

Spinning On Margins: A Rhetorical Perspective on Passing

‘Excuse me, my name is Sara Lewis. By any chance are you black?’

‘No, I’m not.’ Sara took a good look at the thick lips of the white-looking twenty-two-year-old as a few of us stood there with her in the...student center. There was something about the shape of his head that made her wonder. ‘Really?’ She asked. ‘Not at all?’ The student shrugged uncomfortably and hurried past her to the dining hall.

~Graham, 1999, p. 376

My mother’s sister, she’s black, and she used to say to me, ‘You’re going to have to decide what you are, if you’re going to be black or white.’

~Funderberg, 1994, p. 134

Did that woman, could that woman, somehow know that here before her very eyes on the roof of the Drayton sat a Negro? Absurd! Impossible! White people were so stupid about such things for all that they usually asserted that they were able to tell; and by the most ridiculous means: fingernails, palms of hands, shapes of ears, teeth, and other equally silly rot...Never, when she was alone, had they even remotely seemed to suspect that she was a Negro.

~Larsen, 1929, p. 178

One day...the principal came into our room and, after talking to the teacher, for some reason said: ‘I wish all of the white scholars to stand for a moment.’ I rose with the others. The teacher looked at me and, calling my name, said: ‘You sit down for the present, and rise with the others.’ I did not quite understand her, and questioned: ‘Ma’m?’ she repeated, with a softer tone in her voice: ‘you sit down now, and rise with the others.’ I sat down dazed. I saw and heard nothing. When the others were asked to rise, I did not know it. When school was dismissed, I went out in a kind of stupor.

~Johnson, 1927, p.16

In a New York County Courthouse in 1925, Alice Rhinelander was paraded before a jury of twelve men, naked from her neck to her waist. This exhibition was motivated by a claim brought forth by her legally defined ‘white’ husband, Leonard Rhinelander, that Alice had perpetrated ‘racial fraud...’ *The New York Times* reported that Leonard sought an annulment ‘on the ground that the wife had falsely and fraudulently represented herself to be white and denied that she had any Negro blood.’ Alice had allegedly been ‘passing-as-white.’ Her naked body was used by her own counsel...as final and ultimate ‘proof’ that Alice could *not* have perpetrated a completely efficacious pass for...ultimately the corporeal is the surface upon which race is inscribed, that this surface unfailingly articulates racial ‘truth.’

~Ehlers, 2004, p. 313

As you have all the features of a white man, you would, at least in South Carolina, have simply to assume the place and exercise the privileges of a white man...[T]he matter has been adjudicated there in several cases, and on the whole I think South Carolina is the place for you.

~Chesnutt, 1900, p. 172

Introduction

It is easy to imagine that the tales recounted above are little more than tattered remnants of a dark and distant time in American history. However, these representative anecdotes are infinitely more. They are markers for charting the miles our attitudes about identity have traveled over time and for evaluating how much distance we have yet to traverse. As such, stories and acts of racial passing in the United States represent a struggle between self-identity and the social structures into which one is born. From a historical perspective, “passing-as-white” is a strategy of representation through which light-skinned, white-looking, legally non-white Americans attempt(ed) to reconcile “two unreconciled ideals:” their limited opportunities as non-white people in a segregated society with their idealized life goals as full American citizens (DuBois, 1903; Gandy, 1998). Recent scholarship on the phenomenon explains that passing is more than a masquerade. Passing occurs:

when people *effectively* present themselves as other than who they understand themselves to be...[and] when other people actually see or experience the identity that the passer is projecting, whether the passer is telegraphing that identity by intention or by chance (Kroeger, 2003, pp. 7-8).

“Effective passing” is a strategy that forces passers to persuade others of their whiteness to the extent that acts of passing are accepted and authenticated (Ehlers, 2004). In the context of this study passing is, at its core, a rhetorical strategy in the Aristotelian sense as passers observe and utilize all available means of persuasion in the pursuit of happiness. Happiness can be defined here as achieving one’s goals within the general white world of social activity by traversing “the vast veil;” the physical, legal, psychological, and social obstacles structurally embedded between blacks and whites (DuBois, 1903). For passers, playing the “other” often illuminates aspects of their own skins they are unable to shed. For those who observe passers, like Sarah Lewis, the stories are articulations of the multi-dimensional experiences of those who define and are defined by the in-between.

This essay employs social theory, legal precedent, literature and rhetorical analysis to respond to the following specific interrogations: (1) How do acts of passing become communicative behaviors that simultaneously express/deny identity and defy the fixity of institutionally imposed racial identification? And, (2) what does a rhetorical perspective on legal precedent and literature under the context of Structuration Theory reveal about the definitions of racial classification and “passing?” Or, more simply stated, what’s race got to do with it?

This three-pronged analysis of the passing phenomenon will work to call the ideological and epistemological foundations of race itself into question. First, Giddens’s Theory of Structuration viewed through the lens of Aristotelian rhetorical theory will explain the relationship between individual behaviors and institutional structures. Second, a brief review of legal precedent will highlight America’s investment in race as the basis for defining and partaking in social and material privileges that become routine and critical aspects of day-to-day life. Court cases such as *Plessy v. Ferguson*, *Rhineland v. Rhineland*, *Spencer v. Looney*, and *Brown v. Board of Education*, are pivotal points in tracing whiteness from “color to race to status to property” (Harris, 1993, p. 1714). Additionally, these cases address the debate of social versus legal whiteness as the grounds for constituting full participation in society. Third, examples from available literature unmask passing as a rhetorical method through which an individual transitions from black to white by demonstrating whiteness through proofs and dialectical argumentation (Harris, 1993; Johnson, 1912; Hughes, 1933; Williams, 1991; Ifekwunigwe, 1999; LÓpez, 1996; Green, 2004). Review of this literature seeks to uncover the tropes of a vocabulary of passing and reveal passing as a rhetoric wielded to attain economic, political, social, and personal fulfillment in any given situation.

Theoretical Framework: Structuration Theory

Structuration Theory investigates how the concepts of action, meaning, and subjectivity are made meaningful, and how they relate to notions of structure and constraint (Giddens, 1979). The core concern is with recurrent social practices and their transformations. In other words, structures

cannot be separated from human behavior, and larger circumstances can be changed by recursive routine actions. Day-to-day actions are imbued with agency, the capacity to make a difference in the world, because they can be altered at any time (Cassell, 1993). As such, individual actions carry the capacity for bridging the gap between life experienced as it is in one's current social situation and life as it might be if one's situation were altered. In this paradigm, an individual's life chances are both structurally and personally determined (Gandy, 1998).

Structuration is defined as the production and reproduction of systems of social interaction involving four ingredients: rules, resources, social actors, and actions. The interaction of these ingredients is the recipe that generates structured social practices (Cassell, 1993). Rules are defined as the norms, values, and good judgment that govern appropriate social action. Resources allow individuals to exercise power by coordinating their actions with rules to achieve desired life goals (Giddens, 1991; Gandy, 1998). Skilled social actors are those who understand the contexts in which actions are appropriate and inappropriate. Actions are the recurrent and routine behaviors that are made meaningful within, and able to alter, a structure.

Structures provide limits in terms of the rules and resources that labor recursively to instantiate and reshape society at the macro level. These structures are communication tools employed to reduce ambiguities and increase levels of "ontological security" of individuals, whose identities may or may not be in states of crisis. An individual only feels secure to the degree that others accept him/her as a valuable social actor and his/her behaviors as rational and appropriate (Giddens, 1991, p. 191). The basic units of measurement for an individual's ontological security are the recursive routine demonstrations of behavior that instantiate structure.

The primary dilemma is that of fragmentation versus unification. Thus, the heart of Structuration Theory is concerned with unifying a vision of oneself with relation to the narrative of a dominant structure. Further, the theory has three dimensions: (1) to account for human agency and embeddedness of social institutions through routine behaviors; (2) to understand how

subjectivity is inaugurated through the recurrent nature of action; and (3) to investigate the “ontological implications” of social practice and recurrence (Cassell, 1993; Giddens, 1991).

A Rhetorical Perspective on Structuration Theory

As applied to acts of passing, Structuration Theory involves the power struggle through which passers, non-white agents in subordinate positions with regard to mainstream white America, make use of resources available to them in order to reach their desired life goals. A rhetorical perspective reveals passing as a practice of utilizing “in any given case the available means of persuasion,” a practice which persuades through demonstrations of whiteness, or actions that are commonly referred to as “acting white” (Aristotle, 2001, p. 1329; Ehlers, 2004). This underscores the point that a secure individual life cannot be detached from larger social systems and institutions. Through this lens passing can be interpreted as the art of interacting with, and seeking acceptance in, the external and often dangerous general white world of social activity by way of demonstrative and dialectical arguments.

A rhetorical perspective on Structuration theory finds that acts of passing vest the passer’s trust in the dominant racial order and are admissions of his/her inability to influence others or the system meaningfully as a legally constructed non-white person. Passing can also be interpreted as a response to “engulfment,” in which the passer defies the encroaching dominant forces of the racial structure (Giddens, 1991, p. 190). Thus, passers are individuals who “feel deprived of adequate social mastery in a threatening series of personal and social environments” (p. 193). Passing becomes rhetoric when “actors produce and assign meaning, constructing both their identities and the world (Green, 2004, p. 654). So, in order to transcend legally and socially imposed limitations based on race and achieve some sense of “ontological security,” passers adjust their presentations of self to demonstrate that they are as white as any other white person appears. The mark of effective passing is control of craft. Acts of passing are productions regulated by reason, logos, and a production scheme with an eye toward the long term. Thus, it can be argued that passing is a self-regulating scheme of rhetorical production. The only way to survive in this

rhetorical situation is to keep demonstrations of whiteness in balance without offsetting the risk of being found out.

Numerous tales of passing expose it as a double-edged sword wielded to cut through “the veil” and achieve economic, social and personal empowerment (Johnson, 1927; Hughes, 1933; Ellison, 1964; Bennett, 1996; Wald, 2000; Funderberg, 1994; Graham, 1999). In the process, however, passers are injured by losing the ability to express the full complexity of who they understand themselves to be. Passing is a practice based on silence, denial, and severing social ties that is the key to accessing a host of legally protected social, economic, and political privileges (Harris, 1993; Gandy, 1998; Graham, 1999). The challenge investigated here entails why and how “effective passers,” legally defined non-white people who fully transition into mainstream white America, utilize rhetoric to effectively persuade themselves and others that they are white.

Rationales for passing. Acts of passing are frequently sparked by a social encounter in which the passer is made to feel different from whites, and is “shut out of their world by the vast veil” (DuBois, 1903, p.9). For instance, consider Roth’s (2000) narrative description of his passing protagonist’s, Coleman Silk’s, humiliation as he goes about his Saturday afternoon routine and is called a “nigger” for the first time:

And...when he eagerly went off on Saturday with his roommate...and they stopped in Woolworth’s to get a hot dog, he was called a nigger. His first time. And they wouldn’t give him the hot dog. Refused a hot dog at Woolworth’s in downtown Washington, on the way out called a nigger, and, as a result, unable to divorce himself from his feelings...In the segregated South there were no separate identities, not even for him...No such subtleties allowed, and the impact was devastating.

Nigger—and it meant *him* (p. 102-103).

The passer first understands the veil/color line as a cultural barrier to life chances and goals. The feelings of anxiety and personal doubt produced by inhabiting the social status of “nigger” spill into and skew all of the passer’s activities (Cassell, 1993).

Along these lines the decision to pass is also often motivated by the rejection of identifying with a social group whose lived experiences are so painful that they become unbearable. Johnson's (1912) *Ex-Coloured Man* makes this decision after witnessing the lynching of a black man:

All the while I understood that it was not discouragement or fear or search for a larger field of action and opportunity that was driving me out of the Negro race. I knew that it was shame, unbearable shame. Shame at being identified with a people that could with impunity be treated worse than animals (p. 191).

In order to achieve some sense of stability, or ontological security, the passer must bracket out the aspects of his/her identity that are associated with blackness and embrace the aspects of identity that are associated with whiteness. Whiteness is interpreted as a shield from degradation, external domination, and a line of demarcation with regard to privilege, protection, and full autonomous participation in white American society (Harris, 1993; Roth, 2000).

Conyers and Kennedy (1963) cite the primary rationale for passing as the desire "to secure equal cultural, social, and recreational advantages" and the secondary rationale as the desire "to secure economic advantages" (p. 218). In other words, though the economic impulse for passing is significant, on its own it is inadequate for explaining why passers take the physical and psychological risks associated with crossing the color line. Passing is a rhetorical strategy whose objective is to achieve a "fate to be determined not by the ignorant, hate-filled intentions of a hostile world, but, to whatever degree humanly possible, by [one's] own resolve. Why accept life on any other terms?" (Roth, 2000, p. 121). Ultimately, passers wanted to be "human not raced," that is, they wanted to live as whites (Dyer, 1997, p. 4). Becoming white greatly increased the probability of controlling critical aspects of life rather than being an object of domination. It can be concluded that the decision to pass is triggered by a difference in perceived life chances on the other side of the color line.

Rules of passing. Passers undergo the painstaking process of demonstrating whiteness by developing the appropriate responses to both whites via acceptance and assimilation and blacks via

separation and exclusion. They persuade by demonstrating “active mastery” in which their survival is ensured by being able to navigate and triumph over the trials of a racially segregated life (p. 193). Active mastery of the perceived lifestyle variations between black and white people is acquired in terms of what Bourdieu (1984) refers to as “cultural capital.” Cultural capital represents the collection of non-economic forces which influence success such as family background, social class, investments in and commitments to education, and knowledge of the practices of various social groups. Passing, also involves emphasizing and deemphasizing certain physical characteristics and cultural behaviors. The concept of cultural capital brings available resources to individuals and communities by virtue of their social ties and the fungibility of such resources with economic capital into focus. Actors who possess extensive and diversified social networks and who have learned the “proper” manners can mobilize their actions toward attaining economic resources. Passers acquire cultural capital by getting to know whites intimately through the processes of absorbing and bearing witness to the rules of passing: “all of the mundane yet critical things that made up [white] lives” (Harris, 1993, p. 1711).

Cultural capital to aide the passing process is often collected in the workplace. Colleagues frequently engage in communication practices that forces passers to encounter their social positions as non-whites and to learn how to demonstrate whiteness (Hughes, 1933):

I never knew they made a practice of saying such terrible things about us...putting it out that all of us are thieves and liars, or else diseased—consumption and syphilis, and the like...until I started passing and heard their conversations and lived their life (p. 52).

It is quickly learned that dissociation from blackness via silence is a main mechanism of survival (Butler, 1993). Passers inhabit the “worlds within worlds that exist just beyond the edge of [white] awareness and yet were present in [whites’] very midst” (Harris, 1993, p. 1711). Passers tenuously position themselves at the edge of the color line in search of the opportunity to realize their life goals and to be who they are without feeling shackled by discrimination.

In *Our Kind of People*, Graham (1999) delineates the twenty “rules of passing” handed down from one generation to the next. These include and are not limited to: changing one’s surname to one that is not affiliated with black family names; re-creating one’s genealogy to one who is an only orphaned child born of deceased parents who were also only children; geographical relocation; “killing yourself off” in the minds of one’s black family and community; joining specific clubs/groups such as the Presbyterian Church or Republican Party; the realization “that blacks—not whites—are the ones who can threaten...security;” recognizing the physical features that can undermine one’s new identity; avoiding being photographed with other phenotypically black people; and considering adopting a white child (pp. 381-382).

The “rules of passing” instruct passers to alter the structural rules which regulate their interaction with the dominant system by changing their daily actions. Passers constantly negotiate their blackness, which cannot be spoken or publicly exposed. Standing with one foot in the black world and the other in the white world, passers seek to resolve the dissonance between their perceived life chances on either side of “the vast veil” and their desired life goals (e.g. financial security, physical safety, access to social institutions, dignified and humane treatment, knowledge that one is “beating the system,” and full participation in white American society as citizens). In this phase passers begin to experiment with multiple subject positions and to cross social and economic boundaries that are perceived as exclusionary or oppressive. In the short story “Passing” (1933), Jack, the protagonist, describes this feeling in the last letter he ever writes to his nameless black mother:

But I don’t mind being “white,” Ma....It got me this job, Ma where I still get \$65 in spite of the depression...When I look at the colored boy porter who sweeps out the office, I think that that’s what I might be doing if I wasn’t light-skinned enough to get by. No matter how smart that boy’d get to be, they wouldn’t hire him for a clerk in the office, not if they knew it....That’s why I sometimes get a kick out of

putting something over on the boss, who never dreams he's got a colored secretary
(p. 52).

This multiple identity is both fundamentally transgressive of and fundamentally capitulative to the black/white racial structure. As a black person, the passer simultaneously sees the problem of the black world of with its imposed ethic of submission and the white world with its imposed bigotry and limitation. The passer's crisis is resolved by reducing contextual dissonance and increasing ontological security by demonstrating whiteness through the performance of routinized actions that make crossing the color line possible.

Such actions constitute day-to-day routines including: what vacant seat of the train one occupies on the way to work, what job one holds, the area of town in which one resides, where one dines, with whom one communicates, the decision to bear children, and to whom one refers as family and friends (Plessy v. Ferguson, 1895; Giddens, 1991; Hughes, 1933; Roth, 2000; Harris, 1993; Kroger, 2003; Graham, 1999; Spencer v. Looney, 1914). These daily activities are the stepping stones of the passing process. They are instantiated within the context of a black/white (binary) racially biased structure. This structure consists of the rules (laws, rules of passing) plus actions (everyday routines and internalization of dominant structure and passing rules) plus resources (cultural capital and physical capital) plus actors who trust that they will morph into the dominant structure as variables in the recursive equation (passers). See equation below.

Structure	=	Rules	+	Actions	+	Resources
<i>Passing as rhetoric (Rhetorical situation)</i>	=	Laws of race	+	Daily routines	+	Cultural and physical capital

The law provides the rational impetus for rhetorical acts of passing that fit the legal model of whiteness. Next, the laws that determine racial labeling are examined to understand why passers demonstrate whiteness as they do.

The Laws of Race

Legal Definitions. The Supreme Court's transcript of *Plessy v. Ferguson* (1895) demonstrates how and why passers chose to demonstrate whiteness through day-to-day behaviors. Here, passing is interpreted as the act of appropriating a reputation of whiteness in order to achieve desired life goals or "special treatment" as a black person. Thus, in order to lay claim to "the reputation of belonging to the dominant race, in this instance the white race, [which] is 'property,' in the same sense that a right of action or of inheritance is property," (p. 6) passers could in no way afford to be associated with non-whites or non-passing blacks; not even in the same car on a public train. The mere intimation that a passer was not legitimately white could throw his/her entire world into chaos. Passers needed to avoid being "spotted" and "outed."

Laws ensured that a passer could be called into question at any moment, even when he/she "entered a passenger train and took possession of a vacant seat in a coach where passengers of the white race were accommodated" (*Plessy v. Ferguson*, 1895, p. 1). Recursive routinized activities, such as the seat occupied on a passenger train, are embedded in macro-level institutional rules of legal segregation. The case of *Plessy v. Ferguson* is important in this regard because Plessy, an outed passer, sued the railroad company who accused him of being black. Passers realized that they did not have to be legally white in order to take part in the socio-legal privileges associated with whiteness. Nor did passers have to consider themselves white in order to demonstrate effective acts of passing. However, they did have to fiercely protect their reputational interests in being regarded as white. This shows that law and public debate have a reflexive impact on self-identity and lifestyle.

Harris's (1993) investigation of the relationship between concepts of race and property with regard to the law points out that the racial classification of "black" denoted a mixed legal status lying somewhere between property and humanity (p. 1719). This mixed legal status is reflected in the Constitution, individual state mandates, and the "one drop rule." For purposes that benefited whites only, blacks were included in the United States Constitution as three-fifths of a free person. This "Great Compromise," reflected in Article I, § 2, clause 3 of the U. S. Constitution, recognized

blacks as assets who yielded their owners vast benefits with regard to issues such as political representation, taxation, commercial regulation, domestic tranquility, state sovereignty, and interstate relations (Matthews, 2002).

Giddings (1984) explains that the black mother was a serious obstacle with regard to being considered white, or “*effective passing*.” As early as 1667, Virginia state statutes dictated that “[c]hildren got by an Englishman upon a Negro woman shall be bond or free according to the condition of the mother” (p. 37). This was related to the “one drop rule,” which defined the race of a person of mixed descent “in the proportion of seven eighths Caucasian and one eighth African blood...was of the colored race” (*Plessy v. Ferguson*, 1895, p. 1-2). To be considered legally white a person could not have any trace of discernable black blood. The fear of black contamination of whiteness, especially without visible trace, is reflected in Harper’s short story “Open Questions,” when Dr. Latimer states to a colleague:

I understand that in one decade the mixed bloods rose from one-ninth to one-eighth of the population, and that as early as 1663 a law was passed in Maryland to prevent English women from intermarrying with slaves; and, even now, your laws against miscegenation presuppose that you apprehend danger from that source (p. 228).

Thus, the children of black-white unions, even if fathered by white men and phenotypically white assumed the subordinate socio-legal status of black and had to divorce themselves from that side of the family in order to begin passing. Again, the idea that a passer was not legitimately white could ruin all the work he/she invested in being considered white.

Take the case of *Spencer v. Looney* (1914). Legal historian Sharfstein (2003) writes that “*Spencer v. Looney* was one of dozens of cases decided in the eras of slavery and segregation that hinged on the question of whether a plaintiff or defendant was white or black” (p. 1475). In this case the defendant, George Looney, “maliciously” declared that his friends and neighbors, the Spencer family, “(meaning the plaintiff, his wife and their children) are nothing but God damned Negroes, and I (meaning himself, the defendant) can prove that they (meaning the plaintiff, his wife

and their children) are God damned Negroes” (Supreme Court of Virginia, 1914, pp. 2). It is unknown whether the Spencers were a black family in either a legal or cultural sense, but it is clear that they were interested in protecting their reputational interest in whiteness. The transcript is replete with testimonial exchanges such as:

Q. ‘From his lips, nose, yellow skin, how much (negro blood) do you think he is?’

A. ‘From his appearance it looks like to me he had more than one-sixteenth; I don’t know that he has any negro blood in him’ (pp. 6).

This case explains that “calling a white man a Negro” constitutes libel, slander, and violent language. Further, it explains that the racially ambiguous body is deemed capable of speaking fixed racial truth through dialectical argument, or commonly held opinion, such as trust in visibility of the physical characteristics of race (i.e. Black people have wide noses, thick lips, and yellow/brown skin □ Melvin Spencer has a wide nose, thick lips, and yellow skin □ Melvin Spencer is a black person) (Ehers, 2004). Visibility is the methodological technique through which race is created, maintained, and potentially undone through acts of passing. Visibility highlights the meaninglessness of racial differences without a competent observer who tells us who we are (Weigman, 1995). A view that takes passing as rhetoric reveals that it is not the passer’s body that speaks a “racial truth,” but ability of the passer’s body and personality to demonstrate a racial truth in the eye of the observer. This is dangerous because it can explode the myth that equates whiteness with purity and blackness with contagion (Pabst, 2003).

Nowhere is this more apparent than in the case of *Rhineland v. Rhineland*. In this appellate case tried in New York State’s Supreme Court, Leonard K. Rhineland sued to annul his marriage to Alice J. Rhineland on the ground of fraud in that “the defendant (Alice) was a mulatto and did not inform plaintiff (Leonard) of that fact before marriage, but represented to him that she was not at all of colored blood” (Court of Appeals of New York, 1927, p. 1). Although New York State did not pass any legislation outlawing interracial marriages, the social taboo and commonly held opinion virtually forbade it. Leonard sued to preserve and protect his reputational

interest in whiteness; Alice responded by denying that she had any black blood. Ehlers (2004) explains that in order to resolve the issue of Alice's racial identity, she became an exhibit at the trial and was forced to strip from neck to waist in order that the jury could attend to the apparent blackness of her body that any twelve-year-old boy could have recognized (Supreme Court of New York, 1927, p. 1). Alice won the case, establishing that she was not the perpetrator of fraud, not because she was white, but because her body revealed her blackness. Since Leonard was able to observe this body repeatedly over time, the jury found that there was no way that he could not have known that his wife was "incontestably black" (Ehlers, 2004, p. 326).

Plessy v. Ferguson, *Spencer v. Looney*, and *Rhineland v. Rhineland* rely on the idea that race can be proven as categorically observable fact. "One simply needed to be racially literate and ever vigilant" (Ehlers, 2004, p. 325). This racial paradigm hinges on a "visible economy of parts that enables the viewer to ascertain the subject's rightful place in a [Great] racial chain of being" (Weigman, 1995, p. 21). This is related to Aristotle's teleological belief in appearances and in scientific observation as a method for understanding and cataloging the world. See Appendix A.

This idea of race as observable and visible supports the argument for passing as rhetoric in that passing makes use of laws, actions, and resources in a given situation with the purpose of creating conditions of acceptability. In other words, passers submit to the commonly held "good judgment" that places white people at the top of the racial chain of being. This good judgment deems that black people could never evolve into whites, which is exactly what they did via acts of effective passing. Passing is effective when the pass is recognized, validated and uncontested. The end result of this for the passer is some form of "happiness" or goal achievement, whatever that may be (e.g. equal access to opportunity, escape from physical violence, etc.).

The cases illustrate that whiteness functions as, what Nakayama and Krizek (1995) refer to as, a "strategic rhetoric" that constructs itself as a norm through the process of negation by emphasizing difference, exclusion, and prohibition—or, what it is not (p. 291). The attention to whiteness in law defines it as an extremely fragile "tropic-ical illusion" that discursively defines

and inscribes citizenship (Ehlers, 2004, p. 330). White comes to be legally defined as a “non-color, so that when a respondent notes that white means ‘not a colored person,’ the subtext may be the same as the respondent who notes that ‘the person is white with no other blood lines such as black, [latino], asian, etc.’” (Nakayama & Krizek, 1995, pp. 299). Passers stealthily occupy the spaces between these two legally defined polar opposites of black and white.

Effects of legalized race. The lack of protection under the law and social stigma associated with blackness created the context for discriminatory events that set DuBois’s vast veil into position as the color line. Historically, Jim Crow segregation laws and the verdicts in cases pertaining to them proscribed the social and personal encounters between whites and blacks. These laws and verdicts had five main effects: (1) the laws ensured their “separate and inherently unequal” social statuses (*Brown v. Board of Education*, 1954); (2) the laws instantiated distinct social worlds that opened spaces of agency. Passers altered their behaviors and crossed racial boundaries by representing themselves as whites in order to access the opportunity to attain their life goals; (3) laws varied from state-to-state and passers had better chances of effectively demonstrating whiteness by changing geographical location, as evidenced by Chesnutt’s (1900) protagonist in *The House Behind the Cedars* illustrates when he is told to move from North to South Carolina; (4) courtrooms became arenas for calling racial identification into question as defamation of character; and (5) if a person is found legally black, he/she lost access to the social, economic, political, and personal privileges of which they were partaking.

Conclusion

Passers are the center of, what for the rest of the nation, may be a largely unconscious effort to mark the borders of race, class, and self. Acts of racial passing work both to tether and unravel the Gordian knots of race, identity, family, and nation within the United States. A Structural-rhetorical analysis yields four observations: (1) passing is an exercise in persuasion affected by a racialized socio-legal structure; (2) passing engages the theorem of duality of structure. Recursive routine behaviors, such as occupying a seat on a passenger train in the case of *Plessy v. Ferguson*,

constitute macro-level considerations at the same time that macro-level structures give specific meaning to routine behaviors; (3) passing is a practice through which passers find agency by taking on rather than openly resisting the dominant white structure; and (4) passing can be read as a method for breaking down the ontological security of race itself, which is a project of control guided by the perspectives and dilemmas of the individual in the modern age (Giddens, 1991; Johnson, 1912; Ehlers, 2004). A structurational-rhetorical analysis of passing emphasizes the contradictions of self-identity based on race and the deployment of such contradictions for a variety of goals, interests, and desires.

In summation, a Structural-rhetorical analysis of passing provides a more nuanced understanding of race as a shifting social structure that defines life chances and, in the case of “effective passers,” mandates the willingness to acknowledge probability, contingency, and variability. If one of the great problems of the modern age has been “the problem of the color line,” then passing, as explored here, exposes the arbitrary nature of that line. Passing illustrates that to be modern is to live in two worlds, the world of prudential reasoning and the world of that which seems counterintuitive (i.e. “I must deny part of who I believe myself to be in order to become the person who I believe I am). As a modern problem, passing forces us to deal with issues of multiple causality and failure. It also forces us to see that what often seems to be the good life (full participation in American society) may not be when one or more of its elements (whiteness) remain elusive. Passing is a practice through which subjects appropriate the structures of racial demarcation in order to redraw the color line and to experience their lives as white American citizens (DuBois, 1903; Roth, 2000). Furthermore, an analysis of the passing phenomenon highlights the tension between prudential reasoning and living in society at large. Most poignantly, a Structural-rhetorical analysis of passing attests to the existence of the color line as a powerful structure of difference, to the peculiar sensibility of passers to see this line of force in play, and to their creative attempts to traverse this formidable obstacle that trapped them, by accident of birth, on the less fortunate side.

Appendix A



Quiz from *Ebony* magazine, April 1952

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