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Author(s): Lee Edelman

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Intervention

Occupy Wall Street: “Bartleby” Against the Humanities

Lee Edelman

On August 11, 2011, Mitt Romney, while pursuing the Republican nomination for the presidency of the United States, appeared before a crowd at the Iowa State Fair to argue for cutting government spending instead of raising taxes on people. When a heckler called out the alternative of raising taxes on corporations, Romney responded with the now famous phrase, “corporations are people, my friend.”¹ In a climate of intense political debate over income inequality, corporate bailouts, unregulated Wall Street speculation, illegal mortgage foreclosure practices, and seven-figure executive bonuses, this response seemed to crystallize, for many in the United States, the continuing appropriation of democratic institutions in order to protect and enrich corporations, at least those considered “too big to fail,” at the cost of ordinary citizens whose economic failures could be taken in stride. The following month, on September 17, the Occupy Wall Street protests began. With the encampments in Egypt’s Tahrir Square as their model, hundreds, later thousands, of people showed up to represent “the 99 percent,” those whose needs, as the protestors saw it, had been sacrificed for the sake of big banks, mortgage lenders, and other corporations whose campaign contributions bought all-important influence with elected officials in both major political parties. Just a few weeks later, on October 11, two months to the day after Romney identified corporations as people, Hannah Gersen, a freelance writer with experience as an assistant for a Wall Street law firm, posted an article on a blog called *The Millions* titled “Bartleby’s Occupation of Wall Street.”²

Focusing on the central character in Herman Melville’s “Bartleby, the Scrivener,” which bore the subtitle, “A Story of Wall Street,” when originally published in 1853, Gersen’s article proposes that the cadaverous young man who refuses, in the course of Melville’s tale, either to continue his work as a copyist for a Wall Street lawyer involved with mortgages or to vacate the

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office in which he also secretly squats by night, might serve as a figure for the Occupy movement's resistance to Wall Street today. Gersen dismisses mainstream complaints that the Occupy protestors in Zuccotti Park had no plan for the future, no clear-cut demands, and no leaders through whom they might speak. All that, she declares, is irrelevant. "The parallels between Bartleby's peculiar form of rebellion and the protestors of Occupy Wall Street should be obvious," she writes. "The point of Occupy Wall Street . . . is to put a face to America's dwindling middle class. There is no need to be any more specific than that."³ Countering the claim that corporations are people, the Occupy movement offered people themselves in the act of reclaiming their personhood. And just as the protestors, in Gersen's view, gave a "face" to the "middle class," so Bartleby, in the logic of her essay, could equally lend his face to them. For the people must implicitly supplement the collective presentation of their personhood with a figure whose pathos can underscore their subordination to corporate interests, a figure, that is, in which "the people," as collective abstraction, could incorporate themselves. This brings me to the first of the ironies from which my meditations on Bartleby, Occupy Wall Street, and the humanities take off: to counter the prerogatives of corporate personhood, the expanding influence of corporations conceived, as a Supreme Court decision had already asserted in 1819, as "artificial being[s]" endowed with some rights that are vested in "natural persons," the Occupy protestors insist, instead, on the preeminent rights of the "natural person."⁴ But Gersen makes the case for the natural person over corporations as "artificial being[s]" by adducing the figure of Bartleby, no more than an "artificial being" himself. And this invocation of Bartleby in relation to the Occupy Wall Street movement quickly took on a life of its own. Just four days later, *The New Republic* published an essay by Nina Martyris that argued for the relevance to the protestors in Zuccotti Park of Bartleby, "the patron saint of civil disobedience," in her words.⁵ Referring to Bartleby's recurrent phrase, the memorable "I would prefer not to" with which he responds to his employer's requests, Martyris asserts that "the power of NO is what O[ccupy] W[all] S[treet] should harness." And to help it do so, she ends her essay with a modest but telling proposal: "The 'Ninety Nine Per centers,'" she writes, "could start by changing their meaningless Facebook profile picture of a ballet-dancer pirouetting on the back of a bull and putting a scrivener there instead. In one stroke they could project the image of a dignified predecessor and compatriot—an educated but home-

less vegan (Bartleby only ate ginger nuts) who looked languidly down at Mammon, which tried but failed to buck him.”⁶ From Gersen’s description of Occupy Wall Street as the face of the middle class to Martyris’s call for Bartleby to become the movement’s face on Facebook, Bartleby emerges as the avatar of the spirit of resistance for those asserting the rights of humans over corporations as artificial beings. The struggle for US economic justice at the beginning of the twenty-first century thus finds a face for the value of the human in a fictional character, an “artificial being,” from a nineteenth-century tale.

Just a few days later, a man named Zach, assisting at the Occupy Wall Street Library, is photographed wearing a T-shirt emblazoned with Bartleby’s famous phrase. And shortly thereafter, on October 25, the library’s blog prints that photograph as part of an essay by Michele Hardesty, a literature professor at Hampshire College, discussing the timeliness of Melville’s story in the context of the Wall Street demonstrations. Hardesty finds “Bartleby” “an evocative but not perfect analogy for the present moment”—not perfect in part because, as she writes, “such a rich story could never be a neat analogy—or supply brief slogans—and the strength of ‘Bartleby’ lies in the way it escapes singular interpretations.”⁷ I’ll be returning shortly to this framing of literature, the framing that recurrently justifies its place at the center of the humanities even as it frames the university’s larger justifications for the humanities themselves; but for now let me mention in passing a second irony made visible here. Even as literature, like the humanities, is celebrated for its relevance to civic engagement and social transformation, the faults in its join to the social get expressed as the putative surplus of literary over political interpretation. In the context of Bartleby’s enshrinement as the face of a protest against income inequality, it’s ironic, if understandable, that the limits of the analogy are attributed to the reduction, the interpretative impoverishment, that overtly politicized readings produce on what Hardesty calls “such a *rich* story.” To the extent that it succeeds as a work of art, the tale, according to Hardesty, “escapes singular interpretations,” by which she means that its literary richness, its aesthetic worth, exceeds them. Though his own resistance to his rich employer may give Bartleby political value, the richness of the story, for Hardesty, resists such constraints on what Bartleby means. Instruction in resistance to singular interpretation, for Hardesty, as for most contemporary defenders of the humanities, underlies literature’s singularity by distinguishing literature from the referential transparency

presumed of political claims. Hence the importance, from this perspective, that *Bartleby* not be read as merely an instance, a genre, a kind: that he not be made a corporate body stripped of aesthetic complexity. The text most famous for its unsettling iterations of *Bartleby's* mechanical slogan must not, Hardesty tells us, be made to supply "brief slogans" itself. Where the protestors may take the poor scrivener as the icon of their challenge to corporate wealth, that very gesture, for partisans invested in literary richness, betrays a logic of corporate branding, marketing, and commodification. But does the irony implicit in this reversal emerge from a literary or a political analysis? Can literature separate itself from politics without proving itself political? Can political discourse escape the overdetermination of the literary? Just what, in the context of Occupy Wall Street and its mobilizations of "*Bartleby*," is the politics of the literary and what does it have to do with the humanities and the power of corporations?

To broach these questions, we first need to track our story one step further. For the week after Hardesty's blog post appeared, she returned to this theme in another entry that observed in its opening sentence: "*Bartleby's* positive refusal continues to resonate with the OWS movement."⁸ And she offered more tangible evidence. To show its solidarity with Occupy Wall Street, the Housing Works Bookstore Café announced its plans to sponsor a public reading of "*Bartleby, the Scrivener*." This reading, which was organized in conjunction with the McNally Jackson Bookstore, the publishers Melville House and Farrar, Straus, and Giroux, and various authors, including Stephen Elliot and Justin Taylor, took place on November 11 in the atrium at 60 Wall Street. In choosing "*Bartleby*" as the text for the occasion, the organizers, according to Taylor, set out "to evoke the long history of refusal that informs and enlivens OWS."⁹ Insisting on the importance of such radical refusals and their performance in public spaces, Taylor added: "the first step toward building a better world is asserting that the present state of affairs is intolerable and cannot be allowed to continue."¹⁰ This refusal to accept the world as it is, this rejection of normativity, coincides with what I'll be discussing as *Bartleby's* queerness in the following pages. But to understand what's at stake in that queerness, to see why it matters in thinking about politics, literature, and the humanities, we must stay with the public reading and the notion of singularity for a few minutes more.

An article about the reading appeared in *Library Journal* the day after it took place. In that article, Molly McArdle wondered if *Bartleby* was the most

appropriate icon for the Occupy movement after all: “for all of Bartleby as ur-Occupier,” she wrote, “what has always struck me about the story is the character’s profound aloneness. One could, and I’m sure many have, read the absence of Bartleby’s relatives or friends as the scrivener’s rejection of the hegemonic, rigidly classist structure of a family and connections—the stuff of which so many nineteenth-century novels were made—Bartleby’s solitude as protest of all things nuclear and patriarchal. But it’s strange to do so in light of yesterday’s reading and this year’s Occupy movement, which is all about solidarity and community, the creation of new societal structures.”¹¹ If the political analogies about which Hardesty had expressed reservations just two weeks earlier forced Bartleby’s plurality of meaning into the “singular interpretations” expressed in “brief slogans,” then here, in McArdle’s view, the collectivity essential to political community proves ill-matched to Bartleby’s singularity. Though the singular, in this sense, already points us in the direction of the queer (opposing, to be sure, the “structure of the family” and “all things nuclear and patriarchal,” but also, and perhaps more significantly, the notion of “community” as such), it’s that very singularity, the pathos of Bartleby’s exclusion from every social role but that of employee, that equips him so well to serve as the Occupy movement’s “human” face—or the face, at least, of one whose humanity seems to tremble on the brink of extinction.

Bartleby’s iconic function, that is, both in the story and for Occupy Wall Street, derives from the dignity of his resistance to power, his refusal of specific demands or requests, and his poignant lack of connection to the world that would make him comprehensible. The lawyer who narrates Melville’s story (and who does “a snug business among rich men’s bonds, and mortgages, and title-deeds”) describes Bartleby in the opening paragraph as “one of those beings of whom nothing is ascertainable, except from the original sources, and, in his case, those are very small.”¹² From his first appearance the scrivener seems, to the narrator who will soon employ him, an image of life’s withdrawal into a stillness beyond itself. Seen standing one morning “motionless” on the threshold of the lawyer’s office door, Bartleby, in the narrator’s account, looks “pallidly neat, pitiably respectable, incurably forlorn” (66). The pathos attached to his presence is linked to the liminality he never escapes, as if he were *always* on a threshold, poised uncertainly between life and death, between relation and its absence, and never coming into focus as more than the localization of the distance between being and being known. Even his habits while copying, before he announces his preference not to,

seem colored by the impenetrability marking Bartleby himself; the narrator recalls him at his copy desk working “silently, palely, mechanically” (67). Though scribes, in the lawyer’s view, make a “singular set” (59) on the whole, Bartleby evinces, within that set, a singularity of his own. Small wonder that the copyist, described by the lawyer as “singularly sedate,” first sounds his resistance to his employer’s demands “in a singularly mild, firm voice,” pronouncing the fateful, “I would prefer not to” (68), that from that moment on will define him. What singularizes Bartleby in the lawyer’s mind, though, is not just the singular commitment expressed in his unwavering assertion, but also the absence of any apparent affect as he voices it. He displays, as the narrator tells us, not the “least uneasiness, anger, impatience or impertinence,” not the slightest trace, as the lawyer adds, of “any thing ordinarily human” (68). But far from disqualifying Bartleby from the task of embodying some human essence, this lack of the “ordinarily human,” this unsettling singularity, will be viewed by the lawyer as its surest sign.

One might even say that it’s to incorporate Bartleby as the paradigm of the human that his employer, become the tale’s narrator, employs him and the tale alike. You’ll recall, for example, that the narrative, which begins with the flattest of opening statements, “I am a rather elderly man” (59), concludes with a famous outburst of passion: “Ah, Bartleby! Ah, humanity!” (99). Though this lyric effusion must seem, at first blush, incongruous in the mouth of the lawyer, what moves him to such emotion is nothing less than his triumph in moving from constative utterance to performative effusion, from prosaic particularity to the poetic universal: his triumph, that is, in constructing Bartleby as a figure for humanity as a whole and so as the very token of the lawyer’s own literary success. Framed in this way by the lawyer, Bartleby’s singular impenetrability can speak to a universal condition, expressing the “pallid hopelessness” of one for whom every “errand of life” (99) seems vain in a world of death and despair. Incurably forlorn but singularly mild, refusing to labor but never a militant, Bartleby, in the lawyer’s depiction, evokes the mystery of a being at the limit of the human and gesturing toward its own beyond. In doing so, he defines the human as inherently self-transcending and, therefore, as what no human can ever plausibly hope to fathom. By virtue of this logic, though, Bartleby’s unfathomability, his lack of “any thing ordinarily human,” which so profoundly unsettles the lawyer, submits at last to being fathomed: fathomed as the sign of Bartleby’s participation in a universal humanity.

However much it associates Bartleby with hopelessness and despair, this humanizing reading gives the lawyer who proposes it a genuine sense of relief. By making Bartleby recognizable it brings the scrivener back to the human community that he pointedly refused. But the lawyer can achieve this recuperation only after Bartleby's death, and only by permitting his imagination to fill in the gaps in his (and our) understanding of "who Bartleby was" (99). On the basis of an unconfirmed rumor about Bartleby's life before he showed up on Wall Street—a rumor "that Bartleby had been a subordinate clerk in the Dead Letter Office at Washington" (99)—the lawyer spins out a fantasy designed to make Bartleby make sense, a fantasy rife with the morbid sentiments that, as readers of Dickens know well, add just the right touch of piquancy to let us enjoy our lot all the more:

Conceive a man by nature and misfortune prone to a pallid hopelessness, can any business seem more fitted to heighten it than that of continually handling these dead letters, and assorting them for the flames? For by the cart-load they are annually burned. Sometimes from out the folded paper the pale clerk takes a ring—the finger it was meant for, perhaps, moulders in the grave; a bank-note sent in swiftest charity—he whom it would relieve, nor eats nor hungers any more; pardon for those who died despairing; hope for those who died unhoping; good tidings for those who died stifled by unrelieved calamities. On errands of life, these letters speed to death (99).

So moved is the lawyer by these self-conjured phantoms intended to make Bartleby comprehensible that he produces the twin exclamations, simultaneously mournful and triumphant, with which the story ends: "Ah, Bartleby! Ah, humanity!"

And that, for Occupy Wall Street, is the end of the story in more ways than one. In an article published a week and a half after the public reading of "Bartleby," Lauren Klein quotes H. Bruce Franklin, a prominent Melville scholar, as follows: "we can never know who or what Bartleby is, but . . . we are continually asked to guess who or what he might be."¹³ Klein tells us that this is the "function of the story" and the "obligation of its readers" and aligns this obligation with the politics of Occupy Wall Street: "to extend this from the literary to the political realm, when presented with a person's resistance—passive or otherwise—it is the obligation of observers—indeed of all in a democratic society—to think about the possibilities of what that person might stand for, even if we cannot pinpoint a single issue, meaning, or demand."¹⁴ Could anything speak more clearly to our sense of the purpose and the value of the humanities—to their value, that is, in helping us

know ourselves and each other more fully by insisting that even what resists comprehension can be colonized by imagination? Consider, for example, these words from the 1980 report produced by the Rockefeller Foundation's Commission on the Humanities: "by awakening a sense of what it might be like to be someone else or to live in another time or culture, [the humanities] tell us about ourselves, stretch our imagination, and enrich our experience. They increase our distinctively human potential."¹⁵ Yet this value emanates in Melville's tale from the well-to-do Wall Street lawyer and gets reinforced by the corporate managers of the United States today who shape the institutions, including the academy and the various foundations (Rockefeller, Carnegie, Mellon, Ford), on which the humanities depend. For the task of the humanities, in such a light, remains to affirm the human and so to reproduce the ideological fantasy that the human as concept sustains. The work of that concept, in no small part, is to produce a fiction of community, however large or small its scale, that rests on the constant aesthetic demonstration of the sameness at the core of the human: the sameness that makes us, in one fell swoop, comprehensible in our opacity and collectivizable in our singularity.

That fantasy may be put to progressive ends by reducing our fear or anxiety about what could seem, at first glance, wholly foreign, and permitting us, instead, to see ourselves in what presents itself as different. But it works in the other direction too by maintaining that only such sameness to ourselves could make those differences tolerable. The progressive insistence that we're all alike is not that far from the reactionary claim that what's valuable is what's like us. In both cases whatever holds fast to its difference, resisting appropriation to sameness, resisting even sameness to itself, gets read as the radical threat of an otherness essentially inhuman. When we "think about the possibilities of what [a] person might stand for," to quote Klein on the political imperative of reading *Bartleby's* resistance, we may extend our capacity to know the world through sympathetic imagination, but by making a person stand for something, by making her or him a figure for whatever we project, we make that person a screen on which, like the lawyer, we see no more than what we're predisposed to imagine. Such a person, therefore, like the corporation, is an artificial being. Or to carry this one step further, while the Occupy movement may resist the equation of artificial beings with natural persons, "*Bartleby*" reminds us that natural persons are artificially constructed, that both "natural" and "person" operate as ideological fictions.¹⁶

We need only remember our nation's own history and Justice Curtis's dissent in the Dred Scott case in which he quotes Judge Gaston on the status of the enslaved in the colonies before the Revolution: "Slaves were not in legal parlance persons, but property," he observed.¹⁷ From what we call a humanistic perspective, we affirm that the personhood of those enslaved ought never to have been in question because personhood, like the foundational claim that "all men are created equal," ought to have been, as the Declaration of Independence puts it, "self-evident." But whatever we call "self-evident" reflects the biases of the self; hence the personhood historically denied to the enslaved can now be extended to corporations not because truth's self-evidence is either forgotten or denied, but rather because the ever-elastic category of personhood, like everything to which we attach the performative claim of its self-evidence, retains the literary provenance that marks it as a fiction. Even the framers of the Declaration, after all, had to "*hold*" their truths "self-evident," had to assert them at the outset to *render* self-evident what hadn't been before. When Justice Taney, writing the decision for the majority in Dred Scott, denied that the phrase "all men are created equal" could possibly have been intended by its authors to refer to those being kept as slaves, he made clear that whatever else it might be, that phrase was *not* self-evident. The labor of creating self-evidence, of making the "natural" seem intuitively obvious and therefore unexceptionable, occupies politics and the humanities both, even when they explicitly resist it. Every deconstruction of humanism relies on a logic whose structuring principles appeal to self-evidence in the end. And the queerest politics will base its claims on natural rights that emerge from the shifting fictions of social bonds.

Thus the lawyer's exclamations at the end of "Bartleby" aspire on his part, if not on Melville's, to present as self-evident that the now-deceased scrivener, who in life refused charity, companionship, and the lawyer's best efforts to understand him, embodied, despite this, the very essence of a pitiable "humanity." In leading us to this recognition, the lawyer, or so he would have us believe, expresses his own "humanity" by displaying his moving capacity to be moved by what he so vividly imagines. Doesn't the corporate funding of the humanities work in similar ways? When ExxonMobil sponsors Masterpiece Theater or Goldman Sachs the Metropolitan Museum of Art, they purchase their humanization by contributing to the work of affirming the human. So the government bailout of Goldman Sachs in response to the economic crisis (itself fueled by Wall Street's relentless pursuit of profit at

any cost), permits Goldman Sachs to contribute its support to the Metropolitan Museum, in return for a corporate tax break and public recognition in an advertisement in the *New York Times*. It thus reasserts its humanity through its commitment to the humanities, for which, of course, in this roundabout way, noncorporate persons pay. The ad, which appeared in the *New York Times* on March 19, 2012, celebrated a raft of corporate sponsors (Goldman Sachs among them), but the image from the museum's collection used to invoke their civic mindedness depicted a man in boat, not a raft. For the painting was Ernest Gottlieb Leutze's *Washington Crossing the Delaware*, the anodyne exemplar of the culture that corporate sponsorship promotes. In this framework, the humanities, like General George Washington, cross boundaries only to consolidate the state and thereby shape the discourse of the human in ways conservative by definition: conservative insofar as they aim to conserve the use-value of the human as a mask for the machinery of production we're all conscripted to support.

In funding the humanities, corporations get more than just tax breaks and public recognition; they buy, which is much more important, a means of shaping an ideological fantasy of a coherent human community beyond the lived experience of social contradiction and structural antagonism, a community wherein the fractures to which, like *Bartleby's* employer, they contribute, seem resolved in the commonality to which the humanities attest. Not that the aesthetic education to which the corporate humanities are devoted excludes the prospect of debate or the performance of conflicting points of view. But even those conflicts are made to confirm the richness and vitality of the human, which thereby reinforces its value as a means of securing, as collective value, collectivity itself. As the British Council announces in explaining its financial support for the arts and humanities: "Great art and culture inspires us, brings us together and teaches us about ourselves and the world around us. In short, it makes life better."¹⁸

In an article published in *Academe* called "The Humanities on Life Support," Ellen Schrecker reviewed recent books on higher education in America and drew attention to the work of two major scholars invested in rethinking the humanities: Geoffrey Galt Harpham, currently the director of the National Humanities Center, and Martha Nussbaum, who teaches law and ethics at the University of Chicago. Quoting from recent books by these two major scholars, Schrecker efficiently summarizes how we think about the humanities in America today: "The humanities, Harpham as-

serts, offer the knowledge that [to live in a human—and humane—society] requires ‘an awakened understanding of oneself as a member of the human species, a heightened alertness to the possibilities of being human.’ Along with that self-awareness, he notes, the humanities also create ‘the capacity to sympathize, empathize, or otherwise inhabit the experience of others.’ Nussbaum agrees; the sympathetic ‘ability to imagine . . . the predicament of another person, along with the ability to think for oneself,’ are the ‘skills that are needed to keep democracies alive.’¹⁹ But thinking for oneself has never had any fixed connection to democracy; and sympathetically imagining another affords no guarantee of justice. After all, if that other person is what some might call a fetus, personhood here revealing once more its status as ideological fiction, then “sympathy,” depending on where it falls, may justify acts terroristic to some, but deeply humane to others. Only a humanities designed to affirm, for its corporate and government sponsors, the harmony of social values (whether local, national, or universal) could offer such a vision of sympathy as its intellectual goal. Politics may depend on the capacity to encounter what exceeds our own subjectivity, but simply imagining other subjectivities from the perspective of our own assures no particular political transformation.

Melville’s story, which invites us to read it as the narrator’s advertisement for himself, as a flattering display of the insight and feeling induced in the smug man of business (self-described as “eminently *safe*” [60]) by his encounter with the “strangest” (59) of scribes, offers an implicit critique of this dominant corporate framing of the humanities. Faced, you’ll remember, with Bartleby’s intransigence, his refusal either to perform his job or to vacate the office he occupies, the lawyer, unwilling to evict the copyist or to have him “collared by a constable” (91)—a scruple apparently foreign to many in positions of power today—determines to give up the chambers he rents and locate his offices elsewhere. But what the lawyer himself is too tender to do, he leaves to those who come after. And sure enough, his former landlord, urged to action by his new tenants on discovering that Bartleby comes with the office, has the scrivener removed as a vagrant and sent to the prison called “the Tombs.” There, preferring not to dine, and aloof from every community, Bartleby, referred to as “the silent man,” dies quietly a few days later, as if maintaining to the very end his preference for the negative. In the wake of this death, the lawyer, far from heartless throughout his ordeal and open to anything that might have reconciled the scrivener to normative life, feels

compelled in the name of that norm itself to positivize Bartleby's negation, to turn it to a profit, by making both it and Bartleby speak to a universal "humanity." He assuages the guilt he carries for the part he played in Bartleby's fate (recall his words on abandoning Bartleby to the empty Wall Street office: "something from within me upbraided me" [91]), by attributing Bartleby's eccentricity, which he'll portray as a type of "derange[ment]" (97), to the heightening of Bartleby's sensitivities during his time in the Dead Letter Office. The never-to-be-delivered letters he imagines as causing the scrivener's despair—a despair evinced in the preference not to copy the letters of the law—find their answer, their redemptive counterpart, when the man of business turns to writing and becomes, with his tale of Bartleby, a man of letters himself. We might say he produces "Bartleby" to make Bartleby disappear, to eliminate the rupture, the negative preference, at odds with social totality and to make Bartleby, in his singularity, merely a copy of the human. Much as the corporate humanities do, and as Occupy Wall Street does as well in appropriating the scrivener to its cause, he turns the resistance to human community, the preference not to be integrated into the order of sociality, into yet another instrument of social affirmation.

But the story in which Melville sets before us the story told by the lawyer, though it coincides letter for letter with the story produced by the lawyer himself, resists, as does the scrivener, such an erasure of what resists. Contrary to Lauren Klein's assertion, our political obligation in the context of Bartleby is not "to think about the possibilities of what [the person who resists] might stand for," but rather to interrogate the politics of making him "stand for" something in the first place. Bartleby, with his persistent iterations of what Gilles Deleuze describes as his "formula," speaks to the tension between standing for something and engaging in an act.²⁰ To stand for something is always to accede to a logic of social exchange that consolidates its figural economy as a totalized field of meaning. But an act, by breaking from the framework of legibility itself, denies the closure that such a framework imposes in the form of its own self-evidence. By refusing to submit to the regulative norms of community and communication, the act insists on something else, on a preference that negates what is.

Far from a socially compliant mode of sympathetic imagination, it compels a violent encounter with something radically unimaginable, inspiring, in turn, the mimetic violence of communitarian self-assertion. The lawyer at first may vacillate before Bartleby's unyielding, "I would prefer not to,"

but he recalls a more choleric response by one of his employees: “‘*Prefer not, eh?*’ gritted Nippers—‘I’d *prefer* him, if I were you, sir’ . . . ‘I’d *prefer* him; I’d give him preferences, the stubborn mule!’” After telling Nippers, in response to this outburst, “I’d prefer that you withdraw for the present,” the lawyer succumbs to self-consciousness about his unintended choice of words: “Somehow, of late, I had got into the way of involuntarily using the word ‘prefer’ upon all sorts of not exactly suitable occasions. And I trembled to think that my contact with the scrivener had already and seriously affected me in a mental way. And what further and deeper aberration might it not yet produce?” (81). The aberration of Bartleby’s speech act, with its indifference to social norms, condenses itself for the lawyer in that single word: *prefer*. That word, however, not only begins to obtrude on the lawyer’s own speech, but also makes its way into that of his other copyists, too. When one of them observes to his boss, for example, “I was thinking about Bartleby here, and I think that if he would but prefer to take a quart of good ale every day, it would do much towards mending him,” the lawyer responds with a certain excitement: “So you have got the word, too” (81). But the employee fails to recognize what word the lawyer means, and when finally made to understand, he replies in a way that sunders the logic by which words and meanings are bound: “Oh, *prefer*? Oh yes—queer word. I never use it myself. But, sir, as I was saying, if he would but prefer—” (82).

This verbal contagion that saps the sovereignty of meaning in linguistic exchange defines the queerness of the word that comes to epitomize Bartleby’s queerness, a queerness the story disposes us to see in its illegible materiality as a dangerous textual preference. Perhaps that explains why at one point the lawyer describes the effects produced by Bartleby’s phrase in terms that explicitly frame it in Sodomitical terms: “For a few moments I was turned into a pillar of salt” (69). In *The Gift of Death*, Jacques Derrida touches briefly on Melville’s tale. After noting that the scrivener’s famous phrase “says nothing, promises nothing, neither refuses nor accepts anything,” he calls it a “singularly insignificant statement [that] reminds one of a nonlanguage.”²¹ In this context the word “insignificant” denotes a resistance to signification that makes Bartleby’s phrase, from the vantage point of the social order of meaning, an affront to the notion of value. Infecting linguistic communication with this element of “nonlanguage,” it reifies the queerness of language as iterative machine and in doing so it gestures toward something else at work in language, something that communal norms of meaning

and value seek to foreclose: the queerness that every regime of “what is” must construe as what is *not*, as the nothing, the negativity, or the preference for negation that threatens the normative order, whose name is always human community. And it’s not just the Right that pits human community against the queer threat to its future; the Left, and many who call themselves “queer,” embrace that position too. That’s how Left and Right acquire political legibility and come to share the political terrain; it’s even what makes them, in this sense at least, effectively interchangeable. Though each has a different vision of the human community it aims to procure, both aspire to realize the coherence of a social collectivity. Thus Michael Hardt and Antonio Negri, writing from the Left in *Empire*, the global bestseller they published in 2000, see in Bartleby what they characterize as “the absoluteness of refusal,” which they then align with the “hatred of authority” and the “refusal of voluntary servitude.” But their admiration for this queer refusal of the norm can only go so far. Such refusal may be, as they put it, “the beginning of a liberatory politics, but it is only a beginning. . . . What we need is to create a new social body, which is a project that goes well beyond refusal. . . . Beyond the simple refusal, or as part of that refusal, we need also to construct a new mode of life and above all a new community.”²² Here sounds the doxa whose chorus aspires to incorporate us all: wealthy sponsors of the corporate humanities and neo-Marxist critics of global empire; the protestors of Occupy Wall Street and Wall Street’s CEOs alike. Bartleby, in his utter refusal to mean for communitarian ends, can possess no value except as a proof of negativity’s insufficiency. Hence the lawyer who authors Bartleby’s tale, unlike Melville who authors the lawyer’s, must conscript the copyist to the cause of the human by making his resistance make sense. His distance from community and his absence of anything “ordinarily human” must prove in the end his hypersensitivity to the pathos of the human and even his longing for a utopian “community” where “good tidings” and “hope” on their “errands of life” can neither be errant nor erring. Like Hardt and Negri, the lawyer, that is, must refuse “the absoluteness of refusal,” forcibly wrenching Bartleby from the queerness of preferring not to accede to normative reason and sense.

To appreciate the complex politics of these multiple negations of the queer *as* negation, and to conclude this discussion by bringing it back to the Occupy movement once more, let me place beside Hardt and Negri’s text an editorial from the politically conservative *Daily Oklahoman* of Oklahoma City. Published in the Sunday edition of the paper on November 6, 2011, the editorial,

which bore the title “Goal Remains Fuzzy for Occupy Protestors,” appeared four days before the public reading of “Bartleby” on Wall Street. But this editorial identified Bartleby with the Occupy movement in advance, intending that identification to discredit the movement and Bartleby both. Allow me to quote at length:

“I would prefer not to.”

So sayeth Bartleby, the intransigent copyist in a classic Herman Melville short story. To every request to earn his pay, to move on, to do something—anything—Bartleby would reply, “I would prefer not to.”

... “Bartleby, the Scrivener: A Story of Wall Street” is a study in petulant behavior met with inexplicable patience by Bartleby’s employer.

The story of Wall Street today is one of petulance met with inexplicable patience by authorities dealing with the “Occupy This” movement that’s spread from lower Manhattan around the country.

Ask the occupiers what they hope to accomplish. They’d prefer not to tell you. Perhaps they don’t really know.

Who’s in charge? They’d prefer not to tell you. Everyone is in charge. Nobody is.

What good does it do to hang around a park, beat drums and occasionally march to a designated site? They’d prefer not to say. It’s the doing, not the point of it, that matters.

Some occupiers have done their best to incite police reaction to their doings, all the better for news footage of how The Man is cracking the heads of the innocent. . . .

. . . The “Occupy This” movement’s story is still being written. The childish and sometimes violent behavior of its participants is still being met with inexplicable patience. . . . The people will express their intolerance for lawlessness at the ballot box.

That’s exactly where the movement could have beaten its drums, in the way the tea party did. It preferred not to.

Ah anarchy! Ah enough already!²³

The specter of anarchy, of radical lawlessness, of acts that have no point, however little connection it bears to the Occupy protests themselves, is refused in defense of an implicit ideal of the integrated “social body,” the harmonious community endorsed by Hardt and Negri’s text as well. Unlike Hardt and Negri, though, the author of the editorial fully acknowledges the force of Bartleby’s queerness and draws a reasonable conclusion about where resistance to reason must lead. If the Left would normalize Bartleby as a crucial step toward a “new community,” then the Right perceives, correctly, his threat to community as such. And it recognizes something else that the Left too frequently ignores as well: that the Bartlebys of the world don’t ask to be liked and the queer remains whatever a given order cannot accept. All

progressivism in politics, all gradualist normalization, aspires, in the end, to the very same thing that moves the radical Right: the elimination of the queer; not, however, by resorting to the violence *of* or *outside* the law, but by constructing a community from whose total embrace no one would be excluded. No one except those Bartlebys excluded through forcible inclusion, eliminated by being turned into pillars of the collectivity they resist.

Consider, in this context, "Occupy Bartleby," a post that appeared on a left-leaning blog in response to the *Oklahoman's* editorial. With the intention of defending the Occupy movement and Bartleby at once, the author of the blog post offers a rival interpretation of the tale: "The point the editorial seems to make is that the protestors are as strange as Bartleby, but that misses the main message of the story. It's a simplistic reading. The real point is that Bartleby's protest, like the Occupier's protest, actually represents a sane and human reaction to an indifferent world dictated by the greed of Wall Street."²⁴ For all the difference in their political viewpoints and their approaches to Melville's story, the editorial and the blog post pray side-by-side to the gods of the "sane" and the "human." The left-wing blogger denies Bartleby's strangeness to enshrine him at the heart of community, while the right-wing author, alert to that strangeness, rejects him for the community's good. Both would eliminate the queerness that doesn't worship the gods of the polis, recalling the indictment of Socrates that led to his date with a hemlock cocktail for "refusing to recognize the gods recognized by the state" and "corrupting the youth."²⁵

The corporate humanities, by contrast, serve the gods of the state quite well, transforming Socrates and Bartleby into poster boys for democracy, social responsibility, the triumph of the human spirit, until the humanities classroom can start to seem like a Unitarian church. But another relation to the humanities persists by virtue of preferring not to. Operating not for the good of the state or the cohesion of any community, this queerness dwells on the fractures that make the social a site of dissension and attends to the discontinuities that turn the aesthetic against itself. Rather than affirming the putative "richness" and plurality of meaning, it empties meaning of authority without, in the process, denying its power. Power without authority, in fact, is its object of analysis, even when it focuses on its own analytic force. This queerness, this materiality that never resolves into relation, bespeaks the nonhumanity inseparable from the assertion of the human and the "non-language," the negativity, that linguistic sense drowns out. If it teaches, it

teaches us nothing—or, more precisely, the *place* of that nothing, that non, in the politics of the human and, therefore, the place of the humanities in the performance of every politics. Like the poet, in Sir Philip Sidney's words, this humanities "nothing affirmeth," but its queerness inheres in the force with which it stubbornly affirms this nothing, insisting, thereby, with Bartleby, on its preference for the negative, which is also to say, its preference for what the governing orders, the circuits of opinion, the frameworks of collective reality make invisible, impossible, and, to that extent, unthinkable.

It functions, in short, as a version of the irony that Cicero saw in Socrates, whose thought he describes in *De Natura Deorum*, as "a purely negative dialectic which refrains from pronouncing any positive judgement."²⁶ But against that Socratic irony, Cicero, the Roman, despite his admiration for the Greek, affirmed the role of "positive judgment" and with it the centrality of philosophy to public life and to the state. It was Cicero, as Hannah Arendt observes, who "first used the word [culture] for matters of spirit and mind" and in this he played a crucial role in developing the notion of *humanitas*. Humanism, Arendt reminds us, "like culture, is . . . Roman in origin; there is no word in the Greek language corresponding to the Latin *humanitas*."²⁷ In its Roman origin, however, that concept already opposes the queerness, the irony, of relentless negativity in order to identify culture with the conservation of human community. Cicero himself declares, after all, "One thing, therefore, ought to be aimed at by all men; that the interest of each individually, and of all collectively, should be the same; for if each should grasp at his individual interest, all human society will be dissolved."²⁸ For the Occupy protestors the collective interest has been trampled on by Wall Street; for the *Daily Oklahoman* the Occupy protestors trample on it themselves; for the jury in Athens it's Socrates who threatens the good of collectivity; and for Cicero, the father of the humanities, it's the pure negativity of an irony that affords us no positive "standards of guidance" and as a result occasions the dissolution of every truth. Perhaps that explains why Bartleby, refusing conversation with his employer, says nothing at all when the lawyer cries out, "But what reasonable objection can you have to speak to me? I feel friendly towards you." Though Bartleby offers no answer here, he responds in a way nonetheless; "He did not look at me while I spoke," the lawyer writes, "but kept his glance fixed upon my bust of Cicero, which, as I then sat, was directly behind me, some six inches above my head" (80). Does Bartleby know that the lawyer is to him what Cicero was to Socrates and will similarly eradicate his queerness through the very

humanity that claims to embrace it? Or does he know, perhaps, that the steady, unwavering fixity of his glance preserves the force of the irony that will always occupy the humanities, even if that glance is powerless to escape its incorporation by them in turn? Or is the question less what Bartleby knows than what our *not* knowing *does*? That nonknowledge, that radical irony, asks one more thing of us all: are we willing to forego incorporation in the “human” as offered by the humanities, and so in the secularized immortality proposed at once by the humanities and by the fictions of corporate personhood, in order to encounter, instead, a queerness at odds with what we think we know or what we think we are—a queerness that prefers the not, the non, or the disincorporation? Might the negativity that prefers not to pledge itself to the goal of a new community and declines its positivization in a recognizably political agenda remain faithful, by that very refusal, to what vitalizes politics as such? Is the “negative dialectic” of Socrates, which ironizes every effort to pass, like the lawyer, from “Bartleby” to “humanity,” the unacknowledged wellspring of the humanities themselves? So long as we, like the humanities, are overdetermined by these questions, they, like Socrates and Bartleby, will continue to occupy *us*.

Lee Edelman is the Fletcher Professor of English Literature at Tufts University. Along with numerous essays on theory, film, and literature, he is the author of *Transmemberment of Song: Hart Crane's Anatomies of Rhetoric and Desire* (1987), *Homographesis: Essays in Gay Literary and Cultural Theory* (1994), and *No Future: Queer Theory and the Death Drive* (2004). *Sex, or the Unbearable*, a book he cowrote with Lauren Berlant, will be published by Duke University Press in 2014. This essay is excerpted from his latest book project, *Bad Education: Why Queerness is No Good*.

Notes

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