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# Bartleby the Original the Queer

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# *Bartleby*

## THE ORIGINAL THE QUEER

Rebecca Epstein

Submitted to the Department of Religious Studies of Pomona College in partial fulfillment  
of the requirements for the Senior Exercise for the Bachelor in Arts.

Erin Runions and Oona Eisenstadt, Readers

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In the 1980's when my mother was working at the Massachusetts General Hospital, the president of the hospital threw a party at a local men's club in an effort to drum up support among physicians. My mother called up to RSVP to the event. The receptionist confirmed and let her know that, because my mother was a woman, and the event was at a men's club, she would have to enter through the back door. My mother said politely, "Oh, in that case, nevermind. I won't be going." The receptionist sharply retorted, "oh, are you one of those bra-burning feminists?" My mother replied honestly, "well I don't own a bra but I've certainly never burned one."

Ignoring the fact that bra-burning is a fallacy of the feminist movement (it never happened, at least not in concert), my mother's story has always held whisperings of Bartleby for me. My mother was not *rebellious* against bras or dinner parties at men's clubs. She simply preferred not to.

This thesis is dedicated to my mother, who has always been a wonderful role model in the realm of failed femininity, and without whom, I might never have thought of, let alone finished this paper.

I also want to dedicate this thesis to my two good friends and mentors Jayce Carpenter and Elaine Smith, the Bartlebys to my attorney. Many of the self-discoveries and larger realizations I have stumbled on this year, and in writing this thesis, came out of conversation with you. I am lucky to have such wise, wonderful friends as you two.

Finally, I thank my thesis readers, Erin Runions and Oona Eisenstadt who expanded my understanding, found the religion in this and never doubted that I would graduate even as I continued to miss each of my deadlines. Or if you did, you never let on. I thank you for your extensive feedback, your thoughtful suggestions and reflections, and immeasurable support throughout the entire process.

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# *Introduction*

## talking trouble

*Ereignis, thought's final word, does not, perhaps, put into play anything but the play of the idiom of desire.*

---Maurice Blanchot

Insofar as human beings try to “know” we must define concepts, objects, actions. We label, we distinguish between one concept and another, and in doing this, we *make categories*. Labels are categories.

Our categories are imperfect. Our labels are always relative, defined by and dependent on that which they exclude. The boundaries of our terms, what “counts” as something or what is considered to be within a certain term, are always shifting. Our definitions change based on our method of analysis. For instance, the definition of “human” is different in different disciplines, like science, philosophy, sociology, economics, etc. Given their instability, categories can only be rough approximations of what we mean, and not always very good ones at that. To our detriment, we sometimes forget that they are approximations, and already laden with meaning of their own. Michel Foucault and other thinkers have pointed out that some of our ways of knowing, for example, the scientific method, have become synonymous with truth, objectivity or neutrality. When this happens, we cease to question those ways of knowing, and the questions within those ways of knowing. We forget that the kinds of questions we ask determine the kinds of answers we find. Then, when something that does not prove easily “knowable” or categorizable

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troubles our ways of knowing, we call *it* trouble. Instead of remembering that our methods are imperfect, we think that the thing we want to know about is flawed, wrong or bad.

This thesis is a reclamation of the flawed, the failed, the queer, a reevaluation of it as something positive and productive. It is a reminder to be critical of our categories, and to rule them rather than be ruled by them. Categories are tools, not truth.

In this thesis I use *Bartleby the Scrivener* to enter into a discussion on inequality imposed by and maintained through categories. I attempt to write a rough guide towards “equality” or that vague, unformulated state outside of categories. The specific system of categories on which I focus is the gender binary.

As a feminist, the issues of “gender equality” and sexism are important to me. While many feminists and non-feminists think of feminism as a movement for women’s rights, or gender equality, I consider it to be “a movement to end sexism, sexist exploitation and oppression” (hooks 1). If sexism is gender essentialism, the belief that knowing someone’s gender tells us anything definitive about the person, then feminism is fundamentally a movement against gender hegemony, against the idea that gender categories reveal anything useful about individuals within the categories. Gender inequality is a symptom of the gender binary that by nature of defining the terms within the binary, perpetuates harmful stereotypes about each gender. Thus, the hard and fast binary itself is the root problem.

I believe that feminist inquiry must be dedicated to questioning the very gender categories that some feminists hold to be the primary motivation of the movement: “woman”. I have found that teasing out the instances of our gender failures, the moments when we “break gender stereotypes”, does much to destabilize the gender binary. In this thesis, I examine the potential for social change away from gender hegemony, through a

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reevaluation of individuals who continuously destabilize the binary. These people who trouble the categories of gender and queer the binary call themselves genderqueer. They do not see themselves neatly fitting into either category “man” or “woman”. By rejecting the claim that individuals who do not fit are mistaken and wrong, we can remember that the categories we begin with are what are mistaken and wrong.

Even in writing this thesis I have had to confront the inadequacy of words to convey my true meaning. Indeed, this project is a clumsy attempt to reason through the uncategorizable. In doing this, like anyone who endeavors to express through language, I rely on categories. I would like to use this moment as an opportunity to clarify (or perhaps obscure) some of the terms I use in this thesis.

Secondary humanity, laws, order and categories are terms that I have tended to use more or less interchangeably throughout my thesis. Secondary humanity refers to the people who have parsed the world into **categories** to make **order** and sense of that world, and who live according to those rules. As I have previously explained, these categories are not neutral or natural and neither is the order imposed by them. The paternal function is a closely related term that denotes the institutionalized imperative of those in the most valued group to rule, “protect” and provide for those in any less valued groups.

I also want to note that by arguing for the deconstruction of gender categories, I am not calling for equality through “gender-blindness.” I believe that we must become critically gender-conscious in order to expunge the (hetero)sexism that permeates our lives and begin to move towards something of a society of equals.

This thought leads to another point— when I write of Deleuze’s society of equals, I do not mean an equality of sameness, wherein every human is considered fundamentally

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similar. It is highly contentious whether or not all humans *are* fundamentally similar, especially when we reclaim our margins (the “disabled”, the “queer”, the “mentally retarded” etc.) Regardless, many critically conscious writers and activists have observed that the categories we use to mark certain differences arise in effort to pathologize certain groups of people, and inevitably result in the groups’ dehumanization and disenfranchisement. Deleuze is concerned with an equality, not of difference, (for difference relies on the categories that we attempt to overcome in this thesis) but of elimination, elimination of sameness and difference, elimination of inequality and so too equality. He would have hegemonic categories be abandoned in favor of “even more obscure and ambiguous forces. The subject loses its texture in favor of an infinitely proliferating patchwork... devoid of center, of an upside down or right side up” (77).

At this point I would also like to make a note on methods. In this thesis, I explore two stories, *Bartleby the Scrivener* by Herman Melville, and *Loving Outside Simple Lines* by Sonya Bolus. I chose to ground my analysis in stories because they offer an emotional concreteness that theory alone does not. If the central insight of this thesis is that we must forever question our categories, then we must be skeptical of theory. Theory is general. Stories are particular. In some ways, these stories fit the theories I apply to them, but in wonderful ways, they are also a little messy. They defy neat categorization, and in doing so, provide their own defense mechanism against the theory within this thesis.

This thesis would not have developed as it did, had I not been experiencing my own version of the story I was telling, at the same time. As much projection of personal experience as literary analysis went into interpreting the *Bartleby* and *Loving*. Perhaps this thesis is more a theoretical explanation of my own journey, my particulars, than the



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broader paradigm for social change that I set out to write. But maybe there is room for it to be a bit of both.

# Bartleby

## 1 as a paradigm for resistance

*"To revolt outright is to affirm its authority...better to...undermine from within, gently erode, recognize discrepancies, play with roles, the language and the symbols, and let the play itself rob them of their terrifying power."*

---Carol LeMasters

The attorney in *Bartleby the Scrivener* represents a part within each of us. He is the well-meaning, well-adjusted, average guy. With respect to Bartleby, the attorney comes from a place of privilege, a favored son of the system. As such, he also stands for normative power relations, for the part of us that conforms to hegemonic ways of thinking, and serves "the man." Standing in stark contrast, Bartleby provides a radical critique. His ability to "reveal [the world's] emptiness, the imperfection of its laws, the mediocrity of its particular creatures... the world as a masquerade" is a kind of queering function that calls order into question (Deleuze 83). The nature of Bartleby's critique and the consequent potential for social change are the focus of this chapter.

I will begin by summarizing *Bartleby the Scrivener*, and then I will explain the arguments and interpretations of Michael Hardt and Antonio Negri, Gilles Deleuze and Maurice Blanchot. Hardt and Negri introduce us to Bartleby's revolutionary prospects, while Deleuze and Blanchot clarify the nature of Bartleby's particular brand of subversion and

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provide an argument in favor of Bartleby's brand of resistance. In my examination of *Bartleby the Scrivener*, I borrow heavily from Deleuze to develop a model for resistance to hegemonic systems of meaning. This model consists of an "Original" who critiques the normative system, and a "Prophet" who is, at least initially, subservient to that system, and who stands to interpret the critique of the Original. In the following chapters I will apply this model to the hegemonic gender binary, to demonstrate how it may be applied practically.

### **Herman Melville; *Bartleby the Scrivener***

The story is narrated by an attorney who works primarily on "rich men's bonds and mortgages and title-deeds" (Melville 2). The attorney has two copyists working in his office, Turkey and Nippers. Turkey is self-controlled and productive in the morning, but altogether too energetic in the afternoon to do anything of consequence. On the other hand, Nippers is productive in the afternoon, only after his indigestion subsides. "Their fits relieved each other like guards. When Nippers' was on, Turkey's was off, and vice versa" (Melville 6). In their extreme particularities, both characters provide a foil for Bartleby, a character who is typified by his nonparticularity. The last character in the office is Ginger Nut, whose sole purpose is to get ginger nuts for Nippers and Turkey.

Having received the office of Master in Chancery, the attorney decides to put out an advertisement for another copyist to help with the increased workload. Soon, Bartleby appears at his door, and the attorney hires him after asking only a few questions about his qualifications. At first Bartleby copies endlessly, as if he were more machine than human. On the third day, the attorney calls Bartleby into his office to verify the accuracy of a paper. "Bartleby in a singularly mild, firm voice, replied, 'I would prefer not to'" (Melville 8). The

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attorney is surprised, but decides to deal with the situation later. He calls Nippers in to help him instead.

On the next occasion, the attorney asks Bartleby to join all of them to review a paper. When Bartleby responds in his usual refrain, the attorney is once again “strangely disarmed... but in a wonderful manner touched and disconcerted...” (Melville 10). The attorney tries to reason with Bartleby this time, yet Bartleby continues to respond that he prefers not to. Once again, the attorney decides to postpone dealing with Bartleby’s impudence, deeming it “passive resistance”, rather than outright rebellion (Melville 12). He says “Poor fellow! thought I, he means no mischief; it is plain he intends no insolence; his aspect sufficiently evinces that his eccentricities are involuntary” (Melville 12). Meanwhile, Bartleby’s word “prefer” begins to make its way into the attorney’s vocabulary.

When this happens a third time, the attorney admits that he “burned to be rebelled against” (Melville 13). He decides to try to get Bartleby to directly refuse an order. The attorney asks Bartleby to go to the post office. “I would prefer not to.”/ “You will not?"/ “I prefer not” (Melville 13). Then the attorney asks him to fetch Nippers for him. Once again Bartleby “prefers not to.”

Initially the attorney is roiled by his interactions with Bartleby. He becomes distraught and plans retribution. However, as time goes on, the attorney becomes more reconciled to the situation. Everyone in the office comes to understand that Bartleby copies, but is permanently excused from all other duties. Though the attorney continues to ask things of Bartleby intermittently, now when Bartleby answers that he prefers not to, “every added repulse of this sort which I received only tended to lessen the probability of my repeating the inadvertence” (Melville 15).

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One Sunday, the attorney is near the office and decides to go in. There he finds Bartleby, who asks him to come back later. When the attorney returns, he finds the office empty. Rooting through Bartleby's things, the attorney discovers that Bartleby has been living in the office. At first the attorney is overcome with pity for Bartleby, and in a sense, for himself. Then, fear and repulsion replace his melancholy. The attorney resolves to ask Bartleby some questions the next day, and to let Bartleby go if he does not answer them.

Though Bartleby declines to answer the attorney's questions, the attorney does not fire Bartleby as he had intended to. Instead, the attorney asks Bartleby "to comply as far as may be with the usages of this office. Say now you will help to examine papers tomorrow or the next day: in short, say now that in a day or two you will begin to be a little reasonable" (Melville 20). As expected, Bartleby replies that he would prefer not to be a little reasonable. Meanwhile, Nippers, Turkey and the attorney use the word "prefer" more and more frequently.

The next day, Bartleby ceases even to copy. "Bartleby did nothing but stand at his window in his dead-wall reverie. Upon asking him why he did not write, he said that he had decided upon doing no more writing" (Melville 21).

After a time, the attorney decides to fire Bartleby. He gives Bartleby six days notice. Of course, by the end of the six days, Bartleby has not moved. The attorney gives Bartleby thirty-two dollars and bids him farewell. The next day, the attorney comes back to the office to find Bartleby still in his corner. After extensive pondering, the attorney comes again to accept the arrangement with Bartleby, that Bartleby stand idly in the office-room, "noiseless as any of these old chairs" (Melville 27). Before long, the attorney's peers begin to talk, which makes the attorney uneasy. After entreating Bartleby once more to leave, the

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attorney thinks to himself, "Since he will not quit me, I must quit him" (Melville 29). Shortly thereafter, the attorney moves his office to another part of the city.

Just when the attorney thinks he is through with Bartleby, the new occupant of his former office seeks him out to ask about Bartleby. The attorney denies any responsibility for Bartleby. Several days later, the lawyer returns with others who beg the attorney to help get rid of Bartleby. Eventually, the attorney agrees to speak privately with Bartleby. During this conversation the attorney offers to house Bartleby, but remains unsuccessful in his attempt to animate Bartleby's preference. At last, the police arrest Bartleby and take him to the Tombs, a jail. The attorney visits Bartleby twice in the jail. The first time, the attorney buys Bartleby a meal, though Bartleby declines. The second time, he finds Bartleby dead. The attorney's final words on Bartleby are, "Ah, Bartleby! Ah, Humanity!" (Melville 37).

## **Hardt and Negri; Absolute Resistance**

I introduce Hardt and Negri's interpretation of Bartleby first, since their aim is essentially similar to my own in assessing Bartleby as a potential agent for social change. They hold that Bartleby successfully enacts "the absoluteness of the refusal," but still falls short of their prescription for revolution because he fails to envision the new order (Hardt and Negri 203).

It is Bartleby's signature phrase "I would prefer not to" that Hardt and Negri deem the absolute refusal. "He does not object to this or that task, nor does he offer any reason for his refusal—he just passively and absolutely declines" (Hardt and Negri 203). Bartleby "prefers not to" do any of the tasks requested of him by the attorney, thus it is impossible for the attorney to prompt Bartleby into action by words alone. For example, the phrase "I

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would prefer not to” could neatly follow nearly any formulation of a mandate, such as “please do it”, “I want you to do it”, “you must do it”, or even “Do it or else.” Because Hardt and Negri see Bartleby as enacting the “absolute refusal”, they infer that Bartleby hates authority, and therefore find his actions pertinent to a discussion of the overthrow of such authority. They write, “The refusal of work and authority, or really the refusal of voluntary servitude, is the beginning of liberatory politics” (Hardt and Negri 204). Hardt and Negri name their method of revolutionary action in quoting Etienne de La Boetie, “Resolve to serve no more, and you are at once freed. I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer” (qtd. in Hardt and Negri 204). Rather than a coup d’etat, Hardt and Negri envision a boycott d’etat. If we take this as the paradigm of resistance and rebellion, there is no doubt that Bartleby is useful to the discussion. However, for Hardt and Negri, the disavowal of authority marks only the beginning of liberatory politics. “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” (Hardt and Negri 204). Because they do not see how Bartleby offers a new mode of life or a new community, they deem the Bartlebian method unfinished and failed. Bartleby’s path is all too solitary, leaving him to “continuously tread on the verge of suicide” (Hardt and Negri 204). “In political terms, too, refusal in itself (of work, authority, and voluntary servitude) leads only to a kind of social suicide” (Hardt and Negri 204). More is required-- a new society must be envisioned as a necessary form of rebirth.

There are several aspects of Hardt and Negri’s argument I take issue with—namely, the “refusal”, the supposedly inherent solitude of Bartleby’s resistance, and Bartleby’s failure as an agent for social change.

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Though I agree with Hardt and Negri that Bartleby's *resistance* is absolute, and will go into more detail about this shortly, I think they make a mistake in calling Bartleby's absolute resistance a *refusal*, an act of outright rebellion. The attorney himself tells us that Bartleby "means no mischief; it is plain he intends no insolence; his aspect sufficiently evinces that his eccentricities are involuntary" (Melville 12). The aspect that the attorney refers to is Bartleby's ever solemn, polite demeanor. Such a demeanor would be incompatible with a physical struggle, necessary to constitute a full refusal. For example, at the end of the story, Bartleby is taken away to the Tombs and "offered not the slightest obstacle, but in his pale unmoving way, silently acquiesced" (Melville 33). Though we may well assume that Bartleby preferred not to go, it is clear that he did not refuse to go, for he did not resist in any way his physical removal. Indeed, Bartleby does not intend to be rebellious, and his *preference not to* should not be taken as a refusal but rather precisely what the attorney names it to be—a passive resistance. Furthermore, a refusal would indicate that Bartleby to some degree acknowledges the authority of the attorney and the system in which they live. This, above all, Bartleby does not do.

I think careful consideration of the *implied* preference that Bartleby's idiosyncratic phrase addresses would provide us with a deeper understanding of the nature of his resistance. Within a much larger argument, Hardt and Negri offer only a two-page discussion of Bartleby, in the course of which they do not treat this question. Yet reflection here may illuminate the subtle difference between hating authority, and failing to recognize it, refusing and resisting. So to what does Bartleby's preference "not to" ultimately refer? I think the versatility of Bartleby's phrase in paralyzing all forms of speech commands reveals that the attorney's requests and even his demands are predicated on the notion that Bartleby preferred to serve, preferred to appease. The attorney falsely assumes that



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Bartleby cares about authority. For example, if the attorney knew that Bartleby had no regard or respect for authority or what one “should” do, he would have never tried to impose his will on Bartleby with words. He would have used physical force from the beginning. Neither would the attorney have appealed to reason in order to convince Bartleby, as he does when he demands the reason for Bartleby’s inaction, attempts to “reason” with Bartleby, and asks Bartleby to “be a little reasonable” (Melville 20). Indeed, for a refusal to be “reasonable” we must show that we act in concert with shared values, even as it may not be obvious that we are doing so. In the case of *Bartleby the Scrivener*, “reasons” demand an allegiance to authority. “Reasons” must explain how our actions continue in the service of authority, and thus maintain the power-system, even if they do not superficially seem to do so. Of course, it is this very allegiance that Bartleby utterly lacks, and this very system that Bartleby effectively, albeit briefly, obliterates. That the attorney continues to make requests of Bartleby even while he claims to be resigned to Bartleby’s inactivity proves that the attorney is very slow to realize that Bartleby has no intention of serving or appeasing. Bartleby effectively takes each utterance that precedes his phrase “I would prefer not to”, and strips it down to the matter of *preference to serve* implied by verbal supplication. Bartleby confronts the attorney’s underlying presumption that Bartleby wishes to serve, and responds only to this aspect of each request. For this reason, Bartleby’s *preference not to* has no sufficient rebuttal; it acts absolutely.

The attorney’s presumption that Bartleby prefers to serve is also, at base, a presumption that Bartleby prefers anything, prefers at all. But Bartleby does *not* prefer, and this becomes more and more clear in the course of the story as Bartleby increasingly embodies “non-preference”. Indeed, by the end, Bartleby does not prefer eating to not eating, or not eating to eating. He does not prefer life to death or death to life. Bartleby

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does not choose one over the other. He does not even fulfill the prerequisite of choice: categorization. Bartleby discerns no categories. This is evident also with respect to “reason”, which speaks not only to shared values, as I previously described, but also to our cognitive abilities to string along successive thoughts, to be logical, to define, to classify and categorize. Herein lies Bartleby’s true revelation—he rejects categorization.

As another point of contention, I do not think that Bartleby’s mission is innately solitary, as Hardt and Negri suggest. On the contrary, Bartleby affects those around him even against their will. Bartleby’s word *prefer* is called a “queer word” and at first, Bartleby is the only one to use it. Slowly, however, the entire office seems to catch the contagion. Turkey uses it – “yesterday I was thinking about Bartleby here, and I think that if he would but *prefer* to take a quart of good ale every day...”, and “Oh, certainly, sir, if you prefer that I should” (Melville 20-21). Nippers also uses the word when asking the attorney whether he “would prefer to have a certain paper copied on blue paper or white” (Melville 21). The attorney tells us that neither copyist in “the least roguishly accent the word prefer. It was plain that it involuntarily rolled from [their tongues]” (Melville 21). The attorney also admits to using it – “Somehow, of late I had got into the way of involuntarily using this 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” (Melville 20). Though the others “prefer” to do things (unlike Bartleby who prefers not to,) the sheer transmission of the “queer” word is powerfully foreboding for the attorney, who rightly wonders, “What further and deeper aberration might it not yet produce?” (Melville 20). The attorney nervously senses that this “queer word” is only the beginning of a new way of being.

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If Bartleby's plight is to be solitary it is because those around him desert him. When the attorney becomes "aware that all through the circle of my professional acquaintance, a whisper of wonder was running round, having reference to the strange creature I kept at my office" the attorney begins to fear that Bartleby will tarnish his reputation (Melville 28). The attorney finally decides to move his office to a new location. As a further betrayal, when the new occupant of the attorney's office has Bartleby removed from the premises, the attorney goes to help with the removal. In a sense, the attorney escorts Bartleby to his death.

Even if Bartleby had not been betrayed by the attorney, but had endured as a sacred fixture in the attorney's office, Hardt and Negri are correct in indicating that certain revolutionary instances do call for the overt formation of a new society. Nonetheless, there is also a value to the slow, eroding subversion of Bartleby in its potential for a brief utter freedom and the provisional creation of a society of equals. As a subversive figure, Bartleby is uninterested in imagining new (hegemonic) norms, or a new authority. He focuses instead on destabilizing the initial center such that it gives way to a temporary breath of nothingness, a brief collapse.

### **Deleuze; The Original Man**

Deleuze's analysis of Bartleby also portrays him as an agent of social change and gives us a glimpse of a new society that Hardt and Negri failed to see. Deleuze sees the attorney and Bartleby relating within a paternalistic society, that is to say, a society of unequals. However, Bartleby has the potential to inaugurate a new society of "brothers", equals.

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Deleuze speaks of the “paternal function” to indicate a state of unequal power relations, in which the more powerful party is purportedly intellectually and otherwise superior to the less powerful parties, and therefore also responsible for the less powerful parties, as is a father for his son. As the boss in his own office, the attorney undoubtedly “fills the paternal function” for his clerks, Nipper and Turkey (Deleuze, 77). The attorney is Nipper’s and Turkey’s superior in occupation, as well as in temperament. While Turkey and Nippers only work efficiently for half the day and must be emotionally managed, the attorney is presumably efficient the whole day long, and paints himself as interminably “reasonable”, responsible, and at the very least, self-reflective.

Deleuze theorizes that the attorney hires Bartleby “to make him *his* man” (75). If Bartleby is the son without a father, as Deleuze says he is, the attorney, it seems, is looking to adopt Bartleby (80). However, instead of the usual path, wherein the son grows to become the father, the reverse happens. Bartleby is at least briefly able to unseat the attorney from the paternal function and reclaim him as a brother. As Deleuze points out, Bartleby’s manner so unsettles the attorney that, despite the attorney’s insistence that he is reasonable and that Bartleby is the deranged one, the attorney is “disarmed, bewildered, stunned, thunderstruck, without response or reply” to Bartleby’s preference “not to.” Even the initial encounter with Bartleby—the attorney’s impulsive hiring of Bartleby after an interview lasting no more than a minute—is exceedingly odd. Throughout the rest of the story, “murder fantasies and declarations of love for Bartleby alternate in his soul” (Deleuze, 75). Finally, the attorney’s frantic flight from his own office to escape Bartleby illustrates the depth of his disturbance. Of course, Bartleby *is* deranged in his inhumanity, and Deleuze urges us to see that the derangement of the attorney is really the merging of the attorney with Bartleby. This is because Bartleby’s effect on society is to establish “universal fraternity

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that no longer passes through the father, but is built on the ruins of the paternal function” (Deleuze 78). When the attorney discovers Bartleby residing alone at the office during the weekend, the attorney thinks to himself, “The bond of a common humanity now drew me irresistibly to gloom. A fraternal melancholy! For both I and Bartleby were sons of Adam” (Melville 10). For some reason, perhaps because in Bartleby’s utter aloneness, the attorney senses his own, the attorney is able to recognize Bartleby’s *equal* humanity. Of course, the attorney acknowledges their equal humanity “under God,” a stipulation that is problematic in a secular world. I do not wish to suggest that all humanity is equal “under God,” rather I only want to point out that the attorney, for whatever reason, is briefly able to see a brother in Bartleby. Thus, by dethroning the attorney from his paternal function, Bartleby begins to erect the society of the “brothers”. As we know, he does not succeed in this task because the attorney ultimately betrays him.

Deleuze further frames the relation between Bartleby and the attorney as one of primary nature to secondary nature. Bartleby is tied to primary nature, and Deleuze labels him an “Original”. Meanwhile Deleuze sees the attorney as the “guardian of the divine and human laws”, which govern secondary nature, and labels him the Prophet (Deleuze, 80). Primary nature is best understood as a queering function that operates by employing that which it troubles, in undermining itself. Deleuze writes that it is “original and oceanic, which knowing no Law, pursues its own irrational aim through [laws]” (79.) On the other hand, secondary nature is that of human laws, and may be understood as the hegemonic system at hand. It is the system of categorization that disperses against primary nature. Thus, though Bartleby as an Original does not follow the laws, he is inseparable from secondary nature and the world he inhabits. This is because the function of “Originals” is to expose “[the world’s] emptiness, the imperfection of its laws, the mediocrity of its particular

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creatures... the world as a masquerade" (Deleuze 83). In other words, forever functioning as a critique, the Original depends on the world and its laws as both the objects and the tools of critique. Without them, the Original does not exist. The Prophets, then, are those in society who recognize the effect of Originals on the world and "the unspeakable confusion and trouble they cause in it" (Deleuze 83). Acting as the prophet, the attorney is able to "see" the primary nature within Bartleby. This is evident in the attorney's descriptions of Bartleby, which use the exact terms of the characteristics of "Primary beings". In fact, it is very likely that Deleuze's description of Primary beings is inspired by the attorney's endless descriptions of Bartleby:

A powerful, solitary figure that exceeds an explicable form: it projects flamboyant traits of expression that mark the stubbornness of a thought without image, a question without response, an extreme and nonrational logic. Figures of life and knowledge, they know something inexpressible, live something unfathomable. They have nothing general about them, and are not particular... even the words they utter surpass the general laws of language (presuppositions) as well as the simple particularities of speech. Since they are like the vestiges or projections of a unique, original language, and bring all language to the limit of silence and music. There is nothing general or particular about Bartleby: he is an Original. (Deleuze 83)

To return to an earlier point, Deleuze is interested in the attorney's simultaneous identification with and betrayal of Bartleby. As I previously noted, the attorney feels a sincere connection to Bartleby, as well as empathy and love for him. However, the attorney betrays Bartleby, proving his allegiance to secondary nature, to order. The attorney deserts Bartleby in his office, and even helps the police drag Bartleby off to the Tombs. Nonetheless, the attorney continues to "cherish the innocent that [he has] condemned" (Deleuze 81). His final words on Bartleby are, "Ah, Bartleby! Ah, Humanity!" which, according to Deleuze, is not meant to indicate a connection, but rather a dilemma, a forced choice between the two; Bartleby *or* Humanity. The attorney must choose between the

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“all-too-human law” and Bartleby (Deleuze 81). This points to the violent nature of all categories, which murder the potential for Bartleby’s universal fraternity.

Deleuze concludes that our ultimate challenge is to somehow reconcile the Original with secondary humanity. Through the attorney’s betrayal of Bartleby in the name of order and paternal kindness, we must recognize that “there are no good fathers. There are only monstrous, devouring fathers, and petrified, fatherless sons” (Deleuze 84). Even though the attorney genuinely loves Bartleby, his paternal branding always already foretells the betrayal in favor of order. Deleuze concludes that, “if humanity can be saved, and the originals reconciled, it will only be through the dissolution or decomposition of the paternal function” (Deleuze 84).

In summary, we might say that Bartleby destabilizes a hegemony based on paternal authority and inequality by stubbornly resisting the basic presupposition to servitude. His role as an Original is in some fashion revelatory, exposing the inadequacy of categories and bringing to light the potential for a fraternity of equals. In those ways, Bartleby is an agent for profound social change.

## The Formula

Deleuze and Blanchot both dissect the way Bartleby uses and misuses language in order to empty words of their referential meaning. For Deleuze, Bartleby’s idiosyncratic refrain, “I would prefer not to” unravels the web of language. He calls this strange utterance *the formula*. In this section, I will explain how Bartleby uses his *formula* to undermine language or the system from within.

## *Bartleby*

Deleuze argues that language operates on the “logic of supposition.” Language is a system of references, in which words hold meaning because they refer to and can be explained by other words. He explains,

A word always presupposes other words that can replace it, complete it, or *form alternatives with it*: it is on this condition that language is distributed in such a way as to designate things, states of things and actions, according to a set of objective explicit concerns... (73 emphasis mine)

Each word within the web of language wields power and holds meaning insofar as it is presupposed by other words and is supported within the web by its relation to other words. However, Bartleby’s application of language in the phrase “I would prefer not to,” undermines “the presuppositions of language as a whole...the formula ‘disconnects’ words and things, words and actions, but also speech acts and words—it severs language from all reference...” (74) Bartleby’s use of language manages to cut words out of the referential system that give them meaning. In this way, Bartleby “[carves] out a kind of foreign language within language, to make the whole confront silence, make it topple into silence” (72).

Deleuze points out how *the formula* has a “ravaging, devastating” effect on language, and “leaves nothing standing in its wake” (70). It is

devastating because it eliminates the preferable just as mercilessly as any nonpreferred. It not only abolished the term it refers to, and that it rejects, but also abolishes the other term it seemed to preserve, and that becomes impossible. In fact, it renders them indistinct: it hollows out an ever expanding zone of indiscernibility or indetermination between some nonpreferred activities and a preferably activity. All particularity, all reference is abolished. (71)

In effect, *the formula* manages to break down the system of meaning on which language depends. *All reference is abolished*. Usually, to say that we *prefer not to* do some activity suggests at least a relative positive preference for some other activity. For example, if I say that I would prefer not to do my homework, it is appropriate to assume that, given a choice to either do my homework or make my bed, I would choose to make my bed. This



## *Bartleby*

choice demonstrates a positive preference for making my bed, at least in relation to the nonpreferred. However, Bartleby's *preference not to* does not indicate a choice, as his insistence that he is "not particular" indicates the absence of a positive preference. There is no action that Bartleby wants to do, or even relatively prefers to do. *Bartleby is not particular*. He does not have specific positive preferences. Thus, when the attorney tells Bartleby to review papers in his office, Bartleby's response "I would prefer not to" negates the possibility of any other possibly preferable activity. Deleuze writes,

from the moment he says *I would prefer not to* (collate), he is no longer *able* to copy either... the effect of the formula-block is not only to impugn what Bartleby prefers not to do, but also to render what he was doing impossible, what he was supposed to prefer to continue doing. (70)

It is for this reason that Deleuze says that Bartleby's *formula* eliminates the preferable along with the nonpreferred. In this sense, Bartleby truly does hollow out an ever-expanding zone of indetermination. His formula "[sweeps] up language in its entirety, sending it into flight, pushing it to its very limit in order to discover its Outside, silence or music" (Deleuze 72).

## **Blanchot; 'Pure' Writing**

Blanchot describes another way that Bartleby plays with language in such a way as to erase all meaning: writing. Blanchot points out that Bartleby writes entirely passively. He in no way engages with the material. Bartleby simply copies words "silently, palely, mechanically" (Melville 7). Nonetheless, copying is seemingly all that he does. "As if long famishing for something to copy, he seemed to gorge himself on my documents. There was no pause for digestion. He ran a day and night line, copying by sun-light and by candle-light" (Melville 7). The attorney also observes that Bartleby never even leaves the office. His existence is devoted entirely to copying, with no interest in the content of what he writes

## *Bartleby*

even to check over his work. Because Bartleby prefers not to review his copying, or any other office task for that matter, the attorney permanently excuses Bartleby from any other task but copying. For Blanchot, this work constitutes “‘pure’ writing, which can only be that of a copyist (rewriting)” (145). It is pure writing because the words that Bartleby copies have no meaning for him. Thus Bartleby does not even think as he copies. He writes words to reproduce their shape, not their meaning. In this way, the words on the page become empty signifiers, merely shapes to fill the space. Just as Bartleby speaks his *formula* to the effect of the dissolution of language, his manner of pure writing empties the written word of its meaning along with the spoken word.

In a world in which, “he who criticizes or thrusts the game away, has already entered into the game,” the only way to slip through the cracks and escape the ‘game’ is to fail (Blanchot, 10). Pure writing, which methodically rubs the meaning out of words, can be seen as a failure to harness the power of words. For Blanchot, such failure is the only way to “halt the system, leaving it idle, delivered to the seriousness of irony” (47). The ensuing and idle silence signifies that the system has stopped. With the grind of gears now quiet, language is temporarily queered.

## Conclusion

Bartleby invites us to regard practices as potentially subversive, which do not refuse the system, or declare outright rebellion. He does so through **passive resistance** (Melville). His resistance is **absolute** (Hardt and Negri), resting on his total indifference to authority, his detachment from the world and his **nonparticularity** (Deleuze) or lack of positive preferences.

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The key to Bartleby's queer subversion is his nonparticularity. Bartleby's total nonparticularity excludes the potential for any preferred action as soon as the attorney suggests anything to Bartleby. In this way, words are cut off from the system of language, sucked dry of their power. Thus, Bartleby undermines the spoken word. In a parallel fashion, Bartleby's mindless, mechanical copying strips the written word of any meaning.

In resisting the paternal function, Bartleby "throws a livid white light on his surroundings," making visible the categorical hierarchy that silently and insidiously rules us (Deleuze 83). Furthermore, at base, Bartleby's lack of preference, his failure to choose reveals his utter indifference to classification. These two characteristics, his resistance to the paternal function and his absolute lack of preference make Bartleby a queer figure—one who troubles the "natural" and categories in general.

Finally, the attorney, too, plays a critical role. He is at once the father who must be destroyed, the prophet who witnesses this destruction by the Original, and the newly reclaimed brother who is pulled into Bartleby's aura. His relationship with Bartleby illuminates the effect of the Original on others, and the path towards a radically equal society.

# Queering

## 2

the original; a map of  
transgression

In the last chapter, I talked about Bartleby as queering agent for social change. Because of Bartleby's resistance to preference, choice, and categories, and his consequent revelation of the mediocrity of those categories, Deleuze labels him an Original. In this chapter I present the gender binary as another hegemonic system of categories that may be troubled by an Original.

Gender in all its forms is a social construct, a culturally and historically specific language we learn to speak and to understand. Just as Bartleby disrupts the spoken and written word in his realm, visibly genderqueer people disrupt the language of gender. They are Originals to the gender binary. In this chapter I will explain how gender operates as a social construct, and then go on to discuss the theoretical connections between Bartleby's passive resistance and the subversive potential of visibly genderqueer people.

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### Men and Women

Before grappling with theoretic understandings of gender, I want briefly to explore what gender means in common parlance. To do so, I begin with two basic questions about gender: What is a “man”? What is a “woman”?

The most basic understanding roots itself in biology; a “man” is someone who has a penis and a “woman” is someone who has a vagina. Of course, sexist and homophobic accusations that abound for young boys---“why are you crying? You’re such a girl” or “why are you playing with dolls? Are you gay?” as well as stereotypes about female feminists being “hairy, ugly and manly” make it clear that there is more to the common understanding of gender than simply biology. Though we may think biology is the key determinant, social aspects have an even larger role in what gender means in the millions of day-to-day interactions.

During a discussion on rape culture that I led for first years at Pomona, we drew out social aspects of gender through the lens of gender stereotypes. On the board I drew a circle labeled “woman” and a circle labeled “man”. Then students filled each circle with adjectives about “men” and “women”. By the end, the circle labeled “man” was filled with words like—strong, tough, rational, do not cry, logical, athletic, stoic, sloppy, cannot cook, always want sex, attracted to women, and likes videogames, cars and beer. The circle labeled “woman” was filled with words like—weak, emotional, prude/slut, attracted to men, nurturing, caring, irrational, passive, whiney, bitchy, likes shopping, babies and gossip.

Though many of us could immediately identify someone who did not perfectly fit the adjectives or stereotypes about their gender listed above, we by and large remained unwilling to question the innateness of gender. Instead, we reformed our definitions to include the misfits. Maybe women can be sporty too, and sure, men can talk about their

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feelings. “To stabilize the binary, we shift the boundaries of meaning and re-erect them” (Wilchins, *QTGT* 36). Yet with such an unstable definition, inevitably gender becomes suspect. In the following section, I reveal the fragility of the gender binary in order to dismantle it.

Because this chapter is intended to trouble the normative categories of “men” and “women” I have provided below a brief lexicon of terms that I will use in place of those terms. While not perfect, the alternative lexicon at least begins the project of denaturalizing “men” and “women”. Later in the chapter I will provide terminology for people who do not fit into any of these categories.

**Female-assigned people** - people who were assigned a gender identity of “girl” at birth.

**Male-assigned people** - people who were assigned a gender identity of “boy” at birth.

**Feminine-identified people** - people who identify as primarily feminine gender or as “women”.

**Masculine-identified people** - people who identify as primarily masculine gender or as “men”.

## Gender: Rules and Regulations

### The Myth of the Gender Binary

The common language of gender speaks in one of two ways: either gender is masculine or it is feminine (*IYGS* 27). It is the most basic and fundamental way that we understand ourselves socially. From the very first moment that we are recognized in society, we are gendered. “It’s a boy!” the obstetrician declares. This gendering continues for the entirety of our lives in the clothes that we wear, the bathrooms we use, how we interact socially and the gender boxes we check on forms (*IYGS* 26). Though we commonly

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think of gender as something we *are*, or perhaps something we *have*, gender theorist Judith Butler says that it is instead something we *do*. Furthermore, she writes, “there is no gender identity behind the expressions of gender; that identity is performatively constituted by the very ‘expressions’ of gender that are said to be its results” (GT 34). Such expressions are the length of our head hair, the pitch of our voice, and countless other signals that we may not even be conscious of employing. To be clear, none of these gendered acts, argues Butler, is an expression of an innate self or an innately gendered self.

The concept of an innate self presupposes a subject that precedes the ways that we exist socially. That is to say, it presupposes that there is an innate self that exists, and we manifest our innate selves through what we say, what we do, our personalities and habits etcetera (Sullivan 89). In this view, our innate selves initiate and produce these actions, and therefore, also precede them. Butler argues against this paradigm. She says that there is no innate self that exists prior to our being-in-the-world. Instead, “the ‘doer’ is variably constructed in and through the deed” (GT 194). Stated differently, our identity is formed during and because of what we say, what we do, our personalities and habits etc.

Our existence as gendered individuals is formed in and through various gendered acts. Like words, gendered acts communicate a culturally and historically established meaning, which is either masculine/male or feminine/female. In language, words hold meaning in so far as they relate to other words and have been used before to indicate specific meanings. Similarly, a gendered act, such as wearing a dress in 2010 in the United States, is considered feminine, or *means* feminine/“woman” only insofar as it has meant feminine/“woman” in the past. Indeed, dresses communicate femininity because in the recent history of the United States, dresses have been worn most often by feminine-identified people. Nonetheless, we could just as soon conclude that dresses are most often

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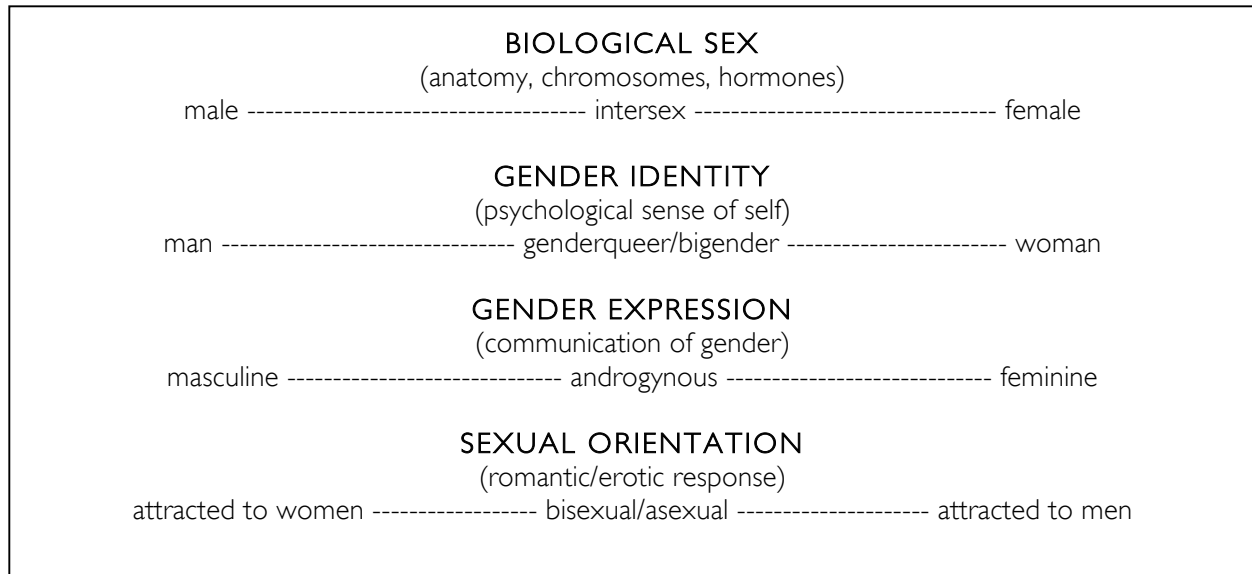
worn by feminine-identified people largely because of the feminine coding of dresses. In fact, this cyclical question of “which came first, the feminine coding of dresses, or the wearing of dresses by feminine-identified people?” works to obscure the process by which the dress becomes gendered, to the effect that dresses are seen as innately feminine. Yet, the culturally and historically specific meanings tied to gendered acts prove that there is nothing inherent or immutable about gender and the “doings” of gender. For example, in the U.S., before the late 1900s, most women did not wear pants regularly because pants were considered men’s clothing. Today, many women wear pants everyday, and pants are no longer seen as only masculine.

Butler calls the formation of the subject in and through gendered acts the *performative effect* of such acts (GT 34). In doing these acts, we become gendered subjects. The prototypical example of a performative speech act is when a priest at a wedding announces, “I now pronounce you man and wife”. In such a case, the couple becomes “man and wife”, a married couple as and because the priest declares them to be. The statement “it’s a boy!” or “it’s a girl!” is similarly performative in defining our genders. Before we can even speak for ourselves, others dress us in the “appropriately” gendered clothing, and begin to encourage us towards certain gendered behaviors. Indeed, that this proclamation is often our primary interpellation into the world underscores the fact that the most basic way that we humans recognize one another socially is through gender.



## The Gender Scale—An Attempt to Deconstruct Gender

The Center for Gender Sanity's Diagram of Sex and Gender (Walworth and Kammerer)



Since the late 18<sup>th</sup> century, the idea has prevailed that our genitalia (sex) correlates directly to our gendered social role (gender expression and gender identity) and also to what gendered people we want to have sex with (orientation) (Bing and Bergvall 500.) The current paradigm of gender taught by mainstream gay and lesbian organizations like the Gay and Lesbian Alliance Against Defamation (GLAAD), shown above, is an attempt to denaturalize these connections between body, social role and desire by presenting them as discrete matters (Adams). This diagram also takes a step towards deconstructing the social aspects of gender by distinguishing between gender identity and gender expression. Loosely stated gender identity is what we *feel* like and the label that we put to that feeling. Gender expression is accomplished through the gendered symbols that we use to express ourselves, such as clothing, grooming practices, body language and more. As helpful as this framework is for beginning to pick apart the workings and masquerades of gender, it is very simplistic. The idea that we could occupy one point along the scale, that we are always

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conscious of our gendered self in exactly the same way in all situations, is untrue for many people (Bornstein 52). Similarly, the concept of a unified gender expression denies the multiplicity of acts that comprise our gender expression, and consequently the tenuousness and instability of our gender presentation. In reality, we all make gendered movements each moment that support and contradict the gender story that we tell about ourselves. A better way to think about gender would be to regard gender identity as an act, a piece of gendered expression. The sum total of all such gender expression is the same as what we simply call gender. Kate Bornstein also argues against this compartmentalizing of gender in biological sex, identity, and expression as such “typing” is really a tool of the system. She writes, “gender becomes typed in order to hold together the boundaries of a group” (116). By calling each of these “types” by the same name—gender—we recognize that they are each a word from a common language (ibid). This model of thinking about gender, as opposed to the paradigm featured at the beginning of this section, allows us fully to appreciate how piecemeal our gender really is. Furthermore, it gives us the potential to pull at the occasional loose threads and discontinuities and thereby unravel the fabric of gender.

The other pitfall of the previous paradigm is that it places these concepts on a scale, anchored by male and female. While it is intended to show that there is no hard and fast binary, it nonetheless keeps the binary intact by assuming that we can only move between male and female (Bornstein 115). To avoid being anchored by the binary, Bornstein proposes that we think of and articulate our gender through colors that may or may not be clearly related to any other color.

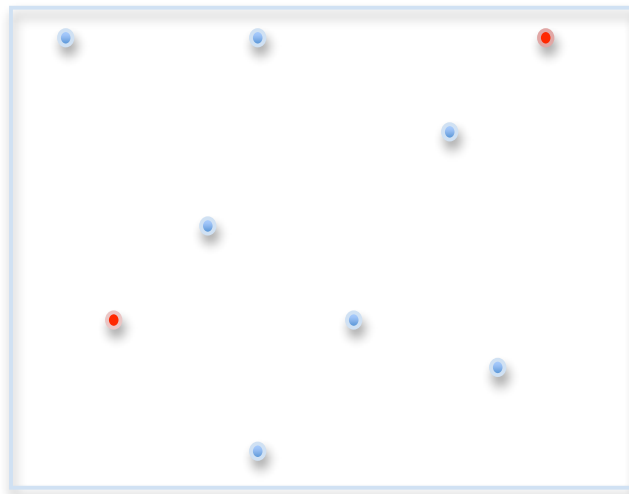
On that note, imagine for a moment that, instead plotting our gender along the scales featured above, our genders were plot in the diagram below. The faint color of the

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borders of the square is intended to imply unboundedness. The point of this diagram is to portray two dimensions, rather than the one-dimensional spectrum.



How does this model relate to the binary that we use now? Imagine that the red dots represent an “ideal male” gender, and an “ideal female” gender.



The red dots may seem arbitrary in the above diagram, and, indeed, they are. However, by treating the red dots as the “norm”, they become the most recognizable genders, and the lens through which we recognize and understand all other genders. To be clear, the spectrum results when we collapse our multidimensional understanding of gender

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into a one dimensional line, and require everyone to understand their gender in relation to the end points of the line, in this case, “male” and “female”.



The unbounded rectangular gender-diagram that I initially proposed is by no means the only way of conceptualizing gender. We could just as easily have used a cube, a sphere, or added further dimensions (Bornstein 116). Indeed, we may want to think of our genders as multidirectional, multidimensional and constantly in motion, like electrons that move so quickly, we never really know where they are. As Butler says, “gender is a complexity whose totality is permanently deferred, never fully what it is at any given juncture in time” (GT 22).

## **Sex**

Just as we saw on the Gender Scale, biological sex is intimately related to our discussion and understanding of gender. Though some people make no distinction between the two, feminists have historically differentiated between sex and gender so as to make the claim that “biology is not destiny.” This differentiation has helped feminists to illuminate and refute the widespread assumption that gender comes from sex. This assumption holds that the social and behavioral aspects of gender, such as gender roles and identities are in some way related to and even derive from biological sex. By saying that “biology is not destiny,” feminists contended that simply being “female” did not necessarily mean that one would be delicate, weak, nurturing, emotional, or any of the other gender stereotypes about “women”. Yet many of those feminists did not intend to challenge the assumption that bodies were “naturally” sexed either feminine or masculine or the assumption that a

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person who is “naturally” sexed feminine is a woman. In other words, such feminists thought that having a vagina did not impede you from being a high-powered businesswoman, but it did impede you from being a man. So, as feminists were contesting what social roles were feminine and masculine, many continued to assume that bodies were inherently masculine or feminine and that it was this inherent genderedness or sexing of the body that led us to create gendered social roles.

I suggest, as Butler does, that it is in fact the other way around. She writes, “if the immutable character of sex is contested,” and I will later argue that it is, “perhaps this construct called ‘sex’ is as culturally constructed as gender; indeed perhaps it was always already gender...” (GT 9). Furthermore, she writes, that the “production of sex as the prediscursive ought to be understood as the effect of the apparatus of cultural construction designated by gender” (GT 11). In other words, gendered thinking is what makes sex appear as though it were neutral and natural, outside of culture, history, and discourse. This leads her to the point that “sex itself is a gendered category” (GT 10). Kate Bornstein, a transgender activist, agrees, calling a “type” of gender-- another way that our bodies may be coded and interpreted as masculine or feminine (Bornstein 116). Even as more liberal views of gender accept that “gender” is interpretable, socially constructed and mutable, liberal acceptance does not extend to “sex.” Instead, the separation of “sex” and “gender” allows people to continue to discuss “sex” as a concrete, historically and geographically universal binary of male or female. Furthermore, because “sex” has historically been used to ground the social roles of gender in something physical, any project endeavoring to destabilize gender must also destabilize sex.

Sex refers to the biological characteristics that are said to differentiate male from female. Though we often use the word as if there were a clear cut sex for every person,

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the biology that we use to determine “sex” is actually comprised of multiple, sometimes “conflicting” factors: sex chromosomes, secondary sex characteristics, gonads, sex hormones, internal reproductive structures, and external genitalia (ISNA). A body type that combines or mixes the so-called “standard male” and “standard female” types is called intersex or is said to have a disorder of sex development (DSD) (ISNA). A report put out by the Intersex Society of America (ISNA) gives the following examples of intersex conditions: “a girl may be born with a noticeably large clitoris, or lacking a vaginal opening, or a boy may be born with a notably small penis, or with a scrotum that is divided so that it has formed more like labia.” Some people with DSD look typically male or typically female on the outside, but have some internal organs that do not “match.” Finally, there are 70 known irregularities involving sex chromosomes and some do not result in any signs of genital “abnormality” (ISNA). Some of the most common forms of DSD are Androgen Insensitivity Syndrome, Congenital Adrenal Hyperplasia, Klinefelter's Syndrome, Swyer Syndrome, Persistent Mullerian Duct Syndrome, 5-alpha-reductase deficiency, and Turner's Syndrome. Furthermore, the ISNA writes that,

Though we speak of intersex as an inborn condition, intersex anatomy doesn't always show up at birth. Sometimes a person isn't found to have intersex anatomy until she or he reaches the age of puberty, or finds himself an infertile adult, or dies of old age and is autopsied. Some people live and die with intersex anatomy without anyone (including themselves) ever knowing.

Because our society only understands masculine or feminine sexes, intersex babies constitute a natural impossibility to the way we understand sex. Their bodies are unintelligible to us, and so we regard them as a deformed, disordered and sick. They are a mistake. We assume that despite “Nature's slip-up”, the child must have a masculine or feminine sex “underneath.” For this reason, much of the discussion around intersex babies

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focuses on discovering their “true” sex. The possibility that the child’s “true” sex is intersex simply does not exist (Wilchins, *QTGT* 75).

When DSD is found at birth, physicians will sometimes perform “corrective” surgery on the intersex baby in order to make the genitals look more like typical “male” or “female” genitals. These surgeries are not always necessary to the survival or wellbeing of the child, and in fact, they can result in physical harm such as scarring, chronic pain, chronic irritation, reduction of sexual sensation, and psychological harm (ISNA). Many activists for intersex rights see these surgeries as an example of violent punishment for the failure to conform to traditional notions of masculine and feminine sex (ISNA). Such nonconformity challenges our notion of sex, and clearly results in much societal anxiety (Wilchins, *QTGT* 78).

Yet, the difference between a clitoris and a penis is more subjective than we might assume. According to the ISNA, there is no consensus among doctors for when exactly a clitoris is too large to be a clitoris, or a penis is too small to be a penis. Nonetheless, for the most part, if it is smaller than  $\frac{3}{8}$  of an inch, it is a clitoris, and if it is larger than an inch it is a penis. If it is somewhere between  $\frac{3}{8}$  of an inch and one inch, it is considered intersex (Wilchins, *QTGT* 80). To comprehend fully how arbitrary this boundary is, I will borrow a thought experiment from Wilchins: imagine that the penis/clitoris needed to be smaller than  $\frac{2}{8}$  of an inch to be considered a clitoris. Suddenly, a number of women would become intersex. Conversely, imagine that a penis only had to be  $\frac{7}{8}$  of an inch to be considered a penis. Suddenly, a number of intersex people would find out that there was nothing “wrong” with them at all! They are male! (80). Genital variation with respect to size and shape is not something unique to the intersex population. Even the genitals of people who are safely considered male or female vary widely within their respective sexes.

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Like gender, sex can be understood as another social construct that we interpret as either masculine or feminine. To maintain the illusion that it exists as a timeless universality, we patrol the border between the two, identifying a “true” sex for everyone and effectively erasing intersexuality (Wilchins, *QTGT* 75).

### **Why do we subscribe to gender?**

Gender is one of the primary ways that we relate to one another. Part of the reason why individuals today choose to claim a normative (“man” or “woman”) gender identity is because institutions such as laws, the government, and even public facilities require it of us. Every time we deal with birth certificates, bathrooms, prisons, college applications, immigration laws, passports, and marriage laws, we are managed through our gender (Wilchins, *IYGS* 26). This type of gender regulation is top-down, and nearly forced upon us. Nonetheless, individuals also claim gender identities because other people require it of us. This type of regulation from the bottom up, occurs through thousands of small everyday acts, microexchanges of meaning that

stamp us with our gender, bind us to it and require us to answer to it and interact with other people... Thus not only does language restrain us as individuals, but it is through the language of gender that we become who we are, that we come to recognize ourselves—and be recognized by others—as men and women and only as men and women. (Wilchins, *IYGS* 26)

Wilchins speaks plainly here of the prevalence of gendering through the ways that we recognize and are recognized on a daily basis. Gender provides the platform for social interaction. There is another very obvious reason why we subscribe to gender— there are severe consequences for individuals who do not to conform. From stares and derogatory slurs to beatings, corrective surgeries, rapes and even murders, refusing or failing to conform is explicitly punished in our society. For example, while the average person has a



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chance of 1 in 18,000 of being murdered, transgender people have a chance of 1 in 12 (HRC).

### Gender Transgressors

People who recognize that they do not fall into the clear cut categories of “man”/“male” or “woman”/“female” assigned to them at birth (“it’s a boy!”) may identify as transgender, genderqueer or other gender-variant identities such as cross-dressers, transvestites, transsexuals, drag kings and queens, genderfuck, two-spirits, intersexuals, and many others. Generally, and more recently, genderqueer is used as a blanket term for any gender-variant identified person who claims it.

Riki Wilchins tells us that, “Genderqueers are people for whom some link in the feeling/expressing/being-perceived [of gender] fails” (IYGS 28). Thus, people may identify as genderqueer because they do not feel, look or act like a normative man or woman. The existence of such people potentially reveals the instability of normative gender categories, a binary that masquerades as universal and timeless. Furthermore, the existence of genderqueer people troubles the notion of an innate and coherent gender identity.

However, in order for this subversive potential to be realized, genderqueer people must be recognized and recognizable. Such recognition *could* be through telling others that one is genderqueer. Some people who identify as genderqueer nonetheless appear to others as normatively gendered. As a result, these people usually “pass”. In other words, if those not informed of a person’s genderqueer status interpret the person’s gender identity as either a normative “man” or a normative “woman”, then the person is “passing”. For the purpose of this thesis, I will be concerned only with *visibly* gender-variant people, people who discernibly transgress gender norms, people who do not “pass” as normatively

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gendered. This is because a genderqueer person who passes as normatively gendered does not necessarily require much effort from others, where as one who does not pass does. For example, for most people it feels routine to use female pronouns (she, her, hers) when talking about a person that presents and passes as a female-assigned person. It is, at least initially, much more challenging, and requires considerable attention to use female pronouns for a person who we know or suspect was a male-assigned person, even if we know the person is not masculine-identified. For this reason, I am less concerned with political identities within genderqueer, and more concerned with queerly gender identified people who either cannot, choose not to, or otherwise fail to pass. These people I will hereafter refer to as visibly genderqueer people.

## Bartleby in Drag

Now that I have explained some of the fundamentals about gender theory and the way that gender operates, I am going to return to Bartleby. The rest of this chapter will focus on the theoretical connections between Bartleby's subversive effect on language and authority, and the subversive potential that visibly genderqueer people have as Originals to the gender binary.

### **The Formula and Pure Writing Revisited;**

### **Passive Resistance and Performativity in Gender Transgression**

Bartleby's formula, "I would prefer not to" is the focal point of his subversive politics within language and lends itself well to understanding the subversive potential of visibly genderqueer people within gender. Through the formula, Bartleby applies performativity in

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language as a tool against language itself. Furthermore, the passive quality of Bartleby's resistance parallels that of visibly genderqueer people.

As I described in *Chapter One*, Bartleby's formula "I would prefer not to" carries with it the performative effect of disbanding language. Butler asserts that performatives generally "are statements that, in the uttering, also perform a certain action and exercise a *binding power*" (BTM 225). Furthermore, she says that these words derive their power from "the invocation of convention" (BTM 225). If the intended effect of the invocation of convention is to "bind", to build, to strengthen convention, then the disbanding effect of convention (language) through its very invocation, as in the case of Bartleby, is an inverted anomaly. In other words, if one uses a word the way it has traditionally been used, then the traditional meaning of the word, and its place within the larger web of words and meaning (language) ought to be reinforced. For Bartleby, the reverse occurs—his use of words, albeit drawing on their traditional meanings, results in the destruction of meaning and the words' place within the web. Bartleby thus manages to turn the tools of language against itself.

Performativity within gender works similarly, to *bind* the subject to a gender. Generally, gendered acts "congeal over time," to create a unified gender expression of either male or female (Sullivan 82). For example, a female-assigned person wears a dress. Because mostly female-assigned people have worn dresses in the past, the invocation of convention, in this case, strengthens convention. The female-assigned person is considered feminine because she wears the dress, and the dress remains interlaced in the web of feminine signifiers. To this end, gender performativity bends towards strengthening convention (the binary).

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The genderqueer identity is defined by its transgression of convention. In order to transgress convention, the genderqueer subject relies on convention and the performative effect of its invocation in order effectively to “misapply” it. For instance, a person who uses femininely gendered acts such as wearing a dress, having long hair and crossing the legs in order to “bind” them to femininity, relies on the past femininizing effect of such acts. When this same person grows a beard, has broad shoulders, or speaks with a low voice, the person is masculinized through those acts. The ensuing contradiction of masculine and feminine features in the person is only contradictory insofar as the features bind the subject to a gender. In the case of the broad shouldered, low voiced, long haired, dress-wearing person, the performative effect of each of these gendered acts works to disconnect the subject from a particular gender. How is this? “Intelligible genders are those which in some sense institute and maintain relations of *coherence and continuity* among sex, gender, sexual practice and desire” (Butler, *GT* 23, emphasis mine). In other words, the language of gender, or the congealed effect of gender signifiers *must* result in either male or female, but not both, in order to be intelligible or legible within the language of gender.

In a binary like gender, each term is dependent on the other for its definition as not-the-other, gaining its meaning through difference. The “female” is the not-“male”, and the “male” is the not-“female” (Wilchins, *GTQT* 36). However, the blend of genders present in our example speaks both masculine and feminine at the same time. According to Butler, “the cultural matrix through which gender has become intelligible requires that” this kind of gender not exist (*GT* 24). Yet, the “persistence and proliferation” of identities that exist despite the dictum against them “provide critical opportunities to expose the limits and regulatory aims” of the gender binary, and effectively show the binary to be false! (*GT* 24). Like a true Bartlebian Original, visibly genderqueer people use the performative effect

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of gendered phrases and signifiers to bring the whole of language to dissolution. Indeed, if the signifiers did not hold gendered meanings (masculine and feminine) then they would not be able to form the garbled speech that disrupts the binary.

Alternatively, instead of hearing garbled speech, we could understand the dissolution of the gender binary as an instance of “pure writing” that results in the erasure of the meaning of each specific gender signifier. Just as Bartleby’s ceaseless and mindless copying allows the meaning to leak out of his words, visibly genderqueer people mix gender signals in a comparably “senseless” fashion. The words of gender no longer speak as they ought to, saying “man” or “woman”. Because of this, the language of gender fails. Consequently, the gendered words break from the power-system so that gendered acts no longer exert their gendered meaning. On a visibly genderqueer person, a skirt loses its feminine performativity. Like two gears grinding against themselves, the usual performativity of masculine signifiers grinds to a halt against that of feminine signifiers. The machine breaks down and the signifiers fall flat. Of course, this dissolution is ephemeral. As soon as a feminine-identified person walks by in another skirt, the feminine meaning is provisionally resurrected. Yet the vestiges of the dissolution remain, reminding us of the possibility to see beyond the binary.

Why is this subversion unique to Originals, to self-proclaimed gender transgressives? It is not. No one follows all of their respective gender’s norms perfectly all the time. “Men” may cry, “Women” may like beer. These cross-gendered experiences also disprove the binary assumption that “men” are only masculine and “women” are only feminine. Yet because these people are not gender failures on the whole, because they continue to pass as normatively gendered in spite of these brief bumbles, the myth of the binary remains intact.

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As for the passive quality of Bartleby's resistance encapsulated in his "preference not to", we can see that the destabilizing promise of visibly genderqueer people is similarly not contingent on rebelliousness. It is difficult to generalize about visibly genderqueer people because, as a group, they stray from the normative genders in many different ways, and their reasons for doing so are equally varied. There are some gender nonconformists who identify as transgender for predominantly political reasons. These people are actively using their bodies to disprove the gender binary in the manner described previously. Nonetheless, it is certain that there exist visibly genderqueer people who do not conform to gender stereotypes because they cannot, or because they simply and steadfastly "prefer not to". I do not mean to say that visibly genderqueer people *must* be apolitical or passively resisting gender norms in order to apply Bartlebian subversion, only that revolutionary intention to overthrow gender normativity or the gender hegemony is irrelevant to the visibly genderqueer person's subversive potential. Stated differently, visibly genderqueer people have subversive potential whether or not they intend to.

Nonetheless, purely political intentions may dampen the visibly genderqueer person's social impact because their first plea to others would be presumably for political solidarity rather than simply for the space to be. This is exactly why the passive nature of Bartlebian resistance is important. For example, Bartleby does not take a political stance against work, a move that could potentially cause others who choose to work to feel judged by Bartleby. Similarly, most visibly genderqueer people do not demand that others throw aside their gender allegiances. Rather, Bartleby seems to ask only for a space to live. Because of this, the attorney is able to recognize, albeit briefly, their common humanity. The attorney is able to temporarily give himself over to Bartleby's logic. In this same way, visibly genderqueer people who ask only for a space to live present a similarly passive

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attack on gender, which is in many ways, more effective than any political campaign could ever be.

### **Conclusion**

By using bad grammar, so to speak, visibly genderqueer people make gender stand on its head. If gender works by appearing natural and inherent, a hard and fast binary, then visibly genderqueer people attack gender at its root: they show us that gender norms are anything but inherent or natural. In fact, because of the performative nature of gender, visibly genderqueer people can indeed performatively become genderqueer, occupying the space in between. The congealed effect of their gender either never settles or fully congeals. Thus, gender is effectively troubled. It no longer appears as something natural and coherent, but rather it is revealed to be the multiplicity of collaborating and contradictory acts that it is. When given the space that Bartleby briefly enjoyed, the gender performance of visibly genderqueer people causes the “attorneys,” those of us who identify as normatively gendered, to question the naturalness and coherence of our own gender identity. In this way, visibly genderqueer people act as the Originals to the gender binary.

# Loving

## 3 outside simple lines; a guide to prophecy

*“Withdraw allegiance from the old categories of the Negative (law, limit, castration, lack, lacuna), which the Western thought has so long held sacred as a form of power and an access to reality. Prefer what is positive and multiple, difference over uniformity, flows over unities, mobile arrangements over systems. Believe that what is productive is not sedentary but nomadic.”*

---Michel Foucault

Lisa Duggan tells us in *Making it Perfectly Queer* that queer theory and queer lives, like those of Bartleby and visibly genderqueer people “carry with them the promise of new meanings, new ways of thinking and acting politically—a promise sometimes realized, sometimes not” (149, emphasis mine). In the last chapter, I explained the subversive theory behind the queer Originals—visibly genderqueer people, represented in *Bartleby the Scrivener* by the character of Bartleby. In this chapter I will show how to make good on Duggan’s promise of a new queer politics and Deleuze’s society of equals. To do so, I will examine the role of the prophet, represented in *Bartleby* by the attorney. Drawing primarily from *Loving Outside Simple Lines*, an essay by Sonya Bolus, I will trace parallels between the narrator in *Loving*, and the attorney in *Bartleby* to show that the narrator does indeed act as Deleuze’s prophet. Furthermore, I identify the narrator in *Loving* as a positive example of



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prophethood, in opposition to the attorney's failed example. In examining the perspective of one successful prophet, and one failed prophet, I hope to outline the necessary context for the realization of the visibly genderqueer subversive potential, a motion in the direction of *Bartleby's* society of equals.

### **Sonya Bolus; Loving Outside Simple Lines**

In this story, the author writes about her relationship with her transgender lover, and how this relationship has transformed her understanding of her own gender. She begins by talking about making love to her partner and discusses her partner's body dysphoria, or discontent. The narrator relates that together they imagine the lover has a "male" body -- "we both believe in this absolutely, and there is a shift from role play into another kind of reality" (Bolus 114). The narrator says that her lover lives "outside simple lines," beyond the categories of the gender binary (114). "We are in uncharted territory," the narrator tells us (116).

Eventually, the lover tells the narrator that he wants to have top-surgery. The narrator supports her lover but says that "inside me, a deep overwhelming panic begins to build" (114). An internal struggle ensues for the narrator, who feels her lesbian identity threatened by her lover's desire to change his body and presumably his gender. Yet the narrator also understands that her lover's deepest nature is transgender. He was never meant to be only 'boy' or only 'girl'.

In the months leading up to her lover's top surgery, the narrator begins to feel excited about it. Finally, the day arrives and her lover goes in for surgery. In the months that follow, they "embark upon a journey filled with dramatic peaks and valleys" (118). The narrator concludes that she has also changed profoundly during this journey, and has found

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a part of herself, which needed to emerge (119). In the final image the narrator leaves with us, she is gazing, protective and admiring, at her sleeping lover.

## Relationships of Responsibility

Before engaging in an analysis of *Loving* and prophethood, I want to discuss what I think is the defining ingredient in becoming a prophet—responsibility. I think there are two relevant forms of responsibility: one that is born from the law, as in the case of the attorney to *Bartleby*; the other that is born from community, as in the case of the narrator to her transgender lover.

Responsibility born from the law involves a hierarchical categorization of people, within which there is always a father-functioning figure. This makes it so that each party has a different responsibility to the other. The “father” is responsible for protecting and providing for the “son.” The “son” is responsible for obeying the “father.” This asymmetrical responsibility brings with it the institutionalized or legally sanctioned power imbalance characteristic of the paternal function. To erect the “society of brothers” over the ashes of the paternal function requires that the father relinquish institutionalized power. Some examples of this relationship include boss-employee (*Bartleby*), parent-child, adult child-elderly parent, teacher-student, caretaker-ward, physician-patient, etc.

It is worth noting that the law functions also as a normalizing force that demands we act towards one another in categorically prescribed ways. For instance, parents or guardians are legally bound to house their children until the age of 18 under penalty of child abuse. This results in the norm of children living with their parents or guardians, and the consequent social and political invisibility of children who do not.

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Responsibility born from community involves people joined together in pursuit of a mutual goal. These relationships of community-based responsibility are, taken at face value, relationships among equals. Some examples might include members of a sports team, soldiers in battle, fraternity brothers and sorority sisters, or even siblings. Although these relationships do not guarantee deep responsibility among all individuals, they provide the possibility. Another related relationship is that between lovers. Compassion and concern among lovers usually ensure that each individual's struggle is shared by the lover. We can see this clearly in the romantic relationship in *Loving*. The narrator is distraught by her lover's unhappiness because she cares about her lover's wellbeing. Nonetheless, such compassion and concern are not unique to romantic relationships, and no doubt, occur most often in friendships.

Institutionalized power differentials such as those characterizing relationships of responsibility through the law can also contaminate relationships of responsibility through community, shifting relationships among equals to a more paternalistic posture, once again ushering in the paternal function. This occurs when an individual within the community is seen as less human than others. Butler articulates this occurrence in *Undoing Gender* when she states, "the human is understood differently depending on its race, the legibility of that race, its morphology, the recognizability of that morphology, its sex, the perceptual verifiability of that sex..." (2). Certain groups of people are categorically deemed less human based on their race, gender, class etc. while other groups (specifically the heterosexual, white male) are recognized as human along those same lines. It is this paternal function, the resultant power disparity between the "human" and the "less-than-human", that operates in each of these relationships and provides the challenge that prophets must overcome in order to erect the society of equals.

## Prophethood

*"Some days I feel very alone in the world... other days I feel like part of an ancient, unspoken tradition, as one who is particularly 'wired' to partner a transperson. I feel almost sacred"*  
---Sonya Bolus

In chapter one we saw that Deleuze's prophet is one who has insight into the way Originals disrupt the order of the world. I now revisit *Bartleby* to draw out the context in which prophethood occurs. Many people experience fear and rage when they meet Originals, but usually only those who have an obligation to the Originals stop and reflect, in lieu of acting out physical or verbal violence. Those who reflect and can appreciate the deeper meaning of the Original's contravention are the prophets. Thus, the prophet is a person of secondary nature, submissive to the laws (norms, categories) that the Original violates. Impelled by responsibility to the Original, the person realizes the deeper meaning of transgression and in that realization becomes a prophet.

In *Bartleby*, Deleuze sees the attorney as the prophet. The attorney also acts as a guardian of secondary nature, the realm ruled by human laws. He is, after all, an attorney. As the guardian, the attorney has a stake in the fiction of secondary nature. Because the attorney accepts the concept of authority, what Deleuze calls the *logic of presuppositions* ("according to which an employer 'expects' to be obeyed..." [73]), the attorney himself gains authority. For example, Turkey and Nippers, characters of secondary nature who accept the notion of authority, are subservient to the attorney. Bartleby, on the other hand, eschews authority and does to obey the attorney. His flagrant resistance of laws and authority is not merely upsetting—the attorney's world is shaken by it. But why are the other characters of secondary nature within the story comparatively unperturbed by Bartleby's eccentricity? To be sure, they *are* disturbed, although most of them experience

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fear and rage without understanding exactly why. Such people include Turkey ("I think I'll just step behind his screen, and black his eyes for him!" [Melville 13]) and Nippers ("I think I should kick him out of the office" [Melville 10]).

Turkey and Nippers and the other characters of secondary nature are not *responsible* for the Original. I believe it is this responsibility that restrains the attorney from pursuing physical violence in response to his rage. His responsibility for the Original moves him to reflect on the situation. The other characters of secondary nature never come to understand the revelatory quality of Bartleby's resistance. For example, the extent of Turkey's and Nipper's frustration with Bartleby is that the two are forced to check Bartleby's paperwork because Bartleby will not do it himself. Turkey and Nippers do not adequately understand Bartleby's irreverence for authority as such, and so Bartleby's actions have much less bearing on their own lives. Similarly, the people who move into the attorney's office are greatly disturbed by Bartleby's refusal to leave the premises, but it is clear that they do not grasp the meaning of his refusals. In short, the attorney is the only prophet that Melville offers us.

Shifting our attention back to *Loving Outside Simple Lines* by Sonya Bolus, it is, again, the narrator of the story who acts as a prophet, this time to the narrator's transgender lover. In the context of *Loving*, secondary nature is defined by gender; thus the laws or categories at stake are those of the gender binary, and the lover constitutes an Original.

It is clear from the story that at least initially, the narrator buys into the gender binary. She identifies as a lesbian, a concept firmly situated in gender—she is a woman who loves other women. From this, we know that the narrator is certainly tied to secondary nature, as Deleuze prescribes. We also know that the narrator understands how deeply her partner defies gender classification: the narrator of *Loving* tells us that her lover "was

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transgendered before socialization tried to force you to choose 'one or the other'" (115). The narrator sees that for her lover, the binary is a forced choice, not a natural one. The narrator also recognizes that her lover was not simply 'born into the wrong body' as the transgender narrative supposedly goes. Rather, her lover's nature is deeply at odds with Deleuze's secondary nature—the laws of gender, the binary, the mutually exclusive choice of 'boy' or 'girl' and all that comes with it. The prophet status of the narrator is most tellingly revealed in her admission that, "I have wanted to 'figure you out,' using an intellect fettered by narrow expectations, so implicit in my culture that even I have rarely, if ever, questioned them. *You simply by existing, question all gender assumptions*" (114, emphasis mine). Indeed, the narrator perceives that her lover's existence exposes and leaves behind the binary logic of gender. She is a prophet.

Because the narrator is invested in the very laws of gender that her transgender lover disrupts, the narrator, like Melville's attorney, is enraged by the transgression of secondary nature. She says, "How dare you throw my universe into disarray! Just when I think I finally know myself! When I think I know you!" The narrator's own sense of self is rocked by her lover's changing gender (Bolus 116). Unlike the attorney, though, the narrator of *Loving* takes her meditation further into the realm of self-reflection, confronting the questions, "Am I really a lesbian? What does this mean? How can I be a femme if you are a man?" (Bolus 116) Used here, the word *femme* refers to a particular queer lesbian gender. Unlike the attorney in *Bartleby*, the narrator of *Loving* does not ostensibly shy away from questions and challenges to her own identity. All the while, and true to Bartlebian subversion, her lover "never [steps] on or [dictates] my identity" (Bolus 116). Indeed, Bartleby never once asks the attorney to put down his quill and join ranks. Neither does Bartleby ask the attorney to consider the concept of an authority, a superior and an

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inferior, equality or the attorney's own role in it all. Rather, Bartleby quietly and meekly withdraws into passivity, asking only for a place to stay, to sit, to be. Likewise, the narrator's lover never asks for more than the space to transition, the respect to be treated as he sees himself. But for the narrator, that is enough to inspire her to look

...with courage at my self-definitions. I see how they are true to me. I also see how they sometimes limit me. Though they have often given me security and a means to self-awareness I notice parts of myself I have suppressed: the attraction I once felt for men, the desire I feel now for other femmes, the need to examine my own othergenderedness. (Bolus, 117)

Over time she comes to explore the "uncharted territory" of her own gender, an act that signals a companionship of equals, if not yet a society. Just as Deleuze predicts, it is in disposing of the paternal function, the hierarchy born from disenfranchising and pathologizing genderqueer people as sick and deranged, that the narrator and her lover show us the path toward the society of equals.

## Dissolving the Paternal Function by Confidence in Queer

In a sense, this chapter is meant to be a road map for this exact task—the dissolution of the paternal function. Recall from chapter one that Deleuze tells us our ultimate challenge is to somehow reconcile the Original with secondary humanity. He presages, "if humanity can be saved, and the Originals reconciled, it will only be through the dissolution or decomposition of the paternal function" (84).

In this section, we return to *Bartleby* and the attorney to understand why he, unlike the narrator of *Loving*, ultimately fails, betraying Bartleby and the dream of equality. If we retrace our steps back to the point at which the narrator of *Loving* and the attorney diverge paths, we recall that both engage in meditation on the Originals. Each contemplates the Originals' personhood, life and interaction with the order of the world. That is, after all,

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what makes them prophets. The crucial difference lies in their treatment of the paternal function. The narrator of *Loving* abandons it, while the attorney holds fast to it.

Even before we address how to evolve beyond the paternal function, or what that would mean for our prophets, we should consider whether it is desirable or even possible to maintain relationships like that of the boss and employee while still abolishing the paternalism within them. For that matter, is not maintaining such relationships and their implicit power differentials directly in opposition to Bartleby's goal of a society of equals? I think so. In the case of Bartleby, the paternal function operates vis-à-vis the attorney's authority over Bartleby as his employee. Therefore, to quit the paternal function, the attorney must relinquish his authority over Bartleby. Melville provides us with one brief period in which the attorney does just that—he concedes, "I shall persecute you no more; you are harmless and noiseless as any of these old chairs" (Melville 27). Yet as soon as the attorney ceases to impose his will on Bartleby, is Bartleby really his employee anymore? On the one hand, absolutely not—by this time the attorney has verbally released Bartleby from employment several times. On the other, the attorney's responsibility towards Bartleby persists, even after Bartleby stops copying, even after the attorney fires Bartleby, even after the attorney resolves to be at peace with Bartleby's idleness. And it persists to the extent that the attorney feels it is his "mission in this world...to furnish you with office-room for such period as you may see fit to remain" (Melville 27). In fact, the attorney's responsibility seems to endure even after the attorney moves to another part of town as the "stranger who proved to be a lawyer" reminds him—"you are responsible for the man you left there" (Melville 30). So Bartleby's employment status rests in a rather uneasy limbo, because Bartleby effectually refuses to be an employee. Under this condition, the boss-employee relationship must dissolve into similar indeterminacy.



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With respect to gender, we can assume that a society of *equals* refers to equal humanity as per the earlier discussion of “humans” and “less-humans”. The paternal function here refers to the “human”’s power over the “less-human.” Its decomposition implies a leveling of humanity, and a consequent reorganizing of social power within relationships. The initial hierarchy of power within gender accords along the binary: “Men” within the binary are the most human, “women” within the binary are less human. Of course, people are never just their gender. Other factors, such as race and class, also intercede on the gendered relationship between two people, and must be negotiated in the reorganization of power.

Nonetheless, just as the boss (the attorney) must find a way to relate to the non-employee (Bartleby) outside the categories of boss and employee, so too must any gender normative (binary abiding) person find a way to relate to those who refuse the labels “man” or “woman” (genderqueer people) outside of the binary. This space is necessarily a queer space, the limbo-land of gender. Indeed, the decomposition of the paternal function demands a willingness to wander beyond-- the prophet *must* be open to exploring the dimensions of her own genderqueerness.

Let us now consider why the paternal function persists within *Bartleby*. The attorney in *Bartleby* never fully meets Bartleby in the queer space beyond their professional relationship. The Sunday that the attorney finds Bartleby alone in the office, he finally experiences the “fraternal melancholy” which permits him to see Bartleby’s humanity and recognize Bartleby as an equal (Melville 17). But for the attorney, this realization proves fleeting. Almost immediately a “prudential feeling” steals over him as his concern resolves itself into pity, fear and repulsion (Melville 18). The prudential feeling echoes an earlier admission by the attorney that his own superior, “The late John Jacob Astor... had no

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hesitation in pronouncing my first grand point to be prudence” (Melville 2). Thus, such a feeling denotes a revival of the paternal function: He decides that Bartleby is “the victim of innate and incurable disorder” (Melville 18). Consequently, the attorney wants to help Bartleby, but he does so in a way that does not respect Bartleby as an equal. Rather, he treats Bartleby as a sick person to be looked after. As Deleuze points out, “what was Bartleby asking for but a little confidence from the attorney, who instead responds to him with charity and philanthropy—all the masks of the paternal function?” (88).

Confidence in Bartleby would have led the attorney down a separate path. For it is confidence—“in themselves, in the world, and in becoming”—confidence in Bartleby, that would have permitted Bartleby to heal the attorney (Deleuze 88). Confidence in *becoming* must outweigh the desire for *knowing* (which is always within the confines of hegemonic categories, distinctions and definitions) in order for the Originals queer transformation to take hold.

In contrast, the narrator of *Loving has* confidence in her lover, which is the key to dissolving the paternal function. The narrator sees her lover as an equal and trusts him to know what is best for himself. Moreover, confidence in her lover gives her the courage to look at her own self-definitions and recognize her own “othergenderedness.” The narrator says, “Gradually I have learned not to try to understand you with my intellect but instead to trust my heart, so clear in its acceptance and love for you” (115). This is the essence of loving outside simple lines, loving without needing to know or categorize, loving with confidence in becoming. Perhaps the reason that confidence in another person undoes the paternal function is because we feel secure in relinquishing our paternalistic power over another person when we choose to trust the other.

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It is important to understand that having confidence in queer, and the process of exploring one's own queerness or othergenderedness will not always lead us definitively away from the binary. And though Bartleby's society of equals does not require us to shed completely the "male" and "female" gender categories, it does require us to make room for other new, queer kinds. Indeed, prophets need not emulate the Originals by taking up the identity "genderqueer," if it does not fit. The process of gender exploration is, on its own, enough to complicate our categories and release us from their hegemonic hold.

## Extending Insights

The importance of the insights described above increases if we can extrapolate the paradigm beyond gender. If gender is a language, then so are the many other ways that we code ourselves socially. Race, class, nationality, religion, and sexuality are all languages we speak, and identities we *do*. To queer any of those languages, as I have done in this thesis with gender, we need only to identify one who does not fit easily into one race or another, one class or another, one nationality or another. I propose that one potential Original for race could be a mixed-race person, but I will leave it up to the reader to find the many others.

## Conclusion

In *Loving Outside Simple Lines*, the narrator and her lover play the roles of prophet and Original. I have tried to show that one becomes a prophet through relationships of responsibility. This is because taking responsibility forces us to engage in the struggles of those for whom we are responsible. In turn the engagement makes us more likely to seriously consider their problems, rather than reflexively reacting with violence.

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As the prophet, one who interprets the revelatory effect of the Original, the narrator discerns the deeply transgender nature of her lover. She says her lover was transgender “before socialization tried to force you to choose ‘one or the other’” (Bulus 115). The prophet wants us to understand that though her lover may be considered an FTM (female to male) trans person in common parlance, had he been assigned male at birth, he would still not have fit into the gender normative category of “man”. It is only in the act of transcending the boundaries of the two, in occupying the space outside (and not necessarily between) that the lover has some comfort.

This profound understanding of the lover allows the narrator to ultimately trust him in the transformations that he deems necessary. Thus, the narrator has confidence in the queer, the Original, in her lover. She has confidence in a way that the attorney never had in *Bartleby*. Such confidence triggers the dissolution of the paternal function, and the leveling of humanities. Confidence in queer is the means to *Bartleby*’s society of equals.

With respect to other categorizing hegemonies that I have mentioned briefly in this chapter, a similar ethic of confidence may be employed to queer those categories. Rather than criticizing others for their failure to conform to our expectations of what we may think is their proper group, let us gain insight and partnership in their boundary blurring. Let us be healed by it.

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## reconciliation, or attending to tensions

*"Learn to think with pain"*  
---Maurice Blanchot

In real life, queer Originals like Bartleby who challenge the categories of our understanding are regarded with disdain, much like Bartleby himself. They are considered "sick", "deranged"; there is something "wrong" with them. Deleuze offers a reverse perspective—perhaps it is our categories that are "wrong", perhaps it is we who are "sick". It is by this logic that Deleuze says, "Bartleby is not the patient, but the doctor of a sick America" (90).

In this thesis I have argued that genderqueer people are a similar kind of doctor for those of us laboring under the gender binary. The usual script reads: the genderqueer person is sick and deranged. The gender normative person is healthy and sane, and therefore should determine what is best for the genderqueer person. The script I have proposed reads: those who let themselves be confined by the gender binary carry the wound, but may be healed by having confidence in the genderqueer person in the defiance of the binary.

In the first chapter, I introduced Bartleby the scrivener as a model for resistance. His strange utterance "I would prefer not to" constitutes a resistance to serve and

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simultaneously reveals the presumed naturalness of that which he declines--- service to an authority. His phrase raises the unsettling possibility of other ways of being. His rejection does not derive from a revolutionary impulse to refuse but rather a deep and absolute passivity comprised of “the restraint, the gentleness that cannot be called obstinate, and that outdoes obstinacy with those few words” (Blanchot 145). Furthermore, Bartleby’s unyielding use of his formula precludes all preferred alternatives to any requests by the attorney. Thus, the formula slices through the web of language, ravaging meaning with each word spoken and unspoken. In the same way, Bartleby’s incessant copying numbs the mind to meaning in the words. He copies to copy and nothing more. As Blanchot writes, “Language, perpetuating itself, keeps still” (145). Thus, in so many ways, Bartleby declines to serve, declines to choose, to discriminate, to categorize. He causes categories “to topple into silence,” to collapse in on themselves, releasing us into indeterminacy (Deleuze, 72). Bartleby is the passive activist--the failure who does not wish to rebel, who cannot help but to misuse language, or to use it badly. The activist, who, by failing, overturns order.

In the second chapter, I introduced gender as another hegemonic system of categories to be negotiated by Originals. For the first half of the chapter I reviewed the nature of gender, showing that it is a language, socially constructed much like the others we speak. Judith Butler theorizes that gender is something we *do*, rather than something we are or something we have. It is the way we sit and inhabit space, the intonation at the end of our sentences, our treatment of body hair and so many more seemingly insignificant acts that color our day with gender. In fact, we become gendered during and from those gendered acts, and the combined effect of those acts. As a language, gender grammar demands that we speak only ever male or female, and never both, in order to make sense.

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The constructedness of gender extends also to our sex, which has traditionally been seen as the biological marker of gender. We consider sex to be outside of and preceding the socially constructed “gender”. Yet, Butler proposes that sex itself is “always already” gender (GT 9). Because we speak and listen for the words of gender, we are poised to “hear” gendered words from all bodies, words that are never “natural” or innate, but always interpreted, already scrutinized through the lens of gender.

Given the ubiquity of gender signs and signifiers, it is not surprising that gender comprises one of the primary ways that we relate to one another. As a result, genderqueer people who do not abide by the rules of gender act as Originals, demonstrating, through their failure, their illegibility, the tenuousness of the gender binary. Their use of gender signifiers disrupts foundational ideas about gender—that we must be either male or female, but only one, and always that one. Much like Bartleby’s “pure” writing, and his preference “not to,” genderqueer people’s application of gendered language against itself allows them briefly to disband gendered language, and slip out of the binary. This is possible because of the performative effect of language and gender, which typically entails the drawing on the traditional meaning of a signifier (the invocation of convention), and also typically results in the strengthening of convention. In the case of Bartleby and genderqueer people, it results in the dissolution of convention. In this way, genderqueer people are able to use the laws of gender to trouble gender categories, revealing the true instability and constructedness of those categories. I concluded that the genderqueer Original is a figure with subversive *potential*, whose actualization hinges on the performance of the prophet.

In the third chapter, I drew on Sonya Bolus’s short story *Loving Outside Simple Lines* to demonstrate the role of the prophet in realizing the subversive potential of the Original. As examples of prophets, I compare the narrator in *Loving* to the attorney and focus on

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their responsibility to the Original. Relationships of responsibility derived from the law are operate by categorizing people and affirming their power differentials. One party generally has “paternal” authority and power over the other. Conversely, relationships of responsibility through community come from uniting in pursuit of shared goals. Though power within this relationship is more equally distributed, institutionalized power differentials may nonetheless arise due to classism, sexism, racism, etc. In both kinds of relationships of responsibility, it is this categorical power differential, and the associated paternal function that must be shed for the prophet to usher in the Original’s queer society of equals.

Within *Loving*, the narrator and her lover share a relationship of responsibility through community. The institutionalized power differentials that creep into their relationship are twofold, but both gender related. In the first place, the narrator, to some extent, wishes to be dominated by her lover. As an aside, the narrator is femme, or the more feminine partner, while her lover is butch, the more masculine partner. This dynamic plays at least somewhat into traditional sexist stereotypes that equate masculinity with dominance. In the second place, the lover’s genderqueer status as a transgender person establishes him, in the eyes of society, as “sick”. In contrast, the gender identity of the narrator as a *comparatively* normatively gendered woman (one who is both female-bodied and feminine identified) elevates the status of the narrator to one who is “well”. Thus, the paternal function that the narrator gains as a product of being “well” while her lover is “sick” parallels that of the attorney. Though this does pose a challenge for the narrator, her confidence in her lover allows them to overcome it, a feat that the attorney fails to do. Consequently, the narrator’s deep trust in her lover leads her to a question her own relation to gender and the binary. This exploration leads her to a queer discovery of her



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own “othergenderedness” and “transsexuality.” Here, she enacts Deleuze’s insight of healing by the Original.

## **Final Thoughts**

Throughout my thesis, I have suggested that healing by the Original can pave the way to Bartleby’s society of equals. Paradoxically, and perhaps hypocritically, I initially argue that the subversion enacted by Originals is ephemeral, while my later discussion of the healing that may come from queer subversion motions towards a new dispensation that presumably endures. I think it is not too much to say that Bartleby’s society of equals is a mirage, an impossible ideal. However, it is debatable whether or not a particular prophet’s new queer wisdom, and the companionship of two equals can be permanent. It seems more likely that our “all-too-human” pursuit to know, to name, and to categorize will supersede any advances we make. Secondary humanity will always be sick in new ways (Deleuze 81). Thus perhaps as “genderqueer” (which replaced “transgender” as an umbrella term for gender-variance) as a concept solidifies, it too will be eclipsed by yet another queerer, hazier term. Given this, we encounter a stalemate between a politics of remaining vigilant and critical, as are the Originals, and one that working towards a time when we no longer need to be critical.

Looking back, let us return again to Deleuze’s question of how to reconcile the Original with secondary humanity. What does this question really ask? If Originals are those who call into question our categories, and secondary humanity refers to people who abide by those categories, what does this reconciliation even look like? Is it merely the unsatisfying acknowledgement that all the ways we try to “know”, to categorize, are false, flat, and self-

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defeating? If secondary humanity truly is always sick in new ways, how do we avoid a nihilism that prevents us from cultivating the will to be healed, even if it *is* only a provisional health? I do want to argue that, though the society of equals is not realizable, we should fight for it as if it is. At the very least, in doing so we may carve from the rock a space for ourselves. And though, as responsible doctors who work to heal humanity, we must spend our days among the sick, perhaps there is some brief respite to be found “in the intimacy of our nights,” where Blanchot tells us that Bartleby’s queer “preference not to” reigns freely (145).

The final question I would pose is whether order can ever be liberating rather than oppressive, radically free rather than coercive and hegemonic. Bartleby’s activism does not put forth a new order, and therein lies its advantage. It allows for the perpetual questioning of all orders particular and general. It is an unsaying that with each utterance revolves in on itself, and must continue to speak to relive the breath of freedom. Perhaps reconciliation is, in the end, an aporia. Perhaps that is just the point.

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