

ARTICLES

BARTLEBY, THE SCRIVENER: “A HOUSE LIKE ME”

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This Article revisits Herman Melville’s *Bartleby*, the enigmatic copyist who “prefers not to copy.” The story is a favorite in Law and Literature courses for reasons that defy complete explanation. It is, of course, a “law story” in that it takes place in a mid-nineteenth century law office where the principal character is the lawyer-narrator who runs the office and engages Bartleby. And then there is Bartleby himself, a law copyist who is hired to copy documents in the time-honored fashion in which legal instruments were duplicated in the centuries before our own age of endless duplication. This may help to explain why yet another discussion of *Bartleby, the Scrivener* belongs in a law journal. The story is part of the law school curriculum and, as such, it is open to interpretation just like any other legal or quasi-legal text that law students may come across in a course of study and that lawyers may encounter in practice.

Interpretations of *Bartleby* abound. At times it is as if “it is all *Bartleby*, all the time.” “Ah, Bartleby! Ah, humanity!,” the final words of the narrative, were even uttered by Janice, Tony’s sister in an episode of *The Sopranos*. Bartleby as a Job-like figure has been likened to Joseph K. in Kafka’s *Der Prozess (The Trial)* despite the fact that there is little evidence that Franz Kafka had direct, first-hand knowledge of the works of Herman Melville.¹ And Bartleby is sometimes compared with passive resisters from Sophocles’ *Antigone* on down even though Bartleby’s ostensible passivity has been called into serious question. Far from being a passivist, Bartleby’s signature phrase—“I would prefer not to”—may have

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1. ILANA PARDES, MELVILLE’S BIBLES 44 (2008).

been a powerful linguistic “formula” capable of paralyzing social interaction.² As Melville biographer, Elizabeth Hardwick, has said, while Bartleby’s mysterious utterance “cannot be interpreted [it also] cannot be misunderstood.” Bartleby was in this way “a master of language.”³

The interpretation advanced in this Article points to yet another way to think about Bartleby. It suggests that we do so from an architectural perspective. After all, the subtitle of Melville’s classic is “*A Story of Wall Street*” and, if Wall Street is about anything, surely it is about “walls.” Bartleby is surrounded by and embedded in walls and screens to such an extent that he can be heard but hardly ever seen. “The green screen that isolates his desk traces the borders of an experimental laboratory in which potentiality . . . frees itself of the principle of reason.”⁴ He is manifested more by the sound of his words—“I would prefer not to”—and the fact of his presence rather than how or when he appears. Accordingly, the Article asks that we think about Bartleby the way an architect might think about him.

But what does architecture have to do with law? What, if anything, can architecture teach us about the way the law works? How can architecture illuminate this “law story”? The answer may lie in the fact that architecture and law may actually move along parallel lines to a degree that we have not suspected. Consider this definition of architectural study from one of the leading professional textbooks. It holds that architecture is the study of “the essential elements of form and space and those principles that control their organization in our built environment. . . . [F]orm and space comprise the timeless and fundamental vocabulary of the architectural [design].”⁵ But if we substitute *process* for form and *substance* for space we can begin to appreciate what these several disciplines—so apparently different—have in common. Form and space are as closely related to the field of architecture as procedure and substance are to the workings of the law. Procedure is the scaffolding—the architectural blueprint—which is indispensable to the very substance of the law itself. As one of the great historians of the English Common Law once put it, “substantive law [is] gradually secreted in the interstices of procedure.”⁶ Procedure and substance—like form and space—are so intimately related that one cannot exist, at least in our legal system, without the other.

2. GILLES DELEUZE, *Bartleby; or, The Formula*, in *ESSAYS: CRITICAL AND CLINICAL* 69-90 (Daniel W. Smith & Michael A. Greco trans., Univ. of Minn. Press 1997).

3. ELIZABETH HARDWICK, *HERMAN MELVILLE* 108 (Viking Penguin 2000).

4. GIORGIO AGAMBEN, *POTENTIALITIES: COLLECTED ESSAYS IN PHILOSOPHY* 259 (Daniel Heller-Roazen trans., 1999).

5. FRANCIS D.K. CHING, *ARCHITECTURE: FORM, SPACE & ORDER* 6 (1979).

6. HENRY SUMNER MAINE, *DISSERTATIONS ON EARLY LAW AND CUSTOM* 389 (1883).

Furthermore, consider this definition of the architect's task:

Art [and architecture] is solving problems that cannot be formulated before they have been solved. The shaping of the question is part of the answer. Designers inevitably prefigure solutions to problems they are confronted with. The depth and range of their design vocabulary will affect both their perception of a problem and the shape of its solution.⁷

But is this not also the task of the legally trained mind—not merely to find a solution to a problem but to “prefigure its solution”? Is not the phrase “the shaping of the question part of the answer” true as much in law as it is in architecture? In addition, architecture, like law, is about compromise and accommodation. “[T]he arrangement and organization of the elements of form and space will determine how architecture might promote endeavors, elicit responses, and communicate meaning.”⁸ But is this not also the ultimate task of the law—“to promote endeavors, elicit responses, and communicate meaning”?

Above all, architecture is about vision. It teaches us how to see. But this, too, is fundamental to law and to legal thought. After all the cases have been read, the doctrines learned, and the casebooks and hornbooks put aside, what the student of law should take away from the law school experience is a new-found ability to see things differently. Whether law is a science or an art, legal study should impart “vision”—an ability to see through and to see beyond. This is what all of the great professions teach—how to see. And that is certainly true of architecture as it is of law.

During the period in which Melville was writing “a hollowness came into architecture.”⁹ After 1830 there was a decline of an older pattern of design and construction. “[T]he old way of seeing began to be lost.” “Use” replaced “pattern.” “Buildings began to strike poses or else fall into routine. . . . [T]he meaning of design had changed.”¹⁰ The vision of urban life was dramatically transformed. Manhattan was no longer just spreading *outward* along a horizontal geometric grid; it was also starting to build *upward* in a virtual explosion of verticality. Manhattan was changing from its pre-industrial past to its new corporate present at an accelerating pace. The visible evidence of that transformation was everywhere to be seen. Nowhere was this happening at a more rapid pace, and more in evidence, than in Wall Street.

7. CHING, *supra* note 5, at 10.

8. *Id.*

9. See JONATHAN HALE, *THE OLD WAY OF SEEING* 44 (1994).

10. *Id.* at 26.

Melville (and by extension, *Bartleby*) may not have had an architectural sensibility, but Melville was certainly sensitive to all that surrounded him, including the built environment. “[T]he changing face of New York that Melville made his way through month after month, year after year”¹¹ certainly had a profound impact upon him. Was Melville, through *Bartleby*, expressing a special kind of resistance to this new image of the urban landscape? Melville was, above all, a keen observer of the human experience. So was *Bartleby*. What the effects of the physical environment were upon the inscrutable scrivener is the subject of the interpretation advanced in these pages.

When Henry David Thoreau went to live beside Walden Pond in 1845, his first project was to build himself a suitable shelter. Years later, when he reflected back upon his life in the woods, Thoreau observed that “if one designs to construct a dwelling-house, it behooves him to exercise a little Yankee shrewdness Consider first how slight a shelter is absolutely necessary.”¹² But after his wholesome reminder about the advantages of architectural thrift, this singular individualist went deeper and touched the core of the architectural enterprise itself:

What of architectural beauty I now see, I know has gradually grown from within outward, out of the necessities and character of the indweller, who is the only builder—out of some unconscious truthfulness, and nobleness, without ever a thought for the appearance and whatever additional beauty of this kind is destined to be produced will be preceded by a like unconscious beauty of life.¹³

Thoreau’s understanding of the objective expressivity of the builder’s inner voice resonates in the craftsmanship of Steven Holl, a unique contemporary architect. Holl has advanced the idea that “anchoring” is the main pillar of what architects do. By “anchoring,” Holl means the relationship between building and site. “Architecture is bound to situation. . . . The site of a building is more than a mere ingredient in its conception. It is its physical and metaphysical foundation. . . . [A] building is more than something merely fashioned for the site. Building transcends

11. 2 HERSHEL PARKER, HERMAN MELVILLE: A BIOGRAPHY, 1851-1891, at 829 (2002). See also Sarah Wilson, *Melville and the Architecture of Antebellum Masculinity*, 76 AMERICAN LITERATURE 59 (2004).

12. HENRY DAVID THOREAU, WALDEN AND OTHER WRITINGS 45 (Adamant Media Corp. 2006).

13. *Id.* at 62.

physical and functional requirements by fusing with a place, by gathering the meaning of a situation. Architecture does not so much intrude on a landscape as it serves to explain it."¹⁴ But most important for our purpose here is Holl's admonition that "[a]bstract principles of architectural composition take a subordinate position within [an] organizing idea. The 'universal-to-specific' . . . is *inverted* to become 'specific-to-universal.'"¹⁵ These ideas of "in" and "out," of going from the specific to the general, of reversal or *inversion* can inform our understanding of the enigmas of literature as well as of life and even of law. The deployment of Holl's phenomenological theories to the architect's task can illuminate the darkest corners of character and plot—in this case, the mysterious copyist depicted in Herman Melville's remarkable fable about Wall Street.¹⁶

It is said that Melville based his *Bartleby* fantasy upon the following notice that appeared in the *New York Tribune* on February 18, 1853:

In the summer of 1843, having an extraordinary quantity of deeds to copy, I engaged, temporarily, an extra copying clerk, who interested me considerably, in consequence of his modest, quiet, gentlemanly demeanor, and in his intense application to his duties.¹⁷

Melville transformed this brief newspaper notice into a text that Elizabeth Hardwick has called "a work of austere minimalism, of philosophical quietism, . . . of consummate despair, and withal beautiful in the perfection of the telling."¹⁸

Melville's Wall Street story tells us of *Bartleby*, a scrivener or law-copyist, hired by a Wall Street lawyer with a modest law practice servicing the bonds, mortgages and title deeds of the rich. Appointed as a Master-in-Chancery, the lawyer-narrator tells of his need to hire a third copyist to meet the additional tasks placed upon his office that his several other, somewhat odd, law clerks could no longer complete without assistance.

14. STEVEN HOLL, *ANCHORING: SELECTED PROJECTS, 1975-1991*, at 9 (3d ed. 1991).

15. *Id.* at 12.

16. The surge of modern interest in Melville's classic novella was realized, most recently but imperfectly, in the independent film shown in March 2001 at New York's Museum of Modern Art. See A. O. Scott, *So You're a Nowhere Man in a Nowhere World, Now Get Back to Work*, N.Y. TIMES, Mar. 23, 2001, at B18, available at <http://movies.nytimes.com/movie/review?res=9902E0D9173CF930A15750C0A9679C8B63>.

17. DAN MCCALL, *THE SILENCE OF BARTLEBY 2* (1989). There is also a theory that Melville modeled *Bartleby* after Nemo, "The Law Writer" in Charles Dickens' *Bleak House*. See Frederick Busch, *Introduction to HERMAN MELVILLE, BILLY BUDD AND OTHER STORIES* xi-xii (Penguin ed., 1986) [hereinafter OTHER STORIES].

18. HARDWICK, *supra* note 3, at 106.

And so he engages Bartleby, a “motionless young man . . . pallidly neat, pitiably respectable, incurably forlorn.”¹⁹

Thus constituted, this unlikely legal team occupies a solitary office in “a building entirely unhallowed by humanizing domestic associations . . . [and] deficient in what landscape painters call life.”²⁰ Its few windows look out upon stone walls and a desolate air shaft. Bartleby himself sits behind a folding screen that keeps him isolated from sight but within the sound of his master’s voice.

At first, the scrivener shows enormous appetite for copy work. “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.”²¹ But not long after the commencement of his employment, Bartleby refuses to proofread copies produced by his fellow clerks and demurs when asked to submit his own work to such proof. He develops a pattern of refusal declaring in each instance—but without “uneasiness, anger, impatience, or impertinence”—that he would “prefer not to” proofread, get coffee, run errands or do any of the other simple chores expected of clerks, office boys, scribes and copyists in a busy nineteenth century law office.²² Eventually, Bartleby even refuses to do the job for which he had been hired, simply announcing that he had “given up copying” altogether.²³ Moreover, the lawyer-narrator soon discovers that his eccentric law clerk actually inhabits the law office itself, never leaving its premises even on Sundays when “Wall Street is [as] deserted as Petra.”²⁴ Like “Marius brooding among the ruins of Carthage, Bartleby lives among the walls of Wall Street”²⁵ and survives on a diet of ginger nuts.

The remainder of the narrative describes the various stratagems—all unsuccessful—the lawyer employs in trying to rid himself of this incubus of an employee. Lacking the heart, or the stomach, to order Bartleby’s forcible eviction, he finally abandons his office altogether by simply moving out. The new tenant arrives only to discover Bartleby still inside. After confronting the scrivener’s stubborn refusal to quit, he has him summarily arrested and confined to the “Halls of Justice,” more commonly known as “The Tombs.” Bartleby is visited by his remorseful former employer, but characteristically the scrivener has nothing to say. A second

19. OTHER STORIES, *supra* note 17, at 11.

20. *Id.* at 5, 34.

21. *Id.* at 12.

22. *Id.* at 12.

23. *Id.* at 25.

24. OTHER STORIES, *supra* note 17, at 22.

25. *Id.* at 23.

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visit finds Bartleby curled up in a moribund fetal position at the foot of one of the prison's highest walls "asleep . . . with kings and counselors."²⁶

Later we learn that prior to his employment in New York, Bartleby had worked as a clerk in the Dead Letter Office of the Postal Service in Washington until a change of administrations had forced his departure. Thus ends the tale that, along with *Moby Dick* and *Billy Budd*, forms the corpus of "Melville's most revered work."²⁷

Literary constructions and deconstructions of this simple story have been deposited in thick layers of critical opinion over the past fifty years as interest in Melville has grown.²⁸ The narrative lends itself to psychoanalysis and supplies evidence for Marxist history, social criticism, Melville biographies and Critical Legal Studies.²⁹ Here, I want to pursue the somewhat different approach that historians call "counter-factual analysis"; to imagine facts other than those presented to us in Melville's Ur-Text. In short, based upon reasonable inferences drawn from the raw-literary data, let us give the story a different outcome than the one told by Melville. By *inverting* the story we can thereby enlarge our understanding of Bartleby himself and perhaps, even more importantly, determine what his creator had in mind in writing this extraordinary tale. It is this idea of *inversion* that will prove to be important in establishing a different approach to the character of this enigmatic figure.³⁰

Let us imagine that instead of ejecting Bartleby by signing over his tenancy to one of his professional colleagues, the lawyer-narrator decides to accept the inevitable. No longer having the heart simply to evict Bartleby, and recognizing the scrivener's determination not to leave

26. *Id.* at 45.

27. HARDWICK, *supra* note 3, at 110.

28. The first modern attempt to re-examine *Bartleby* is Egbert S. Oliver, *A Second Look at Bartleby*, in 6 COLLEGE ENGLISH 431, 432 (1945). Oliver sources Melville's vision as influenced by the work and experience of Thoreau whom Melville knew about indirectly through his friend Nathaniel Hawthorne. *Id.*

29. NEWTON ARVIN, HERMAN MELVILLE 240-42 (1950); RICHARD CHASE, HERMAN MELVILLE: A CRITICAL STUDY 143-49 (1971); Michael Clark, *Witches and Wall Street: Possession is Nine-Tenths of the Law*, in HERMAN MELVILLE'S BILLY BUDD, BENITO CERENO, BARTLEBY THE SCRIVENER AND OTHER TALES 127-47 (Harold Blood ed., 1987); Oliver, *supra* note 28, at 431, 431-39; Robin West, *Invisible Victims: A Comparison of Susan Glaspell's Jury Of Her Peers, and Herman Melville's Bartleby the Scrivener*, 8 CARDOZO STUD. IN L. & LITERATURE 203, 203-47 (1996). For additional bibliography, see *Bartleby, the Scrivener: A story of Wall-Street*, <http://web.ku.edu/~zeke/bartleby/index.htm>.

30. Counterfactual analysis properly refocuses attention upon Bartleby himself, as does the recent independent film adaptation. *See supra* note 16 and accompanying text.

voluntarily, his employer decides to improve the quarters that Bartleby established for himself by providing him with suitable living and work space in close proximity to the office that he “preferred not to” leave. In fact, before social pressures forced him to change his mind, the lawyer-narrator tentatively decided to do just that:

Gradually I slid into the persuasion that these troubles of mine touching the scrivener had been all predestinated from eternity, and Bartleby was billeted upon me for some mysterious purpose of an all-wise Providence, which it was not for a mere mortal like me to fathom. Yes, Bartleby, stay there behind your screen, thought I; I shall persecute you no more; you are harmless and noiseless as any of these old chairs; in short, I never feel so private as when I know you are here. At last I see it, I feel it; I penetrate to the predestinated purpose of my life. I am content. Others may have loftier parts to enact, but my mission in this world, Bartleby, is to furnish you with office room for such period as you may see fit to remain.³¹

Let us further assume that the lawyer wished to comply with Bartleby’s deepest desires and to make a home that expressed Bartleby’s personality with all of its uncommon peculiarities. Let us even suppose that Bartleby himself had a hand in the design and construction of such quarters, much as Henry David Thoreau designed his hermitage at Walden Pond.³² Let us then ask these questions: What can architecture tell us about Bartleby? What kind of a living/work space would be designed for Bartleby? How might spatial design inform our understanding of this peculiar individual in the unique environment in which he found himself?

To reach such an understanding, we must first examine that special environment. As noted above, the subtitle of Melville’s fable is “A Story of Wall Street.” Wall Street—New Amsterdam—Lower Manhattan where narrow spaces create an irregular, meandering street pattern. Wall Street, the historic birthing ground of the great American economic monolith. Wall Street, with its connotation of massiveness, power, and stability. No other architectural site embodies the American capitalist regime more than Wall Street. It is to this strength and this magnitude that Bartleby ultimately succumbs. Bartleby is the final, imperfect, and surreal end-product of the Wall Street system.

Structural evidence, architectural detail, and the use of space permeates this Wall Street fable. Walls—their description, their

31. OTHER STORIES, *supra* note 17, at 35.

32. Oliver, *supra* note 28, at 432.

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measurement, and their location—are the *leitmotif* of the text.³³ Thus, when the lawyer-narrator introduces his enigmatic copyist, he describes with great particularity the attention given to the scrivener's placement in his otherwise limited office space:

I placed his desk close up to a small side window . . . , a window which originally had afforded a lateral view of certain grimy back yards and bricks, but which, owing to subsequent erections, commanded at present no view at all, though it gave some light. Within three feet of the panes was a wall, and the light came down from far above between two lofty buildings, as from a very small opening in a dome. . . . I procured a high green folding screen, which might entirely isolate Bartleby from my sight, though not remove him from my voice.³⁴

Clearly, the office arrangements affected Bartleby's behavior. He went from a voracious consumer of copy work to a thoroughly spent employee depleted of energy, purpose, ambition, and psychic resources. Did spatial design have nothing to do with this? Bartleby was forced to sit apart, behind a screen, next to a window that looked out upon a brick wall whose proximity blocked all available light. And within the office, Bartleby was separated from his fellow clerks and from the lawyer himself with literal as well as figurative screens. Bartleby himself created new barriers to the employer-employee relationship as well as to the normal social interactions of the workplace. The results were evident from the start:

I remembered that he never spoke but to answer. . . . I had never seen him reading—no, not even a newspaper; that for long periods he would stand looking out, at his pale window behind the screen, upon the dead brick wall.³⁵

Had the lawyer been willing to design suitable space for his copyist, might he have been able to arrest the gradual onset of Bartleby's disposition toward dementia?

Let us revisit the counterfactual model proposed earlier. Let us suppose that the lawyer has a house built for Bartleby in the airspace

33. See, e.g., Leo Marx, *Melville's Parable of the Walls*, 61 SEWANEE REV. 602, 602-27 (1953); James C. Wilson, *Bartleby: The Walls of Wall Street*, 37 ARIZ. Q. 335, 335-46 (1981).

34. OTHER STORIES, *supra* note 17, at 11-12.

35. *Id.* at 24.

adjacent to the law office, a house to Bartleby's liking. In this *inversion*, it is the design of this house itself that will physically express something about Bartleby that was not known or realized before, something that can best be understood through an examination of Bartleby's domestic space. What would Bartleby "prefer"? Surely, a habitation that would be perfectly functional, easily accessible yet totally private, unobtrusive, permanent and, above all, quiet and secluded.

Case in point: Curzio Malaparte, the mid-twentieth century Italian writer and architectural enthusiast, who designed and built a *casa comme me*, a "house like me," an "autobiographical house." Perched on the geologic formation known in Italy as *Faraglione*—raw cliffs and jagged rocks that dot the perimeter of the island high above the turbulent blue-green waters of the Adriatic. Actor, novelist, poet, film maker, soldier of fortune, playwright, war correspondent, political figure, composer and socialite, Malaparte named himself after (but opposite) Napoleon *Bonaparte*. Malaparte flirted with fascism as well as communism, and his political eccentricities led to his imprisonment and temporary exile on the desolate island of Lipari in the Aeolian Islands near Sicily. This was the inspiration behind his private ambition to build a hermitage, a place of solitary refuge. It was Curzio himself who was most responsible for the unique design of his Villa Malaparte (*Casa Malaparte*). The house "stands as a mysterious example of order in space, light and time."³⁶

An "autobiographical house": a *casa comme me*. But how can the individuality of a human being manifest itself in architectural expression? What are some of the "anthropomorphic techniques" that cause buildings to express human feeling and, at the same time, to evoke human emotion? The *Casa Malaparte* stands in sharp, almost outrageous, contrast to the stone gray of the surrounding cliffs. It faces the pounding wind and surf of the Bay of Naples. It defies Nature itself, just as, in his time, Curzio Malaparte defied the Italian cultural elite. The position of the house on the site is simultaneously commanding and exposed, like Malaparte himself. Exposure eventually put Malaparte into prison much as the *Casa Malaparte's* exposure to the elements led to its own weathering and physical decline. In the case of the *Casa Malaparte*, the spirit of the man who built it, and lived in it, became part of the house itself. "In the selection of window type, the derivation of ornamental details, the arrangement of a plan, the processional approaches: all [have] potential for meaning. . . ."³⁷ For Malaparte, "architecture was a virtual text, with all the narrative power of literature."³⁸

36. HOLL, *supra* note 14, at 10.

37. MICHAEL McDONOUGH, MALAPARTE: A HOUSE LIKE ME 21 (1999).

38. *Id.*

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Casa Malaparte's location and its relationship to the natural environment makes it a great work of architecture as well as a monumental self-portrait of its occupant. Its most remarkable feature is its roof. Following the modern tradition of the flat-topped house with the Corbusian roof garden brought to the forefront, the top of *Casa Malaparte* has the duplicitous function of serving as a stairway as well. The stepped brick is dramatic and in the great tradition of formal processional stairways whose best expression in the nineteenth century were the grand staircases found in the formal homes and *chateaux* of the French bourgeoisie.

But the unique characteristic of the Malaparte "*staircased roof*" is its reversal of the traditional function of stairs. The staircase is brought from the inside out. It is an *inversion* of traditional architectural norms. In this "portrait in stone," Curzio Malaparte turned everything inside out. What is interior becomes exterior, and what is exterior becomes interior. Malaparte saw the opportunity to make himself over in an architectural form that paid close attention to surroundings. The windows themselves are the dominant interior expression. They frame views of the coast so that any decorations on the walls inside would pale by comparison. This itself is representative of the idea of *inversion*; the interior *inverts* the whole concept of decoration by bringing what is outside in.

With *Casa Malaparte* in mind, let us now apply this example of *inversion* to Bartleby's dwelling space. The lawyer's office was located on Wall Street whose streets on weekends become as "deserted as Petra." Petra—an odd image, and yet one familiar to nineteenth century readers.³⁹ Petra—the archaeological site rediscovered in 1812 by Johann Ludwig Burckhardt. This ancient city built by the Nabataens in the sixth century B.C.E. in what is now the Kingdom of Jordan was, along with the Rosetta Stone and the Egyptian Pyramids, among the most dramatic discoveries of the Romantic Age. The city is virtually carved out of stone cliffs with ornate relief decorations that bore directly into the rock formations. In Petra, the buildings are molded, or "anchored," to their sites just like the buildings of Lower Manhattan. Petra, like Wall Street, is made entirely of stone. But "Petra was [also] the Wall Street of Arabia." Like Wall Street, "the business of Petra was business."⁴⁰ The architecture of Petra combined Egyptian, Greek as well as Roman elements and motifs. The fabulously rich merchants of Petra imported architects from Greece and Rome "to build them extravagant tombs for the time when they could no longer

39. James C. Wilson, *The Significance of Petra in "Bartleby,"* MELVILLE SOC'Y EXTRACTS, Feb. 1984, at 10-12.

40. *Id.* at 10-11.

stockpile their wealth.”⁴¹ In fact, even in its “golden age,” Petra was “a whole necropolis, a fantastic city of the dead.”⁴² Surely, it must have been so for Melville who read travelers accounts that reported how “the tiers of tombs . . . overwhelmed their senses.”⁴³

The terrain of Wall Street is unique. Located amidst the narrow streets of Lower Manhattan, there is intense building density. The absence of available space causes all new construction to be vertical rather than lateral. Accordingly, in order to design and to build his living/work space, Bartleby would have had to have used the limitations defined by the Wall Street site “owing to the great height of the surrounding buildings”⁴⁴ and to employ materials closest to the Street’s greatest structures. To find a suitable plot of ground for a residential space in 1850 in such a neighborhood would have been barred by building restrictions as well as by a shortage of room on which to build. The land itself was far too valuable, and virtually every square inch of Wall Street was taken up by its great monuments to commercial enterprise. To adapt to the neighborhood of Wall Street would mean occupying a site not normally intended for residential uses. The only possibility for Bartleby, then, would be the available spaces in the alleyways between buildings—the very space that the scrivener’s office window looked out upon.

Normally, a building, or “figure” (e.g., a factory, office building, or residential home) must occupy a piece of “ground” upon which to build. This establishes what architects and designers call the “figure/ground relationship.” With Wall Street, however, there is no “ground” onto which a “figure” can be placed; the absence of space precludes it. We must look to the buildings themselves, the “figures” already in place, as substitutes for the “ground” onto which yet another “figure” can be introduced. In short, the site itself is nothing but the space created by the proximity of two adjacent buildings. Instead of a “figure/ground” relationship, we are forced to employ a “figure/figure” relationship. Accordingly, the typical relationship of “figure” and “ground” becomes *inverted*, and Bartleby’s *casa comme me*, a mirror of himself as well as of his neighborhood, would be located in the “negative space” between two buildings.

Building materials would have to be employed that were both native to the neighborhood and suitable for the site itself. Concrete and stone are ubiquitous on Wall Street. Moreover, concrete can be poured into spaces otherwise impossible to reach—spaces such as shafts and alleyways. But, when concrete is used as the basic construction material, the “figure” must

41. *Id.* at 11.

42. *Id.* (quoting M. ROSTOVITZEFF, *CARAVAN CITIES* 45 (1952)).

43. *Id.* at 11.

44. *OTHER STORIES*, *supra* note 17, at 5.

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first be made as a "form" into which the concrete itself is poured. Then when the formwork is removed, the space left behind—into which the concrete has been poured—becomes the "figure." The concrete retains the history of its formwork—the evidence of that history is forever marked on the surface of the "figure."

In the case of Bartleby's *casa comme me*, the formwork would be the adjacent buildings, and the space they describe would become the concrete object, the "figure," the house itself. Thus, Bartleby's *casa* would be nothing more than a concrete block interlaced with spaces to accommodate Bartleby's duplicitous uses, for Bartleby could not inhabit a solid block. Dwelling spaces would have to be built in such a way as to create pockets within the block, pockets that would describe the space between the windows that face onto the alleyway, windows that would provide access to the dwelling space itself, and other pockets and spaces to satisfy the scrivener's simple needs. In short, the spaces would be carved from the concrete block—carved out like the buildings of Petra.

The interior of Bartleby's house would be a complete reversal of the traditional "domestic interior." Bartleby's *casa* would be exposed to the elements. Rain water finds its way into the house at its lowest point where it can be gathered and used as in an ancient cistern. Yet exposure would be perfectly natural to our scrivener for he is, after all, totally exposed. But that the interior is so exposed is a reversal of the ordinary idea of "interior space." Typically, in residences and workplaces, the architectural strategy is to let the visual aspects of the outside into the inside space while keeping the physical elements (e.g., rain, cold air, and wind) safely and comfortably out. However, none of this is true with our Bartleby. The physical elements of the exterior are brought inside while the visual elements are kept out. While some sunlight does make its way in, "views" are non-existent. Unlike the *Villa Malaparte*, the only framed views here are those that peer into other interior locations.

The interior itself is exceedingly small. Spaces are cramped with just two rooms that are connected by a steep, sloping, angled, and vertical hallway. Bartleby is forced to use the spaces for a variety of different activities and usages. The desk becomes a closet or a pantry. The sofa becomes a bed. The office becomes a bedroom and a kitchen. A table becomes a chair and a chair becomes a work surface. Rain becomes a shower. Everything has a duplicitous function. But Bartleby is used to adapting to his surroundings. While others would complain about these exiguous discomforts, Bartleby would "prefer not to" say anything. He would make do with what life had thrust upon him.

Bartleby's house gives form to his expression and would stand in sharp contradiction to time and place by its sheer power. Bartleby would not just inhabit Wall Street. Through his house he would be "anchored" to

it. Such anchoring “involves a metaphysical reversal: the site is then modified by the very piece of architecture conceived for it. . . . This phenomenological linkage between building and site” becomes a source of energy.⁴⁵ And the energy that is generated by the metaphysics of architectural design, would become part of Bartleby’s own self. For that is what is missing from Bartleby: not sensibility, awareness, intelligence or articulation, but energy.

After abandoning his office, the lawyer-narrator returns one day to find Bartleby alone in his chambers, but he is no longer staring at blank walls and empty space. Instead, the normally distracted scrivener is frolicking about like some contented cherub: “Going upstairs to my old haunt, there was Bartleby silently sitting upon the banister at the landing. ‘What are you doing here, Bartleby?’ said I. ‘Sitting upon the banister,’ he mildly replied.”⁴⁶ When Bartleby is alone and unconfined his energy is released. When he is “sitting upon the banister” he is no longer staring at blank walls, a prisoner of empty space. At least for that moment, Bartleby is in a space and a time that liberates his spirit and sets him free.

“I would prefer not to,” utters Bartleby. Yet, this strange man of few words could not be more articulate. Bartleby’s “mysterious utterance . . . cannot be interpreted [but] . . . cannot be misunderstood Bartleby, in his mute way, is a master of language.”⁴⁷ Bartleby knows the futility of language and the entropic effects of its gross misuse and, accordingly, refuses to copy, to proofread or even to speak.⁴⁸ Like the stone monuments of Petra, Bartleby is rigid, absolute, and eternal.

About Bartleby there is, in the words of Thoreau, “unconscious truthfulness and nob[ility].”⁴⁹ There is never a thought for appearance and none for artifice. In Bartleby’s truth—a truth that grows “from within outward”—there is not only beauty but strength. The indeterminism, complexity and contradictions of character would, if given the chance, create an architecture of energy and vitality. His dwelling space would become a “contextual sponge”⁵⁰ absorbing and refracting interior truths

45. Kevin Lippert, *Foreword to HOLL*, *supra* note 14, at 4.

46. OTHER STORIES, *supra* note 17, at 40.

47. HARDWICK, *supra* note 3, at 107-08.

48. Peter A. Smith, *Entropy in Melville’s Bartleby the Scrivener*, 32 CENTENNIAL REV. 156-58 (Spring 1988).

49. HENRY DAVID THOREAU, WALDEN, OR LIFE IN THE WOODS 31 (Forgotten Books 2008) (1854).

50. J. Wines, *From Ego-Centric to Eco-Centric*, in MCDONOUGH, *supra* note 37, at 92-95.

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about space and time. Bartleby's house would give form to his expression and would stand in gross contradiction to its time and place by its sheer power.

In the end, this is what makes Bartleby so thoroughly menacing. "Bartleby represents the only real, if ultimately ineffective, threat to society; his very presence even supports Thoreau's view that one lone intransigent man can shake the foundations of our institutions."⁵¹ That is why the lawyer cannot carry out his fleeting desire "to furnish you with office room for such period as you may see fit to remain."⁵² For that cannot be. Bartleby must remain cabined and controlled, his energies stilled, his life force spent. There he lies behind the high, silent, canyon walls of Wall Street in his own private Petra, his eternal necropolis "asleep . . . [w]ith kings and counselors . . . Ah, Bartleby! Ah, humanity!"⁵³

51. MCCALL, *supra* note 17, at 73 (internal citations omitted).

52. OTHER STORIES, *supra* note 17, at 35.

53. *Id.* at 45-46.