, who later became president of the American Type Culture Collection put it, the geneticist "showed up at that meeting with no background or anything else in cell culture and proceeded to drop a turd in the punch bowl" (Skloot 2011, 154). Scientists who attended the conference allegedly referred to this unexpected news as the "HeLa bomb."[14]

[14] "Scientists who were at the conference where Gartler made his initial presentation, and others who were active in the field at the time" used this term. Quoted from the author's personal correspondence with Rebecca Skloot, on March 27, 2015.

This chapter returns to the HeLa cell stories to reveal the violence and underlying fear of miscegenation that fed public intrigue at the time. While the narratives about HeLa contamination are not new, I ask that we stop to contemplate Gartler's revelation and its description as a bomb to grasp how race and gender inform contemporary ways of knowing in the United States. Key to comprehending this moment are narratives of black racial passing, which assume a black subject who is able and eager to belie blackness and pass for white. Scientific racism reinforced passing narratives via the "one-drop" rule linking blackness to blood, and blood to purity. The rule assumes that black blood is a contaminating substance to which white blood (and any other blood) is vulnerable; if a person had at least a "drop" of black blood, they would be read as black within the United States. Tracing the accusation of passing highlights it as an apparatus of knowing the other, a technology of disciplining and surveilling bodies, and a regime for regulating populations. Given this historical context, this chapter considers the moment the HeLa cells are "discovered" to have originated from a black body rather than a white one as an accusation of racial passing leveled at the cells themselves. In doing so, it demonstrates the ways that the accusation of passing, as both an in vivo and in vitro reading apparatus, becomes an important mechanism for knowing, steeped in epistemological violence.

Considering the accusation of HeLa's passing allows for a departure from the ways the trope has most often been debated within U.S. literature, film, and sociocultural studies. Most scholars have been preoccupied with the "passer" and their alleged strategy rather than the anxiety, excitement, and panic that animate the accuser's attempts to see, classify, and regulate bodies. In focusing on the passer's agency, such scholarship also

often comes close to reducing the passing dynamic to the decisions of an autonomous and rational subject.[15] HeLa contamination is an instance in which the passing offender is not recognized as a subject but an object—basic biological material. Thus, one must reject much of the journalistic reporting that imbues HeLa with an anthropomorphized agency. At the same time, following the lead of Mel Chen (2012) and the New Materialists, I show how the HeLa cells have been animated by the fantasies and phobias of black violence and racial contamination.

Focusing on passing as a reading apparatus of bodies, this chapter makes explicit the violence present in "the act of scientific innovation" as it is generally practiced (Wald 2012, 202). This is because science (social, biological, or otherwise) that rests on the relationship between an autonomous seeing, measuring, and creating subject and a knowable and measurable object may often be implicated in the epistemological claims of the passing accusation. Coming to terms with the racialized and sexualized animacies that enliven the HeLa cells, the chapter thus follows from feminist works in science and technology studies that have illustrated the ways we are not the sole beings producing knowledge, works that call for us to wrestle with the failing conceits of modern (scientific, colonial, and nationalist) mastery. In doing so it demands that scholars, practitioners, and activists move beyond contemporary bioethical concerns regulating the object's informed consent and participation in order to imagine the foundations of an ethics of knowing that is consequential with our own vulnerability among other racialized and gendered objects.

[15] Take, for example, Henry Gates, Jr.'s introductory note about Jean Toomer passing, in which he speculates about Toomer's motivations with regards to social mobility and ideological and literary movements (Toomer 2011).

In this vein, I examine the narratives about HeLa's passing, from the 1950s to the present including peer-reviewed articles on cell culturing and genetics, science journalism, and cultural studies literature. Rather than reinforce a "science" versus "culture" binary, one must consider these bodies of writing as interdependent genres within the archive of scientific knowledge production. This approach troubles the notion that scholarly work within the laboratory or the peer-reviewed journal can be read outside of sociocultural and historic contexts, and imagines the possibility of critical scientific discussions about blackness, gender, or sexuality that do not take essence as either their assumption or goal.[16] The rules dictating what is appropriate scholarly or scientific knowledge do not insulate its practices or findings from popular discourse. On the contrary, they obfuscate the discursive power that historical narratives exert within scientific and other scholarly work.[17] Leaving them unchecked produces a naturalizing effect. To consider the intricacies of scientific discourse within this larger network of knowledge production, it is necessary to read archival documents alongside more informal exchanges at scholarly conferences, interviews between scientists and journalists, and other popular literature and cultural studies writings. In this way, I trace Hortense Spillers's "American grammar," the discursive logic which shapes and gives order to concepts of blackness and gender within even scientific discourse. This

[16] This is particularly true with scholarly articles by cell culturists and geneticists writing on HeLa. There is abundant literature on race and genomics, for example, but the effort has often been led by science and technology social scientists. See for example the writings of Fullwiley (2008), Roberts (2014), Duster (2005), TallBear (2013), and Reardon (2009).

[17] As an example, George Gey's personal files contain not only his peer-reviewed and published articles on the possible cellular sources of cancer and lab notes, but also newspaper clippings about his laboratory and his personal and professional life, human interest stories on the discovery of HeLa cells and Henrietta Lacks, and correspondence with funders that discussed the importance of Lacks's story to garner additional funding for research, among other documents.

grammar overdetermines black women as at once commodities, labor, hypersexualized objects, and duplicitous subjects. Reading the racialized and gendered calls for surveillance and containment of HeLa cell contamination in the same vein as an accusation of passing opens up possibilities for tracing the ways fugitivity is attributed to the cells and to the woman from whom they originated. This approach claims that the threat of miscegenation stemming from antebellum and Jim Crow preoccupations with racial purity continues to be a disavowed phobia that places racial and gender passing narratives at the crux of biopolitics, biotechnology, and bioethics.

The First "HeLa Bomb" and Its Fallout

The story of Henrietta Lacks and the HeLa cell line is an oft-repeated one. In 1951, George Gey, the director of tissue culture research at Johns Hopkins University, discovered that the sample of cancerous cells he had received from Lacks's cervical biopsy divided continuously when provided with a medium and kept at room temperature, something no other cells were known to do at the time. Previously, scientists in different laboratories would work on what they considered comparable specimens originating from different sources but representing the same category of tissue or pathology. However, they were not able to simultaneously work on the same specimen. Scientists looking to work with human cell tissue believed the HeLa cell line, in its capacity to be reproduced infinitely and distributed widely, would stabilize the means of scientific knowledge production (Landecker 2007, 140). Indeed, the discovery exponentially opened the possibilities for conducting in vitro studies.

Narratives of the cell line and the identity of the woman from whom the cells were taken emerged fairly soon after and quite strategically. In fact, one of the earliest narratives of the HeLa cell line and the identity of Henrietta Lacks was publicized to garner support and funding for the Foundation for Infantile Paralysis and its efforts to find a poliovirus vaccine; the discovery of the HeLa cell line and the lab technology developed to keep the cells dividing were the greatest contributions to the effort's success. The foundation's director, Roland Berg, convinced Gey, who was uncomfortable publicizing Lacks' name, that the story of the HeLa cells must also include a story of the cell "donor." How could the foundation garner the needed interest if the cell line discovery story were not also a personal story? In a letter to Gartler, Berg explained that it was "axiomatic in presenting this type of material to the public that to inform them you must also interest them. As one who has been writing for the public for the past fifteen years in this field, I have learned that you do not engage the attention of the reader unless your story has basic human-interest elements. And the story of the HeLa cells, from what little I know of it now, has all those elements" (Berg 1953). Thus, since the cells' "discovery," foundations, science journalists, science studies and cultural studies scholars, and even (or especially) the scientists who have used her cells to further their own research have told and retold stories of Henrietta Lacks and her cells.

During this early period, however, race was not central to the HeLa narratives (Landecker 2007). In fact, the identity of the woman from whom the cells originated was unclear and often misstated. Some authors referred to her as Henrietta Lakes or Helen Lane; others named her Helen L. Even as Roland Berg attempted to convince Gey to reveal the woman's background publically, he referred to her as "Mrs. Lakes" (Berg

1953). Further, because Lacks was not explicitly described as black, she was assumed by most to be a white woman, as the Foundation for Infantile Paralysis no doubt tacitly implied—the "unsung heroine of medicine" (Landecker 2007, 164). Indeed, Berg wrote, "Here is a situation where cancer cells—potential destroyers of human life—have been channeled by medical science to a new, beneficent course, that of aiding the fight against another disease" (Berg 1953). In the science literature, "HeLa" began to refer not to the specific cancerous cells of a black woman's cervix, but to the universal, or "generalized human or cellular subject" (Landecker 2007, 165). Even Gey's argument for keeping Lacks' name and information private contributed to the fabrication of this symbolic woman. He assured Berg, "an interesting story could still be built around a fictitious name" (Gey 1953). In this period, HeLa's was a story of how any individual—presumably, of course, a white individual—could make a contribution to scientific advancement and thus, the progress of the nation. This raises the question of how the HeLa cell line became racially fixed as black.

Rebecca Skloot's now widely read and critiqued book, *The Immortal Life of Henrietta Lacks* (2011), has a chapter on this particular moment—the 1966 Second Decennial Review Conference on Cell Tissue and Organ Culture—yet she does not elaborate on its cultural and political significance. She, however, recognized that it was an important event for the scientific community and thus titled the five-page chapter she dedicated to it "The HeLa Bomb," appropriating the term scientists used informally to refer to the scandal of HeLa contamination.

Race, specifically blackness, was at the center of Gartler's presentation. In his research, he had compared both phenotypes and genotypes of twenty sample cell lines

and found them to be sharing the same phenotype variations—glucose-6-phosphate dehydrogenase (G6PD) and phosphoglucomutase (PCM) electrophoretic polymorphisms. More specifically, of the two principal variants, the HeLa samples had type A, which had been determined to appear most frequently in the "American Negro male population" (Gartler 1968, 750). In March 1966, Gartler wrote to Gey to confirm the race of the woman from whom the HeLa cells were taken and concluded, "I have not ascertained the racial origin of all the lines examined; it is known, however, that at least some were thought to have been derived from Caucasians (*KB, WISH,* Prostate, *CMP*) and at least one (HeLa) from a Negro. The absence of the A band in Caucasians excludes a statistically based sampling explanation of these results; however, even if all the lines are assumed to be of Negro origin the probability of all being G6PD A and PGM 1 by chance sample is absurdly low" (Ibid, 750).[18] Through the framework of racial biostatistics, Gartler concluded that the sample cell lines had been taken over by HeLa cells and marked by a phenotype most commonly held by black men. He made no comment about any sex discrepancy. Instead, the narrative told by cell culture scientists and popular science journalists was one of white cells vulnerable to contamination and disappearance by aggressive, duplicitous black cells.[19] Prudent scientists should be vigilant of the cell lines and tissue cultures in their own laboratory, the narrative warned. Gartler argued that much of the work using cell lines that assumed a particular origin at least ought to be reviewed and possibly even abandoned (Gartler 1968).

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[18] On April 1, 1966, Gey responded to Gartler, "The HeLa cell line was initiated from a biopsy of a squamous cell carcinoma of the cervix in a colored woman aged 31 years." See "Letter to Stanley Gartler," (Gey 1966).

[19] See Michael Rogers "The Double-Edged Helix" (1976) for an example of this and Hannah Landecker *Culturing Life: How Cells Became Technologies* (2007) for further critique.

Upon HeLa's unveiling, many researchers and funders were concerned about the validity of their work. As popular science journalist Michael Rogers reported, "Careers had been built on the basis of human tissue culture research, papers written and published, grants and fellowships received—and now, abruptly arose the possibility that the fundamental unit of study might not have been even vaguely what it was supposed to be" (1976, 50). However, scientists' reactions to HeLa cells passing were also affected by sociocultural imaginaries. The fallout from Gartler's accusation blurred the lines between the professional, the personal, and the ideals and practices of disinterested scientific inquiry for the cell tissue community and the biotechnology industrial complex more broadly.

For example, during the conference, one of the affected cell lines that Gartler identified was fellow scientist Leonard Hayflick's WISH line, derived from tissue originally in the amniotic sac of Hayflick's infant daughter. Upon hearing Gartler's presentation, Hayflick's concern for his cell line turned to racial paranoia. Worried about the possibility of in vivo rather than in vitro contamination, he reportedly called his wife during the conference break to ask whether he was, in fact, his daughter's biological father. As he retold the anecdote during his own presentation, "She assured me that my worst fears were unfounded" (Skloot 2011, 156). The room, reportedly, "erupted in laughter, and no one said anything else publicly about Gartler's findings" (Ibid). Racial and sexual anxiety turned to comedy as the threat of miscegenation was temporarily covered over. It was not just that HeLa appeared to the scientific community as a passing actant, but that it had the capacity to make passing subjects out of others—for example, Hayflick's daughter.

The link between HeLa contamination and the destruction of professional careers and scientific progress emerged through the racialization, gendering, and hypersexualization of both the cells and their human source. Suturing the cells to the subject, this anthropomorphism drew from tropes of black female hypersexuality and labor. The narratives were rampant in popular science journalism, but also existed in the traffic between scientists, science journalism, and some cultural studies. One journalist wrote that for a cell culture lab to receive a letter from Walter Nelson-Rees, a cell culturist who dedicated his work to the detection of HeLa contamination, was like receiving "a note from the school nurse informing the parents that little Darlene had VD" (Michael Gold quoted in Landecker 2007, 172). Even about thirty years later, the trope of the hypersexual and contaminated black woman persisted in narratives about HeLa. For example, in an essay for the *London Review of Books*, novelist Anne Enright recounted a series of websites that explained how to detect the papillomavirus DNA in HeLa cells. She reflected, "I *think* this means that Henrietta Lacks had genital warts. I *think* this means that she slept around" (Enright 2000, 9). Additionally, in an article for the feminist philosophy journal *Hypatia,* cellular biologist Lisa Weasel described HeLa cells as "laboratory workhorse" that, although unreliable, performed the role of control group (Weasel 2004, 185). HeLa and Henrietta Lacks were contagious and were so together because of the discursive slippage between the narratives of the cellular material and the woman as subject. As Michael Rogers's particularly sensationalist journalistic account of HeLa contamination argued, "In life, the HeLa source had been black and female. Even as a single layer of cells in a tissue culture laboratory, she remains so" (1976, 50).

These tropes animated the discourse among scientists as well. For example, in an interview with Michael Rogers, Nelson-Rees underscored just how toilsome the task had become, acknowledging, "I hoped I'd never have to look another HeLa in the face" (Rogers 1976, 51). If the cells had at one time signified the universal human cellular subject, the unveiling of their passing resulted in a confrontation between scientists and the particularities of their objects of study. Racial phobia and its concomitant desires manifested in a black woman's face returning the gaze. The uncanny moment of the passing object puts into question the assumptions of science's inherent goodness.

In returning to the question of how the uncovering of this cell line came into discourse through the metaphor of "a bomb," one must ask after the biopolitical work that this metaphor enacts. To take the bellicose reference literally is to assume the HeLa passing as a warlike moment in the midst of the compiling of biomaterials for medical research. As the basis for his argument about biopolitics, Michel Foucault insisted that medicine itself is "a political intervention-technique with specific power-effects" (2003, 252). The underlying biopolitics of defending society is a matter of "destroying that [sort] of biological threat that those people over there represent to our race" (257). Thus, to think of the HeLa passing as a bomb within the historical context of the time—1966—is to think of the passing threat together with other bomb threats and detonations of the time: the Cuban Missile Crisis in 1962, the escalation of the Vietnam War between 1963 and 1969, and the bomb that ripped through the Sixteenth Street Church in Birmingham in 1963. During the period of the Cold War and black uprisings against Jim Crow, the threat of a nuclear bomb encouraged duck-and-cover practices along with hypervigilance against the communist that might be lurking in one's own

backyard—the "Red under the Bed." The metaphor projects onto the HeLa cells a threatening image of a black woman laborer, who passes undetected. Within the passing narrative, HeLa threatens the sort of categorization necessary for the biopolitics of the sovereign state and for the integrity and coherency of the individual, knowing subject. Within the context of war, the threat posed by the HeLa passing constituted the possibility of not knowing who the other was, not knowing how to identify and target the other, or even worse—of discovering that one is the other.[20]

Within this frame of reference, surveillance and regulation become critical techniques that bind medicine and science to a larger national and geopolitical project—one that biologists see themselves as taking on. For example, in an article in *Science,* journalist Rhitu Chatterjee refers to Roland Nardone, a cell biologist at the Catholic University of America in Washington, DC as "the Paul Revere of cell contamination" (Chatterjee 2007, 929). In other literature, HeLa is described as "slipping behind the Iron Curtain" and contaminating cell cultures in Soviet labs (Daily 2010). Nelson-Rees's publication of HeLa's passing into USSR cell lines was believed to put Cold War relations between the two powers in danger. U.S. officials worried that to imply that Soviet laboratory security procedures were weak because their cell culture samples were really those of a black American woman amounted to "a gratuitous attack on the Russians" (Gold 1986, 47). In the United States, so critical is the threat of contamination, that Nardone authored and widely disseminated a white paper titled, "Eradication of

[20] One key component of theories of sovereignty from Bodin, Hobbes, Locke, and Rousseau to Kant is that of identifying who is a member of the body politic held together through the social contract. The making of the sovereign is a constant delineating practice of identification. See for example, Bodin, "On Sovereignty: Six Books of the Commonwealth (1530-1596)" (1992), Kant "Perpetual Peace" (1795), and Rousseau "The Social Contract" (1762).

Cross-Contaminated Cell Lines: A Call for Action" in which he characterizes the 1970s as a decade full of "revelations" of cell contamination and "concealment of knowledge [of widespread contamination] and manipulation [of results] through editing" (Nardone 2007, 2). Washington reporter David Dickson wrote that the reluctance to authenticate cell samples resulted in "corruption of scientific literature … forgery … falsifying data … fraud against the federal government … [and] a criminal offense" (Dickson cited in Nardone 2007, 2). Nardone recommended that government, private funding institutions, scientific journals, relevant professional societies, laboratory directors, and academic department heads contribute to the surveillance and authentication of cell samples (4). In these ways, scientific practice and the practices and ideologies of nationalism and national security have become mutually informed phenomena.

What is more, this vigilant form of research must be understood as a moral task that enables the proliferation of the human over the unpredictability of nature and its objects. The epigraph to Michael Gold's book *A Conspiracy of Cells* cites Francis Bacon on this ethics of knowing: "If a man will begin with certainties, he shall end in doubts; But if he will be content to begin with doubts, he shall end in certainties" (Gold 1986). The quotation is placed opposite a full-length image of Henrietta Lacks in a suit with her hands on her hips. The promise of modern scientific research invokes a sort of moral disposition towards knowing; it asserts that one be humble, that one make no assumptions. This particular ethics of knowing begins with a presumption of humility and gives rise to a deserving subject capable of knowing the truth about the world itself as object.

However, Gold's use of the quotation to offer a solution to HeLa contamination disavows the ethic's epistemological investment in mastery. In taking account of Gold's coupling of the quotation with the image of Henrietta Lacks, I am reminded of another Francis Bacon quotation that feminist scholar Anne McClintock underscores: "My only earthly wish … is to stretch the deplorably narrow limits of man's dominion over the universe to their promised bounds … leading to you Nature with all her children to bind her to your service and make her your slave" (McClintock 1995, 23). Bacon's remark reveals modern science's colonial underpinnings by positing a female and othered Nature to be discovered by and contained under the dominion of European man. Bacon's sentiment is rooted in what McClintock calls "porno-tropics," a structure of colonial epistemology that allows the knowing subject to project his fantasies, desires, taboos, and phobias onto the colonial space ripe for discovery and mastery (Ibid). To have dominion over and make visible its veiled, feminized interior is to "know" or be certain about the occulted other. As such, Nature and women occupy a similar position in colonial and scientific discourse—each existing for the sole purpose of being known and, thus possessed, contained, and enjoyed. Gold perpetuates this disposition in the book by setting up Henrietta Lacks as the signifying image of the HeLa cell lines—Nature—and calling readers and scientists alike to approach the racialized and gendered scientific object with humble objectivity. This process of knowledge accumulation is not a disinterested practice of empiricism but a psycho-political-economic acting out of the phantasy of mastery.

The biopolitics that shape scientists' search for HeLa contamination and journalists' retelling of the story of Henrietta Lacks and the HeLa cells must also be read

alongside patterns of black surveillance in the United States. As the introduction discusses, the term "passing" emerges in antebellum runaway slave narratives about the "tendency" of black slaves to pass themselves off as free in order to escape bondage. They might do so by literally forging a pass or by hiding their blackness from public perception, by passing as white. The passing slave is a fugitive slave. Thus, the passing narrative is one form of unveiling, which assumes that the most important properties of a black subject/object are fugitivity and fraud. In the contemporary case of Henrietta Lacks, both scientists and science journalists used her blackness and her imagined sexuality to describe the cells' tendency to be out-of-control and deceptive. Michael Gold's book title, *A Conspiracy of Cells,* goes so far as to ascribe fugitive intentionality to the cells. Nonetheless, in their practice of detecting HeLa, scientists and journalists cannot rely on the visual to confirm the cells' racial "truth." Cellular biologists must track this fugitive interiority through the material "data" of Lacks' cells. The centrality of visual evidence in scientific progress maintains that the regulatory technique of unveiling has become more precise in identifying, grasping the truth of the subject or matter, and tracing its every move. The Western gaze is taken up in DNA fingerprinting, a practice that science journalist Rithu Chaterjee argues "has become the standard tool for authenticating cell lines" as well as identifying criminal and foreign bodies (2007, 929). The "digital epidermalization" of biometric surveillance renders bodies as racialized, "digitized code," demanding that they respond to the questions, "Who are you?" and "Are you who you say you are?" (Browne 2015, 109).

While the HeLa passing emerges as a crisis of security and instability, the passing narrative works to contain and regulate the incalculability and unwieldiness of blackness,

gender, and sexuality. The accusation of passing reasserts the human ability, even the moral imperative, to trace and manage nature's order so that the things of the world might not ever unexpectedly "stare you in the face." Thus, Gartler's revelation of HeLa contamination was, paradoxically, a story of the stability and predictability of other noncancerous human cells. The 1966 presentation concluded with just this argument. He reasserted that his findings demonstrated "the remarkable stability of normal human cultures, that is, the virtual absence of spontaneous cellular transformation among them" (Gartler 1968, 175). Gartler suggested that "the incorporation of *stable* genetic markers in material to be cultured is the best guarantee against contamination" (Ibid, my emphasis). What scientists needed to do was identify and categorize the stable cell characteristics that would also allow them to grasp the truth of the cell (and limit black female sexuality). Once this was accomplished, there would be no cases of "mistaken identity" or "identity theft," as Chaterjee would later describe the HeLa phenomenon (Chaterjee 2007).

Unveiling New Biocitizens

A more recent iteration of unveiling as a practice occurred in 2013 when German scientists from the European Molecular Biology Laboratory published the HeLa genome in an article titled "The Genomic and Transcriptomic Landscape of a HeLa Cell Line" (Landry et al. 2013). The paper was widely available on the Internet and the scientists had not consulted the Lacks family before publishing. At the same time, the National Institutes of Health (NIH) funded a study by University of Washington researchers, who

had also sequenced the HeLa genome and were about to publish it in the journal *Nature*, when the public outrage erupted. By this time, Rebecca Skloot had published her widely read 2011 book and readers from high school, universities, community centers, and church book clubs had discussed the bioethical concerns related to how the cells were initially harvested in 1951, Johns Hopkins's refusal to compensate the Lacks family—many of whom did not have health insurance—and the publication of Henrietta Lacks's private health information without her or her family's permission. NIH Director Francis Collins acknowledged that the study's principal investigators should have discussed their plans with the Lacks family even before seeking funding to begin their project. The German researchers pointed out that they had followed the ethical standards set for genomic research in publishing their findings. They did, however, apologize for publishing them anyway given the controversy under which the HeLa cells were originally acquired in 1951. It is true: scientists are not required to seek informed consent from donors before publishing their genome sequencing. Nonetheless, the HeLa case was special, as almost everyone (the NIH, the genome community, science journalists, the editorial board of the *New York Times*) agreed. It was special even though Henrietta Lacks was but one of many persons whose biomaterials were taken for scientific use without their knowledge.

Francis Collins moved quickly to address the bioethical concern by meeting with the Lacks family. The parties agreed that in the future, researchers who wanted to work with the HeLa genome could apply for the data stored at the NIH's database of genotypes and phenotypes. In addition, the NIH would form a HeLa Genome Data Access working group, which would review the applications and require researchers to

submit annual reports of their work. Finally, two Lacks family members would participate in the working group. When a family member asked about financial restitution for the use of the genome and about profits from the use of commercial products derived from the genome, Collins insisted that this could not happen. As *Nature* reported, "directly paying the family was not on the table, but [Collins] and his advisers tried to think of other ways the family could benefit, such as patenting a genetic test for cancer based on HeLa-cell mutations. They could not think of any" (Callaway 2013). What resulted from the Collins deal is an arrangement in which the descendants of Henrietta Lacks were to contribute to scientific inquiry by participating in the ritual of giving or refusing consent to researchers wishing to use what they considered to be their mother's body (parts) for the public good. At the same time that the family's inclusion became institutionalized, any notion of reparations was denied.

Participatory initiatives have often been taken up as a solution to science's etho-political crisis and its historical relationship to certain killable subjects and useful bodies and body parts. However, the Lacks family's participation emerged through the research establishment's response to yet another unveiling of Henrietta Lacks and HeLa via the publication of the HeLa genome. The family was concerned because the publication exposed, once again, Lacks's identity—but it also exposed the medical research establishment's inability to prevent further injury. We can consider the moment in which the HeLa Genome Data Access working group was formed as a result of what Sheila Jasanoff calls "bioconstitutionalism." These are moments of negotiation that "redefine the obligations of the state in relation to lives in its care" (Jasanoff 2011, 3). The term reflects a liberal tradition in which a state is sovereign over its polity to the extent that it

is able to ensure security. The dynamic is evident in a published interview with Patricia King, the head of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (2004). Discussing guidelines for increasing African Americans' participation in clinical studies, King pointed to a tension between pushing for inclusion in science and offering protection from science. She comments, "I think that we just haven't been able to figure out yet how to include people without putting them at more risk than we want to put them" (Ibid, 11). This is true in terms of the detrimental physical consequences that might come from being a participant in a clinical trial, but when clinical trial researchers specifically recruit black participants the risks also include social and psychological risks of "promoting stigma or biological understandings of race" (Ibid). Thus, the bioconstitutional moment is one that attempts to piece together certain biopolitical needs of the state with those of the individual. National security dictates that the state must invest in medical research but must also reduce risk, for example by protecting the privacy of individual participants. This dynamic includes a series of public unveilings (published medical research, knowledge production, data sharing, racial taxonomies) and re-veilings (reifying and protecting individual identity and labor relations in research, and desire and pleasure in colonial underpinnings) as together constituting a liberal ethics of knowing, or as bioethics in research.

The multiple acts of veiling, unveiling, and re-veiling make possible the contemporary biopolitical social contract, which does not merely encourage participation, but requires it. As research continues to be privatized, neoliberal biocitizens must ensure their own protection, and are thus responsible for their own health outcomes. As sociologist Nikolas Rose argues, "our somatic, corporeal

neurochemical individuality has become opened up to choice, prudence, and responsibility, to experimentation, to contestation, and so to a politics of life itself" (2007, 8). As emergent members of the body politic, black people have both the entrepreneurial responsibility to manage our own individual health and to further the nation's collective biosecurity. Because it favors the individual's responsibility to keep their body alive, this formation forgoes the possibilities of addressing collective historical trauma. It also forgoes addressing the consequences of the reification of race as a biological concept within racial inclusion strategies for health research, in particular, the naturalization of the visibly black subject who constitutes the police state's object of surveillance. Instead, the narrative frames participation as a moral imperative, which designates those who cooperate as civilized. For the good of the individual and the state, the message is that one must not stand in the way of research.

In the case of HeLa research, part of Skloot's call for "justice" and protection for the Lacks family in the *New York Times* editorial that followed the 2013 publication of the HeLa genome sequencing was also an attempt to make the case that family members supported scientific progress and the public good and simply wanted to be informed of and give consent to their participation in this practice. For example, in her 2013 opinion piece for the *New York Times*, Skloot argued that "the Lacks family is proud of HeLa's contributions to society, and they don't want to stop HeLa research. But they do want to learn about the HeLa genome—how it can be used for the good of science while still protecting the family's privacy—so they can decide whether to consent to its publication" (Skloot 2013). In this rendition of the contract, new biocitizens come into being, or are unveiled, in their capacity to own themselves—their body parts, their

biomaterial—and in their capacity to consent to "gift" their bodies to science. In managing these economies of exchange and inclusion, liberalism sets up its everlasting bioethical dilemma—when does one's right to conduct research infringe upon another's right to protect themselves from the risks of research? This chapter's goal is not to prescribe the right balance but to underscore what the question itself forecloses. What is not acceptable, and what becomes transgressive in this scenario, is a politics of refusal.[21]

The bioconstitutional moment is a coercive and violent one, as Henrietta Lacks and her family are repeatedly interpellated as biopolitical subjects through the act of participation. As cultural studies scholar Kara Holloway wrote, "The experiences of women and black Americans are particularly vulnerable to public unveiling" (2011, 9). HeLa has become the exemplary case for examining the bioethics of cell tissue and genomics research, particularly with regard to informed consent, in the same way the Tuskegee experiment signals the worst-case scenario of bioethical risks in U.S. clinical trials. Fantasies and phobias around deviant black sexuality overdetermine who must represent subjects of injury. The result is both epistemological and material violence for those expected to be science's continuously productive subjects. In his 1953 letter to

[21] Several black and Native feminist scholars have either called for or documented a politics of refusal to participate or support research from entities that are from the global north or that are predominantly white. For example, in her essay "On Ethnographic Refusal," Native anthropologist Audra Simpson contextualizes Native refusal to participate or participate fully in her research as an act of sovereignty. Her interlocutors resisted providing meaning that must always be understood through settler colonial epistemologies (2007). Simpson explained that Native sovereignty "is evident at the level of interlocution, at the level of method and at the level of textualisation" (Ibid, 68). Responding in part to resistance to a California ballot proposition that would have offered scientists constitutional protection for a right to research, Black feminist and science studies scholar Ruha Benjamin calls for depathologizing black distrust of scientific research. She explains, "When life is lived under a state of physical and symbolic siege—as when police helicopters rumble over ghetto dwellers at routine intervals looking for suspects, or when sickle cell patients seeking pain relief are suspected of being drug seekers—it is little wonder that widespread distrust persists" (2013, 137). Thus, Benjamin calls for poor people and people of color to engaged in "informed refusal" of research that does not address social wrongs (2016).

Gey, Berg perhaps unwittingly named the heart of the matter. HeLa is required to repeatedly perform as the example par excellence of science research's progress and risks because of the racial passing and contamination accusations unleashed on the cells and in such a public manner. A major concern following the 2013 genome unveiling is the extent to which the privacy of Henrietta Lacks and her family, already public icons, can be managed. As Skloot argued in the *Times*, the family members "want researchers to acknowledge that HeLa cells are not anonymous and should be treated accordingly" (Skloot 2013). The comment underscores the reason this case has become special: there is already no hope for anonymity.

In reading Skloot's comment against the grain, one could conclude that *anonymity* is not the same as *privacy*. The *Oxford English Dictionary* defines anonymity as "a lack of outstanding, individual, or unusual features." To be anonymous is to be able to escape the particularizing surveillance of the racial biometric regime. Accordingly, one might read anonymity as that which makes possible the universal human with all his privileges of autonomy and rational decision-making. That is, anonymous cells are those that are able to stand in for the universal or human cellular subject rather than stare back at scientists with a confrontational and particularizing gaze. We might understand anonymity as a prerequisite not just for the status of human but also for the status of the liberal biocitizen, which, as Holloway (2011) notes, has full capacity to negotiate privacy. In this regard, privacy as an extension of citizenship refers to the right of the autonomous subject, the individual citizen who has the right to privacy, to private property, and even to their own body as property. Privacy becomes a critical component

of liberal risk reduction. However, HeLa has no hope for anonymity, just as black subjects more broadly have no access to anonymity.

What, then, is to be made of a call for refusal? Further, what is to be made of a black public that refuses to participate especially when health-care systems pay little attention to the ongoing trauma of colonialism and the afterlife of slavery as fundamental to collective wellness? This is the sort of exchange that does not play by the rules of the health market's regulation of individual moral virtues. Requests for reparations from institutions of knowledge production are often seen as "getting in the way" of knowing and as affronts to colonial science, the nation, and the universal subject. The demand for reparations troubles the notion of the inherent good of science and the gestures of inclusion that liberal multicultural scientists and policymakers have made toward black subjects, including the Lacks.

Vital Passages and an Ethical Practice of Knowing

With regard to the researcher, what might an ethical practice of knowing look like? This might be one that not only acknowledges the others' refusal but also is complicit in it. Additionally, ethical learning must be willfully permeable to contamination. This is not a contamination that assumes whiteness as vulnerable and black or brown bodies as always already contaminated such that ongoing lead contamination in Flint, Michigan or uranium contamination on Navajo lands remains invisible. It is rather an openness to contaminate an epistemology that relies on the equivalence of knowing and mastery and disavows the violence this produces. It is also a call for openness to temporal

contamination, which troubles the teleological narrative of progress with regards to knowledge production.

To turn to the question of temporality, and specifically immortality, and to blur the boundaries between its figurative and material instantiations, one might take seriously the proposition of "The *Immortal* Life of Henrietta Lacks" (my emphasis). However, this consideration must deviate from the way in which Skloot and others trafficked in "immortality" for sensationalist ends. Instead, this ethical consideration refuses to dismiss the Lacks family's concerns as scientific illiteracy. It also refuses to anthropomorphize the cells. Certainly, scholars like Wald are right to insist that the cells are not "Lacks herself," yet this argument will be always already too late (2012, 202). The HeLa cells, once fixed as black and thus incapable of anonymity, continue to be animated by the iconicity of Henrietta Lacks as a metonym for black female hypersexuality. However, taking seriously the concerns that the HeLa cells are an instantiation of Henrietta Lacks opens up a different truth. It allows one to return to the violence of the act of colonial unveiling (the bomb) and HeLa's confrontational "stare," and to the radical potential of the object. As Toni Morrison warns us in *Beloved* (1988), nothing ever really dies.

Thus, what if the cells are, in fact, black, uncontrollable, unreliable, and contaminating? For example, the gender assigned to the cells in the many narratives about them changes, as each discursive passage animates them in different ways. In the 1950s, HeLa was understood as an example of the universal human subject, as cells from a white woman. Then, in 1966, Gartler's statistical analysis of the cells briefly included them in the category "Negro male population." Finally, once the cells were fixed to

Henrietta Lacks, scientists, science journalists, and others begin describing the cells as hypersexual, black, and female. The ease with which the public has attached different genders to the cells has not received much attention. The fungibility of blackness and the cells-as-commodity allow for HeLa to move fluidly (perhaps fugitively), passed through a variety of raced, gendered positions. As literary scholar Saidiya Hartman argued this fluidity enables "the black body … to serve as the vehicle of white self-exploration, renunciation, and enjoyment" (Hartman 1997, 26). On the other hand, blackness as a contaminating agent refuses to be "containable within a given trajectory of movement and desire" (Chen 2012, 178). This is a politics of refusal that stages HeLa as a "bad object." The cells not only create a momentary crisis of paternity for Hayflick's daughter, but also threaten to make the child a passing actant herself. This is something black cells are still wont to do, as can be attested by Jennifer Cramblett, a white woman who filed a lawsuit against Midwest Sperm Bank in 2014 for "wrongful birth" after it unwittingly impregnated her with sperm from a black donor.[22]

Considering the immortality of HeLa and Henrietta Lacks together demands an encounter with the pain of their fixation, constant unveiling, and fetishized consumption. As black feminist scholar M. Jacqui Alexander describes, affect survived the Middle Passage even when ancestors did not. She writes, "Not only humans made the Crossing, traveling only in one direction through Ocean given the name Atlantic. Grief traveled as well" (2005, 289). This is the case in spite of institutional efforts to leave the past behind. Countering this narrative of progress, HeLa becomes a temporal

[22] See Mayra Cuevas, "Ohio Woman Sues Sperm Bank after Racial Mix-Up," CNN, October 2, 2014, www.cnn.com/2014/10/02/us/sperm-bank-race-lawsuit/.

and affective force of accumulation that shatters or explodes the integrity of black subjectivity in each moment it is publically unveiled.[23] Each passing of HeLa, each HeLa "bomb," ruptures linear biopolitics, making "the past" palpable, material, and confrontational. To argue that HeLa is an uncanny temporal force, then, is not to simply say that the cells offer an alternative vision of time. Instead, HeLa becomes a worlding force that troubles any notion of linear biopolitical time by violently demanding that the boundaries between "past," "present," and "future" be called into question. HeLa's animacy resides in the affective, material power of memory, in what physicist and feminist scholar Karen Barad calls "the very nature of spacetimemattering" (Barad 2011, 29).

In forging an ethical practice of knowing we might take away some important considerations. Because history, with all its seeping wounds, endures in the material, we must take seriously the multiple forms of entanglement and specific material relationships. We must do this not in simply observing or measuring an "other," nor in affecting an "other," but in reckoning with the ways the other is already in us. This ethics of learning, then, consists in taking seriously the politics of refusal in which HeLa engages when evading containment. It requires a will towards understanding the self and its time as contaminated. At last, this openness to learning as permeability and contamination is a risk that cannot be managed.

[23] See Fanon's *Black Skin, White Mask*. "Locked in this suffocating reification, I appealed to the Other so that his liberating gaze, gliding over my body suddenly smoothed of rough edges, would … put me back in the world …. Nothing doing. I explode. Here are the fragments put together by another me" (89).

Chapter 2

Passing for Sovereign: Black Applications for Enrollment to the Choctaw Nation, 1898–1914

Among the ways blacks escaped slavery was "passing" for Native, and thus, for free, a phenomenon emphasized by slave owners in the Southeast of the United States. Runaway slave advertisements regularly warned slave patrols to be on the lookout for fugitives who could impersonate, in various ways, free Native people in order to escape from plantations. For example, T. Terrell submitted this advertisement to *The Ariel*, a Mississippian periodical on December 19, 1825:

> [Natchez, Miss.]
> Fifty Dollars Reward for MATILDA, a mulatto girl, who has been peddling goods for the last two years—she is 28 or 29 years of age, low built and sunk nose. She had about $150 worth of merchandise when she ranaway [sic], on Monday the 12th inst. since which time, she has been seen in Natchez. She will attempt to get to the Spanish country, and pass for an Indian, if she can. The above reward will be given for the girl and merchandise; or $10 for the girl alone. (Chambers and Grivno 2013)

The advertisement reflects the curious status of black people with regards to chattel slavery; a status manifest in the oscillation between objecthood and subjectivity. Runaway slaves were fugitives not only because they dared to move freely without a legitimate "pass," but also because in stealing away, they were quite literally, within the structure of slavery, stealing themselves—their masters' chattel. In the case of the

advertisement above, Matilda stole 150 dollars worth of other merchandise, for the return of which the owner promised to pay forty dollars. She also stole herself, chattel property, for which the owner committed to paying only a ten dollar reward.

Antebellum discourses on theft and passing such as the one in the advertisement encouraged the reader to assume that black was a permanent position with no legitimate escape, and further, that black and Native people belonged to mutually exclusive categories. These narratives did so by fixing blackness to slavery and beholding "Indian-ness" as a point of reference for freedom. Under this rubric, a black person who staked a claim to nativeness did so as a fraudulent claim to freedom: thus the accusation that Matilda's theft came in the form of passing for "Indian." The suspicion of fraud necessarily permeates the existence of black "Indians" and, in this way, their claim to existence is also often considered a form of theft.

White settler ideas of blackness and nativeness were key in defining sovereignty, belonging, and citizenship in the so-called New World. Further, the status of blacks and Natives was often determined by whether white proponents of liberalism considered them to be innately slavish. For example, Thomas Jefferson considered that the Native peoples of the British colonies as opposed to those of South America, who had been enslaved, were as "formed in mind as well as body on the same module with the 'Homo sapiens Europeaus" (Jefferson 1787). He went on to argue that because of these innate similitudes, "incorporating themselves with us as citizens of the United States … is what the natural progress of things will, of course, bring on" (Jefferson 1984, 1115).[24]

[24] One interpretation of Jefferson's views on Natives is that he used them in defense of the equality of Europeans born in North America with those born in Europe. White incorporation of Native bodies into

Jefferson's assumption was that if a Native were to intermarry with an Anglo, the former would "change his culture and thus become a civilized Anglo-Saxon" (Coleman 2013). In contrast, Native intermarriage with blacks, Jefferson argued, degraded Native people because of blacks' innate slavishness. He estimated that most of the Natives in the state of Virginia were "more Negro than Indian" because of their mixing with Virginia's black population. Jefferson's argument about Native contamination by black "blood" influenced the twentieth-century campaign in Virginia to define all Natives of Virginia as "Negro" (Coleman 2013).[25]

Blacks, according to Alexis de Tocqueville, were ill equipped for freedom given their subordination under chattel slavery. He explains, "Plunged into this abyss of evils, the Negro barely feels his misfortune …. The Negro enters into servitude and enters into the world at the same moment …. If he becomes free, independence often appears to him to be a heavier shackle than slavery itself, for in the course of his life, he has learned to submit to everything except to reason … liberty destroys him" (De Tocqueville 2000, 148). Here there seems to be a tension between nature and nurture. Tocqueville's argument that blacks were plunged into slavery and thus into the world at the same time, renders black being as that which emerges from and makes possible slavery. Thus, for Tocqueville the nature of black people is one of "unfreedom." In

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their own becomes central to the settler's claim of belonging. Coleman explains, "Jefferson's seizure upon North American aborigines to construct American identity was typical of eighteenth-century colonists who had to navigate through their 'liminal' status of non-identity during the revolutionary period. Thus American Indians became central to the colonists' 'rites of passage' from British subjects to American patriots" (Coleman 2013).

[25] Virginia SB 281, the Eugenical Sterilization Act, passed in 1924 and began a state program of sterilization that lasted until 1979. A total of 7,325 people were sterilized during that time. Among other groups, the legislation targeted people whom it described as "mongrels" or those who had any ancestor that was not white. Whites with less than one-sixteenth Native "blood" were excluded from the "mongrel" designation (Dorr 2006).

contrast to Jefferson, Tocqueville argues that Natives, on the other hand, suffered from the opposite "ill." He continues, "[The Native] has never bent his will before that of his fellows; no one has taught him to distinguish a voluntary obedience from a shameful subjection, and he is ignorant of even the name of the law. For him, to be free is to escape almost all the ties of societies. He delights in this barbaric independence" 149). Through this racialized binary between the archetypes of sovereignty and those of nonsovereignty, black and Native peoples constituted the limits of civil society and shored up the Western subject as the model citizen of the modern democratic nation. In order to maintain the myth, settler society must continuously police its boundaries, such that even as individual black or Native peoples are included in the nation, the antiblack and settler colonial epistemological and ontological underpinnings of U.S. civil society remain in tact.

Couched in this framework, the Cherokee, Choctaw, Creek, and Chickasaw became known in U.S. Anglo culture as four of the "Five Civilized Tribes" in great part because, faced with the violence of settler colonialism, they took up the Southern plantation culture and economy of chattel slavery and later, Anglo forms of governance.[26] The passing accusations in the runaway ads and Native ownership of captive Afro-descendants, then, reflect that by the beginning of the eighteenth century Native peoples could not represent the position of enslavement. Why else would black "passing" for Native be such a threat?

[26] The final nation considered as part of the so-called "Five Civilized Tribes" is the Seminole nation. Seminoles, however, did not take up chattel slavery, but did develop Anglo-style governance policies and structures.

This chapter examines how the black-Native binary developed as an ontological and epistemological claim about the Western human, the citizen, and the sovereign nation. It traces the process by which blackness was fixed to enslavement and "pure" nativeness to excessive sovereignty through accusations of black passing for Native within the discourses of state management. In doing so, it argues that the claim—even in the present—that black Native peoples are not "really" Native is rooted in historical narratives of the fugitive slave and in the assumptions that these narratives make about the passing subjects they produce.

To trace the development of these constructs, the chapter examines refused tribal enrollment applications submitted to the Commission to the Five Civilized Tribes between 1898 and 1914, and in particular, those applications to the Choctaw nation. As a result of a post-Civil War treaty with the U.S. federal government and in order to be recognized as an autonomous and sovereign nation, the Choctaws were forced to emancipate their black slaves and incorporate them and other free black Choctaws into their nation. "Passing" narratives during the antebellum period helped to facilitate the exclusion of blacks from the nation and lent productive power to Choctaw claims to sovereignty in the face of settler colonial state growth.

Methodologically, the chapter reads the enrollment archives as a set of practices, genres, and conventions that reflect conflicting epistemological claims. Feminist post-structuralist scholar Anne Stoler views archives as "both sites of the imaginary *and* institutions that fashioned histories as they concealed, revealed, and reproduced the power of the state" (Stoler 2002, 97). As such, the form of an archive—its practices of taxonomy and categorization—and its mediums—microfiche, notebooks, folders—

contribute to the very development of its content. This chapter analyzes the Commission records and reflects on the form and content of the archive as intertwined artifacts of state building. I conclude by discussing how the logics of passing shape our access to the archive and its content. The following section provides historical context.

"Everyone Is against You": From Removal to Allotment

In 1829, when Andrew Jackson ascended to the U.S. presidency, he advanced federal Indian policies that became increasingly violent and aimed at genocide, mass dispossession of Native land, and forced assimilation. The Indian Removal Act, approved by Congress in 1830, provided Jackson with the legal backing and funds to clear out Choctaw land in what is now central and eastern Mississippi and western Alabama. The goal was to make this land available for white settler development through land exchange agreements and to dispose of the Choctaws west of the Mississippi river.[27] Through the negotiations that followed the Removal Act, the federal government began the process of what I call spatializing sovereignty. That is, through removal, Choctaw nationhood was both reasserted outside settler territory and stricken within it. Thus, the Choctaws were simultaneously stripped of their cultural and their political sovereignty by being subsumed within the settler state and called to negotiate a settlement with a sovereign body in exchange for their land, an act that only a sovereign body can do.

[27] It did this even as the Act did not technically authorize the federal government to forcibly take Native land and remove its inhabitants "without their approval" (Cave 2003). However, that Jackson's actions, at least in part, had legal backing was not crucial for Native removal to be realized. The white settler governments (both federal and state) as a practice did not honor their treaties with Native peoples. The act of legislation is important nonetheless as it reifies the sovereign power of the Western state, both as institution and as idea, over those peoples (Natives and Africans) that did not engage these Western processes.

The treaty that induced Choctaw removal is referred to as the Treaty of 1830 or the Treaty of Dancing Rabbit Creek, named after the site where its negotiations took place. In order to get the pact approved, the federal government engaged in its customary practices of bribery, deceit, violence, encroachment, and starvation (Cave 2003, Akers 2008). To make removal more palatable to Jackson's opposition in Congress, white Mississippian land speculators, and the Choctaws, the treaty included a clause for those Choctaws who did not consent to the move. As it became known, Article 14 would allow some Choctaws the right to stay in Mississippi as U.S. citizens, "protected in their persons and property," and was to provide them with individual land grants after collective Choctaw land claims had been terminated (Cave 2003, 1334). Those who stayed would be prohibited from engaging in organizing as a sovereign body, autonomous from the U.S., but would supposedly retain "all the rights, privileges, immunities, and franchises … enjoyed by free white persons" (Osburn 2014, 10).

The state of Mississippi also pushed for this exception clause, believing that it would support the state's interests in land settlement. Negotiators reasoned that most "full-blood" Choctaws had been incentivized to oppose removal by a minority of "prosperous half-bloods." Article 14, they believed, would allow the Anglo-Choctaw the opportunity to stay in Mississippi while encouraging "full-bloods" to move to Indian Territory. Following the spirit of the Jeffersonian framework, the "half-blood" Choctaws who stayed, because of their possession of "white blood," could be integrated into Anglo society as U.S. citizens (Osburn 2014, 11, fn9).

However, the settler state did not fully understand what was at stake for the Choctaws in this negotiation. In particular, white Mississippians disregarded the Choctaw

cosmological claims to the land on which they resided, to which they belonged, and from which they were birthed. This belonging, according to Choctaw cosmology, had little to do with settler notions of "racial mixture." Those who refused to leave did so because of their duty to their ancestors and the place where they were buried, which Choctaws called Mother Mound, Nanih Waiya (Osburn 2014, 12).[28] It was their dedication to caring for this Mother and their ancestors' remains that ensured the Choctaws' livelihood. One Choctaw elder described their circumstances in the following way: "Were we to cast away the bones of our fathers, mothers, brothers, sisters, for the wild dogs to gnaw in the wilderness, our hunters could kill no more meat; hunger and disease would follow; then confusion and death would come …. The vengeance of the offended spirits would be poured out upon this foolish nation" (Akers 2008, 68). When a Choctaw died, one of their spirits remained in vigil over their remains to ensure that they were properly cared for. The other spirit, the *shilup*, travelled west to the "Land of Death." For the Choctaws, forced removal to the west literally meant being relegated to the land of the dead where they would potentially be unable to reach the afterworld (Akers 2008).

Thus, as might be expected, the U.S. failed to secure consent from the Choctaw people. In fact, most Choctaws abandoned negotiations for the Treaty of Dancing Rabbit Creek in the face of threats of forcible removal. A minority of Choctaw leadership remained, however, and signed the treaty, citing Article 14 as a key motivator. The provision would divide the Choctaws further into those who moved to Indian Territory and those who struggled to stay in Mississippi. The Choctaws who stayed held

[28] For an in-depth account of Nanih Waiya and the origins of the Choctaw from the perspective of Choctaw oral history, see Akers "Removing the Heart of the Choctaw People" (2008).

a unique relationship to the federal government: they were to be both citizens of the U.S. and Native peoples with a land allotment and possibly a political relationship to the Choctaw Nation, which after having been displaced into Indian Territory was to be recognized as a sovereign nation.

The final roll of Article 14 land allotment recipients comprised only sixty-nine families, of which more than half included children of intermarriages with Anglo fathers. This was the case even as by 1833, the end of this period of removal, between four thousand and seven thousand Choctaw remained in Mississippi. Those who remained had six months to apply to the federal agent tasked with developing a list of applicants for Choctaw enrollment. Yet, as Osburn reports, the federal agent and his brother, who was assisting him, "were frequently too drunk to function, and settlers periodically stole and altered the enrollment ledgers" (Osburn 2014). The agent destroyed records and refused to meet with concerned Choctaw leaders (Cave 2003). In addition to the formal, bureaucratic disappearing of Choctaw families and their land, the agent admitted that white Mississippians ran Choctaw families off their land by burning their homes and other forms of violence. Once a Choctaw family had been forced to flee, wealthy white settlers were able to purchase their land in government auctions.

Using their position as U.S. citizens, Choctaws responded by hiring attorneys and suing the federal government for their land. They often instructed their lawyers to file for collective land rather than individual property. Those few who did secure land banded together to house the landless. Responding to the legal claims of Choctaws who were returning from Indian Territory, the state of Mississippi propagated the story that land speculators, rather than the Choctaw themselves, were leading them back to make

fraudulent claims.[29] The federal government agreed that this was certainly occurring, however it argued that the paternalism was necessary given the Natives' "ignorance" of the process. Its response was to halt Choctaw land allotment amidst these "concerns."

By 1849, the increase in the white settler population and the continued harassment of Choctaw leaders forced over three thousand more Choctaws away from their homeland to Indian Territory. Those who stayed were forced to abandon their treaty rights. This stage of settler colonialism forced the Choctaw into U.S. citizenship by legally recognizing their status as "whites," while simultaneously disavowing their claims to the land and to their cultural practices. The epistemological violence of coalescing Western notions of race and citizenry had clear material consequences. In requiring Natives to interact with the Western liberal categories of "citizen," "sovereignty," and "property," the settler state undermined Choctaw claims to their land and land management as well as to their systems of kinship and leadership.

In both Mississippi and Indian Territory, Choctaw society was entangled in plantation economy and culture. Like most southern Native nations, the Choctaws did have a practice of enslavement prior to the adoption of Anglo black chattel slavery. However, it must be noted that this is not a story of continuity between Choctaw and Anglo and French cultures. Rather, slavery in Southern Native society up until the turn of the nineteenth century was embedded in a relationship of warring clans, captive

[29] It is true that many Choctaws were returning to their land from Indian Territory. As Akers explains, however, their return was due to the utter misery of life out west, which included the loss of kin—particularly elders—on the Trail of Tears, massive flooding near the river banks where most Choctaw lived, and resulting starvation. Choctaws began returning and warning kin in Mississippi not to leave. See Akers (2008) for a more in-depth discussion of this.

warriors, and kinship.[30] Interaction with European settlers instigated changes to this practice of enslavement in multiple ways. In the eighteenth century, increased contact with the settler exchange economy prompted the Choctaws to engage in warfare specifically in order to accumulate other Native captives for trade—a practice that was not consistent with tradition. Captives could be traded for supplies or to improve military alliances with European settlers.[31] Native enslavement in the South diminished as the role of black chattel slavery increased. Choctaws' entanglement with the settler plantation economy meant that they also eventually enslaved black people as chattel. Thus, U.S. federal government records estimated that in 1831 there were roughly 17,963 Choctaws residing in present-day Mississippi and that they owned about 499 enslaved people; in 1860, U.S. census takers estimated there were about 13,666 Choctaws in Indian Territory and 2,298 enslaved Afro-descendant peoples.[32]

During the Civil War the Choctaw fought with the South both in Mississippi and Indian Territory. Upon losing they were required to renegotiate treaties with the U.S. federal government in order to be recognized as sovereign. In 1866, the Choctaw and

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[30] As members of matrilineal societies, Choctaw women whose family members were killed in war had the power to decide which of the captive men would be killed and who would be spared. Some men and all women and children captured in battle were either adopted as kin or as servants/slaves, depending on the decisions of the mothers of the capturing clan, as "spiritual and physical replacement" for lost kin (Krauthamer 2013, 18).

[31] Choctaw leaders oversaw the sale of captives to the Europeans and distributed the goods among their warriors and the larger Choctaw community. This orderly distribution was critical for the Choctaw because foreign goods bore precarious power; as foreign objects, the Choctaws believed that they carried the potential to instigate chaos within the community (Krauthamer 2013).

[32] The 1831 figures derive from a census that U.S. federal agent Armstrong conducted of people in Choctaw Territory in Mississippi in preparation for the first removal. Armstrong was not required to count slaves, but did so under the category of household or "locality." See Choctaw Armstrong Rolls 1831, Office of Indian Affairs, National Archives, Fort Worth, TX, Microfilm Roll A-39. The 1860 figures are derived from the Eighth Census of the United States, 1860, Schedule 2. Because of the settler colonial relationships the United States held with the Choctaws and enslaved Afro-descendants, the lack of cultural understanding on the part of the U.S. government, and differences in developing concepts of "race," these figures must be viewed critically.

Chickasaw Nations agreed to a joint treaty with the United States that increased the federal government's reach far into Indian Territory. It did so by linking the issue of black emancipation and citizenship in indigenous nations to federal appropriation of Native land and the complete undermining of Native sovereignty (Krauthamer 2013). U.S. negotiators pushed to strengthen the national government and promote the dominance of free labor, in particular, in the form of emerging black political subjects (Krauthamer 2013).Thus, the 1866 treaty called for the abolition of slavery and indentured servitude, with no offer of compensation for emancipated slaves, which the Choctaw and Chickasaw had been demanding during negotiations.[33] Further, the U.S. federal government required that freed slaves be granted equal citizenship in the Choctaw and Chickasaw nations. Tribal governments were to be dissolved, and in their stead, the United States would designate a common government in Indian Territory comprising delegates of each nation. This governing body would have to accede to U.S. legislation with regard to the "better administration of justice and the protection of the rights of person and property within the Indian Territory" (Krauthamer 2013, 113). Finally, adding to the groundwork of U.S. political sovereignty and political economy in Indian Territory, the treaty called for the federal government's right to build two railroads running both north-south and east-west through Native land.

A defining feature of the 1866 treaty, as Krauthamer points out, is the way in which it avoids treating black emancipation as a distinct goal. Instead, it weaves it

[33] In negotiating with Confederate forces, the U.S. federal government frequently offered slave owners compensation for lost property in exchange for the emancipation of the enslaved. For example, prior to the signing of the Emancipation Proclamation, the 1862 District of Columbia Compensated Emancipation Act set aside one million dollars to compensate slave owners up to three hundred dollars per emancipated slave. See DC Emancipation Act, April 16, 1862, Record Group 11, General Records of the U.S. Government, National Archives.

together with allotment policies, producing an economy of black freedom and Native land as fungibles (Krauthamer 2013, 114). For example, by the terms of the treaty, the U.S. federal government would designate three hundred thousand dollars to the Choctaw and Chickasaw Nations in exchange for around 4.6 million acres of land, known as the "Leased District" (Krauthamer 2013, 114). Yet neither the Choctaw or Chickasaw (black or otherwise) could access or control those funds. Instead, the federal government would maintain control until Native peoples legally guaranteed the full inclusion of all blacks and their descendants—a task with a two-year deadline. Inclusion, here, meant Afro-descendants were to receive the right to vote and the right to citizenship in Choctaw and Chickasaw Nations (114). They would also be able to serve as witnesses in civil and criminal proceedings in those nations' courts. In line with the goal of promoting free labor and private property, the treaty called for Natives to enter labor contracts that offered Afro-descendants fair remuneration. Further, blacks were to have "unrestricted access" to collective tribal lands in Indian Territory in order to cultivate crops and build their homes. The United States "offered" to allot each Choctaw and Chickasaw family 160 acres of collective land for private family use. Future black citizens of these Native nations were to receive forty acres.

Negotiations for sovereignty also required that black applicants for recognition stay in Indian Territory. Rights of inclusion were limited to those black people residing in Choctaw and Chickasaw territory during 1866, when the treaty was signed (114).[34] The

[34] This differed from treaties the federal government signed with other nations, such as the Cherokee, which reserved a wider timeframe to allow black peoples who had resided in Indian Territory but were displaced because of the war to return. The treaty with the Seminole had no requirement in this regard at all.

Choctaw residential requirements were particularly egregious because, at best, they required former slaves to return to the place of their enslavement after having fled it during the war in order to gain citizenship. It often obstructed recognition for those who ran away from slavery during or just after the Civil War.[35] In addition, the federal government promised to reduce the Choctaw/Chickasaw land payment by one hundred dollars for every black person who "voluntarily" left Indian Territory for the United States. Thus, the U.S. federal government placed black people's connection to the land, their willingness to hold steadfast to that land despite the risk of death through war and reenslavement, and their claim to freedom on that land at the crux of their negotiations for Choctaw and Chickasaw sovereignty. If the nations refused to recognize Afro-descendants as citizens, the federal government would offer citizenship to all blacks who emigrated to the United States as well as those who remained in Indian Territory.

Choctaw and Chickasaw negotiators viewed federally mandated black enrollment requirements as a U.S. attempt at colonization from within Indian Territory. Several leaders believed that deciding against black inclusion posed a larger threat than accepting them, particularly because excluded blacks who chose to remain in Indian Territory would not be subject to the rule of the Choctaw Nation nor to the U.S. federal

[35] Reading this provision within the context of Du Bois's general strike narrative in *Black Reconstruction in America* suggests that the U.S. government administered the citizenship of Choctaw freedmen to the extent that they did not attempt to "free" themselves from enslavement in Choctaw territory by running away. Du Bois argues that ultimately the South lost the Civil War because of the work stoppage of enslaved black peoples, who, en masse, abandoned the plantations where they were held captive and very often joined Union forces in the war effort (Du Bois 1985). This was certainly the case with the people enslaved by the Choctaws. Krauthamer notes that the enslaved "neither needed nor waited for official declarations of slavery's demise to begin organizing their lives in accordance with their own visions of freedom" (Krauthamer 2013, 103). A large number of black folks left the Choctaw Nation during the war, effectively freeing themselves, and settled together in Arkansas (Ibid). This Arkansas contingent maintained their relationships with kin remaining in bondage in the Choctaw Nation by lobbying the Freedmen's Bureau for support.

government. The threat of black sovereignty through marronage resulted in a more dangerous outcome than settler colonial-mediated inclusion. As Krauthamer explains, "[Choctaw leaders] predicted the dire consequences of such a colonization plan, arguing that as the first all-black colony of former slaves in the United States, it would 'be sustained and fostered by the government, and the friends of the negro, now so numerous and powerful.' The colony would then attract 'thousands of other negroes,' and this rapidly growing black community would be 'anything but desirable neighbors'" (116).[36] In contrast, inclusion offered the possibility for Natives to regulate the size of the black population and subsume it to the status of a minority group.

Into the turn of the century, the state continued this double-edged policy of promising land to Native peoples while simultaneously removing them from their ancestral homes. A formative example is the General Allotment Act of 1887 (also known as the Dawes Act), which required the U.S. Office of Indian Affairs to allot Natives individual land while simultaneously dissolving Native institutions of governance and usurping Native collective land in order to sell it to white settlers.[37] Osburn astutely designates this period of allotment as the "second removal," referring to the U.S. federal government's and Mississippi state government's goals of clearing land in the state for settlement and production and displacing the resting Choctaw population to Indian

[36] With few exceptions, the Choctaws aggressively guarded against free and unaffiliated black peoples residing in the territory of the Choctaw Nation. In 1840 the Choctaw General Council prohibited all free black people "unconnected with the Choctaw & Chickasaw blood" from residing in its territory. Choctaw slave owners were also prohibited from manumitting an enslaved person without the approval of the General Council (Krauthamer 2013, 70). After the 1850 Fugitive Slave Law was enacted in the United States, Choctaw and white opportunists often kidnapped free black people who remained in the Nation and attempted to enslave them or accused them of stealing horses or livestock (Ibid).

[37] The policy was extended to Indian Territory through the Curtis Act in 1898, and Choctaw in Indian Territory agreed to the deal around this same time.

Territory. To do so, Congress created the Dawes Commission to identify and enroll Native peoples, including Choctaws in both Indian Territory and Mississippi. Those in Mississippi who could prove they were descendants of the Choctaws covered under Article 14 of the 1830 Treaty of Dancing Rabbit Creek would be enrolled and would receive land in Indian Territory if they promised to move within six months (Osburn 2014).

Much more so than the earlier removal effort, the Dawes Commission's capacity to identify Choctaw peoples depended upon biological notions of race that had become much more pervasive at the turn of the century. Neither the Treaty of 1830 nor the General Allotment Act of 1887 included language about race, but the back and forth between claimants and the state during the Commission hearings was structured by emergent scientific definitions of race. The enrollment processes themselves became race-making mechanisms that began to coalesce ideas about indigeneity, whiteness, and blackness, how they may or may not interact, and the sort of sovereignty or lack thereof these categories could access. In this light, it is noteworthy that many Choctaws in Mississippi used the language of "blood" to articulate their belonging to the Choctaw Nation. One petition for recognition submitted to Congress in 1900 began, "Your humble petitioners are full-blood Choctaw Indians, speaking the Choctaw language, citizens of the Choctaw Nation, residing in Mississippi. We are entitled to every privilege of a Choctaw citizen, except the Choctaw annuity, under the treaty of 1830" (Osburn 2014, 40). In other documents, this group of petitioners distinguished themselves as "full-blood Choctaws speaking the Choctaw language" (2014, 41). Whether or to what extent the Choctaws were adopting white settler understandings of the meaning of

"blood" at this particular moment is difficult to parse here. According to some accounts, the claim to blood in this case was a pushback against policies that tied recognition and land allotment to Choctaws' willingness to leave their homeland and move to Indian Territory (Osburn 2014). What is key is the appeal to the language of blood, even if only in form, as a means to recognition. The petition further carved out a category of "real" or "authentic" Choctaws, comprising its co-signers, and a lesser and possibly fraudulent category for others. Moreover, it delineates a class of authentic Choctaw belonging that is tied to the body via blood and via language.

The above group was often contrasted with those represented by the Society of Mississippi Choctaws. The latter has often been described as comprised of lobbyists representing inauthentic Native constituents, motivated by purely economic interests. For instance, Osburn describes the group's members as "marginalized citizens seeking the benefits of Indian identity … no doubt to escape poverty and discrimination, but they did not have the currency to purchase those benefits. They could not meet the government's criteria for legitimacy either by language, for none spoke Choctaw, or by ancestry" (Osburn 2014, 43). Nevertheless, the concern about authenticity, at least on the part of the state congressional leaders, was centered on the identification and containment of blackness as separate from indigeneity. Thus, periodicals such as the *Gulf Coast Progress* attempted to out the Society, arguing that it included "all shades and colors, running from the real Indians to the coal-black, thick-lipped, flat-nosed, kinky-headed Negro" (2014, 45). Likewise, the Society countered accusations of passing for Native through antiblack assurances. Its constitution declared, "No person tainted with Negro blood shall be received into membership of this Society" (2014, 44–45). As these groups

competed for recognition from the state as Choctaw citizens a primary task was the disavowal of blackness within their ranks.

In similar fashion, the Dawes Commission, the McKinnley roster, and other official census efforts reflected ideas about race and in particular about blackness, as located on the body and subject to quantification through percentages. "Blood" dominated the decision making, especially when applicants were thought to be black and "passing" for Choctaw. The enrollment records between 1898 and 1914 correspond to the final hearings the Commission would hold both in Indian Territory and in Mississippi to adjudicate applications that had not been accounted for in prior efforts. The rolls produced through this commission's census would remain important documents of recognition and enrollment into the present, as Native peoples continue to search for their ancestors on government lists to prove their official citizenship and receive state and tribal benefits.

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As several of us stood in line to get our research cards, issued by the National Archives and Records Administration, we began to chat about what we were planning to do. Initially, the chattiest bunch was the white family at the beginning of the line. While on vacation they wanted to look up a great grandfather's name in the military archives. They thought they'd stop by and dig up a bit of their family history as part of their tour of the capital. Grinning for the camera, they marveled at their fortune in accessing the public archives. The official researcher's card that everyone must receive before entering the room with the files has a picture of the applicant, an identifying number, and an expiration date. In the background is an image of the beginning of the U.S. constitution, what is legible is the phrase "We the People." The printer broke down that afternoon, and a line of people accumulated as the archivists called down for repair. One white-appearing woman, so fed up with the bureaucratic process, finally stormed out while loudly complaining to the worker at the desk that the process was so unbearably inefficient she would not be coming back. The rest of us in line were women, each there alone, witnessing the chatter as if we were in line at the DMV. I turned to the woman behind me and asked if she was in D.C. for the Native American and Indigenous Studies Association conference. She was and had decided to take advantage of the trip to look up a grandmother on the rolls to get her CDIB card for her daughter. The

woman behind her interjected that she too was attending the conference and also looking to find relatives on the rolls.

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What's Past Is Prologue

Possibly in no other political dynamic has the relationship between a formal, official, national archive and a people been so overdetermined as in that of the U.S. National Archive and Native peoples, and in particular, those of the so-called Five Civilized Tribes. According to the Constitution of the Choctaw Nation of Oklahoma, in order to be recognized as a member of the nation one must be a descendent of a "Choctaw Indian by blood whose name appears on the final rolls of the Choctaw Nation" approved in 1906 (Choctaw Nation of Oklahoma 1973, art. II, sec. 1). One might also need a Certificate of Degree of Indian Blood (CDIB), which is issued by the Bureau of Indian Affairs and shows the member's name, blood degree by tribe, date of birth, and date of issuance. To access this card one must "show direct lineage to a final Choctaw Dawes enrollee register with a blood quantum" (Choctaw Nation of Oklahoma). Obtaining either of these documents might require a visit to the National Archives.

The National Archives building in Washington, DC is immense, imposing, and stately, like most other government infrastructure in the capital. Construction on it began in 1931 with the destruction of the Center Market and the displacement of about seven hundred vendors (U.S. National Archives and Records Administration, 7–8). Seventy-two Corinthian columns, each about fifty feet high, bolster the building, and the two bronze doors at the main entrance on Constitution Avenue are almost forty feet tall. Before you reach the doors, you are met with two immense sculptures, which the

Records Administration explains are allegories of the "Future" and the "Past"; two other sculptures, depicting "Heritage" and "Guardianship," are at the opposite side of the building. On the northeast corner of the archives, inscribed on the "Future" statue, is the refrain, "What Is Past Is Prologue." The line points to the teleological nature of the National Archive in modern colonial and imperial contexts, but particularly in the context of U.S. settler colonialism. Deriving from Shakespeare's *The Tempest,* it in one sense refers to the structure of Renaissance plays, which often included prologues to set the stage for the main acts. The placement of this refrain on the National Archive provides as uncanny metaphor for the "future" that the building and its corresponding archival practices and performances offer. This future is one that supposedly emerges as fate by relegating the violence of displacement, enslavement, and genocide to prologue—that which must be taken as (for)given in order to assume the place of national sovereignty.

Passing the "Future" statue and entering the brass front doors, one is met with a security line where the visitor is required to put their bags onto a conveyor belt that leads them through a metal detector. One passes through and signs the visitors' list. The reason for the visit: research. Upon having successfully entered the building one must take an online course on the rules and regulations guiding research in the archives and register for a researcher's identification card.

Among other things, the National Archive contains the official documents of the federal Commission to the Five Civilized Tribes, particularly those pertaining to the

enrollment of individuals into the tribes between 1890 and 1914.[38] These are mostly on microfiche that is divided up by tribe—Cherokee, Chickasaw, Choctaw, Creek, and Seminole. They include rolls (lists) of recognized members of each nation as well as applications for enrollment. Further, these applications are organized into three formations of belonging: "by intermarriage," "by blood," and "freedmen."

The folders house and organize the enrollment hearings' applications, evidence, and proceedings. The sort of "evidence" presented (or not) in each file greatly depends on the assigned formation of belonging and on the applicant's suspected race. For example, applications for recognition via "intermarriage" often included family and neighbor testimony, testimony from the person who officiated the wedding ceremony, and tribal and federal government marriage certificates. Most often, these applicants were recognized as white or "mixed blood": white and Native. Such applicants often had access to the materials that matter most as both "documentation" and "evidence," and thus, have constructed archives full of official "material."

In contrast, black applicants are often contained in the categories of "freedmen" and, in other cases, "by blood." The freedmen category is one of the most complicated in terms of the 1890–1914 hearings, in part because of how the various treaties defined the category.[39] The files for these applicants almost never include official or legal documentation. Instead, the pages are filled with in-person testimony or letters from

[38] According to the U.S. National Archives website, the most searched topics include census records, military service records, immigration records, naturalization records, passport applications, and land records (U.S. National Archives and Records Administration 2016).

[39] For example, according to the Cherokee Nation's Treaty of 1866, to be considered a freedman, one needed to have been "liberated by voluntary act of their former owners or by law" or be "in the country at the commencement of the [Civil War], and are now residents therein, or who may return within six months" or be a descendent of a recognized freedman (Article 9 of the Treaty of 1866).

fellow former slaves, Native people, and others who first attested to the applicant's having been owned by an officially recognized Choctaw or being a descendent of a former slave, and that the applicant or their ancestor was indeed present in Indian Territory during the signing of the treaty and had maintained the territory as their permanent residence.[40] This of course meant that even as Natives and their slaves were displaced during the war, blacks formerly enslaved needed to return to the place of their enslavement, to their masters' land, in order to be recognized as part of the Choctaw Nation. The files often contain very formulaic correspondence between the Commissioner and the Secretary of the Interior, citing the Commissioner's decision in the case and the Secretary's rubber-stamping of it. In very few cases, freedman applicants and their families hired attorneys to facilitate the process. The correspondence between attorneys and advocates for the applicant and the Commissioner is also present in the archives.

What is not in the U.S. Commission's freedmen applicant archives is also telling. There are few official documents from Choctaw leaders or the Choctaw tribal council in the freedmen files. Moreover, since many of the freedmen applicant disputes were tied to the question of whether the applicant was owned by recognized Choctaw masters, a simple bill of sale (granted that it was not falsified) could be sufficient evidence of freedmen status. Nevertheless, there are no bills of sale in the freedmen files. The original Dawes rolls for freedmen indicated each enslaved person's owner, yet if the

[40] For example, in the file of Susan Alexander, one witness was a Cherokee man who was a friend of the applicant's owner and had fought in the owner's regiment during the Civil War. In this case, as in many others, the witness posed doubt as to whether the applicant had, in fact, been owned by a Choctaw slave owner.

former slave had not made it onto these first censuses there was no slave ledger to refer to in order to prove enslavement. This is not a minor fact in relation to slavery archive studies, as various scholars argue that slave ledgers have often been one of the only archives that register black life during the transatlantic slave trade (Hartman 2008, Morgan 2015). But these ledgers and bills of sale were not accessible even to emancipated former slaves. The emergence of potential black citizens of the Choctaw Nation comes even as the official truth of their supposedly former slave status was inaccessible to them; the freedmen archive is empty in this regard.[41] There are ledgers and bills of sale incorporated in the Tribal Council archives, which are separate from federal archives.

The files of Black applicants applying for citizenship via blood are equally sparse of official documentation. These files generally contain an application card for recognition filled out by a stenographer, a notarized transcript of questioning before the Commission, and a decision letter by Commission officials. No marriage certificates or testimony from religious figures officiating ceremonies are included. There is no record of these "by blood" applicants having ever received land based on the treaty of 1830, and their names had not appeared on the 1830 Choctaw census. Each of the applicants this chapter reviews were recognized by the Commission as black and thus not Choctaw; as such, their applications were refused.

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[41] Denial of access to official proof of their own objecthood was not limited to the Choctaw freedmen, but has become an important trope in black written and oral history as well as in black literature. For example, in Gayl Jones's *Corregidora* the protagonist reminisces about her grandmother's emancipation testimony. She references white officials who "burned all the papers cause they wanted to play like what had happened before never did happen … I bear witness that it happened" (Jones 1987, 78).

Moreover, the format of the transcripts varies widely and reflects the Commission's changing understandings of how the witnesses fit or did not fit into the category of "Native." The transcripts do not provide the reader with transparent or objective proof of what occurred during the interviews. The reader must not assume that they are witnessing the "authentic" voice of the applicants through the transcripts as "primary texts." Rather, the transcripts as artifact provide traces of the Commission's developing ideas about race, nation, and citizenship. For example, the layout of the transcripts on the page often resembles a script, in which the Commission's question is represented through the "Q:" prompt and the application response through the "A:" response on the line below. This may have the effect of suggesting a transparent representation of what occurred during the testimony. However, at times the prompts are not separated from the content of the testimony with colons. Moreover, often the Commission's questions and the applicants' responses share the same line, bleeding into each other such that the reader finds it difficult to locate where a question ends and an answer begins—that is, where to locate the boundary between the interrogator and the applicant. At other times, the "Q" and "A" prompts are not present at all. Finally, the transcript contains notes and commentary by the stenographer including impressions about the personal appearance of the applicant, what his or her hair or skin tone might look like, what languages the applicant spoke well or did not speak, and whether the applicant might be telling the truth. That is, what is most evident through the transcripts is not the unmediated voice of the applicants but instead the various ways the federal government has come to read, accuse, accept, and refuse black Choctaw citizenship. In

this chapter, I present the testimony spatially in the same format that it appears on the pages of the applicant archives.

What is compelling about these applications is that they present almost no official "evidence" to prove their belonging to the Choctaw nation. There are no marriage certificates or other state documents to prove their legal position vis-à-vis the nation. Like freedmen, applicants "by blood" did not benefit from "credible witnesses." They did not appear on any previous tribal rolls. They were not even necessarily fluent in both English and Choctaw, a skill that is often cited in historical narratives about black slaves of the Choctaw who served as interpreters between the Choctaw and U.S. missionaries or the federal government. These applicants certainly were not successful in making a credible claim to cultural sovereignty as Choctaw. The question that I pose in this chapter is not whether such applicants were telling the truth, whether they were authentically and "by blood" Choctaw, but rather how belonging comes to be concretized through the idea of blood, how surveillance and management of blackness as "unrootedness" and "unroutedness" in the nascent nation is maintained after the official end of slavery, and, what sort of possibilities arise for Blacks to make a claim—however unbelievable it may be—to a form of nativeness.[42]

Testify and Signify

[42] Tiffany King uses both terms to describe the positionality of Black people on Turtle Island. As diasporic subjects we are unrooted—lacking connections to our native lands. Moreover, in the disavowal of the colonial foundations of chattel slavery, the transatlantic route by which Africans were transported is also erased. See King (2013).

The extant files in the Commission archive show how the enrollment process drew on white supremacist ideologies of the antebellum south and began to produce post-emancipation ideas of race and sovereignty shaped by those earlier ideologies. These discourses and practices themselves worked as a biopolitical race-making apparatus giving shape to a racialized, national sovereignty and its corresponding citizens. The Commission reified and built upon the ideas that there is a thing called race, that it emerges from bodies, and that it must be understood in terms of blood. Moreover, the Commission's work began to make it possible to understand racialized notions of blood as quantifiable.

Structuring these ideas and practices are the narratives around racial passing that contributed to the surveillance and containment of black peoples prior to the Civil War. Passing narratives assume that there is a surface (which might take the form of skin, hair, behavior, or a written pass) that belies the truth of a subject's interior (his or her blood or true nature). In order to identify Native peoples to whom the state has offered land and sovereignty in return for their removal from the white settler nation, the Commission drew on many of the assumptions about black racial passing that were present in the runaway slave advertisements: that blacks could not be Native, that blacks could not speak a Native language as their native tongue, and that if blacks were doing so, it was in order to access a form of freedom or sovereignty from which they were naturally excluded.

Drawing on the institutional cautionary tales about Black people passing themselves out of slavery and into social and political life, the Commission performed a surveillance of blackness. To do so, it undertook several discursive moves. First, the

Commission reified the idea of blackness as tied to the position of the slave, a notion that emerged in the earlier runaway ads (and elsewhere). Second, the Commission reduced black difference to a notion of race. This trend removes coloniality and any history prior to chattel slavery or Afro-indigeneity from Afro-descendant history in the New World. Finally, the decisions of the Commission situated the black woman as the site of nonsovereignty in her incapacity to legally birth Native children. In taking these meaning-making procedures seriously, it becomes possible to understand U.S. settler concepts of sovereignty and freedom as emerging from the biopolitical surveillance of blackness, and in many instances through the narratives of black racial passing.

One of the most significant moves made by the Commission both in adjudicating the applications and in archiving its findings for posterity was the increased fixing of blacks and blackness to the position of the slave. For example, in developing the Dawes Rolls, federal agents often placed Black Choctaws (as well as Black Cherokees and others) on the freedmen rolls, even when they were known by others in the community to have been Choctaw "by blood."[43] The status of the black Choctaw was a complex question during the period of black enslavement by the Choctaws and, as such, during the later enrollment and allotment proceedings. Prior to emancipation, children born to a black mother and her Choctaw owner were often, but not always, regarded as slaves.[4445] However, it is important to note that even after emancipation in Indian

[43] See Sturm for a description of this phenomenon in applications for enrollment within the Cherokee Nation. She reports that the Dawes Rolls included 4,208 adult Cherokee freedmen of whom at least 300 "had some degree of Indian heritage" (Sturm 2002, 186).
[44] The Choctaw Constitution's Section VIII, on the "Inter-marriage between Choctaws and Negroes," states, "It shall not be lawful for a Choctaw and a negro to marry; and if a Choctaw man or Choctaw woman should marry a negro man or negro woman he or she shall be deemed guilty of a felony, and shall

Territory, blackness was tied so closely to the position of the "slave" and was so distant from both white and Choctaw imaginaries of sovereignty and citizenship, that Black applicants to the Choctaw nation both in Indian Territory and in Mississippi were most often understood to be freedmen, descending from a lineage of slavery. Once the Commission categorized an applicant as freedman, it was almost impossible for the applicant to correct the mistake legally, either through the Commission or in the Archive. For example, the testimony in the file for Mary Daniels describes the federal Commission's confusion around black Native status. When combined with black applicants' confusion about the enrollment process itself, the consequences were both grave and enduring. According to the recorded testimony, the commissioner asked Daniels,

> Q Have you ever been recognized in any way by the authorities of the Choctaw Nation? A No, only by them writing to me to come to the Dawes Commission; that's all.
> Q You have never been enrolled on the tribal rolls, have you?
> A Not as I know of.
> Q And you say that you think your mother was a Choctaw?
> A Yes, she was a Choctaw; at least that's what she said, and what people said what knowed her …
> Q And you have never drawn any money from the Choctaw Nation?
> A No, never drawed any money at all; they wrote to me in September to come to the Dawes Commission soon. I don't know why. I am so forgetful, and I was sick at the time, and I couldn't come.

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be proceeded against in the circuit court of the Choctaw nation having jurisdiction the same as all other felonies are proceeded against; and if proven guilty shall receive fifty lashes on the bare back."

[45] At times the laws against intermarriage and their implementation were murky and freedom and citizenship were determined on a case-by-case basis. Circe Sturm documents a well-known case in the Cherokee Nation. A Cherokee widower named Shoe Boots married his black slave named Daull and had several children with her. In 1824, concerned that their children might be considered slaves upon his death, Shoe Boots wrote the Cherokee National Council to ensure their freedom. The Council decided to recognize their children, but warned Shoe Boots about having any further children "by this said slave woman" (Sturm 2002, 60). Nevertheless, Shoe Boots persisted and had twin sons. After his death the sons were treated as part of Shoe Boots's estate and were inherited by his sisters as enslaved property (Ibid).

> Q Didn't you apply to this Commission in 1899 as a Choctaw Freedmen? A No, I didn't at Spiro, if that was the time; all he asked me was I there in '65.
> Q Didn't you state to the Commission at that time that you wanted to be enrolled as a Choctaw Freedman?
> A No, I didn't state that at all.
> Q What did you state? A Why, I didn't state anything at all; he just asked me was I here in '65 and I told him no; he said he would have to look for the number.
> Q How did you happen to appear at Spiro before the Commission at that time?
> A I just went up there to ask; at least, my husband asked some of the men about it and they told him to bring me up there. I don't know what he asked him; the man asked me was I there in '65 and I told him no and he said, "I can't do nothing for you then, now: 'we will have to look further along' …
> Q Neither your father nor your mother was a slave?
> A No, neither one of them was.
> Q Have you ever been recognized by the Choctaw tribal authorities as being a Choctaw Indian in any way? A No, not as I know of, only just by their writing something to me to come to the Dawes Commission, is all I knew.[46]

The federal agents automatically assumed that Daniels was to be listed as a freedman, which is why they asked her about her residence in 1865; according to the 1866 treaty, Black slaves were to be given citizenship in the Choctaw Nation if they were present in Indian Territory during that year. The Commission was able to derail many Black applicants because often people were not knowledgeable of the treaties that had been signed and were not conscious of the consequences of how their own category of belonging was officially recognized.

Certainly, there was an incentive to funnel blacks into the freedmen category rather than the "by blood" category of applications. The regulations defining Choctaw citizenship for freedmen were much stricter and their benefits as citizens much smaller. Nevertheless, one should not reduce this bias to only a rational calculation on the part of the federal government nor the Choctaw Tribal Council. The testimony points instead to

[46] All testimony cited in this chapter is from "Applications for Enrollment of the Commission to The Five Civilized Tribes 1898–1914," National Archives, Microfilm Publications, M1301, Roll 106.

the racial limits of settler imaginaries of nationhood at this time. In these imaginaries the freedmen and "by blood" categories were necessarily mutually exclusive, a standard that prolonged the place of blacks in the Choctaw Nation as belonging only with a stipulation: that they inherit the legacy of the position of the slave. Once again, Native blood could not be recognized as occupying this position of unfreedom, and in contrast, black blood had access to citizenship precisely through its natural unfreedom. The Commission thus rejected Mary Daniels' application as a "freedmen," and did not entertain the possibility of her application through blood rights.[47] In the National Archive her application is filed with the other "Refused Freedmen Applications," solidifying the avenue for enrollment that would have been available to her had she "proved" her former slave status for posterity.

The fixing of blackness to the position of the slave was even more apparent in the applications for Choctaw nationality via blood. The interrogators often asked applicants whether they or their mother or father had ever been a slave. This would likely render an applicant ineligible because having been enslaved signified that one was indeed black and therefore not Native. According to the archival testimony in the application for enrollment of Mary Boughman, the Commission asked her,

> Q What other nationality was your mother? A Not as I know of.
> Q Was your mother a slave? A No sir, we never was slaves. We was free born Choctaws. Never were slaves none of us.

[47] In his decision, the Commissioner Bixby wrote, "In her testimony taken at Muskogee, Indian Territory on June 15, 1905, [Daniels] testified she was then forty-one years old; that neither of her parents was a slave, and that she claimed as a citizen by blood of the Choctaw Nation through her mother, Kat Cobb. It does not appear from the evidence offered in support of this application and an examination of the records in this office that the applicant has ever been enrolled by the tribal authorities of the Choctaw Nation …. It is, therefore, my opinion that the applicant, Mary Daniels, is not entitled to be enrolled either as a citizen by blood of the Choctaw Nation or as a Choctaw Freedmen, and that the application made for her enrollment as such should be denied."

> Q You ever been a slave? A No sir, free born.
> Q Your father and mother always live in Mississippi? A Free born. Free born Choctaws.

No Congressional act stipulated that one could not be recognized as Choctaw by blood if one was or had been a slave. Yet the assumption was that if an applicant had been a slave or a descendent of a slave, they could not have possibly been Choctaw. This is because slavery was overwhelmingly limited to peoples considered to be black. Boughman's assertion that she is Choctaw, then, was necessarily linked to her assertion that she and her family were never slaves. They had not been emancipated but instead were "Free born Choctaws." In their continued questioning of supposedly black applicants about their status as slaves or as descendants of slaves, the Commission perpetuated the binds of slavery even post emancipation. It did so by legally codifying a notion of slave inheritance whereby black folks' access to sovereignty and political recognition as part of the Choctaw nation was dependent on their ties to slavery.

This put Boughman and other applicants in an impossible situation. That is, the Commission asked those it considered to be former slaves to offer evidence of their genealogical past, of their kinship ties, that would offer them a position as a sovereign citizen. Yet, it is just the position of the slave, as Orlando Patterson argued, that is characterized by an indefinite rupture of kinship. Patterson described the status of the slave as emerging through "natal alienation," which

> goes directly to the heart of what is critical in the slave's *forced alienation, the loss of ties of birth in both ascending and descending generations*. It also has the important nuance of a loss of native status, of deracination. It was this alienation of the slave from all formal, legally enforceable ties of "blood," and from any attachment to groups or localities other than those chosen for him [sic] by the master, that gave the relation of slave its peculiar value to the master. The slave

> was the ultimate human tool, as imprintable and as disposable as the master wished. (1982, 7–8)

What Saidiya Hartman calls the "after life of slavery" (2007) is tangible during enrollment and allotment. It is this presence—the fixing of blackness to the position of the slave—that rendered it as an impossibility within our conceptions of both the nation and sovereignty. Under the U.S. settler colonial regime, the stain of slavery became the only inheritable trait within blackness. The emergence of sovereign nations thus required the interrogation, surveillance, and containment of blackness in order to maintain a liberal social contract among free citizens. That is, the citizen emerged as that individual who was not a slave, who had free will, autonomy, and self-determination. If a slave could pass for free, the distinction between the two threatened to collapse.

Second, the Commission's proceedings reified and built upon slavery's reduction of black difference to a notion of race via black blood. Patterson locates the prologue to this in his notion of social death, described above. Specifically, he points to slavery's effect of natal alienation and the slave's subsequent "loss of native status" (1982, 8). Historical narratives of Africans and Afro-descendants in the United States that begin with slavery often disavow the coloniality of the transatlantic slave trade and, therefore, of black presence in the so-called New World. Instead, black peoples emerge as citizens to the extent that their difference is reduced to the biopolitical concept of race, the mark of which was to be traceable within the body.[48] To create the sovereign nation, one must

[48] *In Regulating Aversion,* Wendy Brown theorizes a similar dynamic with regard to the late eighteenth-century question of whether Jews were capable of becoming French citizens. Brown argues that by the late nineteenth century, racial liberalism became a secularizing force that privatized Jewish religious difference (which otherwise required them to be loyal to God above the state) and replaced the public manifestation of Jewish religious difference with a notion of race attached to the body. Brown cites Tourasse, who in 1895 exclaimed, "Judaism … is not a religion: it is a race," an insight which she argues, "encapsulat[ed] the

locate, quantify, and record sovereign and nonsovereign blood. This was the case with the Commission even as recognition "by blood" was never legally or officially dependent on a notion of quantum. The federal government, through Congressional acts, stipulated that the "by blood" applicant must demonstrate direct "lineage" to someone listed on the 1830 roll or, later, the Dawes rolls. In the Choctaw's entanglements with settler economy, chattel slavery, and the formation of the nation, "blood" began to take on genea-biological meaning that conflated blood with race, and conflated both race and blood with nation. It was through performances such as those of the Commission that this intersection of race, blood, and nation emerged and was policed.

The Commission asked every suspected black applicant about the quantity of Choctaw blood they claimed. Yet, Black applicants' responses to the question of blood quantum at the turn of the century were a constant reminder of the failure of the project of national cohesion along the lines of "race" at this time. Take, for example, this exchange between the Commission and Mary Boughman, applicant for Choctaw recognition "by blood":

> Q: Through which one of your parents do you derive your Choctaw blood?
> A: My father.
> Q: How much Choctaw do you claim?
> A: I am full blood.
> Q: What was your mother?
> A: My mother was mixed with Choctaw. She was half.
> Q: Do you think you are a full blood Choctaw?
> A: Pretty near it …

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half-century-long process by which a definition of Jews as a physiological *race* came to supplant a definition of Jews rooted in common language, beliefs, practices, and above all nationhood" (Brown 2006, 53).

The Commissioner deploys the purity-contamination binary in order to refuse blackness from claiming a position of sovereignty.[49] However, Boughman's testimony subverts attempts by the Commission to quantify Choctaw "blood" by applying the same power to assertions and general estimations about blood in this regard. Her lack of fidelity to the quantifiability of blood and, thus, of race was a common response in black testimony before the Commission. While the Commission attempted to portray these responses as the result of a lack of credibility, one might also read them as a refusal to participate transparently in this exchange, particularly since providing adequate "proof" of one's Choctaw "blood" was an impossibility.

Clearly, blacks at the turn of the twentieth century understood how white supremacy, miscegenation, and freedom interacted. Nevertheless they continued to assert their own understandings of how they fit into the political cleavages of both the U.S. and Choctaw Nations post-emancipation. The testimony of Polly Brookings, an applicant for enrollment by blood as Choctaw, reflects the black pushback on ideas of race, peoplehood, and sovereignty produced through the Commission's activities. The Commissioner asked,

> Q What proportion of Choctaw blood do you claim to have? A Mississippi Choctaw.
> Q What proportion? A Three fourths. My father had three fourths.
> Q You have just as much Choctaw blood as your father had? A Yes …
> Q He claimed to be a Choctaw? A Yes sir.
> Q What proportion of Choctaw blood did he claim to have? A About the same I reckon; a little more than I did.

[49] Circe Sturm found this same dynamic in the racial imaginary of Cherokee citizens. She writes, "Multiracial individuals with black ancestry were always considered black, and those with white ancestry were never considered white …. In a similar vein, those with Native American and white ancestry were often classified as Indian, in part because 'whiteness' was seen as an empty cultural and racial category …. Using the analogy of mixing paint, a little red paint in a can of white will turn the whole thing pink, implying that one's whiteness is no longer culturally 'blank' or racially 'pure'" (Sturm 2002, 187–88).

> Q You think he had more than you? A Yes sir, he was older than me. I would never have known anything about the Choctaws if it had not been for him.
> Q Did he speak the Choctaw language? A Yes, he talked Choctaw and African too. It looked like he did …
> Q Is your mother living? A No sir…
> Q Was she a Choctaw? A She was a Choctaw woman.
> Q What proportion did she have? A The same that her husband.
> Q Three fourths? A My father and her were near about the same.
> Q They were both about three fourths Choctaw? A Yes sir.
> Q The other fourth was what—negro? A No, white folks.
> Q You have some negro in you, have you not? A I couldn't tell you.
> Q Do you not associate with the negroes all the time? A Yes.
> Q Then you know you have negro blood. A Well, I associates with them.
> Q Were you not a slave? A No.
> Q Was not your mother a slave? A No sir.
> Q Was not your father a slave? A No sir …
> Q You do not know they were Choctaw Indians? A Yes, but they never went with the Indians.
> Q They were negroes were they not? A That is what they were called by the white folks and Indians …

This interview echoes many others in that the Commissioner attempted to link the applicant to an inheritance of slavery and thereby reject her application. However, in addition to slavery was the issue of language, in this case, knowledge of Choctaw. What might be read as a fair question about cultural-linguistic sovereignty and an unacceptable and even culturally ignorant response, however, must be further interrogated. This is because in the case of the recognition of southeastern Native and Afro-descendent peoples, language is also reduced to racial difference. One might read the way language emerges through these testimonies as part of what Hortense Spillers calls a "symbolic paradigm" in which "the human *body* [is] a metonymic figure for an entire repertoire of human and social arrangements" including the arrangement of language as a component of "ethnicity" (Spillers 1987, 66, my emphasis). Within this particular context of racialized belonging, even the proof of language is located on the body.

Reading these testimonies alongside the antebellum runaway advertisements, it is clear that even slaves who spoke the Choctaw language fluently were not assumed to *be* Choctaw. Instead, there was an assumption that blacks could *pass for* or *resemble* Natives but were not themselves actually Native and thus free. An advertisement from the 1834 *Vicksburg Register* demonstrates this point. It offered a twenty dollar reward for "a negro man named JOE, about 25 years old, 5 feet 8 or 9 inches, high yellow complexion, speaks pert, [sic] very smart, and intelligent; has a natural black mark on one of his eyes resembling Indian paint; speaks the Choctaw language" (Chambers and Grivno 2013). The fugitive slave, "Joe," has a mark that "resembles Indian paint" and "speaks the Choctaw language," but his assumed blackness meant that his ability to speak the Choctaw language was only an artificial "trait," one whose authenticity was dependent on ideas of race.[50] Thus, Brookings's assertion that her father spoke "Choctaw and African too," might be read as an orientation of language focused on coloniality rather than biological race. It brings Africa and its colonized subjects into the realm of the Choctaw negotiations of sovereignty. It troubles historical narratives that place the origins of black people in the United States at chattel slavery and puts forth the

[50] Here Hortense Spillers's discussion of the idea of ethnicity as it emerges in the 1966 Moynihan Report is relevant as an example of the results of the construction of "ethnicity" as always reduced to an idea of race when thought together with blackness. She writes, "'Ethnicity' in this case freezes in meaning, takes on constancy, assumes the look and the affects of the Eternal. We could say, then, that in its powerful stillness, 'ethnicity,' from the point of view of the 'Report,' embodies nothing more than a mode of memorial time, as Roland Barthes outlines the dynamics of myth [see "Myth Today" 109-59; esp. 122-23]. As a signifier that has no movement in the field of signification, the use of 'ethnicity' for the living becomes purely appreciative, although one would be unwise not to concede its dangerous and fatal effects" (Spillers 1987, 66). The effect of timelessness that Spillers identifies in the Moynihan Report echoes the way that components of contemporary ideas of ethnicity emerge in the testimonies this chapter reviews. Within this settler colonial state, while nativeness becomes an atemporal ethnicity, always referring to an authentic precontact purity, blackness is reduced to "race," and mapped on the black body as biological difference. There is no room for language differences when it comes to Afro-descendants and no room for creolization when it comes to the indigenous.

possibility of "African" political and social determination, including rights to a land. Finally, Brookings reads the Commission's intent on reducing her difference to race, and particularly to their idea of blackness. When the Commissioner insists that she must be "black" because she "associates" with black people, Brookings responds, "[black] is what they were called by white folks and Indians." This may be part of the lessons her father taught her not only about the Choctaw, but also about U.S. white settler colonialism.

Moreover, blood's emergence through law rather than as a "natural" racial characteristic of humans was not lost on Black subjects. This is true even if the black testimony which bears witness to this was illegible to the Commission. For example, the Commissioner asked Donnie Simmons, an applicant for enrollment by blood in Meridian, Mississippi, "How much Choctaw blood do you claim?" The stenographer records his reply as "1830." It is initially unclear what Simmons is referring to here: a full number, a fraction, or the year the federal government signed the removal treaty with the Choctaw. The exchange continues:

> Q Is that how much blood you claim?
> A Yes sir.
> Q That is a good deal isn't it?
> A Yes sir but you see it is from both sides of the family.
> Q Your father was a Choctaw Indian?
> A Yes sir.
> Q How much?
> A One half.
> Q Was your mother a Choctaw?
> A Yes sir.
> Q How much?
> A I don't know exactly how much she was.
> Q How much Choctaw blood do you claim?
> A 1830. 18/30

Here the stenographer "corrects" the record, interpreting Simmon's response first as a full number and then as a fraction, and thus making it legible to the Commission's own interpretation of the treaty and the obligations it stipulates towards those with calculable blood. The Commission admonishes Simmons for her miscalculations, asking her, "Have you ever been to school? ... Then you know how much Choctaw blood you would have. You haven't over half as much as your father have you?" The Commission makes the argument that it is impossible for the daughter of a black woman and a Choctaw man to be "more indigenous" than her father. Indigenous blood and thus claims to sovereignty, according to ideas about race and blood that are emerging and being reified through these hearings, must diminish under creolization. However, we could take up the double meaning of Simmon's response to the Commission's question and the Commissioner's reading of the process itself. "1830" makes a connection between law and the creation of blood that demands consideration. We might believe that Donnie Simmons actually knows more about the legislative bounds of the enrollment process than the Commission acknowledges—that, for example, the 1830 Treaty made no mention of blood quantum and that she only needed to demonstrate that the name of one of her ancestors was on the 1830 rolls. Here the transcript provides traces of the ways in which applicants and the Commission developed multiple understandings of inheritance and national belonging—an entanglement of the law, the body, land, kin relations, and other social relations.

Lastly, the decisions of the Commission often situated the black woman as the site of nonsovereignty in her incapacity to legally birth Native (or white) children even during post-emancipation nation building. The Commission did this in part by refusing

many petitions for enrollment by blood, citing a lack of evidence that the mother and father of an applicant were legally married. Even if the applicant could claim belonging to the Choctaw nation through their father's lineage, if their parents were not married, the child's status via the father would not be legally sanctioned: the claim itself would be illegitimate. An example of this occurs in the exchange with Boughman, one of the applicants for Choctaw enrollment by blood via her father, John Filiyah:

> Q Were your mother and father married?
> A Yes sir.
> Q When were they married?
> A I don't know sir? I wasn't born when they was married. I couldn't tell you anything about that.
> Q Have you any evidence of the fact that your father and mother were ever married?
> A Well, I believe it.
> Q You do?
> A Yes, sir.
> Q Suppose we didn't believe it?
> A I couldn't help that.
> Q Could you prove it?
> A No sir I couldn't prove it by only myself.
> Q Weren't there lots of other people living there at the time your father and mother were married?
> A Oh laws I don't know where those people is now. Lord only knows. They may be all dead for all I know but John Filiyah was my father.
> Q Before that could do you any good you would have to prove that your father and mother were married?
> A That would be hard to prove because I don't know any of the relation but them.

In this exchange, we see that Black recognition as Choctaw was scrutinized via blood and that "blood' was mediated through the settler state and its legal hetero-morality, marriage. Blood itself emerges only through the law; it is interpolated rather than innate.

Further, most couples with at least one black member were not able to be legally married in antebellum Mississippi, where Boughman was born. This because the

institution of slavery maintained that slaves were both morally and legally incapable of entering into a legal contract. In fact, it was the case that one of the major acts taken up in the early years of Reconstruction by the Freedmen's Bureau was to legally wed those black couples whose relationships had not been recognized by the state prior to emancipation (Franke 1999). Within the context of the U.S. federal government, one of the ways in which blacks emerged as legal subjects was through the institution of marriage, and thus becoming a U.S. citizen was highly dependent on former slaves heeding the heteronormative, civilizing mission of the settler state.

The unwed black mother then becomes the antithesis to citizenship in that, first, she has yet to be recognized as a legal subject under contract law, and second, her children continue this legacy of noninclusion. This paradigm has roots in U.S. slave law, which stated that children born to enslaved women were also slaves. *Partus sequitur ventrem*, the Roman phrase that preceded the U.S. law, signifies "that which [is] brought forth follows the womb." The reduction of black mothers to a body—a womb—allows for their association as that object that produces the unfree.[51]

And thus, one is never only passing with regards to race but always also with regards to gender. So that if the black woman is understood as the site of nonsovereignty, white settler colonialism has considered the Native woman the physical representation of too much sovereignty—the sovereign outside of the settler body politic. Feminists in Native studies have returned to this dynamic in order to trace the

[51] This can be contrasted with the matrilineal organization of the Choctaw, which after their entanglement with chattel slavery and the plantation economy competed with settler and capitalist patriarchy. For examples, see Simpson (2016).

proliferation of the heteronormative state. Audra Simpson, for example, writes, "An Indian woman's body in settler regimes such as the U.S. and Canada is loaded with meaning—signifying land itself, the dangerous possibility of reproducing Indian life, and most dangerously, other political orders …. Indian women … transmit the clan, and with that: family, responsibility, and relatedness to territory" (Simpson 2016, 15). For a white settler to marry a Native woman is to accumulate land and sovereignty and to produce new citizens mediated through white maleness.

Within this context, to restrict Native women's reproduction is to contain a potential threat to counterimperial, otherwise worlds. The stop and go of empire moved through white imaginaries of black/Native wombs. A black woman like Matilda, outlined in the beginning of the chapter, who supposedly passed for Native, threatened a move not simply to attain individual freedom, but also to stake a claim to a sovereign futurity.

The Seduction of Passing and the Archive

Reading the Dawes Commission applicants' testimony provides a map of processes of belonging and nation building that tell much more about the settler than about the colonial subjects. Yet, one might understandably ask: What about the applicants? Who were they really? In 2015, the academic journal *Social Text* published a special issue on Black Studies and archival methodology titled "The Question of Recovery: Slavery, Freedom, and the Archive" (Helton et al. 2015). In its introduction the editors lay out the ethical and political dilemma faced in representing Afro-descendent captives of the transatlantic slave trade, in locating and uncovering the enslaved's interiority, and thus agency. Ledgers quantified slave bodies and documented the economic exchanges of

chattel yet were silent in representing enslaved peoples as complex political and social subjects (Helton et al. 2015, Hartman 2008a, Hartman 2008b, Morrison 1990). Where interiority is concerned, the slave archives offer little. And it is from this archival erasure that, historian Jennifer Morgan argues, a moral imperative of recovery emerges for Black people, scholars, and activists (Helton et al. 2015, Morgan 2015).

The same year that "The Question of Recovery" was published, *Settler Colonial Studies* journal published a special feature titled "Indigeneity and the Work of Settler Archives" (Adams-Campbell, Falzetti, and Rivard 2015). Many of the concerns emerging within settler colonial and Native studies are remarkably similar, including the erasure of Native people's existence prior to and during U.S. state founding. Campbell et al. refer to this emptiness as a result of archival practice based on a "non encounter," the settler disavowal of Native existence prior to their democratic institution (Adams-Campbell, Falzetti, and Rivard 2015, 110). White national sovereignty and belonging, then, is dependent on rendering the colonial encounter with the first nations as a prologue, a historical nonevent. While it is true that archival records of treaty negotiations belie the claim that the encounter did not happen, what emerges in these records are the voices of the white settler state and those Native people who negotiated with the state—to the extent that their discourse entered into Euro-democratic grids of intelligibility and authority.

Therefore, archival recovery is often understood as an ethical and anticolonial act—one that contemporary scholars seek to implement in a self-reflective and critical manner. Historians and cultural studies scholars have attempted to "read against the grain" of official Western archives to produce some knowledge about those whose

political subjectivities are otherwise not "transparent" as Gayatri Spivak has argued. Yet critical reflexivity has also meant scholars considering their own investment in transparency, readability, and thus, redemption and recognition (Spivak 1988, 75). Through the impossible project of recovery—opening oneself to the political possibilities of the interstices of the archive—desire returns the scholar to a moment prior to material and epistemological erasure (Morgan 2015). It often does so, however, by unintentionally reifying the prior moment's position as colonial prologue. For the scholar, the archive houses what Derrida names a "spectral messianicity" that Morgan describes as "a fleeting hope for clarity that exposes one to … a 'compulsive, repetitive and nostalgic desire … to return to the origin, a homesickness, a nostalgia for the return to the most archaic place of absolute commencement" (Morgan 2015, 154). Recovery and uncovering then rest on similar epistemological assumptions that the truth or the interior is innately elusive, an object whose trace exists to be discovered.

Postcolonial feminist scholar Anjali Arondekar makes a similar point in her work on sexuality and the British colonial archive. She argues that "to read archival evidence as a recalcitrant event reads the notion of the object against a fiction of access, where the object eschews and solicits interpretive seduction" (Arondekar 2009, 3). The paradox of this sort of research, which seeks to follow a trace of the object by reading against the grain of the archive, is that it tends to reassert colonial assumptions about colonized subjects. That is, it remains within the discourse of disappeared or disappearing authentic Natives and deceitful blacks who are capable of concealing their racial "truth." The seduction of archival recovery depends on the same epistemological logics of the accusation of passing. Arondekar, drawing on Eve Sedwick, notes that "the homosexual

is most himself when he is most secret, most withheld from writing—with the equally paradoxical consequence that such self-fashioning is most successful when it has been recovered for history" (Arondekar 2009, 7). The critical scholar asks, Is there hope for a radical anticolonial politics without confirmation of a history comprised by the elusive black and Native political subjects? One follows the official stories, mining them for traces of the subject. To rearticulate Arondekar's argument, if an ancestor's name is identified on the rolls, then a sovereign subject may be recovered. This seductive dynamic of uncovering or revealing the hidden is what Sedgwick called the epistemological status of the secret (1990).

This archival status results from the colonial struggle for mastery, which conceals state violence within bureaucratic form and data. The etymology of "archive" derives from both the Latin term *archivum*—"residence of the magistrate"—and the Greek *arkhe*—"to command and govern" (Stoler 2002, 97, Derrida 1996). Thus the Western archive is both "where the sovereign lays" and "what the sovereign does": creates laws of recognition and enforces them, continuously policing the boundaries of the sovereign people, rearticulating its limits by identifying those bodies that represent either sovereignty's excess or its natural absence. Feminist poststructuralist scholar Anne Stoler insists that rather than mining archives, researchers treat them as the epistemological "experiments" that they are, animated as technologies of Western sovereignty (Stoler 2002, 110). Official history, the content of the archive, emerges as an act of sovereignty through the logic of the narratives that shape it. The subjects of the sovereign emerge through a claim to either transparency or elusiveness regulated through narratives of passing, narratives that, as Hayden White argues, mediate and arbitrate the anxiety arising

from the conflicting claims of the real and the imaginary (White 1987, 4). Thus in this case, the logics of passing both are determined by the Commission's proceedings and shape the way in which we access and review the records of the proceedings a century later, fishing for the truth of the "perversely opaque" colonial subject. Paradoxically, knowing the veiled other becomes part of a process that also reifies the sovereignty of the state.

Chapter 3

Passing and Personhood

In the previous chapters, we have taken up the suspicion and accusation of race/gender passing as a technology of surveillance in particular, because as I argue in the introduction their affective underpinnings are often overlooked when readers and writers become narrowly seduced with the authorial intent of the passer. In chapter 2 we saw how the accusation of passing has come to serve as a critical component of policing the nation's body politic, whose passing suspects constitute an outside that makes citizenship and belonging possible. In this way the passing regime relies on specific assumptions about the ontology of blackness, what it is in this nation and what it is for this nation. In the symbolic registers of settler colonialism and chattel slavery, blackness, through its inheritance via the black mother, takes shape as that reproductive site of nonsovereignty and nonfreedom that makes citizenship possible.

We have also traced narratives about the contaminating agency of blackness and its affective attachments. In chapter 1 we saw how the colonial imaginings of blackness render it a conduit for whites and others to inhabit taboo sexualities and genders while also conserving the patriarchal national family. The accusation of passing allows for a disavowal of this enjoyment by focusing attention on the accused as committing not simply a fraud but a sort of fraud that throws "truth" into crisis and therefore is deemed a violent attack on the nation and its well-being. As chapter 1 notes, multiple genealogies of radical thought, particularly within queer and affect studies, have called us

to embrace the incoherent boundaries of the self and other as "the" ethical way of knowing. In this final chapter, I trouble the argument about what an ethics of vulnerability makes possible by asking after the consequences of desiring a vulnerability towards the other when the other is fixed to the position of the slave.

One final example of this sort of ethics comes from feminist science studies scholar Donna Haraway who proposes we embrace ethical cohabitation with nonhuman beings upon which we depend, even biologically, in order to live an ethical life. She muses, "I love the fact that human genomes can be found in only about 10 percent of all the cells that occupy the mundane space I call my body; the other 90 percent of the cells are filled with the genomes of bacteria, fungi, protists, and such, some of which play in a symphony necessary to my being alive at all, and some of which are hitching a ride and doing the rest of me, of us, no harm" (Haraway 2007, 2–3). For Haraway, what is significant is not just that preexisting, unique individual entities may come together to form symbiotic relationships, but that the symbiotic relationship itself is productive. The possibility represented by the fleshy entanglements of companion species relationships is, as she argues, that of "autre-mondialisation"—an opportunity for other-world-making (Haraway 2007, 3). These ongoing material entanglements open up new political and ethical questions for humans to consider and upon which humans might act. One of these is to question the centrality of the autonomous and masterful human being. The human itself does not exist, as Haraway argues, before its encounter with a multitude of companion species but instead is constituted in its emergence with other beings. Thus, she asserts, "I am vastly outnumbered by my tiny companions; better put, I become an adult human being in company with these tiny messmates. To be one is always to *become*

with many" (4). Haraway's *When Species Meet* offers a promising critique of the conceits of the stable human subject in particular because it underscores how, even at the level of basic materiality, the human relies on the nonhuman for existence. The fact of the human and its radical possibilities for creating other worlds is, for Haraway, a result of symbiotic relationships among companion species.

Haraway's argument opens up the political implications of biopolitics when stripped of the conceits of the sovereign and autonomous human subject. That is, Haraway's idea of the human is one that is not based on Enlightenment ideas of self-consciousness or reason that lead to the notion of a sovereign, autonomous human being. Instead, the meeting of species is what constitutes the human as such—dependent upon the rest of the critters in the world for survival. Following this logic, species entanglements trouble the notion of the sovereign human in as much as sovereignty denotes a certain level of independence from the other. The human, for Haraway, is not tasked with becoming a *being for itself*, but a being inextricably emergent with multiple others. This is critical in large part because of the myriad rights and powers authorized to the sovereign subject. For example, the sovereign, for Foucault, has both the divine right to decide who must live and who must die and the right to kill (2003). A sovereign humanist politics assumes the decision to kill nonhumans as part of a natural order of things (Wolfe 2009). However, if the human confronts the conceits of this autonomy and accepts not just its interdependence with nonhumans but the reality that the boundary between the human and nonhuman as self and other is itself a fantasy, then the political question at the heart of Haraway's book—"Who should eat whom?"—has

no naturalized or automatic answer (Harway 2007, 6). On the contrary, it is opened up for political contestation.

Yet surprisingly what do not figure prominently within Haraway's desire for species-meetings are the charged feelings of anxiety and phobia that haunt the stories of the HeLa cell passings and black Choctaw recognition. Her stories of other-worlding through multispecies entanglements in this text are deceptively optimistic, because although Haraway gestures to the political violence that characterizes the emergence of the human (colonialism, racism, etc.), she does not return to it directly in any depth. The result is that the figure of the human becomes flat under the presumptuous view that "we have now entered into a stage in human development where all subjects have been granted equal access to western humanity" (Weheliye 2014, 9). What multiple black and postcolonial scholars have argued, however, is that in the midst of conquest, colonialism, and racial science most people on the earth were (and continue to be) denied access to the status of "human." Indeed, the place of the colonized subject or the black subject with regards to multispecies relationships is much better reflected in the position of the critters than in the position of the human. In not taking this on directly, the celebratory affect of *When Species Meets* belies the real violence of the central ethical question in multispecies scholarship described in the previous paragraph: Who should eat whom?

Consequently, an ethical openness towards species entanglement, as articulated in the Haraway text, or contamination, as explored in chapter 1 of the present work, leaves us wanting. It does so first because, like Haraway's companion species theory, it often continues to center the white, European, or "first world" subject—even in its incoherence—as the default representative of the human. Second, a willingness towards

contamination and vulnerability still supposes that there is one position that is always already the contaminating source.[52] Following queer theorists like Mel Chen, who considers toxicity "a site of unpredictable investment for untraceable animate futurities," one must ask: If toxicity always already points to a racialized (often black) and gendered (generally queer) object, what sort of future is promised for the already contaminated? (Chen 2012, 155). Willing contamination overlooks the historical fixation of blackness to the position of the toxic as well as the nonsovereign.

What becomes necessary in its stead is an orientation towards knowing that engages in the work of disarticulating black people from the position of the abject. Moreover, such a position must align itself with the tradition of abolition. That is, if passing, for example, is a remaining vestige of fugitive slave surveillance that assumes the criminality, slavishness, and nonsovereignty of black peoples, and if our contemporary ways of knowing are rooted in such logics, then what are needed are abolitionist epistemologies—mechanisms of knowing that undercut the afterlife of slavery. Such ethical ways of knowing violate the structures of white subjectivity, which are dependent upon a contaminated black other, whether through managing the boundaries of whiteness to maintain "purity" or relishing whiteness's transgressions against those boundaries. As black studies scholar Jared Sexton argues, "decolonization destroys the positions of both the colonizer and the colonized" (Sexton 2016, 3). Similarly, abolition

[52] Often the logic of contamination includes a temporal component in which the subject retains a fantasy of returning to a moment in history when they were not contaminated. For example, in *Against Purity*, Alexis Shotwell argues that "humans worry that we have lost a natural state of purity or decide that purity is something we ought to pursue and defend. This ethos is the idea that we can access or recover a time and state before or without pollution, without impurity, before the fall from innocence, when the world at large *is truly beautiful*" (Shotwell 2016, 3; emphasis in original).

must destroy both the position of the master and that of the slave, as well as, in the context of the "New World," the binding of blackness to the position of the slave.

This chapter, then, moves from the question of the sovereign nation to that of the sovereign subject. It concurs with political theorist Stephen Marshall's argument that our current problem of sovereignty is intricately connected to our history of chattel slavery and the question of mastery, which he defines as "the violent imposition on others of a rancorous longing for divine sovereignty" (Marshall 2013, 157). Therefore, inasmuch as the fixing of black people to the position of the slave becomes the means to securing sovereign subjectivity, this chapter takes seriously black cultural studies scholar Fred Moten's question, "What if the problem is sovereignty as such?" (Sexton 2016, 11). A radical politics of abolition reinserts Haraway's critical political question, "Who should eat whom?" within the question of sovereignty, even at the level of the subject, as having derived from colonial biopolitical violence.

With this, this chapter turns to two questions whose answers, I argue, are dependent on each other. One question is, What are the grounds for a form of knowing rooted in abolitionism? By now, we should be convinced that this sort of process must violate at every turn both the epistemological and the ontological claims of the race/gender passing narrative. And yet, we have not completely delineated what it is about being a passing suspect/subject under this regime of mastery that prevents the ethical. That is, in order to begin to answer the above question we must take up the question, "What is it like to be a problem?" inasmuch as the problem is the passing

subject.[53] To the extent that the question is organized around the logic of purity and contamination, this chapter explores it as an underlying desire that gives life to the passing narrative.

In moving from a framework of contamination to one of abolition, this chapter presents two performance pieces by conceptual artist and Kantian philosopher Adrian Piper. Piper's relevance stems from her argument that the threat of passing presents itself as the "founding crisis" for race as a scientific category and thus for the modern Western colonizing subject (Piper 1992). It is a crisis that refers back to taboos of miscegenation, which justified antebellum and Jim Crow surveillance of blackness. The first performance work examined here, *Cornered,* presents an opportunity for an ethics of contamination that demands a reckoning with the political violence of the law in its protection of purity. However, in doing so, Piper also provides an opportunity for her onlookers to indulge in the enjoyment of blackness as the site of contamination. The second performance piece, *Food for the Spirit*, an earlier work of Piper's, explores the ways that the historical fungibility of blackness presents a challenge for those with a willingness towards contamination.

Piper's Kant and Piper's Art

Piper is most concerned with the ways that racism shapes interpersonal relationships, the most elemental level at which the personhood of black subjects is questioned (Piper 1993). Questioning the other's personhood is intricately tied to the knowing subject's

[53] This question is famously raised by W.E.B. Du Bois in *The Souls of Black Folks* and refers to the experience of being a black subject in the United States (Du Bois 2008).

own vulnerabilities and incoherencies of self. Drawing on Kant, Piper understands personhood as a transcendental concept universally accessed by all and rooted in each person's innate ability to reason. Moreover, in her formulation, it is only through reason that one acts ethically. As rational beings, we each have the capacity, and as such the ethical duty, to know the other, an act that involves recognizing the other as belonging to the universal category of person. However, recognition, even of oneself as a rationally intelligible "person," is not straightforward, and racist narratives have served historically to quell the anxiety produced through these moments of doubt, to redefine "person" by reifying race and gender differences. Taking account of this, Piper understands racism, like sexism and homophobia, to be a dynamic that stems from what she terms "pseudorational responses," including "mechanisms of rationalization, dissociation, and denial," to that which challenges one's knowledge of the self and its position within the world (Piper 1993, 3). Essentially, racism for Piper is a cognitive error that allows "pathological" sentiments about the self and others to overrun what Kant argues are the "natural speculative interests of reason" (Deleuze 1985, 5). In her words, denying the racialized other's personhood is "a self-protective reaction to violation of one's empirical concept of people, and involves a failure to apply the transcendent concept of personhood consistently across all relevant cases" (Piper 1993, 4). Piper locates racism, then, as a response to the knowing subject's own particularly threatening "conceptual anomalies," those that they would rather not investigate. That is, "each one of us is the conceptual anomaly we fear to find in others" (2008, 413).

Piper has used objects, both inanimate and animate (herself mostly), as political catalysts for an ethical response to racism. Her art seeks to confront subjects with their

own racist reactions to the "other," to demand that they engage rationally with the complexity of the other as a "person" and thus to overcome the "failures of vision and sensitivity" which are the norm (1996b, 248). To do so, Piper plays with racial fantasies and what she calls "vanilla nightmares" that, in her view, lurk in the unconscious of subjects in the United States. In much of her work, "the point is to bring [these fantasies] up out of the unconscious—where they dominate our behavior from a hidden position of strength—and into consciousness—where we can identify, scrutinize, and finally manage them rationally" (1996d, 253). The confrontation provokes racial anxiety and phobias around contamination and then asks the viewer, "What if…?" or, more provocatively, "Now what…?"

Piper's scholarship focuses on Kant's *Critique of Pure Reason* because that text situates ethics squarely within a question of knowing. The act of knowing depends upon an intricate relationship between *a priori* or pure transcendent ideas or concepts, such as the concept of "personhood," and one's perception or intuition of the world. For Kant, knowing is a movement between rational thought and the senses. At the most basic level of knowing, before we are able to make judgments we must be able to apperceive objects (even ourselves as objects) based on how we experience them empirically. Then, we must be able to organize the objects conceptually, thereby giving them meaning. According to Piper, "judgment is not the fundamental unit of awareness in Kant's first *Critique*; intuitional representations" are (Piper 2008, 57). Consequently, it is at these initial, raw moments of perception and apperception that Piper seeks to make her artistic intervention.

However, as noted above, this process of recognition is likely to break down. A first issue, and a critical one for Piper, is that for Kant, pure concepts follow a logic that transcends any one instantiation of them in the empirical.[54] For example, a person may encounter a representation for which she has no concept, thus rendering the object unintelligible. Kant explains, "In original apperception everything must be necessarily subject to the conditions of the thoroughgoing unity of self-consciousness . . . and without such unity . . . such perceptions would then belong to no experience at all, and so would be without an object, and would be merely a blind play of representations—less even than a dream" (Kant 1998, A112). In other words, all experience without thought or unifying concept is blind. Further, this moment of radical alterity poses a great threat to the unity or coherence of the knowing subject for both Piper and Kant. This is because, as they both argue, for ethics to exist, subjects must be able to understand each thing that happens to them as an experience, and one that might be altered as a result of the subject's own actions.

A second challenge to knowing is what Kant designates in the *Critique of Practical Reason* as the "pathological," that is, all of the desires and emotions that assuage our anxieties and steer us away from reason. In the Kantian context, the "pathological" must not be confused with the later-emerging psychoanalytic term, which opposes it to the "normal." On the contrary, for Kant, the pathological are those everyday feelings to which one is subjected and that drive the subject to act in ways that disregard *a priori* moral philosophy. In the *Critique of Practical Reason*, Kant explains that feelings, such as

[54] They must synthetically unify all unmediated representations into intuitions on the one hand, and unify the mediated representations that constitute intuitions into judgments on the other (Piper 2008, 264).

pleasure, hunger, and romantic love, are based on the empirical at the expense of the rational. They are the result of *a posteriori* principles, those emergent from intuition and past experience. They present a problem, first because they are based on particular experiences and thus cannot be applied universally across all situations. Second, they prevent the knowing subject from acting autonomously. That is, the Kantian ethical act is read as rooted in a person's ability to be self-legislating and to deliberate rationally rather than be moved by incidental feelings and desires, which Kant argues are governed by external forces (Kant 1785, 4:461). Thus Piper insists that in order to proceed ethically, "within the parameters of a rationally coherent, interiorized self, then, desire and emotion [must be] brought under the purview of reason" (Piper 2008, 202). In this way, racist subjects who encounter the affirmation that black subjects indeed do belong to the category of personhood must confront what appears to be an unintelligible anomaly and must reconsider preconceived notions. In contrast, the unethical act would be for them to avert their gaze and deny that the experience occurred or to explain it away (to say that the black object is merely "passing for a person," for example) so as to maintain their own erroneous mastery of reality (Piper 2008, 264). The unethical, for Piper, is to prioritize the false coherency of the self over true transcendental knowledge.

Drawing on this Kantian notion of ethics through rational thought, Piper began working at the level of intuitional representations to provide a catalyst for ethical action. Her art, based in conceptualism and minimalism, tasks its viewers to question what it would mean to remove aesthetics from ethical consideration and focus solely on the concept and its material representation (Place and Fitterman 2009). As Sol LeWitt, one of the conceptual art movement's earliest and most recognized artists, argued,

"Conceptual art is made to engage the mind of the viewer rather than his eye or emotions" (LeWitt 2000). Its challenge to the analytic mind or logic of its beholder was key, so much so that emotions, particularly those one is conditioned to expect in Expressionist art, for example, were thought to "deter the viewer" from his or her viewing experience. Instead, the movement stressed the importance of the process of conceiving the artwork as much as, and often over, the realization of the final product.[55]

Within this framework, Piper's art draws attention to the work of perception itself, particularly through visual technologies. It often follows the idea that "conceptual art is not necessarily logical," as LeWitt argued. "The logic of a piece is a device that is used at times only to be ruined" (2000, 13).[56] In this sense, "logic," as opposed to *a priori* reason, refers to generally superficial conclusions drawn from particular experiences. For Piper, what is often a challenge to rational autonomous thought is that not all universal concepts logically imply all of their instantiations (Piper 2008, 188). The play between visual perception and judgment is unstable. This work asks its viewers to consider the possibility that both "[s]ome ideas are logical in conception and illogical perceptually" and, also, some of our taken for granted concepts limit our capacity to actually know the object (LeWitt 2000, 16, fn2).

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[55] This belief in the dematerialization of art was powerful to such an extent that conceptual art, especially in the 1960s, often consisted of a detailed set of instructions in the form of conceptual propositions and plans, which were often times not even executed by the artist herself; if executed at all, the plans were often carried out by other skilled technicians willing to work on the project.

[56] For example, in Piper's *Sixteen Permutations of a Planar Analysis of a Square*, shapes are laid out in sixteen grids according to a set of previously conceived plans (Piper 1996b). The work pursued two interrelated ideas surrounding logic and the visual. The first was to juxtapose the clarity of the work's plans with the visual chaos of its execution on paper. In doing so Piper hoped to provoke viewers to reflect on how dependent rationality or consciousness might be on the act of viewing. Further, the viewer is provoked to sort through the squares by relying on informational categories that ultimately misrepresent or diminish the infinite ways in which one might otherwise experience them (Bowles 2011, 44). Piper argues that she differs with Kant in this respect.

Cornered

In 1988 Piper took up the question of ethics by centering the accusation of passing and miscegenation in an exhibit entitled *Cornered*. The project's focal point was a single-channel video installation playing on a monitor placed in a white box in the corner of a white exhibit room in a museum. Placed in front of the monitor was a table, overturned, with the legs pointed out toward six chairs left for the "audience." The chairs were positioned in a triangle formation, advancing in a threatening manner towards the table and the monitor. The only other objects in the exhibit were two birth certificates; both were framed and placed above the monitor, on opposite sides of two plain white walls. These were state-issued documents that belonged to Piper's father, one stating his race as white while the other claimed he was "octoroon," and thus, black.[57]

As the video begins, Piper's image appears on the monitor. She is dressed conservatively in a blue dress, pearls around her collar and her hair away from her face, falling over her shoulders. The artist has molded her image to the likes of a nonthreatening, soft-spoken, conservatively dressed woman, and she offers her viewers an endearing smile. The camera centers on her face and Piper says directly, "I'm black." She pauses for emphasis and begins again, "Now, let's deal with that social fact and the fact of my stating it together." With this statement she imposes herself into the space of

[57] When Piper's father was born the hospital filled out a birth certificate for him. When Piper's grandmother noticed the "mistake" on the certificate—it stated that Piper's father was white—she returned to the hospital and asked the administrators to correct it. Because Piper's grandmother and her son were so light skinned, the hospital staff had assumed both were white. They provided Piper's grandmother with a second birth certificate, which stated her son's race as "octoroon."

her onlookers and prevents them from averting their gaze. She performs, at least momentarily, a visible and audible object to be known.

Cornered employs techniques from both conceptual and minimalist art to universalize the "passing experience." Thus, it is not the personal story of Piper that matters here as much as the abstract idea of Piper as an instantiation of the universal person.[58] The image of her as object within the exhibit narrates a logic that betrays the viewers' expectations of the visual, and the stakes of this simple violation are high. Even though Piper was not present in person for this confrontation, she prepared to protect herself from a possibly violent response by placing her image behind the overturned table, keeping the angry public at bay.

In the video, Piper then proceeds to walk her viewers through possible reactions they may have based on their attempts to synthesize what they sense visually with what they are hearing. One reaction, for example, might be for viewers to believe she is "making an unnecessary fuss about [her] identity" when there is no racial problem in the first place. Or possibly, they may believe that Piper is "exploiting an advantage" by exaggerating her black identity to gain attention in the "art world."[59] Either of these reactions would help the viewer avoid the conflict of "dealing" with Piper's claim, and both stem from the expectation, as Piper understands it, that she should simply pass for white. Here Piper alludes to the fundamental request of colorblindness: "Don't ask.

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[58] This is a technique that Piper uses often. For example, she has used a cutout of an Ethiopian woman holding a child and imposed it onto various scenes. There are an infinite number of ways the image can be used as a stand in for the universal.

[59] Piper has received each of these sorts of reactions in the past. One art critic argued in the *New York Times* that Piper's aggressive confrontation of the audience misjudges her viewers and has little effect on their beliefs about race. Piper, however, tells of audience responses to the piece, including one viewer who was so angry he kicked over the chairs and stormed out of the exhibit shouting that no one was going to tell him that he is black. He knows very well that he is white.

Don't tell." The audience's desire for avoidance of the issue confronts Piper with a choice that promises no desirable outcome. To say that she is black invites criticism that she is making a fuss. To say nothing is to tacitly pass for white. "I am cornered," Piper explains. And it is the viewers who have put her in this place.[60]

However, Piper decides to throw herself into this corner full force and in doing so, to present it as the material condition for the observers' existence as much as for her own. But if viewers refuse Piper's invitation to inhabit the corner in good faith, if they claim that Piper's race is simply a "special personal fact" about her and not them, Piper disabuses them of their "self-confidence." Piper backs up this claim of logic with evidence from genealogical studies that report that "most white Americans have between 5 and 20 percent black ancestry." Given the "entrenched conventions" of the one-drop rule, Piper addresses the viewers calmly but assertively: "Think about what this means for you. The chances are quite good that you are, in fact, black. What are you going to do about it?" And with that, the table is turned, and the *Cornered* exhibit becomes a mirror of the racialized corners its viewers most likely inhabit.

Before moving forward with the workings of the mirror effect of *Cornered*, it is important to address the nature of the objects of evidence that Piper employs. What work do the birth certificates and the genealogical studies perform in this interaction? Or, in the framework of conceptual and minimalist art, What are the material conditions of these objects and what concept do they purport to embody? If one took Piper's claim

[60] In *Cornered*, Piper argues that much of the expectation that she should simply tacitly pass has to do with what she calls a false presumption that "it is inherently better to be white" and with her beholders' "inability to recognize the intrinsic value of being black." To declare that one is black is a sort of rejection of the desire to be white and accordingly of recognition of the inherent goodness of whiteness.

of blackness into serious consideration, the birth certificates undermine its force. The irony of the two documents together attests to the inability of this sort of law to speak the truth of racial categories or of how particular individuals fit within them. Here, Piper argues that Kant's moral law moves beyond liberal notions of legality. Piper also cites social science's positivist methodologies of locating and counting the racial traces of American bodies, via geneological studies. Nevertheless, the research lacks specificity. What does it really mean that "most" Americans have "5 to 20 percent" black ancestry? Each of these formal objects of categorization is then explained through what Piper calls "entrenched conventions" of what race is and how it can be known—if only one can locate a "drop" of black blood, there too exists a black body. It is this sort of racialized illogic that has both the viewers and the artist backed into a corner.

Note that Piper's claim, "I'm black," is thus not a claim about racial essence; none of the objects of science or law referenced in her performance can speak to the truth of race, even as each purports to do so. Instead, Piper's claim to blackness is an ironic one. It has to do with the ways in which "entrenched conventions" allow for some selves, and not others, to transcend racial fixation. To claim blackness, for Piper, is to follow not the variety of state laws on race but her form of the Kantian moral law in which a person must never be reduced to an object or means for another. These pseudorational "entrenched conventions" are the basis of xenophobia. They are, thus, unethical for Piper because they render black people objects of value only in their capacity to shore up Western "man's" self-assuredness. Piper's use of the artifacts juxtaposes reason against the visual, the aesthetic, and the senses (that is, desire) as the basis for ethical interpersonal relationships.

To make this real for Piper meant provoking a process of self-reflection by providing viewers with a mirror of the corner into which they have backed themselves. The ethics of *Cornered* is to highlight the investment people have in racial categories as an aesthetics of false ontological difference while taking seriously the material conditions of the racialized subjects/objects' cornering. However, Piper's *Cornered* moves beyond the deconstruction of race as a scientific or legal concept. What comes next is an exercise in political imagining which reworks the categories or antagonisms of race and thus potentially alters the conditions for racial politics. Piper supposes that the viewers will want to conduct their own genealogical research to find out for themselves whether or not they are black. In doing so, they may find that their identity all along has been a mistake and that they and their family "are after all among the black majority." The dematerialization and rematerialization of the racial artifacts allows Piper to question the truth of the law, patriarchal genealogy, and positivist social science knowledge as cornerstones of subjecthood. Her performance instead recognizes the histories of racism that shore up our desires for a coherent self and tasks us with facing vulnerable incoherency in all subjects. If her claim is true, Piper confronts the audience, "What are you going to do? Are you going to continue to pass?" Now it is the viewers' decision to make, for they are the subjects whose aesthetics belies supposed visual logic. The camera closes in on Piper's face. This is the only movement the camera makes, and the intimacy comes now that both Piper and her viewers are found to be in the same corner—she imagines that they might now be in her corner.[61] Piper reaches out, "This is real … you

[61] The possibility of transpersonal intimacy is one that is significant for Piper. Perhaps because of this, she finds the aversion of the gaze so damaging: it is also a refusal of intimacy.

are probably black …. It's our problem to solve. How do you propose to solve it? What are you going to do?" The screen goes to black and the following words appear in capital letters: "WELCOME TO THE STRUGGLE."

Cornered utilizes the purity/toxicity binary to provoke an empathetic solidarity among her audience. Yet what of those for whom blackness is the fetishistic object of desire, those who would love more than anything else to find out that they have a proximity to blackness? In order to interrogate such a desire for miscegenation, we might read Piper's claim that most Americans have "5 to 20 percent" black ancestry alongside Haraway's celebration that "90 percent of human cells" are in fact "filled with the genomes of bacteria, fungi, protists, and such." Paradoxically, contamination holds out a false promise for those who feel trapped within the confines of purity. The flirtation or consumption of blackness, as bell hooks argues, "can be seen as constituting an alternative playground" or a false "transcendental experience" where the white subject/master might enjoy abjection or miscegenation without having to truly give up a long-term position of power (hooks 1992, 367–68). Contamination is a force in the libidinal economy of sovereignty, one that perpetuates this consumptive dynamic of "eating the other" as hooks names it. If the struggle to which Piper welcomes her beholders is that of abolition, it must violate the fantasies as well as the phobias attached to the idea of contamination. It is, thus, to *Food for the Spirit* that we turn to explore the possibilities by which, through the materiality of political struggle or abstraction of theory, blackness might be disarticulated from both the desire for and the anxious vigilance against contamination.

Food for the Spirit

> Abstraction is flying. Abstracting is ascending to higher and higher levels of conceptual generalization; soaring back and forth, reflectively circling around above the specificity and immediacy of things and events in space and time … a dizzying object of contemplation the details of which stun one into panic by their connectedness, significance, and vividness.
>
> Abstraction is also flight. It is freedom from the immediate spatiotemporal constraints of the moment … freedom to violate in imagination the constraints of public practice, to play with conventions, or to indulge them. Abstraction is a solitary journey through the conceptual universe, with no anchors, no cues, no sign posts, no maps, no foundations to cling to. Abstraction makes one love material objects all the more.[62]

In the summer of 1971, Adrian Piper holed up in her New York City apartment, naked, and followed a regime of two months of fasting, yoga, and readings of Kant's *Critique of Pure Reason*. As Piper described it later, she indulged her desire for transcendence by compulsively taking the risk of "losing herself" in her reading and meditation. In doing so, she took on the first *Critique* as an instruction manual. Her reading emerged through the play on abstract, disembodied reason—or flight as she described it—and the profoundly corporeal sensations of hunger, extended muscles, and the stifling heat of her enclosed apartment that New York summer. But it was not just the given material conditions of climate, diet, or exercise that interrupted her flight. Piper found her body's reaction to the possibility of accessing the highest faculties of reason particularly disturbing. She wrote, "my involvement in [the text] was so great that I thought I was losing my mind" (Piper 1996, 55). In another reflection she added that "certain passages were so intensely affecting and deep that I would literally break out into a cold sweat" (55).

[62] Piper 1996, 224.

In these moments of intense flight Piper threw herself into her body for comfort and reassurance, despite having lamented earlier about how prior groundings seemed to suffocate her—trap her in her skin. Filled with the pleasure, but also the anxiety, of moving towards transcendence, towards losing herself, Piper repeatedly interrupted her reading to conduct "reality checks." She would stand in front of a full-length mirror, take photographs of herself, and record her voice while reading those passages of the *Critique* she found most threatening to her self-security. She noted later,

> I would have to stop reading in the middle of a sentence, on the verge of hysterics, and go to my mirror to peer at myself to make sure I was still there …. The sight and sound of me, the physically embodied Adrian Piper, repeating passages from Kant reassured me by demarcating the visual, verbal, and aural boundaries of my individual self, and reminded me of the material conditions of my mental state.[63]

All of the sudden, Piper returned to the very boundaries that she had been trying to violate all along. The possibilities of existing beyond them were too much for her to bear.

The artifacts from this private performative attempt at Kantian transcendental reason were collected and organized into a public art exhibit titled *Food for the Spirit,* over a decade later. Since then the artifacts have been materialized in a variety of ways and by various curators and authors. Although the audio recordings have never formed part of a public exhibit, the photographs have been displayed in a range of manners including single stills of Piper without reference to the *Critique of Pure Reason* or the sequence in which they were initially taken. In 1981 Piper published an essay reflecting on what she called the "private loft performance," and in 1987 she exhibited the images in a black

[63] Piper 1999b, 55.

scrapbook as *Food for the Spirit* at the Alternative Museum, an online open-access forum (Bowles 2011, 207; Piper 1996). For this exhibit, she arranged the photos, not in chronological order, but in order from the sharpest image to the blurriest—the final photo so dark, her form is indistinguishable. Alongside each picture, Piper placed torn-out pages from the *Critique* with her own notes scribbled in the margins. As the photos of her form became increasingly unintelligible, Piper added more torn-out pages of the first *Critique,* until there were no more images of Piper and only images of Kant's metaphysical thinking.

Both the 1971 private performance and Piper's 1981 essay ask the beholder (her and us) to view Piper as a person capable of Kant's transcendental reason. To do so, Piper must consider herself an object to be "known" or apperceived through an interaction between sensorial intuition and *a priori* reason. In focusing on Piper as the object, we are called to reckon with both on the material conditions of her objecthood and her capacity to know.

Visual studies scholar John Bowles laments that "the prevailing assumption about Piper's snapshots is that they are photographs of the artist's body that offer proof of her agency and self-determination" (Bowles 2011, 209). In his view, some women of color feminists and other feminist scholars and artists in particular took up Piper's naked and very public image in *Food for the Spirit* as a critique of the representation of black women's bodies as hypervisible and sexually perverse and of the body itself as a site of contested ideological and physical/sexual control. If much of the resistance to antiblackness has consisted of a politics of respectability and the privatization of black female sexuality in order to be "seen" publically as citizen-subjects, Piper's publication of

her photographs ran across the grain of patriarchal nationalist virtue.[64] For example, her fellow conceptual artist Lorraine O'Grady argued that Piper's artwork was a reassertion of her political and sexual power "as a black woman," thereby reclaiming black woman subjectivity and recuperating the black body (O'Grady 2003, cited in Bowles 2011, 207). However, Bowles charges that this reading misses the point of the art piece, precisely because *Food for the Spirit* aimed to interrogate the notion of a coherent subjectivity itself, particularly in the ways it materializes as an anxious desire for agency (2011, 209). Piper's reality checks and the organization of her images tending towards incoherence explore just this dynamic.

Bowles's caution is significant, yet it may dismiss too quickly the question of the representations of black female sexuality. For example, in doubting O'Grady's reading, he reflects, "Did Piper understand her experiences [in *Food for the Spirit*] as a black woman's? The work offers no clear evidence she did; which is to say that she might have" (Bowles 2011, 207). Bowles seems to go back and forth on this point, acknowledging that Piper had begun at the time "thinking about [her] position as an artist, a woman and a black" (Piper 1996c, 31; Bowles 2011, 207). One must note, however, that Piper's reflections were not a desire to turn inwards but instead were the result of an unwilling contact with the violence of what she calls the "outside world." In

[64] Evelyn Brooks Higginbotham explained that respectability politics "equated non-conformity with the cause of racial inequality and injustice. The conservative and moralistic dimension tended to privatize racial discrimination thus rendering it outside the authority of government regulation" (Higginbotham 1993, 203). The politics of respectability motivates many of the discussions around the cause of state-sanctioned violence discussed in this dissertation. For example, the struggles over the representation of the victims of said violence oscillate between the figures of the good student, honorable child with a "future" ahead of them and the profane, the fraudulent, and the fugitive. Arguments invested in respectability separate out the "truly underserving, innocent" victims of police violence from the criminals "who had it coming" to them. Reading Piper's work as a rejection of respectability fit into much of the black and feminist milieu at the time.

the essay Bowles cites, "Talking to Myself," Piper explains that a number of events occurred in the spring of 1970 that "changed everything for [her]" including the invasion of Cambodia, the Women's Movement, the militarized violence at Kent State and Jackson State, and the closing of City College of New York (Piper 1996c 30). In a later essay titled "Flying," Piper explains that the above experiences "braked my flight a bit, reflecting back onto me, enclosing me in my subjectivity, shocking me back into my skin …. I struggled to transcend both …. It didn't work. I plummeted back to earth where I landed with a jolt" (Piper 1996c, 227). Thus, becoming "conscious" of her racialized and gendered status as a "black" and a "woman" necessarily occurred as a forced grounding within the context of colonial, patriarchal, and antiblack geopolitics. Moreover, as I have argued thus far, how one is read and how one reads oneself is not simply a matter of self-identification. In fact, "identification" is not a choice made through "self-reflection" that one can simply decide to try on. To consider it so, as Bowles seems to in his back and forth, is to allow the conceits of "self-determination" or "self-mastery" in through the back door. While *Food for the Spirit* certainly questions the stability of the subject, the fact of Piper's blackness, of her naked black female signifying body, is inescapably fixed to this explorative project, as Franz Fanon might argue "like a preparation to a dye" (Fanon 2008, 89). Indeed Piper concludes, "those forces [of the outside world] have managed to infiltrate my awareness and thereby determine me and my work in ways that confront me with the politics of my position whether I want to know them or not: I have become self-conscious" (Piper 1996c, 32). This form of becoming, of knowing oneself as a raced and gendered person, is the result of a confrontation with historical and political struggle that forces itself into Piper's work.

The pervasiveness of this confrontation is such that even with the first instantiation of this exercise in pure reason, which was private, Kant had already judged Piper. That is, it is unlikely that Kant would have understood Piper, an Afro-descendent woman, as belonging to the category of "person." In a now infamous passage in *Observations on the Feelings of the Beautiful and Sublime,* Kant speculates that "the Negroes of Africa have by nature no feeling that rises above the trifling … not a single one was ever found who presented anything great in art of science or any other praiseworthy quality, even though among the whites some continually rise aloft from the lowest rabble, and through superior gifts earn respect in the world. So fundamental is the difference between these two races of man, and it appears to be as great in regard to mental capacities as in color."[65] Written before the three *Critiques*, Kant's *Observations* comes with a caveat: he bids the reader to understand his perceptions as derived from "the eye of an observer rather than a philosopher" (Kant 1960, 45). Yet it is evident that even in this earlier writing, Kant has begun to draw on an understanding of the "pure negro" as the epitome of the nonperson, lacking certain *a priori* conditions of knowing and sophisticated feeling (Judy 1993, 111). In *Observations*, Kant begins to draw a correlation between physical and metaphysical characteristics (Gates 1985, xxvi). If human consciousness emerges through the interplay of "feeling" (sensation) and *a priori* reason in which reason ultimately organizes the intuitions, the "Negroes of Africa" are required to stand in as the example of those beings who are "hopelessly bound-over to nature" inasmuch as both refined "feelings" and reason elude them (Judy 1993, 109).

[65] Kant, *Observations on the Feelings of the Beautiful and Sublime* (110–11)

This is key because, according to Kant, it is through "personhood" that beings both have inherent value and are capable of engaging in rational thought and ethical actions. He writes, "Beings whose existence depends not on our will but on nature have, nevertheless, if they are not rational beings, only a relative value as means and are therefore called *things*. On the other hand, rational beings are called *persons* inasmuch as their nature already marks them out as ends in themselves."[66] Kant distinguishes between two foundational characteristics to determine "personhood": being driven by "will" and being driven by "nature." Those driven by the former are capable of containing desire and emotion under the purview of reason and thus, of acting ethically. In fact, it is the sure will of reason that drives the ethical person. Furthermore, it is not just that persons are capable of ethical action, but that they are also deserving of ethical treatment specifically because they are able to reason. In this way, persons are an end in-and-of-themselves. In contrast, "nonpersons," whom Kant designates as "things," are subject to their natural instincts, desires, and impulses. "Things" constitute the outside of personhood*;* their worth is determined as "means" toward another objective rather than an end in-and-of-themselves. In this metaphysical framework, the Afro-descendant is a "thing" for the other.

Thus when O'Grady expresses her desire to reclaim "the body as a site of black female subjectivity," she is pointing to a process of interrogation of the black female body inasmuch as it is damned by Enlightenment epistemologies together with the transatlantic slave trade. To the critique that her desires are retrograde, simply a fantasy proven wrong by poststructuralist thought, O'Grady responds,

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[66] Kant, *The Groundwork for the Metaphysics of Morals* (428). My emphasis.

> It is cruelly ironic, of course, that just as the need to establish our subjectivity in preface to theorizing our view of the world becomes most dire, the idea of subjectivity itself has become "problematized." But when we look to see just whose subjectivity has had the ground shifted out from under it in the tremors of postmodernism, we find (who else?) the one to whom Hartsock refers as "the transcendental voice of the Enlightenment" or, better yet, "He Who Theorizes." Well, good riddance to him. We who are inching our way from the margins to the center cannot afford to take his problems or his truths for our own.[67]

O'Grady's remarks reflect an exasperation with a European episteme that first renders the African and the Afro-descendent nonpersons, in fact *things,* and then critiques them for investing in the possibility of a subjectivity at all. The question of black personhood (along with that of all non-Western colonized subjects) remains a casualty of Western political philosophy.

It would be a misreading to reduce O'Grady's argument about *Food for the Spirit* to a representation of an unproblematized subjectivity for black women in the United States. Instead, O'Grady marks out a historically anchored reading of black women's ontology in a white world—one that is not wholly encompassed by poststructuralism's celebratory death of the subject.[68] In this light, O'Grady's reading of the artwork must be understood as pointing out that Western poststructuralist critiques of the theorizing subject do not contend with the specific question of black subjectivity, or more to the point, with the consistent denial of their subjectivity upon which the Western subject emerges. O'Grady writes that unlike white feminists, "the black female's body needs less to be rescued from the masculine 'gaze' than to be sprung from a historic script surrounding her with signification" (2003, 179). Here O'Grady positions the black woman's struggle as categorically different from that identified in white liberal feminists'

[67] O'Grady (2003, 176).
[68] See Foucault's *Discipline and Punish* (2012).

critique of the male gaze, but also from how it has been articulated by a black middle-class respectability politics.[69] The historic script that O'Grady references is the same one that Hortense Spillers lays out as part of the "American grammar." This logic produces the black woman as seen in myriad representations of commodity, reproduction, and hypersexuality, shaped as a result of, what Spillers calls, "thingification" throughout chattel slavery (Spillers 1987).[70] In contrast to Kant's articulation of the "thing" as a metaphysical concept associated with non-Westerners and Afro-descendants in particular, Spillers centers the work of chattel slavery in the fabrication of the Afro-descendant captive body as "thing," a "*being for* the captor" (Spillers 1987, 67). In historicizing the conceit of Enlightenment metaphysics, Spillers notes how the thingification of the enslaved renders them the actual *means* for white personhood. It is this historic script, which fixes Afro-descendants even post emancipation to the position of the slave—means for the master's end—that O'Grady argues must be contested. Her hope for *Food for the Spirit* is that it be read within the context of this abolitionist struggle.

Piper is certainly confronted with the afterlife of slavery, in her private loft performance. The question that she stages in *Food for the Spirit* is whether the observer (both she and we) can know her as a person with *a priori* capacity for knowing or whether she must be read as a *thing*, standing in front of the mirror, reciting the *Critique of Pure Reason*, attempting to "pass" for a person. The stakes of such a passing accusation for Piper determine not only whether she is capable of knowing and acting ethically, but

[69] See Mulvey (1989) and de Lauretis (1984) for discussion of male gaze and Wald (2000) and Holloway (2011) for discussion on black women and respectability politics.
[70] Recall chapter 2's discussion of Hortense Spillers's "American grammar" as a discursive logic with material and ontological consequences for the African diaspora. That logic stems from the violence of captivity that shapes the "modern African consciousness" (1987, 68).

also whether she in turn merits ethical treatment. The art piece begs for an abolitionist epistemology that can allow her to be "seen" a person rather than be suspected of passing.

In making this demand for an abolitionist way of "seeing," Piper displays herself naked—or as black cultural studies scholar David Marriott describes, unveiled—to be apperceived, examined, measured, and therefore known (Marriott 2013, 15). She dares the onlookers—the "shameface of the embarrassed" and the "not-looking-back of the self-assured"[71]—not to avert their gaze but to meet her in the indexical present. The science of unveiling returns in relation to Piper's *Food for the Spirit* particularly in her nakedness. One might read the bareness with which she presents her body as a demand to know her, not aesthetically—covered with clothes or in narratives about black women that the white world enjoys telling—but as an instantiation of a *pure* concept, the person. She implores herself and other onlookers to choose apperception and not pathological or pseudorational stories to quell the anxiety that incoherence may provoke.

The performance stages an opportunity to know Piper in the indexical present, yet I argue that the dynamic of the passing narrative organizes both space and time such that the indexical present becomes an impossibility. This is because the temporality of the passing regime, the suspicion that undergirds it, and the accusation that results from it are all regulated through anticipation. The passing narrative produces a temporal relationship in which one continuously anticipates the future unveiling of the fraudulent,

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[71] In reading *Food for the Spirit*, Lorraine O'Grady references Hortense Spillers's articulation of the problem. If our project is to own up to the violence of the transatlantic slave trade, particularly as it is shaped by our understanding of the black female body, "neither the shameface of the embarrassed, nor the not-looking-back of the self-assured is of much interest to us, and will not help at all if rigor is our dream" (O'Grady 2003, 176; Spillers 1987, 68).

passing suspect/subject. Likewise, the passing suspect interacts with the onlooker anticipating a future accusation. Both the passing suspect and the onlooker exist only in relation to a future unveiling or accusation.

The dynamic is also oriented towards a past event, a supposed crime that has been committed. And here it is not that the crime is not real, but that the narrative around passing, which is always a narrative that enables disavowal, erases the original crime and replaces it with an allegation of masquerade. Film scholar Kara Keeling draws on Fanon to describe this projection, which denies blacks subjectivity and instead reduces the black subject to "thing": "Within a colonized and civilized society, both 'Black' and 'White' exist as 'problems' and an originary spatio-temporal site of violent trauma has been excavated: [Fanon writes] 'the disaster of the man of color lies in the fact that he was enslaved. The disaster and the inhumanity of the white man lie in the fact that somewhere he has killed a man [sic]'" (Keeling 2003, 97–98). The passing subject then becomes the representative substitution for the disavowed, original crime of chattel slavery and the death of black subjectivity. Within this temporal framing, the accusation of passing is a disorienting one for both the accused and the accuser. It throws the suspect and the onlooker into what Keeling describes as an interval that moves between referring forward towards potential future unveilings and backwards towards an unarticulated violence already committed. Both the passer and the accuser are always too late or too early to coincide in an indexical present.

Given this, the proof of Piper's existence as person is fractured, manifest in her photographic representation (increasingly losing clarity), in her recorded voice (a lost index of the present), and in her interactions with Kant in the form of marginalia. Here

one comes full circle in considering the work Piper has performed with regard to the universality of personhood. That is, as Bowles argues, Piper is certainly interrogating the notion of a coherent subjectivity materialized as an anxious desire for agency. Yet, she cannot engage this question from the place of the universal subject itself. The historical script through which Piper emerges fixes the representation of her body to that of not just the slave and the thing, but also the passing slave/thing. As such, in *Food for the Spirit* Piper's abolitionist project reliant on Kantian universality is foreclosed; she is forced to trespass into the position of the universal subject not simply from the outside but from its disavowed center. As Marriott argues, this performance sets up these supposedly mutually exclusive entities (Piper's body and the disembodied universal person) as a joined "ghostly simulacrum" (2016, 12). No matter how much Piper seeks to unveil herself, to shed the accusation of passing for the universal, she is confronted with Western personhood as a mirage, an unfulfillable promise, not just for her but for the West as well.

Who Eats Whom and Other Dissolutions of Sovereignty

Literary scholar Stephen Best notes a telling equivocation in Harriet Beecher Stowe's solution to the "peculiar" institution of slavery elaborated in *Uncle Tom's Cabin*. Beecher Stowe was highly critiqued for arguing that the only way to appease both abolitionists and colonizationists was for whites to aid enslaved Afro-descendants in leaving the United States and embarking on "their passage to th[e] shores" of Africa (Best 2004, 1). Best notes that in making this argument, Beecher Stowe equates the abolition of slavery with the abolition of slaves themselves. The slipperiness of the argument unwittingly

gestures to what later scholars such as Hortense Spillers and Saidiya Hartman identify as the stubborn presence of slavery that remains far after its legal end. The most profound consequences of that presence is the way blackness in the national imaginary continues to signify the position of the slave, the unfree, and the unsovereign. Best reads the implication of Beecher Stowe's recolonization argument as a concern that "slavery as a system of exchange has perhaps progressed so far as to be linked inextricably to its object of exchange. For sure, there could be no slavery without slaves … abolition requires annulment of the both (not only the form of slavery but the slaves themselves)" (Best 2004, 1). The threat of this future legacy becomes even more pressing after the enactment of the 1850 Fugitive Slave Law, which extended the mandated surveillance and exchange of fugitive slaves beyond the confines of the southern plantation states, and later the 1865 and 1866 Black Codes, which extended the surveillance regime post emancipation. The idea of blackness (an idea rather than a visual truth as the passing narrative makes clear) as a sign of slavery fixed black people as persons when necessary (to convict them of a crime) but also as commodities, to be used for exchange and enjoyment. The ontological consequences of this suturing have led several black studies scholars to question whether after colonialism and chattel slavery, blackness can ever be disarticulated from the position of the slave.[72]

Jared Sexton's rearticulation of the well-known antinative refrain—"kill the settler … save the man"—might be read as turning Beecher Stowe's recolonization solution on its head (Sexton 2016, 4). In other words, the abolition of slavery and the

[72] For example, in his analysis of Food for the Spirit, David Marriott concludes, "blackness has no material or phenomenal meaning outside of its relation to racist representation" (2016, 12).

decolonization of Turtle Island depend upon the eradication of the settler or master rather than the abandonment of the idea of blackness. In part, Piper's artwork follows in this tradition of abolitionism because it turns the question of sovereign subjectivity back onto those who uncritically believe they might transcend their desire for it.[73] *Food for the Spirit* is a reminder that the figure of the slave materializes as the exception to the natural relationship between persons and property (things)—what Best calls "sovereign possession"—particularly because the curious position violates the notion that the first object one owns is oneself (Best 2004, 2). Despite Piper's insistence to the contrary, figuration, representation, and most importantly, aesthetics—Piper's suspect and naked black female signifying body—are what animate the confrontations in both *Cornered* and *Food for the Spirit*.

This plays out in her art and writing, where, in undermining the desire for false mastery, Piper demonstrates her efforts to save the "man" or "person." Yet herein lies the paradox of the category "person" as Enlightenment thought actually offers it to us. This is an embattled personhood in which the play between the Enlightenment reason-materiality binary is not ever resolved.[74] As Fred Moten argues, Kant himself saw this as

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[73] The question for Piper begins with the conceit of false transcendence, which she charged was rampant in the conceptual art community, in which mostly white male artists privileged the concept over the aesthetics of the art piece, leading to a false sense of mastery. Piper confronted them: "We saw that your tolerance for aesthetically anomalous subject-objects did not extend to all subjects as such. We saw that you could not transcend your fear of the color of our skin, our gender, our interests, our idiolects, as effortlessly as you had your fear of the abandonment of figuration, the reduction of painterly abstraction, the intrusion of advertising imagery, the rejection of literality, or even the process of self-alteration" (Piper 1996c, 130). Essentially, some practices of abstraction made it far too easy for the privileged viewer to avert his gaze from the material conditions of political violence towards the fantasies of transcendence (Piper 1996b).

[74] I use the term here drawing on David Scott's reading of Sylvia Wynter's humanism. Wynter's response to this term echoes the ethical act, "kill the settler, save the (hu)man." "[Scott's] idea of an embattled humanism precisely identifies the dilemma," she argues, that "you know that you cannot turn your back on that which the West has brought in since the fifteenth century. It's transformed the world, and central to

an "enabling paradox" in that a person's ability to know is necessarily inseparable from the highly subjective and incidental experience that constitutes its conditionings (Moten 2003). That these moments become vulnerable to the pathological for Moten is more enabling than even Kant allowed. That is because it is often the case that aesthetics, or art more specifically, according to Moten, "deregulates," "cuts," and "augments" the very categories that need questioning (Ibid, 244). Moten concludes that "Kant's philosophy, in its perhaps inadvertent openness to the irrational condition of possibility of rationality, is more radical than Piper's; but Piper's art is a radical improvisation of Kant's philosophical radicalism" (Ibid).

This certainly seems to be the case. In her self-published central work, *Rationality and the Structure of the Self,* Piper insists on rationality as a project of ethics. However, the paradox of rationality is also evident in her scholarship, even as she holds to it dearly. Moreover, this paradox for Piper opens up the possibility of the political as the foundation for both reason and ethics. In the same work, Piper pushes back against what she describes as a reductive reading of Kantian rationality as itself an account of conscious deliberation and consciously held rationality criteria (Piper 2013). She clarifies that conscious deliberation and rationally held criteria are not in themselves proof of personhood. Instead, conscious deliberation is an empirical process contingent on self-consciousness, and the latter is necessary for a coherent or unified self, not the other way around (Ibid). That is, one must have self-consciousness in order to be a person, engage in reason, and act ethically.

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that has been humanism. But it's also that humanism against which Fanon writes [in *The Wretched of the Earth*] when he says, they talk about man and yet murder him everywhere on the street corners…it is that embattled [humanism], one which challenges itself" (Wynter, 1995, 154).

If this is the case, subjection through the materiality of politics is the catalyst for abolitionist epistemologies and ethical action. As mentioned above, Piper recalls of her own experience, that "those forces [of the outside world] have managed to infiltrate my awareness and thereby determine me and my work in ways that confront me with the politics of my position whether I want to know them or not: I have become self-conscious" (Piper 1996, 32. Self-consciousness is not provoked by conscious deliberation as a rational and calculated liberal choice—rather it is the result of being confronted with the political. The opportunity for self-consciousness arises not through the active conservation of the self but through moments of what Fanon describes as shattering, which remind us of the fragility of our "sovereignty" (Fanon 2008, 89) If this is the case, even the "unity of the self" cannot be more than momentary, because the material conditions of politics, of political confrontation, are not static.

In this chapter, I have read Adrian Piper's philosophy and art as an important intervention on the epistemologies of mastery that undergird the accusations of passing explored in the first chapters of the dissertation. Piper's *Cornered* performed an invitation to take up an ethics of vulnerability to contamination or entanglement that later queer and affect scholars argue undermines the coherency of the autonomous subject. Yet what are not question in with this sort of ethics are the ways in which even with entanglement, blackness remains the signifier of contamination, the nonsovereign threat to the integrity of the subject. Piper's earlier work *Food for the Spirit* demonstrates that no amount of nakedness, unveiling, or unmediated presentation of blackness escapes the suspicions that the passing allegation levels at the black subject as suspect. Thus she poses an important question: Is it possible to know blackness otherwise, as an

instantiation of personhood not automatically reduced to toxicity? For this, I argue, an abolitionist epistemology rooted in political confrontations is necessary. Without this sort of way of knowing, the answer to Haraway's political provocation, "Who should eat whom?" will always be reduced to an opportunity for the consumption of blackness in myriad ways.

Conclusion

The Call for an Abolitionist Ethics of Knowing

One of the tasks of this dissertation has been to lay out the ways U.S. narratives of race/gender passing organize and authorize our present ways of knowing the other. The cornerstones of the passing dynamic are located in the histories of chattel slavery and the surveillance and management of black slaves. Slave surveillance limited black mobility throughout the colonial United States, impeding black people's ability to run away and to orchestrate uprisings. The "pass" became a technology used to ensure the sovereignty of the slave property owners and of the settler state. By the nineteenth century, the settler class began using the accusation of fraud to refer not only to the illegitimate *use* of the pass but also to the fraudulent *subject* using the illegitimate pass. Hence the default assumption about black subjects was that they had an innate tendency to engage in fraudulent and criminal behavior. With the passing narrative, the black subject is always already a suspect.

To return to the hunting of Trayvon Martin, then, it is necessary to contend with media representations of the young teen as both black and a criminal. The night of his murder, before asking for any other contextual or identifying details, the dispatcher prompted George Zimmerman to report Martin's race. Heightening the image of black

criminality, Zimmerman added that the teen was wearing a "hoodie" and had "something in his hands" (later it was determined that Martin was holding candy and iced tea). The simple fact of Martin's "walking" and "looking"—of his movement through a gated, suburban, residential area—signaled fugitivity not only for Zimmerman and the dispatcher, but also for many other spectators. The hoodie becomes suspicious as an article of clothing that enables black suspects/subjects to evade surveillance. As if to confirm suspicions, later news reports uncovered that Martin had previously been suspended from school for trace amounts of marijuana (Weinstein 2012). The *Miami Herald* reported that the Zimmerman defense lawyers planned to put the "seventeen-year-old posthumously on trial" (Caputo 2013). According to an archive of the boy's text messages, "In the months and days before his shooting death, Trayvon Martin was getting into fights, getting high on marijuana, getting suspended from school and talking with friends about getting a gun" (Ibid). A selfie of Martin showing his "grill" (gold teeth covering) began circulating the Internet. Further, on a website called GunBroker.com, one entrepreneur began selling paper gun targets with the image of a boy in a hoodie holding a bag of candy and an iced tea in his hands. There was a bull's-eye target on the figure's chest and the face was blackened out. The targets sold out within two days, said the seller, who believed Zimmerman was innocent because he had simply "shot a thug" (Follman 2012). The message was clear: It is still (as it often has been) open season on black subjects/suspects.

The paper targets became a sensationalized representation of the murder of black youth, but they must not be viewed as an exception to the rule. The hunting of suspects, along with the protection of private property, is codified in law in twenty-four states,

including Florida, through "Stand Your Ground" (SYG) legislation. In states without these laws people must attempt to flee the perceived eminent danger before engaging in any violent act of self-defense. Even the National Neighborhood Watch program manual states, "Members should never confront suspicious persons who could be armed and dangerous" (Weinstein 2012). Yet the 2005 SYG law passed in Florida under Jeb Bush asserts that state residents "have no duty to retreat" and instead may use deadly force to confront what they deem to be a "threat."[75] In favor of this law, a former National Rifle Association president remarked, "Through time, in this country, what I like to call bleeding-heart criminal coddlers want you to give a criminal an even break, so that when you're attacked, you're supposed to turn around and run, rather than standing your ground and protecting yourself and your family and your property" (Ibid). The NRA member's refusal to turn around in the event of perceived danger, in one sense, mirrors Martin's own stance the night he was murdered. Yet the assumption of black fugitivity emerging through the passing narrative means that standing one's ground, for black subjects, is deemed a criminal act. In fact, Trayvon Martin's father recalls telling his son, in the sorts of conversations black parents have with their children, that when confronted with a racist situation, he should "*run, because the confrontation isn't worth it. Run, because the confrontation may escalate. Don't stop to discuss it. This is NOT the time to have a conversation about race. If you have to protect yourself, do so. But if you can, just run* (Fulton and Martin 2017, 17, emphasis in original). In the afterlife of slavery, black folks must not stand their ground because doing so signals both criminality and the possibility of death.

[75] Florida statute 776.013(4) states, "A person who is attacked in his or her dwelling, residence, or vehicle has no duty to retreat and has the right to stand his or her ground and use or threaten to use force, including deadly force, if he or she uses or threatens to use force" (The 2016 Florida Statutes, 2016).

The patriarchal conception of white masculinity as vigilant protector of white women, children, and property is once again played out through stances that are tough on crime—or rather tough on "criminals." In states without SYG laws, white male subjects and other property owners serve as the watchmen of a legal state surveillance and containment regime. In states with these laws all white subjects are empowered to engage in the violent hunting of black suspects directly without threat of repercussions.

Thus, narratives on passing have everything to do with notions of sovereignty both at the level of the nation and at the level of the subject. Suspicion and accusations become techniques through which the territorial boundaries of the sovereign are policed. If the sovereign is "he" who has the right to kill, the black suspect is the killable subject. And yet, sovereignty is not only about killing the killable subject but also about enjoying the enjoyable subject. With regards to blackness, this enjoyment more often than not plays out in the realm of the visual. This is true even as liberal subjects perform antiracist politics. For example, four years after Trayvon Martin's murder, media sources—including online newspapers, mainstream television news, and social media platforms—were filled with a video account of yet another law enforcement murder of a black person. In Falcon Heights, Minnesota, Philando Castile was traveling in a car with his fiancé, Diamond Reynolds, and her four-year-old daughter. The police pulled the car over for an alleged broken taillight and ordered Castile, the driver, to show his documents. Castile informed the officer that he had a weapon in the car and a concealed carry permit—another sort of pass—but that he was reaching for his wallet. The police officer shot Castille four times as his girlfriend livestreamed the aftermath with her cellular phone.

There were two consequences of Reynold's filming Castille's murder. First, it documented the sovereign act of killing, and in doing so enabled those who watched the video to appeal to human and civil rights discourse to protest police brutality. Simone Browne refers to moments like this as "dark sousveillance," acts of critique that contend with the violent surveillance of blackness and black people (Browne 2015). Certainly, activists and everyday people have laboriously documented and distributed images of state killings of black men and women with cell phones and dash cameras, and yet, "watching the watchers" has not ended the automatic assumption of black innate fugitivity and consequently the killing of black people. This is in part due to the way in which such images work to confirm, often on a digital loop, black criminality and black death as a banal, if sorrowful output of the sovereign state. Social media users consume these videos regularly and are repulsed by the violence. At the same time, a second consequence of the wide circulation of the video is that it becomes available for liberal spectators to indulge in a sort of enjoyment of the image specifically because their ritualized repulsion provides evidence of their own political righteousness. Here the fungibility of blackness manifests in using the image of black death to perform good citizenship. Hence the simultaneous radicality and agony of the now popular refrain, "Black Lives Matter." To make this claim is to make an argument against the necropolitics performed in the name of the sovereign state and the sovereign citizen subject. In asserting the matter of black life, these activists are necessarily making a critique of sovereignty itself.

Abolitionist Epistemologies

Twenty-first-century abolitionist activists and scholars draw on the work of nineteenth-century abolitionists to demonstrate the persistence of relationships of slavery particularly within the prison-industrial complex. Scholar-activist Angela Davis's groundbreaking book *Are Prisons Obsolete*? makes the argument not only that has slavery been legally extended through the Thirteenth Amendment, which allows for those convicted of a crime to be subjected to forced labor, but that the prison system itself relies on antebellum narratives and practices that criminalize black people. The consequence has been maintaining the image of blackness as the negation of the citizen. For example, in both Florida and Alabama people who have been convicted of a felony maintain the designation "felon" indefinitely and therefore lose many of the rights of proper U.S. citizens (Davis 2003, 38). Ultimately Davis submits that antiblack racism "is so deeply entrenched in the institution of the prison that it is not possible to eliminate one without eliminating the other" (Ibid, 26).

Passing for Free, Passing for Sovereign traces the history of race/gender passing in the United States in order to extend the argument of present-day prison abolitionists. It highlights how the afterlife of slavery is embedded into our very ways of knowing the other. As laid out in the introduction, the passing narrative shapes the modern way of knowing, as an antiblack epistemology that assumes the knowing subject may identify blackness when they see it and will subsequently manage the limits of the nation and its subjects. In this way, as argued in chapter 1, to know via the passing dynamic is to participate in a fantasy of biopolitical mastery that reifies black people as a referent for contamination. Chapter 2 demonstrates the ways in which aversion to miscegenation, or contamination, emerges as an anxiety of national sovereignty itself. The history of

Choctaw refusal of black people as part of the nation builds upon the suturing of blackness to the position of the slave and black women as the reproduction of slavishness. Queer and feminist scholars such as Donna Haraway, Karen Barad, and Mel Chen, who have challenged us to confront epistemological anxieties around miscegenation, point to the heart of miscegenation anxieties. Yet, as argued in chapter 3, because of the ways in which blackness has become an object to be feared but also enjoyed, a willingness towards contamination—towards blurring the lines between the self and the other, the knower and the known—often allows for a fetishistic consumption of blackness and black people that reifies blackness as a contaminant. In response, this dissertation calls for a way of knowing firmly rooted in abolitionist epistemologies rather than in the binaries of contamination and purity that are ultimately still unwittingly invested in the promise of sovereignty. With the work of Adrian Piper we see, however, that the struggle for abolitionist epistemologies, those that are not rooted in antiblackness and settler colonialism, is not fought in the terrain of the "thought experiment," which prioritizes reason. In the attempt to take the place of the knowing universal white master, Piper is confronted with the truth that neither sovereignty nor its negation offers her freedom. Instead, it is in confrontation with the continuous political acts of abolition that might show us the way.

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