

The Work of Bartleby the Scrivener

Christopher Ketcham

Abstract: Herman Melville's *Bartleby the Scrivener* has confounded readers since its publication. While there has been extensive analysis of the story in many disciplines, its relation to the concept of 'work' has not received adequate attention. This paper will consider the story as an allegory of work, a rupture that illustrates the shift from 'working to live' to 'living to work.' As an allegory, this story also can be thought of as a genealogical moment in this reversal. This paper will consider how the story of *Bartleby* elucidates this rupture and illuminates the evolving nature of work.

Keywords: Work, *Bartleby the Scrivener*, Genealogy, Michel Foucault.

1. *A genealogy*

Michel Foucault said that genealogy was not a search for origins but it is the search for, "...the accidents, the minute deviations – or conversely the complete reversals – the errors, the false appraisals, and the faulty calculations..." which have led to what we experience and value (Foucault 2010: 77, 81). I will contend that Herman Melville's story of *Bartleby the Scrivener* is such an accident but as an allegory of the reversal of American society's relationship to work. Succinctly it illustrates the reversal: from 'working to live'; to 'living to work'. *Bartleby* is the story of the title character's descent from life to work and then a rejection of both which eventually kills him. The story as allegory embodies Foucault's task of genealogy, "...to expose a body totally imprinted by history and the process of history's destruction of the body" (Foucault 2010: 83). At the same time this is also the story of the lawyer who represents that which came before the reversal, 'working to live', his clinging to a vision of work that is rapidly disappearing and where even his identity as a Master of Chancery has become extinct by decree. But as with all reversals there is an emergence. Reading the story one might consider *Bartleby's* oft repeated phrase, "I prefer not to" as the sign of an emergence but it serves to exemplify the descent of *Bartleby*. Rather it is the phrase that the lawyer says at the end of the story, "Ah *Bartleby*, ah

humanity” that signals the moment of the reversal’s reveal, the emergence of the lawyer’s understanding that work has begun its ascent over life. Looming over every genealogy is a metaphysical concept such as punishment, sexuality, or work. I propose that the metaphysical concept of ‘work’ intrudes as an unnamed character in the story of *Bartleby* and represents an eruption of forces leading to the ascent of work as a form of power over the body.

Contemporary phrases, ‘get a life’, ‘making plans for after work’, but *not* ‘making plans for work’ exemplify the emergence of the power of work. Firms in Silicon Valley and San Francisco are rebuilding factory towns with all the amenities of home within the compound, including apartment spaces. We give awards as ‘best places to work’ to companies that provide the most social amenities which will make it easier for you to work longer hours. Martin Heidegger also recognized a shift in the nature of technology where not only are tools and objects a standing in reserve but also the phrases being used by business like ‘human resources’ and the ‘supply of customers’ show the shift from the human as being – to human as a tool, a standing in reserve (Heidegger 1977: 11). *Bartleby* represents the toll on humanity and the body as the result of this shift in the power of work. *Bartleby* eventually becomes just such a standing in reserve with his response to work orders: “I prefer not to”.

Some will object to the idea that a work of fiction can be genealogical. However, this story has generated volumes of analysis and critique over the hundred and fifty years since its publication. Its importance to literature has been well documented. Its importance to work has not. The fictional *Uncle Tom’s Cabin* produced a reversal by exemplifying the cruelty of slavery, changing the sentiment of a nation steeped in human bondage. While *Bartleby* has produced no such reversal by itself, it is emblematic of the evolution from working to live to living to work.

This paper will begin by locating the stage of the story and its relationship to the work ethic of the industrial age. From there the characters will illuminate the story told in context of work and its central role in the story. As will be revealed, this is a cautionary tale but is also a prescient vision of the emergence of work as a dominant force of power in society today.

2. *Why Bartleby*

In the mid-nineteenth century Herman Melville ventured into Wall Street and into the life of a scrivener – a clerk, a copyist. The narrator, *Bartleby*’s employer and lawyer, knows little of *Bartleby*’s history. Many who read this story in relationship to the present day work work work ethic will find *Bartleby*’s

attitude towards work bizarre or reckless; perhaps a bit dangerous.

The fact that Bartleby had an indeterminate existence before his employment with the lawyer suits a genealogical reading of the story. T. J. Berard informed us that Michel Foucault's, genealogy was not at all about history (Berard 1999: 203). In fact, said Foucault, the locus of genealogy is quite local but provides us evidence that the theories of knowledge, and in Bartleby's case, 'work' as a discourse can be troubled by the likes of a scrivener (Foucault 1994: 22). This scrivener is not some grand duke or captain of industry, he is by all accounts a nineteenth century nerd. Nor is he a nerd who has great aspirations to change the world or provide the world with the next greatest social media experience. He is in all respects invisible in society, but in his effect upon the lawyer and others in the law firm his existence is profound. His story was important enough for Melville to pen and for a vast army of analysts and critics to suggest that Bartleby's significance transcends the simple reading of this fictional account (Beverungen 2007).

How could such a minor tale dealing with an insignificant clerk be something that could produce any knowledge whatsoever that could be relevant for today or even for the period of time in which it was written? This is the question Foucault would likely want to overhear in the discourse about the assumptions of knowledge of work. Foucault saw genealogy as a reclaiming of what is left on the cutting room floor – what has been dismissed or silenced – for his own analysis of the aspects of power (Foucault 1994: 22). What genealogy is is disturbing. It is the discovering of a blemish and with Bartleby it is a blemish upon the discourse called work. There is, by even Foucault's account, no science that can be attached to genealogy (Foucault 1994: 22). Genealogy is not about science in the traditional sense; it is about the excavation of places which science has ignored or merely skimmed.

Genealogical events are not developed from the shouts of the discourse, but from their silences – that which has been ignored: the Bartlebys of the discourse and for purposes of this exposition, the discourse of work and work as power. Power isn't a static thing, a relationship of the self to the state in a linear structure (Foucault 1994: 36). Power evolves in fits and starts and through mistakes and reversals. Power is both externally imposed and internally derived. Work is no different because like power in general, the power of work is individually experienced, not something that is imposed by nature itself or imposed from the outside as some grand all-encompassing law or regulation. As we will see with Bartleby and the lawyer, work as an aspect of power is a series of small steps and actions and influences, mostly invisible, but when singled out provide definition to what has not before been seen or at least been brought to light in such a way that it can be seen...but is something which also

can be investigated and illuminated for its value as being intertwined with the discourse. It is like the pimple on a model's face...disturbing. Once the blemish is discovered it will be hard to disguise with makeup because it broods in the minds of those who have seen the wen and who are looking for it even as it disappears under a thin veneer of powder.

3. *The locus for Bartleby*

The central character in *Bartleby the Scrivener* is not Bartleby, nor is it his employer and story narrator, the elderly lawyer. The central character is not an ontological being but work itself; central because work as power emerges and challenges both Bartleby and the lawyer and their relationship to each other.

The date of Bartleby's literary debut is 1853 in the midst of the industrial revolution in the west. The heyday of whaling has nearly past but has shown that a global water-born system of trade and commerce is possible, albeit still a risky venture. New York is ascending but London holds forth as the center of world banking and commerce. Colonialism combined with capitalism and the industrial revolution has brought immense wealth to Europe. The agricultural engine of the United States had become a force in the world for its ability to produce needed cotton, textiles and other products required by the industrializing world.

The US Civil War is seven years from its first shot and the last holdout in the west for legalized slavery will within the decade swap that form of 'work' for an apartheid and share-cropping system that is not altogether an improvement. Soon after Bartleby is published the grand monopolistic trusts will be formed that make billionaires out of Rockefeller, Carnegie, Mellon, Vanderbilt and other US industrialists and financiers.

4. *The locus of Bartleby's work*

The law firm of Melville's tale takes upon itself the character of its employees – as do many other organizations. One may think that the employer is the power here and there is some truth in this. The employer is given the power to hire and dismiss, in some jurisdictions without any reason at all. Of course, businesses try to find workers who have the skills, knowledge, and attitude that the organization wants. Firms pride themselves on having the right mix of these skills, knowledge, and attitudes – legions of consistent workers who perform at the employer's behest... But, of course, anyone who has worked in business knows that uniformity is a myth even when the task is ultimately

repetitious. Individuals conform to the extent that they want to conform. Nor is this any different in Bartleby's law firm. There are certain skills and knowledge required and these are fairly simple: read and write legibly – be able to copy another's work verbatim and please don't blot the page with ink because it is both expensive and represents a costly do-over to the employer and frustration for the employee. The instruments of the trade are primitive pens that are cantankerous in their own right and the ink can often take time to dry – so if one is not cautious... Finally there is the ability to proof one's own work or another's to make sure that the copy is exact. Perform these activities for the entire period of the working day and that is the job. However, while skills can be assessed prior to hire it is much more difficult to assess attitude. Today there are many personality tests for attitude but there are none in Bartleby's time.

Attitude is attitude towards work. This is something new – a new experience that comes out of the transition from the middle-ages to the Renaissance and Industrial ages where work became separate from life. In mediaeval times the body was owned by the landed royal and the soul was owned by God. Prior to the ownership of one's body there was no distinction between life and work. The attitude was simply do what it takes or starve and eventually die – which wasn't a bad thing because God was waiting for your soul.

Foucault noted in *Madness and Civilization* that the rush of peasants to the cities in the early Renaissance created a crisis of work (Foucault 2010: 132, The Great Confinement). Even though work in the cities was at times scarce, persons were no longer tied to the land. They could live in a place different from where they worked. In the cities individuals became – individuals. They could dissect work from their life. The person was hired for his body and the ability to perform work. At the end of the work day the person was returned his body.

5. *The docile body*

Foucault suggested that bodies were subjectified and made docile through the practice of discipline (Foucault 1995: 138). The institutions from the renaissance on: the schools, the prisons, the hospitals – all were utilized to produce bodies that would perform according to the requirements of the period. This would not have been possible in the feudal epoch because the serf did not own his own body. The noble did. Any crime of the mediaeval was a crime against the body owner (the noble) or the soul (the church and heresy). Punishment was not discipline in any real sense, it simply was a way for demonstrating the power of the noble over his minion. When the noble lost the power over the body with the emerging Renaissance, things got a bit murky. The possessor of the body

could, in fact, do things that simply were not possible before. There were laws now that prevented all sorts of cruelty, and courts and other institutions took into account this ownership. While the body's owner could rent the body for society-sanctioned purposes, the body's owner could also stray. The institutions that produced docile bodies were not developed just to produce lobotomized sheep, or to prevent straying into the work of brigandry, they were established to help the body owner best profit from the rental of the body. It was in society's interest that bodies were properly and profitably rented to mitigate chicanery, but they also were necessary to fuel the engine of productivity that emerged with industrialization. More importantly, people began to see what good and substantial rents of their own bodies could mean for them personally.

While Foucault preferred the word 'docilization', the issue of the institutions of the body was more subtly a sharing of the power structure of work. The person could refuse to work and be sent to the prison – just another confined space where work was performed in one place and life in another – but this incarceration was without freedom in the sense of the ability to leave the confined space. Nor was there a lot of freedom to move about for the worker who resided in the factory city. Therefore freedom of movement was for many illusion; but freedom for the body to be rented certainly was not. And in search for space and wealth, millions of people migrated to America and elsewhere because the promise of bodily rental was significantly higher than could be obtained in the home country... yet millions also stayed put in spite of the lure of higher rental value elsewhere.

Power was bi-directional. The employer and the state wanted to maximize the productivity capability of the person's body to prepare for the job. And the employee wanted to maximize his ability to produce rents. This inculcation and preparation and practices of health, hygiene and skill that molded the body for work also provided the possessor of the body with a more valuable commodity to be rented.

As with all elements of power there is an ebb and flow over time. In the case of the body, the ebb and flow is the question of how much of existence (time) is rented for work and how much is not and retained for life. Before that can be explored, the complicating issue in the discourse of the body: confinement must be explicated.

6. *Confinement*

Confinement includes the place of business. When one rents the body to the employer one agrees to work in the place that the employer provides or agrees

is appropriate for completing the work product. Before the industrial revolution became a juggernaut in the nineteenth century, one could perform certain remunerative work like weaving, sewing, blacksmithing, or other crafts in the home or other structures connected to the home. This became ever and ever less the case as the industrial revolution progressed. Machines began to replace the handiwork of men and women in ever greater numbers. Work concentrated people into factories because machines required attention and maintenance. One would need to leave the home to work in a large fire-belching factory or dusty mine. One also needed to live near the factory or mine. Living far away was not a good option because transportation was not only inefficient, it was also expensive. As the industrial age wore on, the great industrialists paid less and less for human labor when competition reduced pricing (Donkin 2010: 117, 124). Workers found it difficult to live in the places they had before and the industrialists built homes, stores, and virtual cities within cities that consumed the rents that industrialists paid for the use of workers' bodies. Work and life became like Foucault's great hospitals – a confinement of life and work within walls within walls – the company town.

But the company town was not the only wall within walls. The law office that employs Bartleby is such a wall within walls within Wall Street. Wall Street began as a border – a place of demarcation in the early years of New York City to keep out the Native American population who lived in the upper reaches of the island (Geisst 1997: 4). By the time of Bartleby, Wall Street has become like a company factory – a place to work almost exclusively – and there are few people who live on Wall Street and south in Manhattan. Within this place are hundreds of individual hives where people can work – offices – most all connected in some way with the great financial engine that has aggregated its work in this part of the city. The place called Wall Street and southern tip of Manhattan has become *the* factory of finance in the time of Bartleby.

Bartleby's office is such a hive for and of work. The lawyer speaks of the view from the office – walls, just a few feet away but omnipresent and looming. The aspect of work that comes with industrialization includes a personal space. This space might be between spools of yarn in a mill or the desk of a scrivener. One has tools for which one has the exclusive use of for a period of time or for all of the work day. One has one's place of work because it is not only convenient for the employer to know where each employee is situated for purposes of direction and observation, but also because separate places of work are more efficient than having people step all over each other.

What this produces, however, is an environment where not only does the individual rent out the body but the individual also possesses the place of work

during the period of this rental. In offices such as Bartleby's the scrivener possesses his own desk not only for the period of the work day but also for the duration of employment. In effect each worker's space and tools within that space are jointly possessed by the employer and employee as long as the employer pays the employee 'rent' in return for the adequate work product produced by the employee. The value of the work product becomes an issue in the story of Bartleby. Nor is the lawyer's office a place to live after one is returned his body at the end of the work period, but as we will see in the story of Bartleby this differentiation becomes muddled.

7. *The lawyer*

The business owner looks to hire workers that meet skills, knowledge, and attitude requirements of the business. For the story of Bartleby, then, the business must first be constituted and this begins with the lawyer. At the beginning of the story the lawyer introduces himself as having the attitude that the easiest way of life is the best (Melville 1989: 3). As a result he obtains the office of Master of Chancery because it avoids all of the normal lawyerly functions such as combat in the courtroom or addressing the jury. He expected this Master of Chancery to last him through to his retirement but this title has become extinct during his term in office (Melville 1989: 4). The Master of Chancery was a holdover from English rule of the Americas (as a service to lords) and it became no longer a necessary function after the American revolution (Smith 1965). But this extinct bureaucracy managed to sustain itself (at least in this story) for nearly eighty years after its necessity waned.

The lawyer is a business owner who laments the easy life he once had (decidedly in the work to live era). As we enter the story after the extinction of the Master of Chancery we see that it is not so much more difficult an existence for the lawyer because he still does not argue in court. He is, however, performing duties of a clerical nature which is the most mundane service: that of copying documents and contracts for financial firms and others.

The lawyer has little ambition. And this is the first indication of trouble – a blemish has appeared upon the face of work. The lawyer is not doing that which is expected of any business owner in the industrial age – striving ever more to better himself and to increase the size, capacity and profitability of the firm at the expense of other firms in a clawing scramble to the top of the pile. He and his firm are not the fittest – yet they survive against all of Darwin's dire warnings... However, the lawyer feels quite comfortable in his circumstances. This, of course, violates all of the conventional wisdom on what it is that busi-

ness owners should be about. They are ruthless climbers and like stalking predators are prepared to run down their prey with impunity. They run their wolf pack like a machine, correcting problems, errors, and navigating new paths towards their quarry as efficiently as possible, growling and snapping at laggards and putting down those who cannot perform (Weber 2002). Not so our narrator lawyer.

8. *Turkey, Nippers, and Ginger Nut*

The lawyer simply hires in his image though he did not likely see this when he hired the three who were his mainstay before Bartleby. And a second bit of acne has appeared. For the industrialist of this period the worker is a cog – a part of the machinery – perhaps a number but more likely defined by his job – e.g. shoe maker – maybe addressed by his first name. But in the law office of our narrator each of these workers has a nickname. Both Turkey and Nippers are copyists and Ginger Nut is an office-boy. Bartleby is given no such nickname. He remains anonymous in that respect – an enigma in this rather informal office.

Now if one figures that the lawyer wants an easy job of it he would have hired individuals who simply would work without complaint to get the job done and then leave after the work day. He does not. Turkey has a bipolar work behavior – productive in the morning; floundering and non-productive in the afternoon. The worker in the factory of the time who slacks off is fired for there are many more in line to do his job. But the lawyer is adverse to confrontation and rather than discipline Turkey for his inability to perform other than mundane tasks in the afternoon, he simply goes along with it even when Turkey is insolent. He rationalizes that what he gets from Turkey in the morning is about enough of what he needs. But this is still not sensible. Rationalizing non-work or poor performance during working hours is not something that can be countenanced during the time the individual's body is rented to the employer. In addition, Turkey is prone to self-indulging habits; which, of course in a Calvinist Protestant ethic, is simply unthinkable.

Nippers, the other copyist, has just the reverse time schedule – he is sullen and inconsolable in the mornings and gradually revives in the afternoon. Nippers is a complainer – his workspace is never right and he fiddles incessantly in order to make his environs comfortable which they never are. Nippers does not know what he wants. It is simply inconceivable that an employee could not know what he wants because one must have ambition to ascend and continually strive for more. And Nippers has visitors – unsavory

visitors that undoubtedly take away from his productivity. Nippers wears stained and smelly clothes and reproaches the lawyer with complaints. Nor does this make any difference to the lawyer other than as a point of contention and complaint, but no action is ever taken to resolve Nippers' slovenliness, temper, or incessant complaining.

The lawyer reasons that for the price of two he has one complete employee and this is adequate for him. Ginger Nut serves the firm as a go-for for snacks for Turkey and Nippers and not much else. The lawyer tolerates the three characters in their own definitions of work in the context of the work he needs to be performed. Yet, over time, any manner of his gentle cajoling cannot even keep up with the work requirements of his limited need. To make up the difference the lawyer decides to hire a third copyist: Bartleby.

9. *Bartleby*

The capitalist would say that hiring Bartleby is inefficient and wasteful of the firm's money. If Turkey and Nippers can be badgered so that each perform a full day's work there is no need for a third copyist. Rightly if they cannot perform a full day's work they should be replaced with someone who can. The place of work is a sacred place and there are places for the neurotic fidgeter and the bipolar but it is not in the workplace of mid-nineteenth century.

The lawyer understands all this but chooses to ignore it. The blemishes of the work ethic of Turkey and Nippers and the extent to which Ginger nut is being paid by the lawyer but performing only personal tasks for the copyists the lawyer understands...but he cannot confront any of them other than at a superficial level. He wants the easy way – but this is not the ethic of business at this time. The most efficient way *is* the way of business for the industrial era.

In some respects his hiring of Bartleby is a relief to the lawyer because early on this forlorn looking copyist seems to outperform his peers and does so in the manner that the prevailing work ethic prescribes – well and without complaint. This hiring of an epitome of the talent required of the period appears to be consoling to him: that he – the lawyer – can be respected (even in his own mind) as a successful businessperson because he employs at least one soul who is doing the work required of the period. Bartleby can be held up to Turkey and Nippers as a model employee of sorts. But this pseudo-intoxication does not last.

Bartleby seems early on to gorge himself on work, never tires for more, and he does so in a mechanical fashion without any joy or cheerfulness. He writes like someone in a state of mania. As suddenly as Bartleby began with manic en-

ergy – he quickly turns to equivocation. On the third day of his employment of Bartleby, the lawyer asks Bartleby to compare a document with its copy. When given this order the prevailing ethic then and now is that the order should be obeyed. Yet Bartleby does not do what is expected. He remains at his post and says simply, “I prefer not to”. When pressed, Bartleby does not explain what he means by “I prefer not to”. Nor does Bartleby stop working on what he has been doing before the conversation. Bartleby is not disciplined.

Days later, the lawyer calls Bartleby to leave his desk to join him, Turkey, and Nippers to proof documents for a lawsuit. Again, Bartleby prefers not to. Instead of becoming apoplectic after a second refusal to accede to his wishes, the lawyer is touched even though he is disconcerted about the response. He tries reasoning, telling Bartleby that he will be proofing his own work. But Bartleby repeats his now familiar response to authority, “I prefer not to”. When pressed again he asserts that yes, this is his final decision on the matter. The lawyer enjoins Turkey and Nippers to comment about whether his request has been out of line. Turkey agrees it was not and Nippers suggests that Bartleby should be fired. Even Ginger Nut weighs in calling Bartleby a bit lunny – something outside the pale of business. Given this public snubbing of Bartleby the lawyer returns to the recalcitrant copyist and asks once again for Bartleby to come forward but Bartleby remains where he is, silent, and it is presumed he has returned to his previous work.

The lawyer now begins to speculate as to what manner of employee Bartleby is and whether the fact that he knows little of Bartleby’s life outside of his silent and stubborn work habits could be the reason why he – the lawyer – does not understand Bartleby’s preference not to. Investigating petty employee behaviors or history is not a requirement of the employer in this period of time – one’s personal situation or even habits should not interfere with work. The lawyer begins to observe activities in the office more closely. It seems that Bartleby regularly gives Ginger Nut money which is bartered on ginger nuts which the lawyer surmises that Bartleby lives on... and even if ginger is a spicy food it seems not to change Bartleby’s sullenness in any way.

While the lawyer is aggravated by Bartleby’s passive resistance – what we might term passive-aggressive today – he does as he has done with the others in his employ and begins to rationalize Bartleby’s usefulness. In fact, he does so in a way that he sees himself as a kind of savior to Bartleby – saving him from the typical employer of the era who would not countenance insolent behavior. And even beyond this he delights that he can do such a thing and that this act gives him a kind of benevolent pleasure. He even sees befriending Bartleby as a cheap salve to his employerly conscience. He knows he must reject such behavior; but the non-confrontational being that he is... he prefers not to.

The lawyer has rejected confrontation in any meaningful sense. Bartleby behaves in some ways like the lawyer, not outright rejecting confrontation, but ‘preferring not to’. When asked to do anything, Bartleby provides the same answer again and again.

As with most who have tried to interpret Bartleby’s preference not to there is a bit of confusion because the action or lack thereof is not in concert with the traditional thinking on what work means and how one must perform who rents his body to another in return for money or similar rents. It is so ingrained that one must obey the employer that insubordination grates on the nerves. But what grates more is the lawyer’s acquiescence. Not just because he is an ineffective boss but because Bartleby’s attitude is a sickness, an illness and a cancer that if allowed to spread could infect all who are in a capacity to rent their bodies for work. It is an anachronism and the lawyer’s acquiescence appears as if it is a violation of some unwritten law.

But soon this attitude of forgiveness *does* affect the lawyer’s affairs. While first trusting Bartleby with all his important papers and acquiescing to his strange work ethic he begins to see that Bartleby never leaves the premises. In fact Bartleby lives in that small office, never leaving. He has exiled himself into the office as if confined to a room in one of Foucault’s great hospitals. His work and his life have become so intertwined they are inseparable.

In truth Bartleby has become a squatter, one who lives in a place thought to be solely devoted to work – Wall Street. And this affects the lawyer deeply for he senses that Bartleby does not have a life beyond work and finds he cannot reconcile this. As had the purveyors of the grand hospitals for work did for many incorrigibles, the lawyer classifies this lack of life outside of work as an innate incurable disorder. But this this malady is not the malady that was the reason for incarceration in the great hospitals. For Bartleby the self-imposed incarceration is not for too much of the good life but too much work.

What did Melville see in this lifeless Bartleby – was he forecasting a time where work would become so overwhelming that there would be no life outside of work again? Was the time period of the split between work and living an anomaly that would heal itself as work pressed on harder and harder into the ethic of existence where more work meant better work, a better soul, the fittest survivor and all the other aspects of the emerging industrial work ethic? Burton J. Bledstein offered a prescriptive for the mid-Victorian professional, “Horizontally the careerist ‘boomed’, fought, energetically competed, wasted the obstacles in the way, and overcame all impediments, especially his own inertia...” and “...Society blamed the ineffectual individual for his own failure” (Bledstein, 1978, pp. 112-113). Of what or whom are we to blame for Bartleby?

When he is asked by the lawyer, Bartleby refuses to speak about himself or his past. But his presence is infectious. The lawyer and even his office staff adopt the word 'prefer' as term of art. Then something changes for Bartleby. Instead of preferring not to he simply decides to quit writing. When he is asked why and for what reason, Bartleby responds, "Do you not see the reason for yourself?" (Melville 1989: 41). The lawyer takes this as Bartleby's eyes have become damaged by all the close work he has been doing. Isn't it more likely that Bartleby can no longer separate work from life and has decided against work? But he makes no moves towards reacquiring his life. His descent while tenuous with 'I prefer not to' has begun in earnest with his ceasing to actually work. As Armin Beverungen and Stephen Dunne point out, Bartleby never actually 'refuses' to work, he just stops working (Beverungen 2007: 174-175).

Even the lawyer has his limits and gives Bartleby notice of termination. But as you probably have surmised, Bartleby's response is "I prefer not to". Bartleby does not leave and the lawyer is left with a dilemma – confrontation or not. In fact, he decides to make Bartleby a charity case and let him stay for as long as he desires to remain. But this will not last for the lawyer succumbs to peer pressure from others in his profession and the ridicule that results from word getting around that he, the lawyer, has a squatter. It is more than he can bear; he desires the easiest way and that must not include confrontation.

In the end the lawyer prefers not to confront but in his resolve to be rid of Bartleby he moves his entire office to a different building! Bartleby remains in the office – his work prison – and does not follow the lawyer to his new offices. The new tenant has Bartleby physically removed from the offices, but instead of leaving the building Bartleby dwells on the stairs.

The lawyer knows he has skulked away. Finally he screws up his courage and returns to the building to confront Bartleby. He asks Bartleby what work he wants. For each job the lawyer suggests Bartleby says he 'prefers not to but at the same time he is not particular and prefers to be stationary' – not to make any change at all.

Soon after the meeting on the stairs, the landlord of the lawyer's old office has Bartleby removed to the Tombs as a vagrant. Bartleby does not resist. The lawyer visits Bartleby once at the Tombs and finds him staring at a wall. When asked a question by the lawyer Bartleby replies that he has nothing to say to the lawyer. Bartleby eventually starves to death, preferring not to eat anything.

One reviewer of an earlier draft of this paper was concerned that Bartleby was left in the background in this analysis, functioning only as a pretext. The story is told from the point of view of the lawyer and Melville made sure that he reveals little about Bartleby, making his character incomplete and in the end making him fade away until he disappears. As such Bartleby remains an

enigma, which is why so many have interpreted the story in different ways. Bartleby's pretext is that his mysterious existence has always begged an explanation. While Bartleby himself disappears, the lawyer takes upon himself to recite this tale so that Bartleby the story will not. And even with many other interpretations of who he is, Bartleby serves well to exemplify the metamorphosis from 'working to live' into 'living to work', producing a tragic-comic figure who is emblematic of the emerging power of work in society.

10. *A new ethic*

So what are the consequences of the primacy of work before other than work: life? Is it that life can be given up to work and once life has been fore-sworn to work there is only death left? Is it the tale of the retiree who does not live long after devoting a lifetime to work and has nothing left but death? Perhaps, but more importantly it is the problem that the new ethic of work has imposed upon humanity. That the false promise of a life outside of work is only that and that the push of work (from within and without) is ever more towards work at the expense of that which is towards life. Melville's story of separation of work and life and its impossibility of balance is located in the concept of work as a force of power. We see this today with all of the devices that purportedly make it easier for us to live and communicate with each other. Each is also a device that can bring us closer and closer to work even when we are not in the place where work is to be performed.

The carving out of work from life has not led to an equilibrium for both because much of life is targeted towards becoming fit for work. Vacations are lavish but short and are designed to recharge people for work. The home in the suburbs is connected with a faster train or a wider road is built in order to bring the person to work more quickly or permit him/her more time to work. Leisure is now measured in hours and work is no longer measured in hours worked but as a salary where there are no billable hours for the rental of the body and as a result the body is continuously on call for its use in work. One makes plans for after work – not plans for work. Work is always there in the forefront, before us, before life.

There may have been a short respite after the end of the serfdom of the middle ages where work was separate and confined to its own place and space and a time where life was before work. However nascent capitalist ideas began to emerge. Capitalism includes a powerful desire to increase one's rental value coupled with the employer's desire for more and more productivity. Working harder and smarter are the keys to success, with the promise made that this smarter working

does not mean more hours. But of course this is no longer a true statement. Such are the myths of ‘smarter not harder’ and ‘work-life balance’.

The tale of *Bartleby the Scrivener* is not the work ethic that came with the flowering of industrialization. It is not even a true story – it is a blemish on the promise of the ethic where life and work can be separated and each can be valued for its own contribution to human existence. What *Bartleby* shows us is that this ethic has a cardinal flaw that it purports to make space for both life and work.

11. *In the crosshairs of an imperfect discourse*

Much has been made about the effects of the Protestant discourse and its purported work ethic as being a, or even *the* major engine driver of industrialization and beyond.

...Western society has become immersed in the Protestant work ethic – an ethos that has defined work for many people for hundreds of years, creating the belief among most of us that work is toil, that it is actually something we would rather not be doing but that we know we must do, nevertheless, because therein lies salvation; there is virtue in its accomplishment (Donkin 2010: iv).

Max Weber said that the Protestant movement at the beginning of the Renaissance was a movement against the corruptions of the Catholic Church (Weber 2005: 4)¹. Ingeniously the reformers of Christianity fought back but not by attacking this corrupt bureaucratic fortress with violence or with assault upon its ramparts; instead the reformers gave humanity back its body. Concomitantly and serendipitously the black-death had also so decimated the feudal power structure that reform was necessary and that came in freeing the body from serfdom. This freeing of the body from quasi-slavery became the engine that drove humans to work and eventually towards the productivity we see today. This is consistent with Foucault’s concept of power. It wasn’t some grand taking over of institutions imposed from above (the church; the government). It was a simple freeing of people to be able to use their bodies in their own way.

Max Weber saw Benjamin Franklin and his sayings through a utilitarian lens where they served to effect credit, punctuality, industry, and frugality – and where each of these embody virtuousness in the Aristotelian sense (Weber 2005: 17). These virtues produce a Protestant work ethic where the body is disciplined into preparing itself to labor and where wealth can be served up

¹ Weber’s account of Catholicism is in dispute, some say that the church embraced the development of capitalism (Weber 2005: xxi)

to produce more wealth.

Weber saw this ethic of money making as an end in itself and while it is a leading principle for capitalism, he reasoned that those not in a capitalist economy would not understand (Weber 2005: 18). Yet there was no real capitalism just after the void left by the end of feudalism. What remained was the free body. People learned that their bodies were free and simply began to offer a portion of their time and their bodily services for rent. Certainly many worked hard and for long hours, but there was time distinct from work for family, frolic, carnival, and other activities separate from work. Is the regular Friday pizza binge at the office the same thing?

There was no overarching ideology that produced this ethic of work – it came from a simple change in the ownership structure of the means of production at the time: the body. This very fact, and the fact that Catholics, Protestants and Jews all found this out produces a fissure in the discourse that Protestantism begat the ethic of work that eventually evolved into what can today be called capitalism. Certainly are many who believe today that the way of work attributed to Calvin and his followers produces an ethic of being that is both stoic and ever more productive. But there is *Bartleby*, and the lawyer who work but do not conform to a Calvinist ethic beyond the need of providing for self and others. And with *Bartleby* there is the dilemma of work and so much so that it consumes his life. Weber acknowledged this and suggested, as with *Bartleby*, that when modern capitalism demands more of productivity that can be delivered there is resistance (Weber 2005: 24). Or, as Foucault asserted, “...where there is power, there is resistance...” (Foucault 1990: 95). It is the bifurcated power of the self-worth of the body held for rental, balanced against the employer’s proffered rental value. It is resistance even in the politeness that is *Bartleby*’s, ‘I prefer not to’ which is important to the understanding that the ethic of work is personal and not an ideology.

The groundswell of power over the body came from the people themselves, not from any central power-locus or legal apparatus. There are laws today that protect the body from harm while the body is being rented for work. The common law system continues to find ways of providing a balance between the rights of the body owner to rent the body and the renter who rents the body for work. The ethics of work evolved from the possession of the body by the body-owner and not from some higher power.

Yet as in any power relation there is the body owner and the renter of the body. Over the centuries since the body was returned to its rightful owner there has been a tug of war between the cost of and value of rent for the use of the body. Nor is it from some profound religious doctrine that the call to work hard has come. It has come from the body owner – the renter of the body for

work. The renter has learned that education, attitude, working more hours, and working efficiently leads to more rents and higher rental value for the body offered. The more one earns from this rent the more one can do with what the body produces in work in the time away from work. However there is a point in space and time where the need for rents to support the time away from work will usurp the time away from work.

As the convenience to work increases, this convenience has a way of justifying acquiescence – a person may choose more work over more living. “Get a life” is a familiar phrase which in and of itself contains the seeds of the fact that the body can be converted from life to work. The ‘good life’ has become work. This giving-over of the body to work has become internalized.

There used to be parts of our lives we could devote solely to play and leisure, but these precious days, once sacrosanct, have been invaded by the new communications of the work place. (Donkin, 2010: iii)

Nor is there respite for the indigent. There is the welfare state – a bureaucratic confinement – with its section eight housing and ghetto-like conditions that are reminiscent of Foucault’s great confinement in the hospitals of the industrial and early modern age.

12. *In the end*

The story of Bartleby is a story about the changing nature of human existence that emerged in the nineteenth century and which flowers today: the reversal from working to live to living to work. The story is genealogical in that it represents a tale about the emergence of living to work that culminates with the lawyer’s epiphany and lament: “Ah, Bartleby, ah humanity”.

Bartleby and the lawyer also remind us that there is no monolithic entity called employment and that there are both workers and managers who do not completely buy into the ethic that is called Protestant. The ethic of work is just this – a simple bartering between an employer and employee for use of the employee’s body for a specific period of time after which the employee is free to be. Yet the Bartleby tale also suggests a subversion of the Protestant myth, which, if it would catch on, would seriously endanger the seemingly ever-present drive towards higher degrees of productivity. If people were once again to take back their bodies and rebalance their lives towards life *at the expense of* work this would create a significant rupture in ever-advancing productivity.

Bartleby does with his body what he prefers to and what he does not prefer to do he does not do. The lawyer is no different but he is required to play

out a discourse with himself which both justifies and condemns his wanting a comfortable but conflict-free existence. When Bartleby is no longer permitted to possess his body in the way that he wishes he simply acquiesces to the poorhouse, eventually refusing to live. Bartleby succumbs to the ethic of work without life, by first embracing it and then rejecting it: not by railing against it, but in the end by ceasing to participate. The lawyer's lament is that he wants to remain in the ethic of life before work but he sees that this preferred mode of existence will not last. In the end he realizes that the new work ethic's first sacrifice is Bartleby and that humanity will follow.

We are locked into a system, a mentality that regards hard work and long hours as vital for maintaining or enhancing our standard of living. We have become slaves to work. The galley chains are psychological. We manacled ourselves and threw away the key in the conviction that we should never desire to free ourselves. Did not Franz Kafka write in *The Trial* that "it's often safer to be in chains than to be free"? (Donkin, 2010: 26)

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Christopher Ketcham
chrisketcham@msn.com

